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Report on "Interparliamentary relations between the European Parliament and national Parliaments under the Treaty of Lisbon"

Foreword

Following the entry into force of the Treaty of Lisbon, the Conference of Presidents set up a Steering Group on relations with national Parliaments mandating it with the task of elaborating "pragmatic recommendations on how best to prepare the European Parliament for its future relations with national Parliaments in the light of the Treaty of Lisbon".

On 21 October 2010 the Conference of Presidents welcomed the recommendations of the Steering Group. In these the Steering Group announced its intention to "prepare an annual report on the European Parliament's activities with regard to interparliamentary cooperation, and submit it for information to the Conference of Presidents and to all Members of the European Parliament".

This first report highlights the main forms of interparliamentary cooperation between the European Parliament and national Parliaments as these exist under the Treaty of Lisbon. With this report the Group provides information on the current state of interparliamentary relations, discusses the key challenges for further developing these relations and presents some thoughts as to the prospects for the future.

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1. Introduction

The Treaty of Lisbon accords for the first time a formal role to national Parliaments in assuring "the good functioning of the Union". This role, which extends to a whole range of areas, entails powers and implies responsibilities. It also requires a level and forms of cooperation with the EU institutions in general and the European Parliament in particular able to meet the objectives set by the Treaty.

In light of this the European Parliament (EP) has sought to promote constructive relations with national Parliaments (NPs) which take into account the role of the latter under the new Treaty. The European Parliament has therefore reviewed and modified its Rules of Procedure and has set out administrative procedures in order to ensure proper implementation of the provisions of Protocol No 2 to the Treaty, on the application of the principles of subsidiarity and proportionality. Furthermore, in 2009, the EP Committee on Constitutional Affairs (AFCO) drafted an own-initiative report dealing specifically with the development of relations between the European Parliament and national Parliaments under the Treaty of Lisbon (commonly referred to as the Brok report', after its Rapporteur). This report led to a non-legislative resolution adopted by the Plenary on 7 May 2009 which includes a series of proposals for improving further interparliamentary relations in light of the new Treaty.

Additionally, the Conference of Presidents has set up a Steering Group on relations with national Parliaments (hereafter the 'Steering Group') with the task of "how best to prepare the European Parliament for its future relations with national Parliaments in the light of the Treaty of Lisbon". The Group's recommendations were welcomed by the Conference of Presidents in October 2010. More recently the Conference of Committee Chairs examined an internal survey carried out amongst the different EP committees on a range of issues in relation to interparliamentary relations. The findings of this survey inform the discussion in this report.

With the help of the above, relations between the European Parliament and national Parliaments have made important progress in recent years. This is manifest in relation to a wide range of aspects of interparliamentary relations. Yet there is still room for improvement. In particular, channels of communication and exchange of information should be improved while new pre- and post-legislative forms of cooperation should be developed. Forms of cooperation should be flexible, non-bureaucratic and should

¹ Article 12 TEU.

² European Parliament: 'Report on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon', Rapporteur: Elmar Brok, A6-0133/2009.

³ European Parliament: 'Resolution of 7 May 2009 on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon' (2008/2120(INI), P6_TA(2009)0388). References to "European Parliament Resolution" throughout these footnotes refer to this Resolution.

⁴ See decision of the Conference of Presidents' meeting of 17 December 2009.

⁵ PE 453.460rev2, 29 November 2011.

⁶ Cf. European Parliament, supra, n. 2, point 2.

⁷ Ibid.

⁸ *Ibid.*, point 3.

respect the principles of efficiency and parliamentary democratisation. Efforts must be made to "bring together the *right people*, on the *right topic*, at the *right time*". In this respect, the development of smaller networks involving committee Chairs or Rapporteurs on specific subjects could help. Duplication of work should be avoided and disruption to the routine of work of the EP and NPs should be minimised. Ultimately, as the Brok Report notes:

relations between the European Parliament and the national Parliaments must take the form of cooperation which is more structured, but not necessarily more formalised ... Interparliamentary cooperation must not encroach on Parliaments' decision-making powers. Any form of interparliamentary cooperation should be deliberative by nature, non-decisive with regard to the existing EU policy cycles and characterised by mutual recognition of Parliaments and parliamentarians as mirrors of society. ¹³

With this in mind the present report discusses some key developments in relation to the main forms of interparliamentary cooperation under the Treaty of Lisbon during the period 2010 - 2011, seeking in particular to identify the main trends in this respect, regard given to the objectives set by Parliament in the field of interparliamentary relations. It concludes with some thoughts for reflection as to how interparliamentary cooperation can evolve in the years to come.

2. Traditional forms of interparliamentary cooperation

Various structures of interparliamentary cooperation predate the Treaty of Lisbon. The ability of these structures to contribute to addressing successfully the major challenges facing the Union and its Member States today implies the ability to act efficiently and to renew. It also implies the ability to recognise and respect each party's autonomy and individual role, and the capacity for developing constructive cooperation towards the common good. This section discusses two institutionalised forms of interparliamentary cooperation, COSAC and the EU Speakers' Conference, as well as the three main forms of interparliamentary meetings: joint parliamentary meetings (JPMs), joint committee meetings (JCMs) and interparliamentary committee meetings (ICMs). These meetings are open to all NPs and are hosted by the European Parliament. The section concludes with a reference to bilateral visits.

2.1 Institutionalised forms of cooperation

a) COSAC

COSAC (formally known as the 'Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union')¹⁴ represents one of the key structures of

⁹ *Ibid.*, Preamble, par. H.

¹⁰ Steering Group on relations with national Parliaments: 'Recommendations to the Conference of Presidents', Introductory Remarks.

¹¹ *Ibid.*, and point 2. See also European Parliament, n. 3, points 7 an 10.

¹² *Supra.*, n. 10, point 1.

¹³ Supra., n. 2, Explanatory Memorandum.

¹⁴ See Article 10 of Protocol No 1 to the Treaty of Lisbon.

interparliamentary cooperation in the European Union.¹⁵ It brings together delegations from the European Affairs committees of national Parliaments of the Member States and candidate countries¹⁶ and representatives of the European Parliament. It was created in May 1989 at the EU Speakers' meeting in Madrid. Protocol No 1, on the role of national Parliaments in the European Union, gives COSAC formal recognition.¹⁷

COSAC meets twice during each EU Presidency, first in the form of a meeting of the Chairpersons of COSAC¹⁸ and then as a Plenary.¹⁹ It is assisted by a permanent Secretariat (of which the European Parliament is a permanent member). The Conference can submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission, even though these do not bind national Parliaments and cannot prejudge their positions.²⁰

In the last few years COSAC mainly dealt with the role of national Parliaments under the Treaty of Lisbon and also discussed and issued contributions on important subjects including the Union's regional strategies, the economic and monetary crisis, the EU-2020 strategy and on the framework agreements between EU institutions. In the past COSAC also made a number of subsidiarity checks on a number of proposed EU measures. A discernible trend may be noted more recently away from subsidiarity, technical and procedural issues, towards horizontal EU policy subjects. This is perhaps a reason for the fact that in some recent meetings of COSAC some differences have arisen between the EP and NPs, particularly as regards the debates on the amendments of the rules of procedure of COSAC and the proposals for the next Multiannual Financial Framework.²¹

The Steering Group recalls that in its Resolution on the relations with national Parliaments under the new Treaty, the European Parliament expressed its desire for COSAC to remain principally a forum for the exchange of information and debate on general political issues and best practices with regard to the scrutiny of national governments. The Steering Group observes further that the European Parliament remains committed to continue its constructive participation in COSAC, which extends to providing technical support to its secretariat. It also welcomes the fact that

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¹⁵ See Guidelines for Inter-Parliamentary Cooperation in the EU, adopted on 21 June 2008 by the EU Speakers' Conference in Lisbon.

¹⁶ Pursuant to Article 3.2 of the Rules of Procedure of COSAC Parliaments of candidate countries are invited to COSAC meetings as observers

¹⁷ Protocol No 1 to the Treaty of Lisbon, Article 10. COSAC is the only form of interparliamentary cooperation explicitly referred to in the Treaties.

¹⁸ This meeting is attended by the Chairs of the European Affairs committees of national Parliaments and representatives of the European Parliament and prepares the COSAC Plenary meeting.

¹⁹ This meeting is attended by the different delegations, each consisting of six members. The European Parliament is represented in COSAC's meetings by one of its Vice-Presidents who is responsible for relations with national parliaments and the Chair of the Constitutional Affairs Committee, as co-Heads of the EP delegation, and other four Members chosen according to the subjects on the agenda and selected on the basis of the rolling D'Hondt system according to the EP overall political balance.

²⁰ Protocol No 1 of the Treaty of Lisbon, Article 10.

²¹ See the COSAC meetings in Budapest, 29-31 May 2011, and Warsaw, 2-4 October 2011.

²² European Parliament, n. 3, point 21.

²³ European Parliament, n. 3, point 22.

Parliament is actively involved in the agenda of the COSAC meetings and in the biannual reports adopted by the Conference.

b) <u>EU Speakers' Conference</u>

The EU Speakers' Conference (formally known as 'the Conference of the Speakers of the Parliaments of the EU') brings together the Speakers of the national Parliaments and the European Parliament. It provides a forum for the exchange of opinions, information and experiences on topics related to the role of Parliaments and the organisation of parliamentary functions, as well as for the promotion of research activities and common action.²⁴ The Conference also oversees the coordination of interparliamentary activities in the EU and, to this end, it has issued a number of guidelines.²⁵

Over the course of its history the aims and tasks of the Conference were developed and elaborated and are now set out in the form of guidelines as most recently revised in Stockholm in May 2010. The range of issues dealt by the Conference has also evolved. In the period leading to the ratification of the Treaty of Lisbon, the Treaty itself formed a principal issue on the agenda. More recently, the Conference has been looking at other important issues, including the setting up of a scrutiny mechanism for the Union's CFSP/CSDP and cooperation in the field of economic and fiscal coordination (the process known as the 'European Semester'). These two subjects will be discussed in more detail at the last part of this report.

A further subject recently dealt by the Conference concerns the parliamentary scrutiny of Europol, an issue which is explicitly referred to by Article 88 TFEU. At the Conference in Stockholm in 2010 and, more recently, at the Brussels Conference in 2011, the Speakers agreed on the need for scrutiny of Europol which "should be exerted by an interparliamentary body within which representatives of the national Parliaments and the European Parliament would meet on a regular basis". ²⁶ In order to limit costs it was suggested that the EP Committee on Civil Liberties (LIBE) could organise regular meetings on Europol with the corresponding committees of the NPs. The Steering Group welcomes the fact that responding to the Speakers' conclusions LIBE has organised so far two annual interparliamentary meetings on the issue with the intention of holding a new meeting next year.

The Steering Group observes that, overall, the EU Speakers' Conference has contributed to the development of innovative frameworks on a range of issues and that it remains a useful political forum. It also enables participants to have useful informal

²⁴ It may be added that the EU Speakers' Conference is preceded by a meeting of the Secretaries-General of the EU Parliaments (two-three months before the annual meeting), who prepare the agenda for the Speakers. The Secretaries-General also settle a number of practical issues arising from interparliamentary cooperation (especially IPEX).

²⁵ See Guidelines for Inter-Parliamentary Cooperation in the European Union, adopted in Lisbon, June 2008

²⁶ Presidency conclusions of the Conference of the Speakers of the Parliaments of the EU, Brussels, 4-5 April 2011, point 12.

sessions on sensitive issues, like on the impact of the financial crisis on Parliaments' budgets. At the same time, differences in the mandates of the participating Speakers can limit the Conference's ability to take formal political decisions.

2.2 Meetings held jointly with the national Parliament of the Presidency of the Council of the European Union

Joint committee meetings and joint parliamentary meetings are organised jointly between the European Parliament and the Parliament of the Member State holding the Presidency of the Council of the European Union. They are based on the principle of partnership and aim, *inter alia*, to offer visibility to the co-organising national Parliament. They are co-chaired by, respectively, the Speakers (for the JPMs) and the Chairpersons of the corresponding committees (for the JCMs) of the EP and the co-organising NP. The term "joint" means additionally that the choice of topics, speakers, agenda, documentation, audiovisual and media tools are all devised and agreed upon by the EP together with the co-organising NP.

a) <u>Joint committee meetings</u>

Joint committee meetings (JCMs) bring together MPs and MEPs from corresponding committees to discuss matters of common concern.²⁷ Recent JCMs have dealt with energy supply, the Single Market, education and culture, the future of European agriculture and development cooperation.

Given the need for a coordinated preparation of these meetings, the Steering Group has recommended that as a general rule no more than two JCMs should be organised during each semester. In fact, only two JCMs were organised in 2010-2011 compared to four in the period 2008-2009. In terms of content, the internal survey across EP committees has shown that JCMs allow for an exchange of views on a large scale at an early stage, but also that there is some concern that as such meetings have to be planned and organised a long time in advance, they cannot always contribute effectively to the actual daily work of the EP. The concrete results of these meetings are also sometimes limited. In light of this, the Steering Group suggests that some reflection be given to JCMs, bearing in mind the desire for maintaining events that are organised jointly with the Parliament of the Member State holding the Presidency of the Council of the European Union.

b) <u>Joint parliamentary meetings</u>

Joint parliamentary meetings (JPMs) were introduced in 2005 in the framework of the "EU reflection period". Their objective was to provide a forum for parliamentary dialogue to move the European Union out of the stalemate which followed the rejection of the draft Constitution for Europe. Since the Treaty of Lisbon the focus of JPMs has

²⁷ NPs may each send up to four Members, while the size of the EP delegation depends on the number of MEPs the involved committee has; all the Members of the organising committee may attend.

²⁸ In the period 2005-2008 most JPMs focused on questions related to the development of the European Union: four JPMs were dedicated to the Lisbon Strategy and another four to the various aspects around the theme of the Future of Europe. The EP delegation to a JPM comprises up to 60 MEPs. It is the

shifted to more specific issues, including energy security, the environment and the economy and sustainable growth. It is recalled that, for organisational reasons, the Steering Group has recommended that no more than one JPM should take place per semester.

The Steering Group observes that in the aftermath of the Treaty of Lisbon JPMs have somewhat lost their initial raison d'être. Furthermore, a decline in the rate of participation in these meetings, not least by EP Members, may reflect a decreasing importance in the perception that Members have for these meetings. This is a matter which also relates to the capacity of JPMs to achieve concrete results. The choice of subjects and the format that these meetings take in the future is therefore of paramount importance. In other words, when considering the future organisation of JPMs it is necessary to establish the relevance with current priorities at both the EU and domestic levels as well as to provide a programme, speakers and other modalities (plenary debates, workshops, etc) which can attract participants, contribute to fruitful discussions and help to achieve visible results. It is also important to allow sufficient time for MEPs and NP Members to meet each other within their political families, especially prior to the meeting. As the Steering Group has noted in its October 2010 recommendations, "meetings of the political families should be considered an integral part of joint parliamentary meetings". The organisation of JPMs, but also of the other types of interparliamentary meetings, should therefore take this into account.

2.3 Interparliamentary committee meetings

Interparliamentary committee meetings (ICMs) bring together Members from corresponding committees of the EP and national Parliaments upon the initiative of one or more EP parliamentary committees. ²⁹ These meetings mainly cover the policy areas for which the EU is competent to act on the basis of the ordinary legislative procedure (co-decision). They are often focused on specific legislative topics or important subjects where joint action by the European Parliament and national Parliaments would be particularly useful. Since the entry into force of the Treaty of Lisbon there have been 28 ICMs organised by 14 different parliamentary committees.

The Steering Group observes that the EP committee survey shows that interparliamentary committee meetings have largely succeeded as a tool for promoting an effective form of dialogue. For a start they allow MEPs to meet their fellow Members from national Parliaments who are interested and work on similar subjects. Moreover, committees have underlined the utility of the opportunity for representatives from national Parliaments to submit oral and written input on high-profile legislative files and at an early stage in the procedure, e.g. when doing an own-initiative report. In some cases the meetings also made use of questionnaires to guide the respective contribution and included a session dedicated to the exchange of best practices. Ultimately these meetings contribute to improving the quality of EU legislation and enhance parliamentary scrutiny in line with the general objectives of interparliamentary cooperation. For national Parliaments these

Political Groups that nominate their Members who participate in the meeting (based on the d'Hondt system). NPs may send up to six Members each. Debate during the JPM takes place in the ratio of one Member of the European Parliament per two Members of national Parliaments.

²⁹ National Parliaments may each send up to four Members to an ICM.

meetings also provide the opportunity for parliamentarians to meet and discuss not only with their colleagues in the EP but also with key actors within the EU system, such as the President and Members of the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy and others. This last point is relevant to all interparliamentary meetings.

Yet, there is still room for improvement. There are concerns, for instance, amongst committees that the rather long and complex process which is needed for the preparation of these meetings can impair their timeliness and relevance and reduce enthusiasm for them. There is a discernible preference, in particular when referring to legislative dossiers, for smaller and more flexible meetings involving notably Rapporteurs which are organised in good time and have the capacity to produce tangible results. Notwithstanding this, the Steering Group notes with approval that one of its main recommendations, namely to establish a calendar of interparliamentary activities, has been put in practice. As a result the planning and organisation of interparliamentary meetings has been improved considerably with a positive additional impact on the content of these meetings. The fact that this calendar is established in cooperation with the national Parliament of the Member State holding the EU Presidency helps to avoid the overlapping of interparliamentary activities and is also a good indication of the level of cooperation between the European Parliament and national Parliaments. 30 In general, to maximise their effectiveness, interparliamentary meetings should be conducted mainly at the committee level, principally in the form of ICMs, and should focus on current legislative activities. ³¹ The Steering Group welcomes the fact that since the new Treaty the overall number of interparliamentary meetings at committee level has been increasing, notably through an increase in the number of ICMs. This trend suggests a progress in interparliamentary relations.

The Steering Group observes additionally that some EP committees have indicated that they would like to see the subject of implementation of EU law on the agenda of ICMs. In this respect it may also be recalled that the EP Resolution of May 2009 calls for new forms of pre- and post-legislative dialogue to be developed. A few EP committees, most notably the Committee on Internal Market, have experience with this topic but in general results have been limited as some national Parliaments consider that implementation of EU law in the Member States forms a matter for their governments and does not concern them. As a result, currently, the main point of reference and partner for implementation issues is the European Commission. Committees are active in that respect, for example with oral questions, own-initiative reports, or 'implementation sessions' where the Commission updates committee Members on these post-legislative aspects. However, there is an information gap as regards both the situation in particular Member States and the views of national Parliaments on these issues.

It should be stated that post-legislative dialogue does not only give a picture of the state of implementation of EU law but can also inform future debate on policy and

³⁰ In this respect it should be remembered that the NP of the Member State holding the EU Presidency organises its own meetings. Most frequently these concern meetings of the Chairpersons of corresponding committees.

³¹ See Steering Group Recommendations, n. 10, Introduction and points 1 and 3.

³² European Parliament, n. 3, point 3.

legislation. In this context a possible way forward could be for the matter to be considered by the national Parliaments' European Affairs committees and AFCO, perhaps within the context of COSAC. The prospects for such dialogue could be strengthened by more regular implementation reports by the Commission concerning the policy areas within the committee competences. More generally, looking into the agenda of ICMs another positive trend can be noted in relation to the recommendations of the Steering Group which stressed the need for interparliamentary meetings at committee level to take into account the priorities of the European Union and the state of work in the parliamentary committees. It is essential that this link is maintained not only because of the obvious utility from concentrating activity on current legislative dossiers, but also because this is an issue which affects the rate of participation of both MEPs and Members from NPs in ICMs. Like with other interparliamentary meetings, in general, the perception that Members have about the importance or relevance of the topic plays a role in the rate of participation. At the same time extraneous factors, such as important domestic political developments, also play a role.

Finally, the Steering Group highlights the need for robust parliamentary supervisory mechanisms for the different EU policies and EU agencies, some of which have been set up following the new Treaty. In this vein, an emerging trend in relation to ICMs in particular is that in a number of specific cases these are developed as mechanisms of scrutiny and interparliamentary cooperation following decisions taken at institutionalised fora of cooperation, such as the EU Speakers' Conference. As such these mechanisms are based on existing formats (the ICM) and use available resources, avoiding the need for the creation of new structures. This can be seen for example in relation to the parliamentary scrutiny of Europol and also with respect to the European Semester. What is more, is that these mechanisms in turn give rise to the creation of smaller networks of key actors, like committee Chairs or Rapporteurs, aiming at a more regular dialogue and exchange of information. This development, which is in line with the Group's recommendations of 2010, should be welcomed.

2.4 Bilateral meetings between the EP and national Parliaments

A very common form of inter-parliamentary dialogue is that of bilateral contacts between MEPs and their national counterparts as well as visits of a committee delegation to national Parliaments. This is by far the most widely used means of interparliamentary cooperation. Delegation visits by EP committees to Member States about to take over the Presidency of the Council, in particular, have a strong tradition. The EP committees feel that these visits have proved especially fruitful due to their ability to facilitate the exchange of views on a wide range of subjects, thus serving as a good opportunity to gather ideas and shape committee discourse.

The EP survey across committees has noted that the limited number of participants facilitates a more thorough discussion about concrete issues which are to arise in the months following the meeting, during that particular Member State's holding of the Presidency of the EU Council. These meetings are seen as an efficient tool for sharing information, exchanging views and better explaining national positions in addition to the reasoned opinions provided by national parliaments in writing. Furthermore,

³³ Steering Group on relations with national Parliaments, n. 10, point 1.

committees have drawn attention to the fact that bilateral visits are lighter in terms of procedures and planning than ICMs or JCMs. Given their success, many committees have stated their intention to continue such exchanges and have expressed their preference for this kind of dialogue with national Parliaments.

3. Ancillary and administrative cooperation and tools

Very positive developments can be observed in relation to cooperation at the administrative level and with regard to tools which promote interparliamentary cooperation by facilitating the exchange of information. This section highlights some of the main developments in this area.

3.1 IPEX

IPEX ('Interparliamentary EU Information Exchange') constitutes the main platform for the electronic exchange of information between the Parliaments of the European Union. It was officially launched at the EU Speakers' Conference in Copenhagen in June 2006, following initiatives dating back to 2000. With the help of a significant investment by the European Parliament, IPEX has recently been revamped and now offers a powerful tool for exchanging information between Parliaments.³⁴

The Steering Group considers that this development meets the objectives set in the EP Resolution of May 2009 and the commitment made therein towards supporting IPEX. The new website was successfully launched on 28 June 2011 and since then has more than doubled the number of pages viewed and has increased the number of hits per page. The new website presents substantial enhancements, is faster and offers greater usability, not least with respect to information concerning subsidiarity issues. In the near future IPEX is set to increase further its importance. In its latest meeting the EU Speakers' Conference suggested that a section be added to IPEX for the exchange of information on the European Semester and economic governance. The Speakers expect that this could strengthen the visibility of IPEX by enabling external users to have access to the relevant information. The same time, it should be emphasized that the good functioning of IPEX depends significantly on the input it receives from each Parliament in light of the fact that the network is fed by national correspondents rather than a central body.

3.2 ECPRD

An increasing reliance on the services offered by the ECPRD (the European Centre for Parliamentary Research and Documentation) can also be observed. The Centre, which is responsible for the exchange of information and policy advice through comparative requests, seminars and surveys, consists of 70 parliamentary chambers from 47

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³⁴ IPEX aims to support inter-parliamentary cooperation by providing a platform for electronic exchange of EU-related information between Parliaments. IPEX operates under the auspices of the EU Speakers' Conference and the Secretaries General of European Union Parliaments. It is managed by the IPEX Board of which the European Parliament is a permanent member.

³⁵ *Supra*, n. 25, point 19.

countries (40 from the EU) represented by more than 100 correspondents and deputy correspondents. Since its foundation in 1977 it has produced a commendable output of work benefiting both NPs and the EP.

With regard to our Institution in particular, the Centre's contribution of information to major reform projects and high level working groups of the EP has been substantial. For instance, in 2010 and 2011 the Working Group on the attractiveness of the plenary and the Working Group on a Code of Conduct took profit from contributions from the ECPRD network. Moreover, recent measures to improve the security system and access to the EP buildings have been influenced by the results of respective comparative requests to ECPRD. Additionally, the database of replies of the Centre forms a unique source of information which cannot be found elsewhere (neither in Libraries nor on the Internet or in other databases). The ECPRD has become a model for other projects of inter-parliamentary cooperation worldwide (Africa, Asia and South America). Nonetheless its very success risks becoming a problem since the volume of requests to the Centre has increased to a level beyond which there is a danger of impairing the quality of contributions. The Steering Group recalls that the Centre relies mainly on voluntary commitment.

3.3 The representatives of national Parliaments' administrations

The European Parliament hosts and provides assistance to staff from the various EU Chambers appointed to act as their administrative representatives. 37 Chambers from 25 national Parliaments are currently represented in the EP. The representatives of national Parliaments have established their own system of regular meetings - known as the Monday Morning Meeting (MMM) - during which they exchange information and discuss various issues pertaining to their work. These meetings also form a forum for the development of administrative cooperation with the European Parliament and other EU institutions.

The Steering Group considers that the European Parliament benefits significantly from the administrative cooperation with national Parliaments' representatives. For instance, NP representatives provide to EP officials a valuable source of timely information about important parliamentary and other developments in the various Member States. NP representatives also assist the Directorate for relations with national Parliaments to gather information about the different corresponding parliamentary committees in the EU Parliaments and in the preparation of briefings for the EP President. Since 2010 the NP representatives and the Directorate for relations with national Parliaments are hosted in newly refurbished offices in the same building. This helps to improve the channels of communication. Maintaining a good level of administrative cooperation should be considered as a permanent objective in the field of interparliamentary relations.

3.4 The Directorate for relations with national Parliaments

Interparliamentary cooperation at the political level relies substantially on the assistance it receives from administrative cooperation. Parliament is committed to

furthering this type of cooperation and has a dedicated Directorate which is responsible for relations with national Parliaments. The Directorate facilitates the exchange of information and contacts between the European Parliament and national Parliaments and the co-organisation of the interparliamentary meetings held in the European Parliament (together with the responsible committee secretariats). The Directorate also assists the EP President, the Vice Presidents, the Steering Group on relations with national Parliaments, EP Members and administrative authorities in these areas. Additionally, it represents the EP in the IPEX and the ECPRD networks and is responsible for all administrative matters relating to the presence of the representatives of national Parliaments' administrations in the European Parliament.

As well as frequent contacts with and assistance offered to EP committees and the NP representatives, recent activities of the Directorate include the launch of an on-line database containing all submissions received from national Parliaments in the context of Protocol No. 2 in all available linguistic versions (see the next section). The Directorate will also soon publish on-line a directory of corresponding committees of NPs and the EP. These initiatives will improve significantly the flow of information and the organisation of interparliamentary meetings.

The Directorate also represents the Directorate General for the Presidency in the administrative Group on relations with national Parliaments. This Group has been set up in the summer of 2011 following a joint decision of the Directors General of the EP Directorates General for External Polices, Internal Policies and the Presidency. It involves officials from the three DGs in a concerted effort to improve further their work in relation to a range of administrative aspects which pertain to interparliamentary matters, including the organisation of interparliamentary meetings and the treatment of national Parliaments' submissions in the context of Protocol No 2. The Steering Group welcomes this initiative and looks forward to this improved administrative framework with a view to contributing further to interparliamentary relations.

4. A new legal framework for national Parliaments: Protocol No. 2

One of the principal aspects of the reinforced role given to national Parliaments by the Treaty of Lisbon concerns the establishment of a scrutiny mechanism in respect of proposed EU legislation. Protocol No. 2 of the Lisbon Treaty, on the application of the principles of subsidiarity and proportionality, establishes an early warning mechanism empowering national Parliaments to review proposed legislation falling under the shared competence between the EU and its Member States and to issue 'reasoned opinions' if they consider that a draft EU legislative act does not comply with the principle of subsidiarity. ³⁶ In practice national Parliaments often take the opportunity to communicate their views on matters beyond the issue of subsidiarity, for instance on the political choices made in a draft legislative act, its legal basis or compliance with the principle of proportionality. These submissions are referred to as 'contributions'.

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³⁶ The Protocol establishes two compulsory review procedures for the issuing EU institution where, according to the case, a third or half of all EU Parliaments/Chambers consider that the principle of subsidiarity is not complied with by the draft legislative act.

The Steering Group recalls that the new mechanism can "allow European legislation to be influenced and scrutinised at an early stage and will contribute to better law-making as well as to improved coherence of legislation at EU level". 37 In this respect the Steering Group welcomes the actions taken by Parliament towards the proper implementation of the Protocol, not least in modifying its Rules of Procedure and establishing administrative procedures for the reception and treatment of the various submissions of national Parliaments.

For instance, Committees must now refrain from adopting their Reports before the lapse of the scrutiny period of eight weeks which is provided under Protocol No. 2.³⁸ All reasoned opinions are translated into all the official languages of the EU (except Gaelic and Maltese),³⁹ making the European Parliament the only EU institution which has such a policy. The recently launched on-line database of reasoned opinions and contributions and planned further enhancements to Parliament's IT system also help towards the proper implementation of the Protocol. Moreover, a monthly note on the state of play of Protocol No. 2 is prepared by the Directorate for relations with national parliaments for the attention of the Conference of Committee Chairs during the part sessions in Strasbourg. Additionally, Rapporteurs, and in many cases also shadow Rapporteurs, are now systematically informed of national Parliaments' submissions. On this point and with regard to contributions in particular, feedback from the EP committees suggests that it would be helpful if national Parliaments could provide a short summary of their contributions in English or French, in order to facilitate their consideration by the committees given the fact that automatic translation in the all EU languages only takes place in respect of reasoned opinions.

Since the entry into force of the Lisbon Treaty a total of 209 draft legislative acts have been sent to national Parliaments for examination under the terms of Protocol No. 2. In response, the European Parliament has received a total of 557 submissions from national Parliaments. Of these, 87 are reasoned opinions while the remaining 470 are contributions. 40 These numbers show that national Parliaments have taken their responsibilities seriously and do not consider reaching the threshold for the compulsory review procedures, commonly referred to as "yellow" and "orange card" procedures, as an objective in itself. Rather, even if their contributions often reflect a national perspective, the point to make here is that reasoned opinions are reserved for the more rare cases where national Parliaments genuinely feel that the principle of subsidiarity has been breached. This constructive approach adds credibility to the mechanism and also enables the European Parliament to carry out its own work more effectively.

³⁷ European Parliament n. 3, point 11.

³⁸ Moreover, pursuant to Rule 38a(3), all reasoned opinions are referred to the Committee(s) responsible for the draft legislative act and forwarded for information to the Committee on Legal Affairs. Contributions are solely referred to the Committee(s) responsible for the draft legislative act (Rule 130(4)). The distribution of contributions (as well as Commission replies to the submissions of NPs) to the relevant EP Committees is done by the Directorate for relations with national Parliaments (Legislative Dialogue Unit). Following the launch of the on-line database of NP submissions in the context of Protocol No. 2, any user with access to the EP Intranet can consult these documents.

³⁹ In line with the decision of the Conference of Committee Chairs of December 2010. See PE 439.810rev2. A Committee Chairperson or a Rapporteur may also request the translation of contributions. Where this is done, the principle of equal treatment must be complied with, i.e. all contributions relating to the particular draft legislative act must be translated. 40 As at 20 December 2011.

Yet, by its very nature Protocol No 2 presents some inherent limitations. This is because it concerns draft legislative acts which have already been issued by an EU institution (most frequently the Commission). To maximise the impact of the political and legislative dialogue it is necessary that national Parliaments get involved in the process as early as possible and that they make use of all available means disposed to them. This includes forms of cooperation already discussed in this report, as well as the process known as the 'informal political dialogue', which was launched by the European Commission in 2006 and which involves the transmission by the Commission of all new proposals and consultation papers to national Parliaments. NPs are thus invited to express their views so as to improve policy formulation at the European Union level. Welcoming this initiative the European Parliament has called on national Parliaments to make the opinions available to the European Parliament at the same time these are communicated to the Commission.⁴¹

5. Looking ahead: towards future forms of interparliamentary cooperation

The objectives of interparliamentary cooperation can best be promoted through constant evaluation and amelioration of the different existing forms of cooperation.⁴² New forms of cooperation should also be explored where appropriate.⁴³ The preceding discussion in this report has already pointed out a number of aspects which merit reflection. This final part draws upon recent developments in the field of interparliamentary relations to draw some conclusions as to the future prospects of interparliamentary cooperation.⁴⁴

5.1 Enhanced dialogue at committee level

The establishment of a systematic political dialogue at committee level on important subjects of common concern is a *sine qua non* of interparliamentary cooperation. Constant improvement of the existing forms, such as the ICMs and JCMs, should be a priority. At the same time, the development of new forms of cooperation can enhance efficiency and concentrate activity on specific topics of importance.

To this end the Steering Group has called for the establishment of networks to facilitate the regular exchange of views and information between Chairpersons and/or Rapporteurs and shadow-Rapporteurs of the specialised committees of the NPs and the EP. This form of meetings could provide greater flexibility and could allow participants to look into the various issues in more detail and to concentrate discussion

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⁴¹ European Parliament, n. 3, point 16.

⁴² *Ibid.*, Preamble, par. F.

⁴³ *Ibid.*, point 8.

⁴⁴ The discussion in this section draws on the EP resolution of May 2009 and the recommendations of the Steering Group in October 2010, building on recent developments in the field of interparliamentary cooperation and taking into account the views of the EP committees as these were expressed in the internal survey carried out by the Institution.

⁴⁵ Steering Group on relations with national Parliaments, n. 10, point 2. See also European Parliament, n. 3, point 10.

on more complex or technical provisions. Importantly also, they can help to achieve concrete results.

One way of facilitating such networks in particular and interparliamentary cooperation more generally is through videoconferencing. As stated in the Steering Group's recommendations in October 2010, "videoconferences are an especially apt tool for conducting an ad-hoc dialogue with national parliaments at all levels including exchanges between parliamentary groups and their national counterparts". 46 The Steering Group therefore welcomes developments in this field, noting that the European Parliament has made a firm commitment to developing videoconferencing and has adopted an ICT strategy which specifically targets this matter. 47 An interservices steering committee on videoconferencing for multilingual meetings has been active since late 2010. The steering committee has coordinated a range of actions by Parliament's services including a considerable financial investment for the development of videoconferencing with facilities for simultaneous interpretation to external locations in up to four languages. The project, which is being prepared in close collaboration with a number of national Parliaments, has already seen test meetings in cooperation with the IMCO Committee and the French and German Parliaments.

The results to date have been viewed positively by committee Members and have also allowed a range of technical issues to be resolved. The project plans to proceed with a further series of test meetings and Parliament will then be in a position to offer committees and political groups a fully-fledged videoconferencing service for multilingual meetings. Such a service could prove a valuable tool to facilitate interparliamentary dialogue in a time- and cost-efficient manner. One aspect which has been highlighted is that the organisation of a videoconference is less cumbersome than organising an ICM or a JCM. On the other hand, not all national Parliaments have yet the requisite technical facilities to fully engage in the project. However, insofar as the project is designed as an open system model not linked to specific equipment/technology, national Parliaments have considerable flexibility in how they can accede to the service. It is, nonetheless, desirable that progress at national level is made to enable all Parliaments to participate fully in videoconferences.

The Steering Group notes additionally that the European Parliament has stated that it would welcome "innovations at the level of national Parliaments, such as giving Members of the European Parliament the right to be invited once a year to speak in plenary sittings of national Parliaments, to participate in meetings of European affairs committees on a consultative basis, to take part in meetings of specialised committees whenever they discuss relevant pieces of European Union legislation, or to take part in meetings of the respective political groups on a consultative basis". 48 This form of cooperation, which is underlined by the principle of reciprocity, can enhance dialogue at committee level and improve the channels of communication. It must be observed that despite some established processes along these lines within a few national

⁴⁶ Steering Group on relations with national Parliaments, n. 10, point 8.

⁴⁷ European Parliament, n. 3, point 9.

⁴⁸ European Parliament, n. 3, point 9.

Parliaments, notably the Dutch and German Parliaments, there is a considerable room for improvement in this area.

5.2 Remaining challenges

Whilst respect for each other's prerogatives and responsibilities is paramount at all times, the size and nature of the challenges we are facing today are such as to make interparliamentary cooperation absolutely necessary. Two key subjects of current major importance concern the process of macroeconomic and budgetary coordination known as the 'European Semester' and of the Union's CFSP/CSDP. It is quite plainly the case that without adequate involvement of the EP and the NPs in these areas, both policies will be deprived of their necessary legitimacy and accountability. In this respect, interparliamentary cooperation aiming at a scrutiny mechanism for the CFSP/CSDP and cooperation in the implementation of the European Semester can help towards the effective deployment of these policies in a manner which accords with the principles of democratisation, efficiency and transparency. Current developments in these areas also inform the discussion as to the future prospects of interparliamentary cooperation in these fields and more generally.

CFSP/CSDP

Common Security and Defence Policy has evolved significantly over the last decade with a new EU concept of 'security', the launch of the 'headline goals' to cope with the lack of appropriate capabilities and the development of CSDP civilian and military missions, which have being carried out in difficult and unstable environments (e.g. Afghanistan, Democratic Republic of Congo, Georgia, Somalia). With regard to interparliamentary scrutiny we have to note a paradox: the European Parliament is well informed and enjoys full budgetary powers regarding CSDP *civilian* missions and the administrative costs arising from EU military coordination but has no say whatsoever regarding the deployment of military forces in the context of CSDP *military* missions (nor on their financing). On the contrary, national Parliaments dispose of scrutiny mechanisms to authorise external military missions and to allocate budgetary appropriations, but they are not always well informed on the concept and operational plans in the launching of CSDP action.

Following the entry into force of the Lisbon Treaty, the European Parliament has reinforced its legitimacy and prerogatives in the area of Common Foreign and Security policy. Parliament, notably its Committee on Foreign Affairs, is regularly consulted not only on the main aspects and basic choices of CFSP, as provided by Article 36 of the TUE, but also on individual strategies (as foreseen in the HR's Declaration on political accountability). Furthermore its consent is required in order to conclude international agreements, including agreements relating also to the CFSP, the one exception being agreements relating *solely* to the CFSP.

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⁴⁹ *Cf.* European Parliament: 'Resolution on the development of the common security and defence policy following the entry into force of the Lisbon Treaty', adopted 11 May 2011, (2010/2299(INI)), A7-0166/2011, points 12 and 14.

Against this background, and recognising that an effective democratic oversight of all aspects of the EU CFSP/CSDP would greatly benefit from a close cooperation between the European Parliament and national Parliaments, the Steering Group observes that reaching agreement on a mechanism for this oversight remains a challenge. In the last months we have witnessed lively debates and diverging views on the format of such cooperation, notably in the EU Speakers' Conference. As already mentioned, agreement has been reached on the main principles as regards the monitoring of the CFSP/CSDP. This will be focused on parliamentary scrutiny rather than control of the CFSP/CSDP. The mechanism will have above all an informative function which, on the one hand, should enable the national Parliaments to better scrutinise their own governments with regard to the intergovernmental dimension of the CFSP/CSDP and, on the other, should enable the European Parliament to exercise its functions within the European institutional framework.

Taking into account the specific role and prerogatives of the European Parliament in the area of CFSP/CSDP, Parliament considers that its delegation within the Interparliamentary Conference should be larger than that of national Parliaments. Moreover, the European Parliament takes the view that the agenda of the Conference should be decided jointly by the Parliament of Member State holding the Presidency of the Council of the EU and the European Parliament. Parliament's position on this matter is based on the consideration that interparliamentary cooperation in the area of CFSP/CSDP should be developed in line with Article 9 of Protocol 1 to the Lisbon Treaty which states clearly that the modalities for interparliamentary cooperation must be jointly agreed between the EP and NPs. The European Parliament also believes that meetings should be co-organised by the Secretariat of the Parliament of the Member State holding the Presidency of the Council of the EU and the European Parliament. ⁵⁰

The Steering Group observes that a number of national Parliaments do not share the views of the European Parliament as regards these issues. It nevertheless notes with approval that despite these differences the European Parliament remains committed to strengthening interparliamentary cooperation in the area of CFSP/CSDP, to reinforcing parliamentary influence over the political choices made by the EU and its Member States, and to reaching an agreement on new forms of interparliamentary cooperation in this field. The Steering Group observes that some progress on this matter was made during the last meeting of the Conference of Foreign Affairs Committee Chairpersons (COFACC), in Warsaw on 4 and 5 September 2011. There it was agreed that no new structures (secretariats) or institutional bodies should be created. At the European Parliament level, at the initiative of its Rapporteurs, Elmar Brok and Roberto Gualtieri, the responsible committee (AFET) has been closely involved in this matter by feeding the internal debate about the EP position on the efforts to develop an interparliamentary scrutiny mechanism.

The Steering Group notes finally that in late 2011 the Polish Parliament invited Speakers to indicate their willingness to participate in an interparliamentary conference

⁵¹ *Ibid.*, points 2 and 3.

⁵⁰ European Parliament: 'Resolution of 7 July 2011 on the European Parliament's approach to implementing Articles 9 and 10 of Protocol 1 to the Lisbon Treaty as regards parliamentary cooperation in the field of CFSP/CSDP', P7_TA(2011)0337, point 4.

on CFSP/CSDP.⁵² In his reply, EP President Jerzy Buzek reiterated the positions of the EP Parliament, noting that the EP could prospectively accept the ratio of participation as proposed by the Polish Parliament and expressing his desire for an agreement in the near future.⁵³

European Semester

The continuing economic and monetary crisis has prompted the European Council to agree to a new mechanism of macroeconomic and budgetary coordination and surveillance, known as the European Semester.⁵⁴ The new mechanism was formally adopted by the Council on 7 September 2010. The European Semester introduces a new six-month cycle in economic policy coordination in the European Union that starts in January and finishes in June/July.⁵⁵ It is based on two procedural innovations. The first is a shift in the timing of the budgetary process. National Governments must now submit their Stability or Convergence Programmes before they are discussed by national Parliaments and transposed into national legislation. The aim is to strengthen economic policy coordination across countries by providing *ex ante* guidance.⁵⁶

The second institutional innovation is the alignment of the timing of fiscal and structural reform plans. EU Member States are now asked to submit Stability or Convergence Programmes at the same time as their National Reform Programmes, implying that Member States should pay more attention to complementarities and spillover effects across policy areas.⁵⁷ Overall, the European Semester has two key objectives: to verify the application of budgetary discipline by Member States and to monitor the proper delivery of the 'Europe 2020' strategy by securing the financial means necessary for its implementation.⁵⁸

The involvement of both the European Parliament and national Parliaments in this mechanism is essential, not least in order to ensure respect with the fundamental democratic principles of legitimacy and accountability.⁵⁹ Further, to ensure that this is deployed in a manner which integrates and promotes employment and social objectives with economic ones.⁶⁰ National ownership, another key perquisite to the successful implementation of the mechanism, can only be achieved through adequate involvement of national Parliaments in it.⁶¹ This implies not only greater responsibilities on behalf of national governments and the European Commission *vis-à-vis* national Parliaments

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⁵² Letter sent to President Buzek by the Speakers of the Polish *Sejm* and Senate on 15 November 2011.

⁵³ The proposed ratio is 16 MEPs to 4 MPs plus two substitute MPs per each NP.

⁵⁴ See Conclusions of the European Council meeting in June 2010.

⁵⁵ For a good discussion of the European Semester and of first experiences see European Parliament, DG IPOL, Policy Department A: Briefing Paper: 'How effective and legitimate is the European Semester? Increasing the role of the European Parliament', August 2011.

⁵⁶ *Ibid.*, p. 7.

⁵⁷ Ibid.

⁵⁸ See European Parliament: 'Resolution on the European Semester Policy Coordination', P7_TA(2011)0542, 1st December 2011, Preamble, par. X.

⁵⁹ *Ibid.*, pars. E, F and J.

⁶⁰ Ibid., par. K.

⁶¹ *Ibid*. par. E.

but also the existence of a forum for the exchange of timely information which can improve the scrutiny of parliamentary oversight over the process.

In light of this, the Steering Group welcomes the fact that the European Parliament has taken a very active interest in this new process and has been concentrating its efforts on securing a role in it and on establishing the necessary channels of communication with other EU institutions and national Parliaments. With respect to this latter aspect, the EP committees on Economic and Monetary Affairs and on Budget played an important role in the work that was done in order to lead to the EU Speakers' decision to give support to the organisation of an annual interparliamentary committee meeting on the European Semester. Together with the EP Committee on Employment and Social Policy, they are currently organising this meeting which is scheduled to take place in February 2012.

A greater elaboration of the objectives of this meeting is made in the recently adopted EP resolution on the European Semester policy coordination. 62 This states that the meeting should deal with "defining the scope, method and means of multilevel and multidimensional democratic legitimacy of economic policy". 63 Another objective is to "ensure that the national policies and targets announced in the National Reform Programmes together add up to a level that is sufficiently ambitious to reach the EU 2020 headline targets". 64 The EP resolution emphasises the need for sufficient time for the adoption of national budgets.⁶⁵

The Steering Group further observes that new EP initiatives with respect to interparliamentary cooperation in the field of economic policy coordination do not stop here. The EP resolution announces the intention to organise, as from 2013, two annual regular interparliamentary events to debate matters on this area. 66 The first is intended as a forum at the EP for the competent committees of NPs and of the EP, to include meetings of political groups and the relevant committees as well as a plenary session in which social partners could participate. The idea is for this meeting to form an integral part of the annual interparliamentary committee meeting organised by ECON.

The inspiration for this forum has come from the European financial and budgetary Conference in Brussels in October 2011, which was organised jointly by Parliament, Commission and the Polish Presidency. The aim of the Conference was to launch a wide debate between all political forces in Europe on the future of the EU budget and the financing of policies which are necessary for restoring European competitiveness in line with the "Europe 2020" strategy. The working basis for the Conference was provided by the proposals and analyses made by the European Commission for the Multiannual Financial Framework 2014-2020.

⁶² Ibid., and see European Parliament: 'Report on the European Semester for Economic Policy Coordination', Rapporteur: Pervenche Berès, (2011/2071(INI)), A7-0384/2011.

⁶³ *Ibid.*, n. 62, point 45.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ *Ibid.*, points 46-47.

The Conference, which was attended by Government Ministers, European and national parliamentarians, officials of the EU, social partners and non governmental organisations, has generally been acclaimed as a success, not least for bringing together so many actors to debate an issue of this importance. Its organisational side – involving plenary debates and working group discussions – merits particular attention, given that it is seen as a factor for the Conference's success. This aspect has a notable relevance for interparliamentary meetings like the JPMs and JCMs which can draw on this experience as one example to be considered in reflecting on their future.

More widely, another aspect which can be noted is how various initiatives feed and interact with each other, leading to prospective fora of interparliamentary cooperation with elaborated objectives and format. A further trend which is emerging is the involvement of more key stakeholders, such as social partners and NGOs in at least some of these processes. The Steering Group notes that this reinforces the pluralist character of the process and can enable a more global treatment of the issues in question. At the same time, care must be taken so that the development of fora enabling the participation of a wider range of stakeholders does not endanger the *parliamentary* character of existing fora and of their key role in promoting interparliamentary relations and related objectives.

The second meeting announced in the resolution concerns an annual interparliamentary meeting bringing together the Chairpersons of the committees responsible for the European Semester within NPs and the EP to discuss the Commission's recommendations. The Steering Group notes with approval this prospect which accords with its recommendations to develop regular networks involving key players, such as committee Chairpersons or Rapporteurs, to discuss specific topics. These networks provide an efficient and timely means to promote interparliamentary dialogue and should therefore be explored.

6. Conclusion

As this report has shown, relations between the European Parliament and national Parliaments take multiple forms and are promoted in various fora. In this regard the Steering Group welcomes the overall progress which has been made in respect of a range of issues. At the same time it notes that there is still considerable room for improvement while a number of challenges remain, especially within the present economic and political context. Without exaggerating their magnitude, any differences should be resolved in a spirit of cooperation and with regard to each other's respective rights and obligations. If there is one overarching finding from the examination of the various processes in this report is that new and established forms of cooperation should be integrated in a system reinforcing, complementing and facilitating each other. Considerations regarding efficiency, flexibility, timeliness, relevance and the need for concrete results are paramount.

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⁶⁷ From the Parliament's side this concerns the ECON, EMPL, BUDG, ENVI and ITRE committees.

Maintaining and building on the progress already made can help to strengthen further parliamentary involvement in the decision making process and to achieve proper scrutiny of political choices, transparency and accountability. To put it differently, it can help to maximise the potential offered by the Treaty of Lisbon to both the European Parliament and the national Parliaments. More widely, the development of constructive relations between the European Parliament and its national counterparts is necessary to ensure that common challenges are effectively addressed, that the EU remains close to the citizen and that the objectives set by the Treaty are met. To this end it must be reiterated that "the quality of the relationship between the European Parliament and national Parliaments and the added political value it might generate is ultimately the result of a joint effort". ⁶⁸

⁶⁸ Supra, n. 10, Introductory remarks.

