



Joint Committee on European Union Affairs

COSAC Chairpersons' Meeting

12th – 13th July 2015

Luxembourg

Report of the Delegation

September 2015

Joint Committee on European Union Affairs
Report on attendance at COSAC Chairpersons' Meeting
Luxembourg 12-13 July 2015

1. The meeting of COSAC Chairpersons under the Luxembourgish Presidency took place in Luxembourg on 13th July. The meeting was chaired by Mr Marc Angel, Chairman of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration of the Chamber of Deputies of the Grand Duchy of Luxembourg. The meeting was attended by Vice Chairman, Mr. Séan Kyne, T.D. accompanied by Ms. Fiona Cashin, Policy Adviser to the Committee and Mr. Derek Dignam.
2. The main items discussed at the meeting were procedural and other matters and in particular preparations for the plenary LIV COSAC meeting to be held in Luxembourg on 29th November – 1st December 2015. There were also presentations on 'Priorities of the Luxembourgish Presidency of the Council of the European Union' and 'Strengthening of the political dialogue by introducing a "green card" and 'improvement of the reasoned opinion procedure ("yellow card")'.

The main outputs of the meeting were the agreement of the draft agenda for the LIV COSAC meeting and outline of the 24th Bi-annual Report of COSAC.

3. **Adoption of the agenda of the Meeting of the Chairpersons of COSAC**

The Chair presented the topics and the keynote speakers on the agenda of the meeting of the Chairpersons. The agenda was adopted without amendment.

4. **Priorities of the Luxembourg Presidency of the Council of the European Union**

Keynote speaker: Mr Nicolas Schmit, Minister of Labour, Employment and the Social and Solidarity Economy

Mr Schmit stressed that the motto of the Luxembourg Presidency was Union for its citizens. He stated that the national Parliaments had to play a crucial role and to be more included in the EU decision making process. He added that some perceived the EU as a problem, but, given the right resources, it could be a solution. He mentioned that the EU had to produce proposals in the field of better regulation in close cooperation with the European Parliament and that national Parliaments had a fundamental role to play. He

believed that the new inter institutional agreement between the EU institutions could be reached until the end of the year. He went on to outline the seven objectives and priorities of the Luxembourgish Presidency.

He referred also to the UK referendum. He said that the Luxembourg Presidency would listen carefully to the UK proposals. He emphasised that the *acquis communautaire*¹ could not be jeopardised and that he was convinced that the UK would stay in the EU. Concluding, he said that the Luxembourg Presidency did not have a modest agenda; Europe was going through very difficult times and it was a common task not to put the noble project of Europe in question.

Twenty-one speakers contributed to the debate. For the Houses of the Oireachtas, Vice Chairman Séan Kyne, welcomed the general approach of the Luxembourg Presidency based on outreach and openness, listening to its citizens and supporting enterprises.

5. Procedural issues and miscellaneous matters

Mr Angel briefed the meeting on the results of the Troika meeting. The Troika had discussed the creation of a working group on strengthening the political dialogue by introducing a "green card" and by improving the "yellow card" procedure. He presented the draft agenda of the LIV COSAC which would focus on three topics: a European Agenda on Migration; A Digital Single Market Strategy for Europe; and Enlargement Policy.

He then outlined the 24th Bi-annual Report of COSAC divided in three chapters: the Future of parliamentary scrutiny of EU Affairs; the European agenda for Migration; and Enlargement policy. The outline was approved without amendment. The questionnaire would be sent out by 29 July with a deadline for answers on 14 September 2015.

Procedurally, in relation to Rule 9.5 of the Rules of Procedure of COSAC regarding the co-financing and appointment of the Permanent Member of the COSAC Secretariat. Mr.

¹ The *Acquis Communautaire* is the accumulated body of European Union (EU) law and obligations from 1958 to the present day. It comprises all the EU's treaties and laws (directives, regulations, decisions), declarations and resolutions, international agreements and the judgments of the Court of Justice. It also includes action that EU governments take together in the Area of Freedom, Security and Justice and under the Common Foreign and Security Policy.

Angel indicated that the current agreement would expire by the end of 2015. He informed the meeting of his intention to write to the Chairs of the European Affairs Committee to formally ask Committees asking Parliaments to confirm their intention to extend the current co-financing agreement for two more years. He announced that the letters of intent would be expected by 15 October 2015.

6. Strengthening of the political dialogue by introducing a "green card" and improvement of the reasoned opinion procedure ("yellow card")

Keynote speakers: Mr Paulo Mota Pinto, Chair of the Committee on European Affairs of the Portuguese Assembleia da República, Lord Timothy Boswell, Chair of the European Union Committee of the UK House of Lords, and Mr Frans Timmermans, First Vice-President of the European Commission.

Mr Angel noted that during the LIII COSAC in Riga, a majority of Parliaments expressed their willingness to create a new tool to reinforce the political dialogue by introducing a “green card”, which would also help the national Parliaments to appear in a more positive light, instead of being seen as hindrances to the work at European level. He recalled that the Contributions of that meeting invited the Luxembourg Presidency to set up a working group on strengthening the political dialogue by introducing a “green card” and improving the reasoned opinion procedure (“yellow card”). The intention of the Luxembourg Presidency was to propose to be concise, to discuss at a political level in an efficient working group, that is to say one representative per chamber plus one civil servant, to limit the language regime to French and English and to schedule the meetings taking into account the dates of the COSAC meetings. The working group would also prepare a set of non-binding guidelines on the drafting of reasoned opinions and also possibly of the contributions in the context of political dialogue.

7. Mr. Paulo Mota Pinto, Chair of the Committee on European Affairs of the Portuguese *Assembleia da República*, recalled the evolution of the role of national Parliaments from an initial perspective mainly focused on subsidiarity checks to a broader analysis in which the main question was how national Parliaments could ensure influence in the EU decision-making process. He welcomed the exchange of views on improving the “yellow card” mechanism that had taken place in the past, but underlined that the exercise was not yet conclusive and the establishment of non-binding set of rules of procedure needed to be analysed. However, in order to fulfill the provisions of Article 12 of the Treaty of Lisbon, the “yellow card” could not be the only answer; the participation of national

Parliaments should be built mostly upon the political dialogue. He stressed that national Parliaments were, in their own right, actors in the EU and should play a constructive role by using their prerogatives without using however subsidiarity and the legitimacy of the national Parliaments to undermine European integration.

He acknowledged that political dialogue had no legal framework, but mirrored the expression of a common will of both the national Parliaments and the European Commission, to work together towards better legislation. In his view, the best way to improve the political dialogue was by improving the content of the replies of the European Commission to national Parliaments' contributions, namely by mentioning the impact of the positions; ensuring regular visits of European Commissioners to national Parliaments; creating more opportunities for exchange of views between parliamentary committees and the European Commission; extending the opinions of national Parliaments also to matters of proportionality in the framework of the political dialogue without the same legal effect as reasoned opinions; and by fully respecting the institutional balance of powers foreseen in Article 289 (4) of the Treaty of Lisbon and the role of the European Parliament foreseen in Article 225 TFEU.

8. Lord Timothy Boswell, Chair of the European Union Committee of the UK *House of Lords*, shared the experiences on the pilot “green card” on food waste launched by the UK *House of Lords* and in which several Parliaments agreed to participate. He estimated that the level of support had been excellent, because fourteen Chambers, representing a third of all chambers, agreed to sign the draft “green card”, while the time for endorsing the “green card” was still running. He suggested sending this “green card” to the President of the Commission by the end of July and expressed his hope that the European Commission would take the “green card” for what it was: a genuine attempt to make a constructive proposal, reflecting the views of parliamentarians, and the people they represented, across the EU.

He indicated that one of the lessons to be learnt from this pilot was that not all the parliamentary Chambers had the same constitutional room for manoeuvre and the implementation of this instrument would imply the modification of internal rules in some Member States. If a formal procedure for a “green card” was to be established, some procedural issues needed to be addressed in the long run, for example the question if

formal assent should be given to a “green card” by plenary or by committee. A second problem was the absence of a procedure to deal with differences of opinion or proposed amendments; the question arose as to how amendments could be integrated into the draft “green card”.

He concluded that the “green card” could be a valuable tool which would give national Parliaments a forward gear. He added that democratic control was not only about saying no, but being responsive to the citizens’ needs and acting upon them. He stressed that the aim of the “green card” was not to challenge the role of the European Parliament, which remained crucial, but to help the national Parliaments play a proper part and express their opinion within the framework of the political dialogue and to contribute to a better future for Europe.


9. Mr. Frans Timmermans, First Vice-President of the European Commission for Better Regulation, Inter-institutional Relations, the Rule of Law and the Charter of Fundamental Rights underlined that the new Commission had 160 visits and contacts with national Parliaments and was aiming at continuing this effort. He then highlighted that the reconnection of Europe with its citizens passed through a stronger role of national Parliaments which would bridge the gap between the EU level and how it was perceived by the citizens. He asserted that the age-old traditional dichotomy between the national and the European levels belonged to the past. The Vice-President indicated his wish to close the file on the Inter-institutional Agreement on Better Regulation under the Luxembourg Presidency. He added that Europe needed to be more transparent because it was often blamed for legislation that was actually added on at national level; national governments should not get away with blaming Brussels for everything.

He further stated that the perception in the EU institutions had been that national Parliaments were looking for ways to say "no", however, he acknowledged that the initiative of the “green card” would give national Parliaments the opportunity to say "yes". In his view, the “green card” implied a change of philosophy which he appreciated. Underlining that he was speaking in political terms and not only in purely legal terms, he stressed that the European Commission would try and work constructively with any initiatives that could count on broad support in national Parliaments. He expressed his opinion that national Parliaments and the European Commission could work within the

remit of the existing treaties because there would not be any Treaty changes for this. He stated clearly that the treaties foresaw the exclusive right of initiative for the European Commission, which the Commission would not give up, but, that this would not mean the Commission was not listening to stakeholders. In this regard, he referred to the Commission's relationship with the European Parliament based on the treaties and on the European Parliament's role in giving a clear indication as to where it wanted to go in political terms. On the concrete proposal on food waste, the First Vice-President emphasised that the Commission strongly favoured the introduction of a circular economy, underlining that the EU needed to transform its economy faster than other competitors into a circular economy. The European Commission wanted to create the necessary legal environment to help this transition, of which food waste was an important part. During the debate, 12 speakers took the floor.

10. Concluding the debate, Mr Angel mentioned that the "green" and "yellow" cards would be further discussed within the COSAC working group regarding which he had sent a letter, dated 29 June 2015, to COSAC delegations. He concluded that there was agreement on the aspects referred to in his letter on the working group's composition, scope, frequency of meetings, language regime and secretariat. On the frequency of meetings, he pointed out that, following suggestions in the Troika, his staff would examine the possibility of organising a meeting of the working group earlier, before the COSAC meeting, or whether the meeting could be prepared on administrative level. The Luxembourg Presidency would be taking suggestions made during the debate into consideration and that input from the next Bi-annual Report would be taken up in the proceedings of the working group.

11. The meeting concluded with closing remarks by the Chair.



Dominic Hannigan T.D.
Chairman

24 September 2015.