



**33<sup>rd</sup>**

Bi-annual Report

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**Developments in  
European Union  
Procedures and Practices  
Relevant to  
Parliamentary Scrutiny**

Prepared by the COSAC Secretariat and presented to:

**Conference of Parliamentary Committees  
for Union Affairs of Parliaments  
of the European Union**

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based on the replies to a questionnaire distributed to Parliaments/Chambers.

## **Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union**

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# BACKGROUND

This is the Thirty-third Bi-annual Report from the COSAC Secretariat.

## **COSAC Bi-annual Reports**

The XXX COSAC decided that the COSAC Secretariat should produce factual Bi-annual Reports, to be published ahead of each ordinary meeting of the Conference. The purpose of the Reports is to give an overview of the developments in procedures and practices in the European Union that are relevant to parliamentary scrutiny.

All the Bi-annual Reports are available on the COSAC website at:

<http://www.cosac.eu/documents/bi-annual-reports-of-cosac/>

The three chapters of this Bi-annual Report are based on information provided by the national Parliaments of the European Union Member States and the European Parliament. The deadline for submitting replies to the questionnaire for the 33rd Bi-annual Report was 9 March 2020.

The outline of this Report was adopted by the meeting of the Chairpersons of COSAC, held on 20 January 2020 in Zagreb.

As a general rule, the Report does not refer to all Parliaments or Chambers that have responded to a given question. Instead, illustrative examples are used.

Note that, in some cases, respondents are able to provide more than one answer to multiple choice questions. Any perceived disparity in the total number of answers to a question and the total number of respondents can thus be accounted.

Complete replies, received from 36 out of 39 national Parliaments/Chambers of 27 Member States and the European Parliament, can be found in the Annex on the COSAC website.

## **Note on Numbers**

Of the 27 Member States of the European Union, 15 have a unicameral Parliament and 12 have a bicameral Parliament. Due to this combination of unicameral and bicameral systems, there are 39 national parliamentary Chambers in the 27 Member States of the European Union.

Although they have bicameral systems, the national Parliaments of Austria, Ireland and Spain each submit a single set of replies to the questionnaire, therefore the maximum possible number of respondents per question is 37, including the European Parliament. There were 35 responses to the questionnaire.

# ABSTRACT

## CHAPTER 1: FOLLOW-UP TO THE 32<sup>ND</sup> BI-ANNUAL REPORT

The first chapter of the 33<sup>rd</sup> Bi-annual Report seeks to follow-up on the findings of the previous report.

According to the findings of the report, the majority of Parliaments/Chambers thought that the Bi-annual Report should be kept, with less than a third Parliaments/Chambers thinking it was no longer necessary, and a few expressing no opinion on the matter.

Furthermore, more than half of the responding Parliaments/Chambers supported the idea of having the report complemented by a discussion during the plenary meeting of the COSAC, while slightly less than half disagreed with this idea.

The majority of Parliaments/Chambers, and more than half of the total respondents, were of the view that the decision on whether to produce the Bi-annual Report or not should be left to the discretion of each Presidency and/or Troika. Some Parliaments/Chambers were of the opinion that it should be conducted bi-annually, thus maintaining the current frequency, and a few respondents thought it should be conducted annually.

The majority of respondents thought that the focus of the report should be on a balance of policy issues and parliamentary best practices, while less than half thought the focus should be mostly on parliamentary best practices. A few Parliaments/Chambers thought the focus should be mostly on policy issues.

Half the respondents supported the idea of having the Bi-annual Report serve as a point of reference for the COSAC Conclusions and Contributions, with the remaining Parliaments/Chambers not agreeing with this.

Support for changing the format of the COSAC conferences was shown by a great majority of respondents, with a number of Parliaments/Chambers expressing the view that debates should be given more prominence during the COSAC meetings.

Opinions were fairly divided when it came to choosing from the suggested formats that could be added to the COSAC meetings, but with a clear preference for fishbowl dialogues and informal conversations, over town hall meetings. A number of other formats were suggested, including parallel sessions, moderated debates and debates in smaller groups, workshops and working groups.

As for the groups of interlocutors that should be invited in case any such new formats were to be introduced, academia proved to be the best preference, followed by Non-Governmental Organisations, businesses and trade unions.

The majority of respondents were in favour of assigning more time to debates, either significantly or slightly, with a few suggesting that the balance between presentations and debates should remain unchanged. No respondents opted for more time to be given to presentations.

The majority of Parliaments/Chambers were also in favour of reorganising the COSAC conferences by introducing breakout sessions around narrower topics, with less than a third of respondents being against the idea.

Consensus was reached on the question of whether to have an *ad hoc* debate on a priority issue relevant to national Parliaments, with all respondents agreeing to the idea of having the so-called “urgency debate”.

General agreement was also reached with regard to the issue of qualified majority, with the majority of Parliaments/Chambers agreeing that the 3/4 majority was not too high, and the other two options getting about a third of responses altogether.

The majority of Parliaments/Chambers considered the 3/4 qualified majority necessary for the adoption of both individual amendments and the full text, with less than a fourth of respondents expressing the view that this should only be necessary for the full text.

The vast majority of Parliaments/Chambers thought that voting procedures could be adequately clarified without amending the Rules of Procedure. The majority were also against changing the COSAC Rules of Procedure with respect to the voting procedure, an idea that was supported by less than a third of respondents.

Nevertheless, a large majority was in favour of having formalised guidelines regarding the voting procedures adopted by the COSAC Plenary, with less than a fifth opposing this idea.

Parliaments/Chambers were equally divided when it came to the issue of whether there should be changes to the functioning of the COSAC Secretariat, and the majority also did not see the need to define the tasks of the COSAC Secretariat more clearly. Parliaments/Chambers were also divided in opinion on whether the tasks of the Permanent Member of the COSAC Secretariat should be more clearly differentiated from those of the rest of the Secretariat Members.

## **CHAPTER 2: COOPERATION WITH THE EUROPEAN INSTITUTIONS, ADVISORY BODIES AND AGENCIES – BEST PRACTICES**

The second chapter of the 33<sup>rd</sup> Bi-annual Report of COSAC seeks to review the cooperation in place between various Union bodies and Parliaments/Chambers.

Half of the respondents defined the framework regulating the relations between their respective Parliament/Chamber and the executive at the level of constitution/primary law, more than a third defined it at secondary law and the remaining few said it was defined in practice.

Respondents were divided regarding the questions of appointing rapporteurs for EU dossiers.

The majority of respondents expressed no opinion on whether their respective rapporteur for EU dossiers cooperated with the European Parliament’s rapporteur, whereas less than a fifth replied negatively, and even fewer replied positively.

Most Parliaments/Chambers examined draft positions of the European Parliament, though only a few did so regularly. Less than a third of respondents claimed they never examine such proposals.

A good number of Parliaments/Chambers prioritised participation in conferences and meetings held at EU level, while many others stated that their EU-related work was based on the European Commission’s Work Programme. In a number of other Parliaments/Chambers, committees were responsible for prioritising topics. A very small number of Parliaments/Chambers had no mechanism in place for setting priorities.

According to the report, many Parliaments/Chambers did not have a formal setting of priorities for cooperation with the Union institutions, advisory bodies and agencies.

The vast majority of Parliaments/Chambers reacted to extraordinary situations by conducting *ad hoc* debates, and more than half of respondents also adopted emergency statements or resolutions. A few established ad hoc committees or appointed rapporteurs.

### **CHAPTER 3: PARLIAMENTARY OVERSIGHT – TOOLS AND MECHANISMS, CONSTITUTIONAL AND LEGAL PRACTICES**

The third chapter of the 33<sup>rd</sup> Bi-annual Report of COSAC seeks analyse the ways and means Parliaments/Chambers conduct their oversight.

Almost all Parliaments/Chambers were involved, in different ways and to varying degrees, in the scrutiny of EU budgetary resources at Union level.

As for the approval of national contributions to the EU budget, in most Parliaments/Chambers this was part of the annual national budget, and was passed through as part of the national budget bill.

A third of respondents were satisfied with the attention given to the annual reports by certain EU agencies, with another third stating that whereas the reports were given sufficient attention, there was ample space for improvement. Less than a third thought that the annual reports received insufficient attention by these agencies.

Whereas some Parliaments/Chambers supported the view that the Joint Parliamentary Scrutiny Group format could be replicated for other agencies, a number of others expressed their reservations, with some others stating that they had either not assessed the possibility or had no formal opinion to express on the matter.

The majority of Parliaments/Chambers had not gained any insight or developed new solutions or practices in exercising their scrutiny prerogatives over the EU agencies, as granted by the Treaties.

The majority of Parliaments/Chambers also expressed their desire to play a greater role in the scrutiny of specialised EU funds or instruments, though more than a third did not share this view, with a few others expressing no opinion on the matter.

# CHAPTER 1

## FOLLOW-UP TO THE 32<sup>ND</sup> BI-ANNUAL REPORT

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THE FIRST CHAPTER OF THE 33<sup>rd</sup> BI-ANNUAL REPORT seeks to follow-up on the replies to some questions found in the previous report, mainly dealing with the administrative side of COSAC.

In their responses to the questionnaire for the 32nd Bi-annual Report, some Parliaments/Chambers had suggested that the Report was no longer necessary. While 9 out of 35 respondents agreed with that, the majority (22 respondents) expressed their opinion that the Report should be kept. Four respondents said they had no opinion on the matter. Some respondents provided further comments.

A number of Parliaments/Chambers viewed the Report as a useful source of updated information about the opinions of national Parliaments on a number of relevant EU topics (Austrian *Nationalrat* and *Bundesrat*, French *Sénat* Maltese *Kamra tad-Deputati*, Slovenian *Državni svet*). Some Parliaments/Chambers further qualified it as a good opportunity to obtain a state-of-play (Romanian *Camera Deputaţilor*), a source of information for academics and policy researchers (Greek *Vouli ton Ellinon*, Polish *Sejm*) and vehicle for the exchange of best practices among national Parliaments and a pillar of COSAC's institutional memory (Cyprus *Vouli ton Antiprosopon*). The Spanish *Cortes Generales* considered the Report as a supportive technical tool that allows national Parliaments to prepare COSAC plenary meetings and share their best practices. The French *Sénat* added that the Report provides national Parliaments/Chambers with an opportunity to self-evaluate their work, while the Slovenian *Državni zbor* argued that the Report could serve as a tool for gathering like-minded national Parliaments. The Dutch *Eerste Kamer* expressed equivalent views and substantiated them by mentioning that the Report helped them advance their position vis-à-vis the government, notably referring to the overview of the information parliaments receive from their governments, found in the 2012 Report. According to the Bulgarian *Narodno sabranie*, the Report, in its current format, provides national Parliaments with added value regarding EU matters; nevertheless, it requires significant changes in terms of interpretation and analysis that would reap its full potential.

The European Parliament argued that the Report should in principle be kept, but its periodicity possibly changed, depending on the Presidencies' assessment, and might include COSAC plenary debates, an idea also supported by the Austrian *Nationalrat* and *Bundesrat*. Similarly, the Belgian *Sénat*, the Swedish *Riksdag* and the Hungarian *Országgyűlés* argued that the decision on conducting the Report should be left to the discretion of Presidencies, or perhaps Troikas, in order to keep the Report interesting.

The Finnish *Eduskunta* pointed out that the information requests should be the result of a sincere need for information and not a mere COSAC tradition. The German *Bundestag* pointed out that the majority of Parliaments/Chambers had showed dissatisfaction with the current format and content, which signalled the need to reform the Report, as removing it altogether would be regrettable. The Danish *Folketing* outlined the need to reform the Report exercise by replacing it with a voluntary possibility for Presidencies to draft a report on best practices on procedural issues relevant to COSAC. The Lithuanian *Seimas* subscribed to the same position, adding that the report could be intended for a more in-depth analysis of certain issues or areas of interest and should not necessarily be linked to the programme of the COSAC plenary meeting. The Italian *Senato della Repubblica* pointed out the usefulness of the Report in providing information about the positions on specific proposals -

legislative or not - under consideration in each Parliament/Chamber, and suggested that the Report be linked to a discussion in the COSAC plenary and to the COSAC Contributions or Conclusions. Similarly, the Czech *Senát* suggested that the Report should focus on gathering detailed information and positions for the purpose of drafting the Conclusions and Contributions, in which case they should be published biannually.

The German *Bundesrat* added that while the Report is a good tool that can bring added value and reliable, important information, it should focus on limited, important topics and all Parliaments should provide their answers.

The French *Assemblée nationale* suggested that the Report be substituted by reports produced by thematic working groups, which would present their findings in the COSAC plenary.

In their responses to the questionnaire for the 32nd Bi-annual Report, some Parliaments/Chambers had suggested that the Report should be complemented by a discussion during the plenary meeting of the COSAC. A slim majority of respondents - 19 out of 35 - supported this idea, while 16 respondents were not in favour.

In terms of the frequency of the issuing of the report, Parliaments/Chambers had been equally divided on whether to maintain the current frequency or leave the decision of whether or not to publish a report to the discretion of the Presidency. Asked to choose between the two options, as well as the option to have it published annually, 10 out of 34 respondents said the Report should be conducted bi-annually, i.e. maintaining the current frequency. Four respondents suggested that the Report should be conducted annually, with the two consecutive Presidencies closely collaborating in designing the questionnaire and analysing the replies. The majority of respondents (20 Parliaments/Chambers) was of the view the decision on whether the Report would be produced or not should be left to the discretion of each Presidency and/or Troika.

When deciding on what the focus of the Report should be, the majority of respondents (21 out of 34) was of the opinion the focus should be on a balance of policy issues and parliamentary best practices. Ten respondents said the focus should be mostly on parliamentary best practices. Two respondents said the focus should be on best parliamentary practices only, and one respondent said that it should be mostly on policy issues. No respondents opted for focussing only on policy issues.

In their responses to the 32nd Bi-annual Report questionnaire, some Parliaments/Chambers suggested the Report should be a point of reference for the COSAC Conclusions and Contributions. When asked about that idea, half of the respondents (17 out of 34) supported it, while an equal number of respondents were not in favour.

The large majority of respondents (28 out of 34) expressed their support for changing the format of the COSAC conferences with the aim of enhancing the debate, while six respondents said they would not support such a change. Twenty-two respondents provided additional thoughts on this topic.

A number of Parliaments/Chambers expressed the view that more prominence during the COSAC meetings should be given to debates since they are at the core of COSAC conferences (Belgian *Sénat*, Cyprus *Vouli ton Antiprosopon*, Czech *Poslanecká sněmovna*, German *Bundesrat*, Italian *Senato della Repubblica*, Slovenian *Državni zbor*, European Parliament.). The European Parliament substantiated this by elaborating that, despite the fact that COSAC was a Presidency-driven event where Presidencies enjoyed some discretion regarding the format, the parliamentary and political

nature of the Conference should nevertheless be preserved. In this regard, the Maltese *Kamra tad-Deputati* underlined that delegates should be given enough time to either put their question clearly or make their point in a coherent way, which has not always been the case. Similarly, the Spanish *Cortes Generales* suggested providing more time to delegates by limiting the speaking time allocated to keynote speakers. The Belgian *Sénat* and the German *Bundesrat* encouraged promoting active discussions and a real exchange between delegates and panellists, instead of delegates relying on prepared statements, with the latter also suggesting giving speaking priority to Member States during the debate, while leaving the interventions of the candidate countries for the end, assuming time was available, and, in such instances, limiting it to only one intervention per delegation.

The Romanian *Camera Deputaţilor* proposed adding open thematic meetings that would diversify debates within COSAC and strengthen the voice of national Parliaments in the EU decision-making process by emerging topics that may be more stringent for certain Member States. Similarly, the Greek *Vouli ton Ellinon* suggested considering a more interactive debate format.

Both the Dutch *Eerste Kamer* and *Tweede Kamer* supported novel initiatives reinforcing interactive debates and exchanges of views, and referred to their successful implementation of new methods during the Dutch Presidency in 2016.

Some replies submitted by Parliaments/Chambers also provided a number of ideas about potential formats that could enhance the functioning of the COSAC meetings, notably assigning rapporteurs who could be assisted by their respective Parliaments'/Chambers' services, and the European Centre for Parliamentary Research and Documentation for data collection (French *Sénat*); setting up *ad hoc* working groups that could meet between COSAC meetings or on the margins of those meetings to further examine certain issues placed on the plenary agenda (Lithuanian *Seimas*); establish (parallel) workshops and discussions (Slovenian *Državni zbor* German *Bundestag* and Spanish *Cortes Generales*), breakout sessions and *ad hoc* debates (Spanish *Cortes Generales*); as well as debates among delegates on matters of topical interest (German *Bundestag*).

The Romanian *Senat* suggested that experts and stakeholders should be invited to debates, whereas the German *Bundestag* suggested that journalists could serve as chairpersons to ensure the discussions are inclusive and interactive. The topics to be placed on the agenda should be carefully chosen (Czech *Senát*).

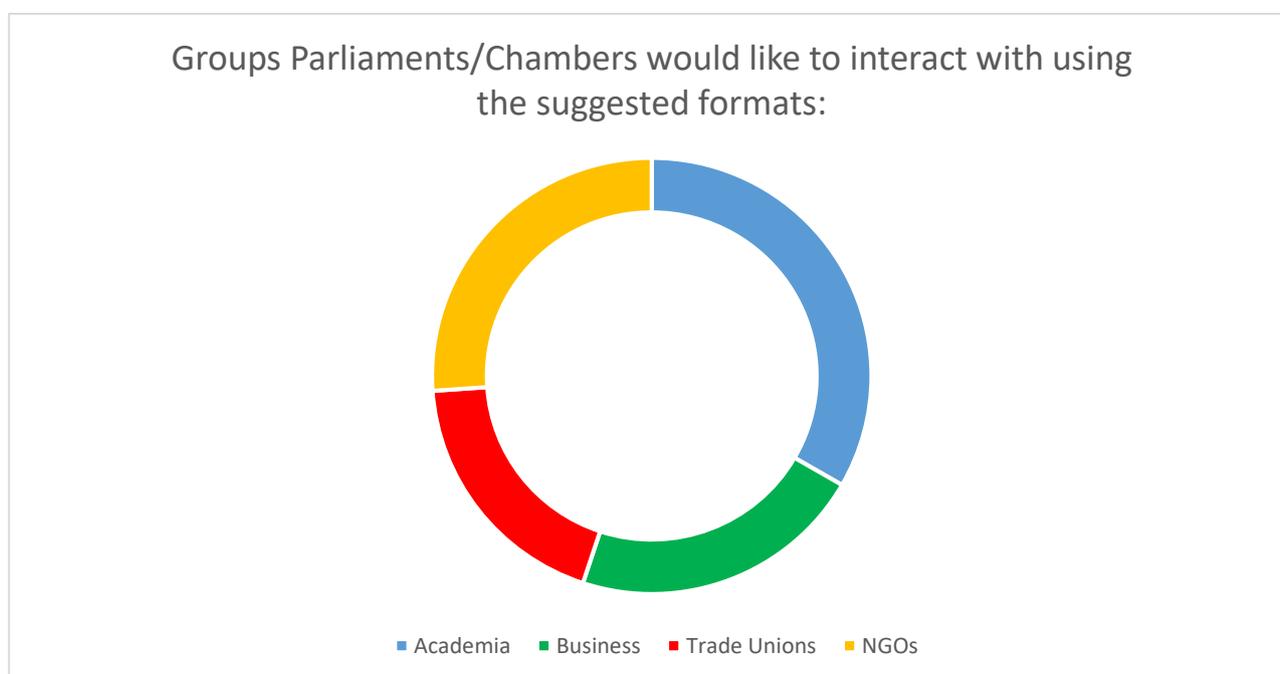
The French *Assemblée nationale* proposed circulating Contributions sufficiently in advance of the plenary to allow the respective European Affairs Committees of the Parliaments/Chambers to analyse them and enable their chairs to table amendments. In order to ensure relevance of the work done by COSAC, the Italian *Senato della Repubblica* suggested that specific points on the agenda be related to proposals under consideration by the EU legislators, to be then finalised in the Contribution. The Swedish *Riksdag* proposed that, while it could be left up to each Presidency to decide whether or not to produce a Report, once it is produced it should be more clearly linked to the meeting discussions.

The European Affairs Committee of the Danish *Folketing* has not yet concluded its discussions on how to reform COSAC and its decision-making procedures, and the Finnish *Eduskunta* expressed its support to any quality proposals.

When asked which of the suggested formats they would like to add to the COSAC meetings, the most popular choices of respondents were fishbowl dialogues (15 respondents), closely followed by informal conversations (14 respondents). Six respondents opted for town hall meetings. On top of

that, 11 respondents provided additional comments or ideas. Such proposals include moderated debate (German *Bundesrat*), parallel sessions taking place only in English and French (Belgian *Sénat*), breakout sessions (Dutch *Tweede Kamer*), *ad hoc* working groups (Lithuanian *Seimas*), debates in smaller formats/groups (German *Bundestag*, Slovenian *Državni zbor*), workshops (Swedish *Riksdag*), interactive/inclusive panel discussions (professionally chaired e.g. by journalists) and debates among the delegates on matters of topical interest (German *Bundestag*), and parallel workshops and urgency debates (Spanish *Cortes Generales*). The Austrian *Nationalrat* and *Bundesrat* and the Cyprus *Vouli ton Antiprosopon* were of the opinion that no additional formats should be added, while the French *Sénat* pointed out that it was essential to promote the interactivity between the parliamentarians taking part in the COSAC meeting instead of opening it to other persons. The Latvian *Saeima* would not choose any of the formats suggested.

Asked to choose which groups COSAC should interact with using the formats suggested in the previous question, academia proved to be the most popular, with 23 out of 27 respondents opting for it. The second most popular choice was NGOs, with 18 Parliaments/Chambers selecting it, followed by business and, lastly, trade unions (15 and 13 respondents respectively).



Some Parliaments/Chambers offered other suggestions. The Italian *Senato della Repubblica* noted that COSAC should interact with experts on specific issues and the Dutch *Eerste Kamer* echoed this, stressing the importance of enhancing the debate among parliamentary delegations by inviting relevant actors from outside to inform said delegations. The Belgian *Sénat* suggested that invitations should be extended to political stakeholders and the Swedish *Riksdag* noted the importance of inviting Commissioners.

The French *Sénat*, however, was of the view that only parliamentarians had the political legitimacy to participate in COSAC. The Cyprus *Vouli ton Antiprosopon* said no additional groups should be involved in the COSAC deliberations.

Finally, whereas the Slovenian *Državni zbor* chose all the presented groups, it qualified this by saying that the choice depended on the topics.

With regard to the question of whether the currently used ratio of presentations/speeches and debates should be modified, only four Parliaments/Chambers out of 34 said the balance should remain unchanged. The rest of the respondents all expressed a desire for more time to be given to the debates, with 11 respondents saying this should be slightly increased, and the remaining 19 stating that this should be significantly increased.

No Parliament/Chamber expressed a desire for more time to be given to presentations.

The majority of Parliaments/Chambers (25 out of 33 respondents) were also in favour of reorganising the COSAC conferences by introducing breakout sessions around narrower topics, with only eight Parliaments/Chambers being against the idea.

Asked to elaborate, Parliaments/Chambers stated that parallel sessions provided an opportunity to include more topics while leaving more time for debate (Maltese *Kamra tad-deputati*) and that breakout sessions/side events are often the best format to coordinate and initiate collective action (Czech *Senát*). The Spanish *Cortes Generales* echoed both these sentiments, stating that breakout sessions would allow COSAC meetings to deal with more topics, given the fact that several sessions would be held in parallel. These sessions would offer MPs the possibility to select a topic of their specific interest, and a more reduced attendance would allow them to engage in a more focussed debate on their selected topic.

The Dutch *Tweede Kamer* stated that breakout sessions would enable closer cooperation between national Parliaments, enable deeper debates in a more informal and dynamic way, and could be used to invite Commissioners or European Parliament rapporteurs to discuss a priority topic, a sentiment also echoed by the Dutch *Eerste Kamer*, with the reservation that Conclusions and Contributions should only be based on debates held within the plenary. The Austrian *Nationalrat* and *Bundesrat* pointed out that break-out sessions could be a helpful tool, especially for topics arising on short notice. The Greek *Vouli ton Ellinon* pointed out that the workshop format of the Common Foreign and Security Policy/Common Security Policy (CFSP/CSDP) meetings had proven successful. The French *Sénat* suggested that such parallel sessions could be summarised during the plenary session. The Italian *Senato della Repubblica* suggested that the possibility of establishing committees should also be considered.

Some Parliaments/Chambers who were in favour of the idea nevertheless provided a caveat with their answer. The Romanian *Camera Deputaţilor* stressed that such discussions should not overload the COSAC agenda and should not impede the delegations from taking part in the general programme. The Belgian *Sénat* said that these should only be introduced if they provided an added-value, and the Slovenian *Državni zbor* was of the opinion that such debates should be held in smaller formats.

Despite not directly answering the question, the European Parliament noted that, in principle, breakout sessions go against the nature and spirit of plenary meetings and, *de facto*, prevent the participation of all. However, certain flexibility should be left at the discretion of the Presidency. It stressed that side-events should always be open to all participants.

Of the eight respondents who opposed the introduction of breakout sessions, some provided reasons and suggested alternatives. The Italian *Camera dei deputati* suggested that, instead of introducing multiple sessions on narrower topics, more efforts should be dedicated to defining themes in the COSAC plenary agenda which: (a) correspond to the interests of the delegations; (b) do not overlap with or merely reiterate themes already dealt by other parliamentary meetings; and (c) take into

account the current set of priorities defined at different EU levels (European Commission Work Programme, Presidency priorities and other urgent themes).

The Polish *Sejm* warned about the potential difficulties and costs related to hiring translators and interpreters and stressed that COSAC meetings that would by default exclude some of the participants of the Plenary Sessions should not be organised. The Polish *Senat* noted that its representatives participated in various inter-parliamentary meetings ahead of the COSAC meeting to discuss issues on the COSAC agenda as well as other, narrower topics.

All 34 respondents agreed with the proposal of having an *ad hoc* debate on a priority issue relevant to national Parliaments (the so-called “urgency debate”).

General agreement was also reached with regard to the issue of qualified majority, with the majority of Parliaments/Chambers (21 out of 30) agreeing that the 3/4 majority was not too high. Nevertheless, six Parliaments/Chambers thought 2/3 would be better, while three more opted for 1/2 majority.

The Greek *Vouli ton Ellinon* recalled how the Conclusions should reflect the opinion of the vast majority of participants, and that therefore the Presidency should always try to incorporate in the text widely supported points and seek to achieve a broad consensus. The Luxembourg *Chambre des Députés* adopted a similar reasoning, stating that, given that consensus was the preferred method to adopt contributions, it was only logical to stick to a majority as close to consensus as possible. A similar sentiment was also expressed by the European Parliament. Further echoing these sentiments, the Cyprus *Vouli ton Antiprosopon*, recalled that what the majority decided was the product of discussion and compromise among COSAC delegations, and stressed that an effort should be made to produce contributions with as high a degree of consensus and unity as possible in order to present a strong position. The Slovenian *Državni zbor* was also in agreement, stating that the 3/4 majority was not too high since the Contributions represented the common positions and views of the COSAC format.

According to the Dutch *Eerste Kamer*, the 3/4 majority was not too high if it only applied for the full text. The Chamber also stated that neither Conclusions nor Contributions should contain political issues or statements, stressing that since COSAC was a platform for the exchange of information and best practices, including political issues made it difficult to adopt a text by consensus. Nevertheless, it lamented the fact that a 3/4 majority for voting on the amendments was so high that it was nearly impossible to replace a proposal by the Troika.

Similarly, the Swedish *Riksdag* argued that the point of departure should be that Contributions should be adopted by consensus. Contributions should therefore be formulated in such a way that consensus is possible, meaning that political positions in the Contributions should be kept to a minimum.

From the dissenting opinions, the Bulgarian *Narodno sobranie* suggested that a smaller majority would provide bolder and more operational Contributions which could positively affect the work of COSAC and the EU. The Belgian *Sénat* noted that 2/3 was a qualified majority in Belgium, and expressed its belief that this was a good majority to adopt the Conclusions and the Contribution, while stressing that COSAC should always try to adopt them by consensus. The French *Sénat*, opting for the 2/3, justified its choice by suggesting that the rules could be aligned to those applied at Council. Whereas the Italian *Senato della Repubblica* opted for the 3/4 majority, it did note that a 2/3 majority could be more appropriate given the recent debates during the Chairpersons meetings, though any such change should be made as part of a revision of the Rules of Procedures.

Among those who chose 1/2 as the best majority, the Dutch *Tweede Kamer* explained that since these were non-legal Contributions, decision-taking by normal majority would be fine.

The German *Bundestag* stressed that, whether and which changes to the quorum (and thus the Rules of Procedure) were necessary was a matter which should be discussed among the delegations.

The Hungarian *Országgyűlés* noted that the most recent COSAC meetings had demonstrated that on certain issues consensus was simply not reached, adding that the problem was not with the threshold itself, but the application of the voting regulations in force.

The majority of Parliaments/Chambers (25 out of 33 respondents) considered the 3/4 qualified majority to be required for the adoption of both individual amendments and the full text, whereas the remaining eight respondents stated that this should be required only for the full text of contributions.

The vast majority of respondents (27 out of 32 Parliaments/Chambers) were of the opinion that voting procedures could be adequately clarified without amending the Rules of Procedure, with only five Parliaments/Chambers answering negatively.

In line with this, the majority of respondents (21 out of 32 Parliaments/Chambers) did not support the idea of changing the COSAC Rules of Procedure with respect to the voting procedure, with 11 Parliaments/Chambers in favour.

A large majority (26 out of the 32 responding Parliaments/Chambers) said they would welcome the COSAC Plenary to adopt formalised guidelines regarding the voting procedures without changing the Rules of Procedure. Six Parliaments/Chambers were against this.

The Bulgarian *Narodno sobranie* expressed its belief that adopting Rules of Procedure which added more detail to the voting mechanism would greatly contribute to the work of COSAC.

The Maltese *Kamra tad-deputati* warned that, since the Rules of Procedure dealt with the voting procedure, they would need to be amended if the voting procedure were to be changed, even if the same rules were formalised in a set of guidelines. This would guard against any potential conflict between the interpretation of the rules of procedure and of the guidelines. This sentiment was echoed by the Greek *Vouli ton Ellinon*.

The European Parliament, on the other hand, was of the opinion that revising the Rules of Procedure was not necessary to deal with this issue. It further argued that adopting formalised guidelines could prove problematic, and would not necessarily be in accordance with the Rules of Procedure. However, clear Presidency Guidelines on voting procedure, which might develop into an established practice would be welcome.

Both the Finnish *Eduskunta* and the Swedish *Riksdag* echoed this sentiment, with the former finding the current Rules of Procedure reasonable and clear, and the latter stressing that changes to the Rules of Procedures should only be considered as a last resort.

The German *Bundestag* noted that the Rules of Procedure did not foresee a formalised adoption of such guidelines, so questions concerning the procedure and the quorum that should be applied in adopting them would certainly arise.

Sixteen out of the 32 responding Parliaments/Chambers considered changes to the functioning of the COSAC Secretariat necessary. An equal number of Parliaments/Chambers thought there should not be any changes to the functioning of the COSAC Secretariat.

According to the Romanian *Camera Deputaţilor*, procedures adopted had thus far proved effective, adding that the COSAC Secretariat proved to be very supportive and professional during the Romanian Presidency.

From the respondents who thought a change was in order, a number expressed the view that the COSAC Secretariat could be deployed to assist other inter-parliamentary conferences if provided with the appropriate resources (Croatian *Hrvatski sabor*, Maltese *Kamra tad-Deputati*, Polish *Sejm*, Portuguese *Assembleia da República*, Spanish *Cortes Generales*, Swedish *Riksdag*).

The Dutch *Tweede Kamer* said there could be a discussion on whether the COSAC Secretariat could enable break-out sessions with national Parliaments and a Commissioner/EP-rapporteur during COSAC and in Brussels (under certain conditions).

The French *Assemblée nationale* stated that the Secretariat should take a more active role in the course of the meetings.

Whereas it considered the general functioning of the Secretariat to be adequate and the work produced very useful, the Cyprus *Vouli ton Antiprosopon* expressed its wish for some modifications especially with regard to the presentation of the work, namely by providing shorter and more user-friendly documents.

The Dutch *Eerste Kamer* stated the COSAC Secretariat should be the custodian of the COSAC Conclusions, reminding Presidencies of previous conclusions whenever a recurring topic resurfaced.

The Italian *Senato della Repubblica* recommended that the Secretariat be structurally linked to the network of national Parliament representatives in Brussels, while the Finnish *Eduskunta* called for a full joint funding of the Permanent Member, to be selected through a competitive call for applications.

The majority of Parliaments/Chambers (19 out of 34 respondents) did not think that the tasks of the COSAC Secretariat should be more clearly defined.

Parliaments/Chambers were fairly divided when it came to whether the tasks of the Permanent Member of the COSAC Secretariat should be more clearly differentiated from those of the rest of the Secretariat Members.

Once again, the Romanian *Camera Deputaţilor* noted that procedures adopted thus far had proved effective, a sentiment echoed by the Greek *Vouli ton Ellinon*.

The Cyprus *Vouli ton Antiprosopon* stressed that the Permanent Member's role in coordinating the Secretariat's activities should be ensured and emphasised in order to facilitate the work.

The Danish *Folketing* specifically pointed out that it might be helpful to clarify, in general terms, the role of the Permanent Member in running the day-to-day business of the Secretariat under the instructions of the Presidency Parliament.

The Austrian *Nationalrat* and *Bundesrat* noted that the Rules of Procedure were quite clear in this regard and therefore saw no need to change the description of tasks.

The European Parliament also stated that the role of the Permanent Member was clearly defined. Furthermore, it recalled that while the main task of the Permanent Member was to provide continuity and expertise, COSAC remained a Presidency-driven conference, assisted by the Presidential Troika.

## CHAPTER 2

# COOPERATION WITH THE EUROPEAN INSTITUTIONS, ADVISORY BODIES AND AGENCIES – BEST PRACTICES

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THE SECOND CHAPTER OF THE 33<sup>rd</sup> BI-ANNUAL REPORT aims to provide a comprehensive review of parliaments' practices with a view to contribute to the ongoing debate on transparency in the EU.

According to the findings of the report, 17 out of 34 respondents noted that the framework regulating the relations between their respective Parliament/Chamber and the executive when dealing with EU matters was defined at the level of constitution/primary law, while 13 answered that the framework was defined at secondary law level and four stated that it was defined in practice.

Opinions were split when it came to the appointment of a rapporteur for EU dossiers: half of the respondents (17 out of 34 Parliaments/Chambers) answered positively, whereas the remaining 17 respondents stated that their Parliament/Chamber did not appoint a rapporteur for EU dossiers.

Six out of 32 responding Parliaments/Chambers answered positively when asked if their respective rapporteur for EU dossiers cooperated with the European Parliament's rapporteur. Nine Parliaments/Chambers replied negatively while the majority (18 respondents) had no opinion to express.

Asked whether the draft positions of the European Parliament were being examined by their respective Parliaments/Chambers, 21 out of 34 respondents answered that sometimes they were, while nine Parliaments/Chambers replied that they never examined the draft positions of the European Parliament. Four stated that they regularly examined them. The Czech *Senát* specified that the European Parliament's draft position would have to coincide with the scrutiny of the Commission proposal in the *Senát*.

Asked how their Parliament/Chamber prioritised their activities in bilateral and multilateral relations on the level of the Union and what the tools at their disposal for those exercises were, a number of Parliaments/Chambers replied that they gave priority to participation in conferences and meetings held at EU level (Croatian *Hrvatski sabor*, Estonian *Riigikogu*, Latvian *Saeima*, Lithuanian *Seimas*, Maltese *Kamra tad-Deputati*, Portuguese *Assembleia da República*, Romanian *Camera Deputaţilor*, Romanian *Senat*, Slovenian *Državni svet*, Swedish *Riksdag*).

The Estonian *Riigikogu* noted that it both hosted and visited EU-level partners, adding it prioritized formats with a more concrete agenda that provided valuable insight into matters of interest.

The Maltese *Kamra tad-Deputati* highlighted its priority for participation in inter-parliamentary conferences of the EU emanating from the Treaties and those organised by the Presidency or the European Parliament.

The Portuguese *Assembleia da República* underlined the importance of meetings with Commissioners and Members of the European Parliament, as well as visits to other Member States, for developing a notion of priorities and called for prospective inter-parliamentary cooperation that could help in identifying priorities.

The Romanian *Camera Deputaţilor* and the Romanian *Senat* pointed out that contacts, visits and exchanges at all parliamentary levels, including the administrative level, were used as tools at their

disposal. Their activities were prioritised taking into account their rights and obligations as members of different international and regional parliamentary organisations, the pursuit of national interests and the objectives of Romanian foreign policy.

The Croatian *Hrvatski sabor* and the Lithuanian *Seimas* declared that their plan of inter-parliamentary activities was adopted bi-annually. The Croatian *Hrvatski sabor* stated that it adopted its calendar at the level of the Presidency and named reciprocity as its guiding principle in prioritising bilateral and multilateral parliamentary cooperation.

The Committee on European Affairs was in charge of adopting the plan of the Lithuanian *Seimas* for inter-parliamentary cooperation. The planning took into account national priorities and geopolitical interests, the EU agenda and EU policy cycle as well as the Programme of the Presidency of the Council of the EU. The Board of the *Seimas* approved long-term priorities for international cooperation identified by the *Seimas* Committee on Foreign Affairs in view of the foreign policy priorities of the Republic of Lithuania.

Likewise, the Italian *Senato della Repubblica* prioritised its activities by attending meetings organised in the framework of the inter-parliamentary cooperation. The *Senato della Repubblica* expressed its full support for the system of conferences, where European parliamentarians discussed together issues of common interest and jointly adopted political conclusions as an outcome of the meetings.

A number of Parliaments/Chambers replied that their EU-related work was based on the European Commission Work Programme and its proposals (*Belgian Chambre des représentants*, Dutch *Eerste Kamer*, Dutch *Tweede Kamer*, Italian *Senato della Repubblica*, German *Bundesrat*, Greek *Vouli ton Ellinon*).

The *Senato della Repubblica* prioritised its activities by scrutinising the most relevant legislative and non-legislative proposals of the European Commission.

The German *Bundesrat* responded that the proposals of the European Commission were selected by the secretariat. Each committee and each *Land* had the possibility to ask for additional scrutinizing of proposals. For some meetings, topics of current interest and general relevance were selected to be discussed with representatives of the Commission or the federal government.

The Greek *Vouli ton Ellinon* elaborated that the Special Standing Committee on European Affairs was primarily responsible for relations with the EU and its Member States. The bureau of the Committee in cooperation with the secretariat was responsible for prioritising topics, after having examined the European Commission Work Programme and in accordance with topics of national interests.

The Dutch *Eerste Kamer* said it prioritised the proposals from the European Commission Work Programme on a yearly basis. Each Senate Committee selected the proposals it wished to submit to parliamentary scrutiny through the annual Work Programme, which would then be placed in an electronic dossier.

Similarly, the Dutch *Tweede Kamer* stated that all respective Committees in the *Tweede Kamer* discussed the proposals in their field of competence on the basis of the European Commission Work Programme. This resulted in a list of priorities, which would then be discussed during a plenary debate with the Prime Minister, the minister of Foreign Affairs and the Dutch Members of the European Parliament.

Following the presentation of the European Commission Work Programme to the Advisory Committee on European Affairs, each Standing Committee of the Belgian *Chambre des représentants*

defined its priority dossiers, holding an exchange of views on European issues of concern once a month.

A number of other Parliaments/Chambers also replied that their respective Committees were responsible for prioritising topics (French *Assemblée nationale*, French *Sénat*, Spanish *Cortes Generales*, Swedish *Riksdag*).

The French *Assemblée nationale* stated that although this was foremost the role of its permanent representation to the EU, each Committee decided independently on its activities and the order of priorities of the issues addressed. The French *Sénat* said that the Committee on European Affairs set its agenda and the order of priorities among its activities according to political expediency, as assessed by its Chairperson and Bureau.

The Spanish *Cortes Generales* replied that the Joint Committee for EU Affairs was the body in charge of EU relations. Similarly to the Greek *Vouli ton Ellinon*, its activities were prioritised by a Bureau in cooperation with a Secretariat, with a number of tools at its disposal, including a weekly electronic index.

While noting that there was no prioritizing in place with regard to EU-related activities, the Swedish *Riksdag* stated that responsibility for EU affairs was decentralised. It carried out subsidiarity checks of all draft legislative acts from the EU institutions that fell within the EU's exclusive competence. All of the parliamentary Committees were responsible for monitoring EU matters within their respective areas of expertise throughout the decision-making process. In practice, the Committees chose which matters and activities they wished to prioritise. The Parliamentary Committees also examined other documents from the EU institutions that were not draft legislative acts, with the aim of acquainting themselves with a matter at an early stage.

The Danish *Folketing* identified its priorities on a case-by-case basis by *ad hoc* decisions.

According to the Finnish *Eduskunta*, bilateral and multilateral contacts were important, but only as a support structure for the actual work of mandating and supervising the government. Their committee staff was equipped to handle travel and visits on a regular basis.

The Luxembourg *Chambre des Députés* stated that it set its priorities following the decision of the Presidents' Conference.

The Austrian *Nationalrat* and *Bundesrat* said that external relations were within the competence of the respective Speakers, with the possibility of consulting the Conference of Presidents, which was also comprised of leaders of political groups, when necessary.

The activities of the Cyprus *Vouli ton Antiprosopon* were subject to the decision of the President of the House and the Chairs of the Sectoral Committees in cooperation with the Secretary General of the House.

Three Parliaments/Chambers stated that there was no mechanism for setting priorities on EU level (Belgian *Sénat*, Czech *Poslanecká sněmovna*, Czech *Senát*).

Asked if they set their priorities for cooperation with the Union institutions, advisory bodies or agencies and how they monitored whether these priorities were being followed, many Parliaments/Chambers replied that there was no formal setting of priorities for cooperation with the institutions, bodies and agencies mentioned (Austrian *Bundesrat* and *Nationalrat*, Croatian *Hrvatski sabor*, Czech *Poslanecká sněmovna*, Czech *Senát*, Danish *Folketing*, Italian *Senato della Repubblica*,

Finnish *Eduskunta*, French *Assemblée nationale*, German *Bundestag*, German *Bundesrat*, Latvian *Saeima*, Maltese *Kamra tad-Deputati*, Slovenian *Državni svet*).

The Italian *Senato della Repubblica* and the Maltese *Kamra tad-Deputati*, however, emphasised that they fully supported a broad cooperation with all EU institutions and its agencies. Similarly, the *Lithuanian Seimas* stressed that its Committee on European Affairs consistently sought the closest possible dialogue with the European Commission and the European Parliament.

The Dutch *Tweede Kamer* specified that, in every respective Committee, a staff member was in charge of keeping track of EU legislation, coordinating with the EU institutions and agencies as well as informing the Members about developments in the EU Institutions regarding priorities.

The agenda of the French *Sénat* was set by the Presidents' Conference. In addition, the European Affairs Committee set its own agenda according to political expediency. It maintained the political dialogue with the European Commission through political opinions and examined the Chamber's proposals for European resolutions.

The Spanish *Cortes Generales* declared that its priorities for cooperation with the Union institutions, advisory bodies or agencies were selected by the Bureau of the Joint Committee on a weekly basis, in regular meetings of the Bureau of the Committee.

The Portuguese *Assembleia da República* replied that it set priorities for cooperation with the Union institutions, advisory bodies or agencies through the activities listed in the European Affairs Committee plan, which included visits to European agencies based in Portugal, as well as cooperation with other institutions in the context of the scrutiny of European initiatives. It sought to involve Members of the European Parliament, but also the national member of the Court of Auditors, as well as European Commissioners in its debates on European affairs, and organised a hearing on the European Commission Work Programme.

The Romanian *Camera Deputaţilor* and the Romanian *Senat* stated that their priorities sought to make the most of Romania's EU membership and geostrategic position, in order to engage more actively in regional cooperation and support as well as take part in the debates on key subjects of the EU agenda. The Standing Bureaus of their Chambers managed and monitored the cooperation with the EU institutions, bodies or agencies. Parliamentary delegations had the obligation to inform the Standing Bureau of the results of each parliamentary external action.

The Bulgarian *Narodno sabranie* mentioned its adoption of an annual work program on EU Affairs. This Program contained initiatives from the European Commission Work Programme for the corresponding year with the priority set on the initiatives directly affecting Bulgaria.

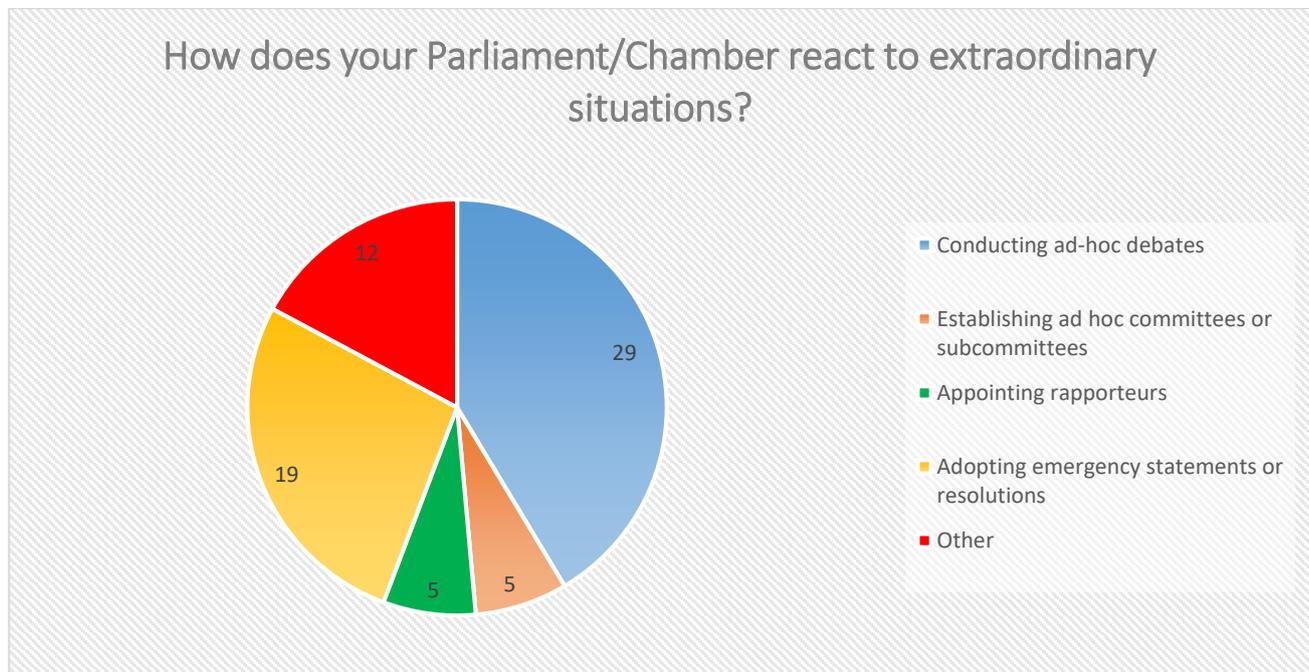
Similarly, the EU Affairs Committee of the Polish *Sejm* analysed the European Commission Work Programme and other EU institutions, agencies and advisory bodies and held a debate on the work plan and its implementation

The Hungarian *Országgyűlés* stated that its cooperation with Union institutions was based on issues of mutual interest and *ad hoc* meeting requests.

The Polish *Senat* noted that it cooperated mainly with the European Parliament and its committees, in particular the Foreign and European Union Affairs Committee, although the European Parliament's involvement in this cooperation was perceived as insufficient.

When asked how their respective Parliament/Chamber reacted to extraordinary situations (e.g. Brexit, the migrant crisis, the situation in Syria or the coronavirus outbreak), and given the option to select

multiple choices, the vast majority replied they conducted *ad hoc* debates (29 out of 34 respondents). More than half of the respondents stated that they reacted by adopting emergency statements/resolutions (19 respondents), while five Parliaments/Chambers answered they established *ad hoc* committees and another five stated that in the case of extraordinary situations their Parliaments/Chambers appointed rapporteurs.



Invited to elaborate, 17 Parliaments/Chambers specified their replies, with some of them pointing out that in the case of extraordinary situations they were to follow the information provided by their respective governments (German *Bundestag*, Slovenian *Državni svet*) while others referred to the jurisdiction of the responsible Committee which either called an *ad hoc* meeting (Belgian *Sénat*, German *Bundesrat*, , Estonian *Riigikogu*, Slovenian *Državni zbor*), established sub groups (Danish *Folketing*) or consulted external expertise of other public institutions, experts and think tanks (French *Sénat*, Romanian *Senat*, Romanian *Camera Deputaţilor*). Sometimes resolutions were adopted in the sectoral Committees (Belgian *Sénat*, Czech *Senát*, Hungarian *Országgyűlés*).

The Hungarian *Országgyűlés* further specified that extraordinary situations were discussed in the plenary first, as part of the plenary speeches, not as part of the plenary agenda; sometimes a resolution was adopted either by the plenary or the sectoral Committee.

The Italian *Senato della Repubblica* highlighted that under the Italian constitution, and in the case of necessity and urgency, the government had the power to issue a decree which was to be passed on to Parliament immediately in order to be converted into law.

Both the Finnish *Eduskunta* and the Swedish *Riksdag* stated that established procedural rules applied even in extraordinary situations. The Swedish *Riksdag* further elaborated that the named topics would be the subject of information and consultation in the Committee on European Affairs, to the extent that they were included in the agenda of the Council or the European Council. The Parliamentary Committees could also request information from and deliberations with the government. It was also possible for two or more Committees to decide to jointly prepare a matter in a Joint Committee. Furthermore, the *Riksdag* could organize special EU debates. Committee members could directly address government ministers with a written or oral request.

## CHAPTER 3

# PARLIAMENTARY OVERSIGHT – TOOLS AND MECHANISMS, CONSTITUTIONAL AND LEGAL PRACTICES

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THE THIRD CHAPTER OF THE 33<sup>rd</sup> BI-ANNUAL REPORT seeks to provide insight into the diversity of approaches and philosophies guiding Parliaments/Chambers in performing their competences under Article 12 TEU.

The European Parliament stated the section was mainly not applicable to the institution.

When asked in what ways their Parliament/Chamber was involved in the scrutiny of EU budgetary resources at EU level, all respondents with the exception of two (the Belgian *Sénat* and the Luxembourg *Chambre des Députés*) replied that they were involved, in different ways and degrees.

The Bulgarian *Narodno sabranie* stated that its Committee on European Affairs and Oversight of the European funds was in charge of providing the relevant exercises of parliamentary control, guided by the principles of transparency and better and more effective management. The Polish *Sejm* also stated that their European Affairs Committee was in charge of scrutiny. The Foreign and European Affairs Committee debated the EU budget in the Maltese *Kamra tad-Deputati*. In the Croatian *Hrvatski sabor*, the European Affairs Committee and Sectoral Committees had the possibility to choose to scrutinise Croatian positions on EU budget and related legislative and non-legislative documents. The Italian *Senato della Repubblica* noted that both the European Affairs Committee and the Budget Committee examined the European Commission proposals on the Multiannual Financial Framework (MFF) and were able to approve resolutions that bind the Government.

In the Greek *Vouli ton Ellinon*, scrutiny takes place in the competent parliamentary committees, in accordance with the relevant general provisions of the Parliament's Rules of Procedure. These provisions also stipulate that, prior to EU Council meetings, the government may ask for a negotiating mandate from the Committee on European Affairs and other competent Standing Committees regarding issues of utmost importance.

For the Austrian *Nationalrat* and *Bundesrat*, the procedure followed the ordinary scrutiny practice and the EU Affairs Committee was in charge of mandating the Minister of Finance at the Council of the EU. In the Estonian *Riigikogu*, the Finance Committee submitted an opinion to the European Union Affairs Committee, which would then issue a mandate to the Government for participating in the EU-level debate (at GAC, ECOFIN, and European Council). In the French *Sénat*, both the Finance Committee and the European Affairs Committee were involved, with the Finance Committee in charge of approving the French contribution to the EU budget and the European Affairs Committee examining the EU annual budget proposal and the MFF. The Finnish *Eduskunta* stated they mandate the government for the requisite decisions in the Council. The Danish *Folketing* noted the Danish Government had to be mandated by the European Affairs Committee for MFF negotiations and annual budgets as well.

Before every Ecofin Council meeting, the Dutch *Tweede Kamer* organised a public debate with the Minister of Finance on the basis of an annotated agenda setting out the Minister's intended positions,

which was sent to Parliament beforehand. Ahead of the annual Budget Council, a written exchange was also organised with the Minister of Finance. Similarly, before the ECOFIN, the Lithuanian *Seimas* mandated the government of the Council, and provided the mandate before the meetings on the MFF at the Council of the EU and the European Council, and subsequent hearing of reports afterwards.

Whereas mandating the executive was not possible for the Cyprus *Vouli ton Antiprosopon*, they did invite the government to express its positions, in the framework of parliamentary control.

The European Affairs Committee of the Latvian *Saeima* approved positions on MFF and annual EU budgets.

The Budget Committee of the German *Bundestag* was in charge of the examination of EU documents relating to the EU's annual budget, the EU's budgetary procedure and particularly costly projects on EU level. The MFF was mainly the responsibility of the EU Affairs Committee.

In the Swedish *Riksdag*, the Government deliberated with the Committee on Finance on the EU's annual budget and on discharge for the Commission regarding the implementation of the EU's annual budget. The Government would also inform and consult the Committee on EU Affairs ahead of negotiations and decisions on the EU's annual budget and ahead of decisions in the Council on discharge for the Commission regarding the implementation of the EU's annual budget.

The Portuguese *Assembleia da República* noted it selected the most relevant initiatives for scrutiny, in accordance with its selection of priority initiatives based on the European Commission Work Programme. In addition, debates were also held in plenary session with a member of the Government before each European Council, followed by a hearing of the member in the European Affairs Committee after the meeting.

The Spanish *Cortes Generales* assumed an external control of EU budgetary resources, mainly via its Joint Committee for the relations with the Court of Auditors, notwithstanding the main parliamentary function of the *Cortes Generales* being the approval of the budget.

The European Parliament said it decided the EU Budget together with the Council. It held the European Commission accountable for the implementation of the budget and gave annual discharge to the Commission.

When asked in what manner their Parliament/Chamber took part in the approval of national contributions to the EU budget, most of the respondents replied that this was done as part of the annual national budget, and passed through as part of the national budget bill.

The Bulgarian *Narodno sabranie* said they adopted the Budget Law proposed by the Government, which set, among other matters, the contribution of Bulgaria to the EU budget. In the Romanian *Camera Deputaților*, the national contribution to the EU budget was included in the annual national budget, scrutinised by the relevant parliamentary committees and then approved by the plenary of both Romanian Chambers, i.e. the *Senat* and the *Camera Deputaților*.

In the Maltese *Kamra tad-Deputati*, the amount was included in the national general estimates presented to Parliament in October and then approved as part of the wider national budget. In the Luxembourg *Chambre des Députés*, the procedure was carried through in the frame of the national

budget proposal. In the Estonian *Riigikogu*, the matter was discussed within the framework of the Parliamentary debate on the state budget.

In the Dutch *Tweede Kamer*, the contribution was included in the annual budget bill and the specific budget bill of the Ministry of Foreign Affairs, both extensively scrutinized in Parliament. The French *Assemblée nationale* stated that they voted the national contribution as part of the national budget law, while the Finance Committee of the French *Sénat* established an annual report on the French contribution to the EU budget, in the frame of the examination of the national budget law.

In Austria, the national contributions to the EU budget formed part of the federal budget to be approved by the Austrian *Nationalrat*. The Lithuanian *Seimas* approved the national contribution to the EU budget in the process of approving the annual national draft budget. The Croatian *Hrvatski sabor* also said this was part of the debate and adoption of the state budget.

Expenditures and revenues of the Greek State related to EU budget were debated and approved by the Greek *Vouli ton Ellinon*, in the framework of the general parliamentary procedures for the approval of the appropriations of the state budget.

Both Chambers of the Italian Parliament, i.e. the Italian *Senato della Repubblica* and the Italian *Camera dei deputati*, annually approved the allocation of Italy's contribution to the EU's own resources, provided for in the annual state budget bill.

The Slovenian *Državni zbor* said they adopted the contribution via the state budget. Similarly, the Czech *Poslanecká sněmovna* annually approved the Law on the State Budget and the State Financial Statement, in which the national contribution was included.

The Public Finance Committee in the Polish *Sejm* was in charge of the draft Budget Acts for a given year. Prior to a meeting of the Public Finance Committee, the EU Affairs Committee would give its opinion on the budget parts related to the EU's own resources or special-purpose provisions and expenditure related to Poland's membership in the EU.

The German *Bundestag* and *Bundesrat* enacted a ratifying law related to the national contribution to the EU budget. The committee responsible in the German *Bundestag* was the EU Affairs Committee. The Budget Committee could not modify these provisions. Thus, EU resources were only shown for informational purposes in the national budget plan.

In the Hungarian *Országgyűlés*, the annual national contributions were laid down in the Act on the Central Budget, adopted by the plenary.

Sweden's contribution to the EU constituted a separate expenditure area in the central government budget and was considered by the Committee on Finance of the Swedish *Riksdag* each autumn when the Budget Bill was submitted.

The Portuguese *Assembleia da República* approved Portugal's state budget annually, in which the amounts mentioned were defined, including the contribution to the EU budget. The main channel for the involvement of the Spanish *Cortes Generales* in the approval of the Spanish national contribution to the EU budget, in the framework the European Semester, was foreseen in the relevant Spanish law.

When asked to assess the attention given to the annual reports by certain EU agencies (e.g. CEPOL) transmitted to EU national Parliaments, over a third of respondents (11 out of 31 respondents) said they were paid adequate attention, with another 12 respondents stating they were given sufficient

attention but with ample space left for improvement. The remaining eight stated that insufficient attention was given to annual reports.

The Dutch *Tweede Kamer* suggested that all EU agencies should report in the same way, to create uniformity and standardisation. The Greek *Vouli ton Ellinon* said reports were often sent to Members of the EU affairs Committee as well as other competent committees, but were rarely debated.

The French *Sénat* regretted that they hardly received these reports, let alone in the French language, and suggested that these should be directly transmitted to national Parliaments, copying in their respective representatives in Brussels.

In the Finnish *Eduskunta*, the reports of the agencies did not usually justify more than a cursory examination, and the Parliament would instruct government to take action in case of any issues.

Finally, the Czech *Senát* noted that their Committee on EU Affairs discussed the annual reports of Europol and Eurojust and information from the European Court of Auditors, while other annual reports were not discussed.

When asked how their Parliament/Chamber assessed the possibility of replicating the format of the Joint Parliamentary Scrutiny Group (JPSG) for scrutinising the work of certain other EU agencies, opinions were divided.

Some Parliaments/Chambers supported the view that the JPSG format could be replicated for other agencies (Belgian *Chambre des représentants*, Belgian *Sénat*, Bulgarian *Narodno sabranie*, Dutch *Tweede Kamer*, Dutch *Eerste Kamer*, French *Sénat*, Latvian *Saeima*, Luxembourg *Chambre des Députés*, Portuguese *Assembleia da República*, Polish *Sejm*, Polish *Senat*) with the Polish *Sejm* arguing that standards that have been developed should be used to avoid unnecessary discussions on formal and organisational matters. The French *Sénat* qualified their answer by stating that the format should be replicated in areas where the European Parliament had limited competence. The Dutch *Eerste Kamer* noted that if the format were to be considered for other agencies, lessons could be learned from the start-up phase of the JPSG on Europol. The Dutch *Tweede Kamer* also welcomed the idea, but noted that the format was still relatively new and required maturing, adding that a scrutiny history had yet to be established, a view shared by the Czech *Senát*.

The Romanian *Senat* supported the idea but found it to be inefficient in practice. The Croatian *Hrvatski sabor* stated the JPSG was a useful and operational format but questioned whether it would be feasible to choose agencies for scrutiny. The German *Bundestag* found the idea conceivable within the area of justice and home affairs, although it noted there was no legal basis foreseen in the Treaties or secondary law.

The Czech *Senát* warned that establishing separate JPSGs for different agencies would be costly and ineffective and suggested the tasks of the Europol JPSG could be broadened to include scrutiny of other related agencies, such as the European Union Agency for Law Enforcement Training (CEPOL), Eurojust and the European Public Prosecutor's Office (EPPO). The model could then be replicated for other "clusters" of EU agencies. The Belgian *Chambre des représentants* also supported the view of creating one structure for scrutinising all the agencies, while the Italian *Senato della Repubblica* stated inter-parliamentary cooperation should be as simple as possible and suggested creating a single inter-parliamentary body assigned to focus on matters related to the area of freedom, security and justice.

Other respondents offered a more reserved view. The Hungarian *Országgyűlés* said the general scrutiny of EU agencies should be carried out by the European Parliament, while the format of JPSG should be applied in other cases if it was stipulated by the EU acquis. The Finnish *Eduskunta* found that the value for national Parliaments of scrutinising specialised EU agencies was not always obvious and suggested that in case of a concrete justification for national Parliaments to carry out scrutiny, the JPSG format would probably be inadequate. Noting that the parliamentary scrutiny on Europol had a foundation in the Treaties, the Italian *Camera dei deputati* stated scrutiny on other agencies should have a less rigid format and be conducted with the strong involvement of the European Parliament. The French *Assemblée nationale* and the Maltese *Kamra tad-Deputati* underlined the need to fully establish the JPSG on Europol before assessing whether the format could be extended. In addition, they noted that not all agencies necessarily warranted inter-parliamentary control. The Estonian *Riigikogu* did not consider it necessary to replicate the format.

Some Parliaments/Chambers had not assessed the possibility (Austrian *Nationalrat* and *Bundesrat*, Cyprus *Vouli ton Antiprosopon*, Greek *Vouli ton Ellinon*, Lithuanian *Seimas*, Romanian *Camera Deputaţilor*), or had no formal opinion on the matter (Slovenian *Državni svet*, Spanish *Cortes Generales*, Swedish *Riksdag*). The Czech *Poslanecká sněmovna* and Slovenian *Državni zbor* expressed no opinion on the matter.

The European Parliament stated that the issue depended on the EU secondary legislation, decided by the co-legislators.

When asked whether their Parliament/Chamber had developed new solutions or practices in exercising their prerogatives of scrutiny of the EU agencies granted to the national Parliaments by the Treaties (e.g. Europol), or if their Parliament/Chamber had gained any particular insight in this respect, the majority (18 respondents out of 30) answered negatively.

The Austrian *Nationalrat* and *Bundesrat* qualified their answer by noting that when it came to scrutiny of EU agencies, the general scrutiny regime applied. According to the Finnish *Eduskunta*, the EU agencies were best supervised by the European Parliament and the Council, through which the national Parliaments were indirectly involved. The Romanian *Camera Deputaţilor* and Romanian *Senat* noted their Committees had studied the work of the EU agencies. The Hungarian *Országgyűlés* expressed its wish to get more information about best practices.

Some Parliaments/Chambers referred to their procedures regarding the JPSG on Europol (Dutch *Eerste Kamer*, Dutch *Tweede Kamer*, German *Bundesrat*, German *Bundestag*, Polish *Senat*, Swedish *Riksdag*) through which regular reporting (Swedish *Riksdag*) and bilateral contacts were established (Dutch *Tweede Kamer*), including delegation visits to the agency (German *Bundesrat*, Swedish *Riksdag*). The Dutch *Eerste Kamer* added that they had suggested creating a working group within the JPSG on Europol to further develop its rules of procedure. The Polish *Senat* said they intended to organise periodic meetings with the Polish representative to Europol before the JPSG meeting in order to gain some additional insight.

For the Croatian *Hrvatski sabor*, meetings and thematic sessions of relevant committees had been established with certain agencies, such as the Fundamental Rights Agency (FRA) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

The Greek *Vouli ton Ellinon* noted their European Affairs Committee and other competent committees debated annual reports or held hearings with national representatives attached to EU

agencies. Similarly, the Czech *Senát* stated their European Affairs Committee had discussed the annual reports of Europol and Eurojust with the national representatives to these agencies, which had led the Committee to adopt resolutions calling for sufficient financing for these agencies.

The Polish *Sejm* noted that scrutiny of the EU agencies could be subject to the provisions of the Standing Orders of the *Sejm*, which introduced certain standards of parliamentary control.

The French *Sénat* suggested national Parliaments/Chambers should be allowed to submit written questions to the agencies, provided that the agencies responded within reasonable time. The French *Assemblée nationale* stated that the directors of the agencies should be more frequently heard by the national Parliaments/Chambers.

The Belgian *Sénat* expressed no opinion on the matter.

When asked whether their Parliament/Chamber would appreciate playing a greater role in the scrutiny of specialised EU funds or instruments, the majority (17 respondents out of 29) answered affirmatively.

Invited to elaborate, the Austrian *Nationalrat* and *Bundesrat* stated it would be beneficial for national Parliaments/Chambers to play a greater role in the scrutiny, as transparency and democratic control could be reinforced, although it noted it had full trust in the control institutions of the EU. The Portuguese *Assembleia da República* similarly found it important to hold further debates and discussions with national Parliaments on the subject and develop more ways for cooperation and exchange of information between the institutions and national Parliaments. The Romanian *Senat* underlined it was important to have more transparency regarding EU funds, and the French *Sénat* suggested additional control mechanisms were needed to complement existing ones. According to the Dutch *Eerste Kamer*, parliamentary control of the EU agencies could become increasingly more relevant as the agencies start to gain influence and increasingly play a bigger role in day-to-day affairs. The Italian *Senato della Repubblica* noted their European Affairs Committee was considering the Annual Report for 2019 by the Italian Court of Auditors concerning the financial relations with the EU and the use of EU Funds.

Twelve Parliaments/Chambers responded negatively to the question (Belgian *Sénat*, Czech *Poslanecká sněmovna*, Danish *Folketing*, Estonian *Riigikogu*, French *Assemblée nationale*, Finnish *Eduskunta*, Hungarian *Országgyűlés*, Latvian *Saeima*, Lithuanian *Seimas*, Polish *Sejm*, Romanian *Camera Deputaţilor*, Slovenian *Državni zbor*). The Lithuanian *Seimas* said it attached great importance to scrutinizing the efficiency of the use of EU funds but did not currently consider the extension of its powers or a greater role in the parliamentary scrutiny of this matter. The Latvian *Saeima* noted that it was already scrutinizing EU funds and instruments through its committees. The Finnish *Eduskunta* stated the EU's institutional system was reasonably effective and involving Parliaments/Chambers would not achieve much added value in what it considered to be a superficial exercise. The Romanian *Camera Deputaţilor* qualified their answer by stating that the policy documents that ground the financial instruments were subject to scrutiny and Parliament's opinions were transmitted to the European Commission. The Romanian *Camera Deputaţilor* further considered the prerogative of scrutiny of the EU agencies as highly relevant to the citizens of the Union and was looking forward to support developments in this respect. The Danish *Folketing* noted that for a small parliament, resources were insufficient.

Six Parliaments/Chambers expressed no opinion on the matter (Czech *Poslanecká sněmovna*, German *Bundestag*, German *Bundesrat*, Slovenian *Državni svet*, Spanish *Cortes Generales*, Swedish *Riksdag*, European Parliament). The Czech *Senát* noted it could not provide a clear answer given that the question itself was not clear, although they stated that, in general, the European Parliament was the body for parliamentary scrutiny of the EU budget and its implementation.

The Italian *Senato della Repubblica* quoted the Contribution of the LII COSAC in its answer: "the relations between national Parliaments and EU agencies should be further improved by enhancing contacts and cooperation, and by encouraging EU agencies to inform national Parliaments as widely as possible on their activities and work programme".



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Bi-annual Report

COSAC