

Note on the cooperation and dialogue between national Parliaments and the European Commission

Prepared by the COSAC Secretariat and presented to the COSAC Chairpersons meeting in Ljubljana, 18 February 2008

- On 10 May 2006, the European Commission adopted a Communication to the Council named "A Citizens' agenda - delivering results for Europe" ((COM(2006) 211 final), stating that the Commission would, from 1 September 2006, transmit directly all new proposals and consultation papers to national Parliaments, inviting them to react so as to improve the process of policy formulation. The Commission expressed its commitment to take into account the views submitted by national Parliaments in this context.

- The Seventh COSAC Biannual Report that was presented to the XXXVII COSAC held in Berlin (May 2007), provided a first assessment on this mechanism of dialogue and cooperation.

- A significant number of Parliaments considers that this new mechanism brought added value, either by creating a specific framework for dialogue with the Commission or by influencing the way European Affairs are dealt with in national Parliaments. Special attention should be drawn to the fact that this system allows national Parliaments to express their views not only regarding subsidiarity but to the proposals as such, content wise;

- An overwhelming majority of Parliaments has declared that the scope of their reactions shall not be limited to matters concerning only subsidiarity and proportionality. Those Parliaments that have sent their opinions to the Commission under this mechanism did not restrain themselves from commenting on other issues that these above-mentioned principles;

- Some national Parliaments receive, through this procedure, more or earlier information than before. In several cases, this mechanism even led to changes in the Parliament's internal procedure related to scrutiny;

- With regard to the ways to further improve this dialogue, national Parliaments point out that both the comments sent and the replies given by the Commission should be made centrally available for consultation through IPEX. This was highlighted in the Contributions adopted by the XXXVII and XXXVIII COSAC meetings, in Berlin and Estoril. The Commission has given some signs of its readiness to do so, but there is still no official confirmation of this.

- According to the figures made available by the Commission it had received, by the end of 2007, 167 opinions sent by 27 Chambers from 17 Member states. These opinions refer to a total of 82 Commission texts.

From these 167 opinions, 138 were sent by 7 Chambers: *French Senate*, the *German Bundesrat*, the *UK House of Lords*, the *Czech Senate*, the *Danish Folketinget*, the *Swedish Riksdag* and the *Portuguese Assembleia da República*.

The French Senate, the German Bundesrat, the UK House of Lords and the Czech Senate sent 92 opinions altogether.

- An analysis of the correspondence between national parliaments and the Commission shows that the Commission has tried to provide parliaments with detailed and individual answers to their opinions. In some cases it has also added further explanations in order to better justify its initial proposal. Nevertheless, no case has yet been reported in which the Commission has actually amended one of its original proposals.

- Point 2.2. of the Contribution adopted by the XXXVIII COSAC in Estoril stated that *This mechanism must be preserved in parallel with the implementation of the provisions contained in the Reform Treaty with regard to national parliaments.*

It should be noted that the mechanisms envisaged in the Lisbon Treaty concerning the role of national Parliaments refers only to the compliance with the principle of subsidiarity when it comes to the issuing of a reasoned opinion about a draft legislative act (Protocol on the role of national Parliaments in the EU and Protocol on the application of the principles of subsidiarity and proportionality).

Differently, the dialogue established between the Commission and national Parliaments in the framework of this mechanism allows Parliaments to pronounce themselves on the content of the proposals, not restraining their comments only to the principles of subsidiarity or proportionality.

The Commission has repeatedly stressed the usefulness of this new dialogue with national Parliaments and seems to be willing to continue with the practice.