

**Outline of COSAC's 6th biannual report  
on procedures and practices relevant to parliamentary scrutiny  
(to be presented to the XXXVI COSAC in Helsinki in November 2006)**

**Chapter 1: Subsidiarity and proportionality**

The European Council agreed in its meeting on 15 - 16 June 2006 that the "National parliaments are encouraged to strengthen cooperation within the framework of the Conference of European Affairs Committees (COSAC) when monitoring subsidiarity." Furthermore the Conference of Speakers of EU parliaments suggested in the conclusions of their meeting on 1 July 2006 that COSAC consider a discussion concerning strengthening cooperation on monitoring the principle of subsidiarity.

Based on the Contribution of the XXXIV COSAC meeting in London COSAC will conduct two subsidiarity and proportionality checks by National parliaments on Commission legislative proposals during the year 2006. First one of these checks was launched on the 17 July 2006 and concerns a Commission Proposal for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters.

The aim of this chapter is to report on the experiences gained from the subsidiarity and proportionality check as well as to gather information on the expectations of national parliaments concerning the strengthening of cooperation among national parliaments and within the framework of COSAC.

**Chapter 2: Cooperation with the Commission**

The Commission announced in its Communication to the European Council "A Citizens' Agenda - Delivering Results for Europe" of 10 May 2006 (COM(2006) 211 final) its intention to "...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 aim is that national parliaments are properly informed of the Commission's legislative initiatives, which could help to involve them in the decision-making process at an early stage. The direct transmission of documents by the Commission to national parliaments will begin on 1 September 2006.

Chapter 2 of the 6th bi-annual report will provide an overview on the measures national parliaments intend to take with regard to the reception of and response to documents sent by the Commission.

Furthermore, this chapter will examine if and how national parliaments scrutinised the Commission's Annual Policy Strategy in the past and how they intend to deal with it in the future. The last conference of Speakers of EU parliaments in Copenhagen encouraged national parliaments to scrutinize the Annual Policy Strategy and consult with the Commission on their findings. In this context, the Speakers called on the Secretaries General to consider specific provisions for the Commission to present its Annual Policy Strategy and Legislative and Work Programme to national parliaments in 2007. The Annual Policy Strategy is covered by the Commission's initiative of direct transmission of documents to national parliaments.

### **Chapter 3: Justice and Home Affairs: question of passerelle**

In its Communication "A Citizens' Agenda - Delivering Results for Europe" (COM(2006) 211 final) of 10 May 2006, the Commission announces an initiative to improve decision taking and accountability in the area of police and judicial cooperation and legal migration. It refers to Articles 42 of the Treaty on European Union and 67(2) of the Treaty establishing the European Community. Both provisions allow for changes to the current decision making arrangements ("passerelle-clauses").

Article 42 of the Treaty on European Union requires a unanimous decision of the Council after consulting the European Parliament and an adoption of that decision in accordance with the respective constitutional requirements in each Member State. The use of Article 67(2) leads to the application of the co-decision procedure to all or parts of Title IV (Visas, Asylum, Immigration and other Policies related to Free Movement of Persons). It requires a unanimous decision by the Council after consultation of the European Parliament.

Chapter 3 of the biannual report seeks to establish which national parliaments have been informed by their governments about the possible use of the passerelle clauses, which have already deliberated the issue and what stance they have taken. Special attention is given to the different constitutional requirements for the adoption of Council decisions under Article 42 Of the Treaty on European Union and Article 67(2) EC-Treaty and the involvement of national Parliaments in this procedure.

### **Chapter 4: Comitology**

The Council has, on 17 July 2006, adopted a decision to change the so-called "comitology"-procedure (2006/512/EC). This procedure allows for the delegation of legislative measures to the Commission and provides for the control of these measures by committees composed of representatives from the Member States. Council, European Parliament and Commission have also adopted an interinstitutional agreement relating to the new procedure.

The most significant change to the current procedure (which dates from 1999) applies where the basic legislative act has been adopted jointly by the European Parliament and the Council under the co-decision procedure. In this case, the European Parliament has obtained a new right to reject by absolute majority "quasi-legislative" measures proposed by the Commission, on the ground that these measures exceed the implementing powers provided for in the basic instrument or are not compatible with the aim or the content of the basic instrument or do not respect the principles of subsidiarity or proportionality.

The aim of chapter 4 is to look into the new institutional agreement and establish whether national parliaments have dealt with the changes in the comitology procedure and if yes, what stance they have taken. It could also raise the question to what extent national parliaments have scrutinised decisions taken within the comitology procedure in the past and whether or how they want to deal with such decisions in the future. Many comitology decisions are highly technical and specialised but there are also

politically and legally significant items involved. The purpose of this chapter is to exchange best practises on how do national parliaments distinguish between these two categories.

## **Chapter 5: Future cooperation with the European Parliament**

The cooperation between national parliaments and the European parliament is becoming ever more intensive. In that context some new methods of cooperation have been developed, namely the "Joint Parliamentary Meetings" and the "Joint Committee Meetings" that are organised jointly by the European Parliament and the parliament of the country holding the Presidency of the European Union. The practise was initiated during the Luxembourg Presidency in the first half of 2005. Since then, these meetings have become a regular form of cooperation between the parliaments. The phenomenon being still fairly new, the aim of this chapter is to take a closer look into how the meetings have been organised and what conclusions can be drawn for the organisation of future meetings of this kind.

Chapter 5 will examine the organisation of the Joint Parliamentary Meetings and Joint Committee Meetings that have taken place so far. Based mainly on the experiences of Luxembourg, Dutch, United Kingdom, Austria and the European parliament it may bring out possible suggestions as how to develop further this form of cooperation.

## **Chapter 6: Northern Dimension of the European Union**

The Northern Dimension in the external and cross-border policies of the European Union reflects the EU's relations with Russia (and particularly North-west Russia) in the Baltic Sea region and Arctic Sea region. The Northern Dimension addresses the specific areas of activities, challenges and opportunities arising in those regions and aims to strengthen dialogue and cooperation between the EU member states, the countries associated with the EU under the EEA and the Russian Federation. The Northern Dimension is implemented within the framework of the Partnership and Cooperation Agreement with Russia. A particular emphasis of the Northern Dimension is placed on subsidiarity, and on ensuring the active participation of all stakeholders in the North, including regional organizations, local and regional authorities, the academic and business communities, and civil society.

The necessity of closer cooperation with Russia is being underlined by the need for a common EU energy strategy as well as of other areas gaining importance like transport, environment, agriculture, trade, investment and customs cooperation as well as the area of freedom, security and justice. Consequently also the national parliaments are challenged to prepare themselves for a deeper involvement in shaping the EU's strategies towards Russia.

The aim of chapter 6 is to look into the concept of the Northern dimension as well as look into its relatively new and innovative method. The chapter focuses on the parliamentary aspects of the Northern dimension.