



Congreso de los Diputados

VIAJE DE UNA DELEGACIÓN DE LAS CORTES GENERALES A LA LIV SESIÓN DE LA COSAC CELEBRADA EN EL GRAN DUCADO DE LUXEMBURGO

Los días 29 y 30 de noviembre y 1 de diciembre se celebró en Luxemburgo (Gran Ducado de Luxemburgo) la LIV reunión plenaria de las Comisiones de Asuntos Europeos de los Parlamentos de la Unión Europea. Dado que tanto el Congreso de los Diputados como el Senado se encontraban disueltos en el momento de celebración de la reunión, en representación de España acudió una delegación de las Cortes Generales compuesta por parlamentarios miembros de la Diputación Permanente de sus respectivas Cámaras que en el momento de la disolución formaban parte de la Comisión Mixta para la Unión Europea. La delegación estuvo compuesta por las siguientes personas:

- Excm.a. Sra. Luz Elena Sanín Naranjo, Senadora del Grupo Parlamentario Popular.
- Excm.a. Sra. María del Mar Moreno Ruíz, Senadora del Grupo Parlamentario Socialista.
- Excmo. Sr. D. Salvador Sedó i Alabart, Senador del Grupo Parlamentario Catalán (CiU).

El programa de la reunión se adjunta como Anexo número 1. La lista de participantes como Anexo número 2.

A las 08:00 horas del día 30 de noviembre los parlamentarios acudieron a la reunión de sus respectivos grupos políticos en el Parlamento Europeo. A las 09:00 horas comenzó la sesión plenaria, que arrancó con un minuto de silencio en solidaridad con las víctimas de los atentados que tuvieron lugar en París el pasado 11 de noviembre.

La sesión comenzó con una intervención del **Sr. Di Bartolomeo**, Presidente de la Cámara de Diputados del Gran Ducado de Luxemburgo. Éste señaló que la Presidencia luxemburguesa del Consejo estuvo siempre orientada a la calidad de vida de las personas, si bien los algunos sucesos que han tenido lugar en los pasados meses han condicionado enormemente el desarrollo de los trabajos. Destacó, en este sentido, los miles de fallecidos en el Mediterráneo que trataban de alcanzar las costas europeas y los atentados terroristas que tuvieron lugar en París. Es preciso, afirmó el Sr. Di Bartolomeo, alcanzar un equilibrio entre la búsqueda de seguridad y la conservación del modelo de apertura y libertades que caracteriza nuestro continente. El orador defendió la solidaridad entre los Estados miembros como instrumento para tratar la crisis de los refugiados que Europa ha sufrido durante los últimos meses.



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El Sr. Di Bartomeo repasó los principales hitos parlamentarios de la Presidencia luxemburguesa, desde la reunión de la conferencia PESC-PESD a la reunión sobre gobernanza económica, que permitió finalmente alcanzar un Reglamento que regule su funcionamiento. La reunión de la COSAC, sin embargo, es el evento más importante de todo el semestre.

El **Sr. Marc Angel**, Presidente de la Comisión de Asuntos Exteriores, Europeos, Defensa, Cooperación e Inmigración de la Cámara de Diputados del Gran Ducado de Luxemburgo, repasó los avances conseguidos por el Grupo de Trabajo sobre la tarjeta amarilla y la tarjeta verde, y confió en que se logren avances similares en el futuro. A continuación recordó que los atentados que tuvieron lugar en París ponen de manifiesto el enorme desafío que Europa tiene por delante para tratar de mantener y desarrollar su modelo de convivencia. No debe en ningún caso confundir la crisis de los migrantes con la crisis terrorista que sufre el continente, ya que las personas que llegan masivamente a nuestras costas huyen precisamente del tipo de terror que hemos sufrido en las pasadas semanas en Francia.

A continuación el Sr. Angel repasó el programa de trabajo de la reunión, señalando que en el mismo aparecen algunas de las cuestiones más importantes que Europa tiene pendientes de resolución para los próximos años. Aunque la lucha contra el terrorismo no aparece en el orden del día, se trata de una materia que sí fue tratada en la conferencia PESC-PESD. Tras dar la bienvenida a los nuevos Presidentes de las Comisiones de Asuntos Europeos presentes en la reunión,

A continuación se pasó a tratar las cuestiones procedimentales. La **Sra. Christiana Fryda** presentó brevemente el vigésimo cuarto informe bianual de la COSAC, que se adjunta como Anexo número 3.

La **Sra. Boagiu**, del Senado de la República de Rumania, señaló que, con independencia de los resultados de los estudios de la tarjeta verde y la tarjeta amarilla, defendió que las conclusiones que alcancemos en reuniones como éstas no deben ser entendidas como vinculantes para los Parlamentos nacionales, ya que se corre el peligro de alejar a la opinión pública.

El **Sr. Kolman**, de la República de Croacia, informó de que a finales de esta semana se constituirá el nuevo Parlamento, y se despidió de la COSAC agradeciendo la ayuda recibida en el proceso de adhesión a la Unión Europea.

Sesión I. Agenda Europea sobre Migración

Parte 1. Política común de asilo y política de migración legal

Tomó la palabra el **Sr. Gaston Stronck**, Director de Relaciones Económicas e Internacionales y Asuntos Europeos del Ministerio de Asuntos Exteriores y Europeos del Gran Ducado de Luxemburgo. Éste señaló que los flujos migratorios



son esencialmente exógenos, y tienen su origen en países como Siria, Libia o Afganistán. El Sr. Stronck realizó un repaso de las obligaciones asumidas por los Estados miembros en relación con la recepción de asilados, y resumió los principales acuerdos alcanzados en las reuniones del Consejo de Asuntos de Justicia e Interior, incluyendo especialmente la creación de “hotspots” de la UE en los Estados que reciben a las personas y el mecanismo de reparto de personas que hayan solicitado la protección internacional.

A juicio del orador, debe encontrarse un equilibrio entre la migración y el retorno, con especial cuidado, en lo concerniente a las políticas de asilo y refugio, a la debida protección de los derechos fundamentales establecida en los diferentes instrumentos de Derecho Internacional vinculantes para los Estados miembros. En este contexto debemos esperar que se produzcan avances a raíz de la presentación en los próximos meses de un nuevo paquete legislativo sobre fronteras, que optimice los recursos disponibles y garantice la seguridad tanto de los solicitantes de asilo como de los ciudadanos europeos.

De acuerdo con el Sr. Stronck, la solución a la crisis migratoria y de refugiados pasa por una política exterior más activa de los Estados de la Unión Europea que tenga como objetivo de mejorar las condiciones existentes en las naciones de origen. De ahí que se hayan sucedido en los pasados meses las reuniones encaminadas a que la Unión se involucre de manera decidida en Oriente Próximo y el norte de África. En relación con la inmigración legal e ilegal, además, las instituciones europeas han adoptado o están en vías de adoptar importantes acuerdos, como el que se producirá en relación con los visados de estudio en los Estados miembros, y que debería aprobarse antes de fin de año.

A continuación, la **Sra. Ferrara**, Miembro de la Comisión de Libertades Civiles, Justicia y Asuntos de Interior del Parlamento Europeo. Ésta comenzó matizando la diferencia entre los solicitantes de asilo y los conocidos como migrantes económicos, pues todos ellos pretenden llegar a Europa en busca de su supervivencia.

La Sra. Ferrara señaló que con el sistema establecido por el Consejo Europeo sólo ha permitido la reubicación de 158 personas hasta el momento. A este ritmo, se tardaría más de 80 años en reubicar a todas las personas que han llegado hasta el momento. Por el contrario, en el hotspot de Lesbos se reciben de media 6.000 personas al día, de modo que los medios de que disponemos para recibir a los solicitantes de asilo están colapsados.

Aunque no existe unanimidad en el Parlamento Europeo, la Sra. Ferrara señaló que son varios los grupos que apuestan por legalizar los mecanismos de llegada tanto de solicitantes de asilo como de los mal llamados emigrantes económicos, ya que se trata de la única forma de combatir las mafias de tráfico de



personas. La Comisión, por su parte, está en fase de elaboración de un informe sobre el Mediterráneo que deberá ser aprobado por el Parlamento. A su entender, este informe puede suponer un importante avance para lograr una posición consensuada entre los Estados miembros en un asunto que tendrá una enorme trascendencia en las próximas décadas.

El **Sr. Jean-Pierre Schrembri**, de la Oficina Europea de Apoyo al Asilo, repasó los principales datos relativos a las solicitudes de protección internacional en 2015. En el año 2015, entre enero y octubre, se recibieron más de un millón de solicitudes, frente a las aproximadamente 600.000 recibidas en 2014. El principal país de origen es Siria, si bien encontramos también un elevado número de personas de Iraq, Afganistán, Albania, Eritrea, Pakistán, Nigeria, Somalia o Gambia.

Cada día llegan a Grecia entre 3.400 o 6.000 personas, si bien sólo hay algunas decenas de solicitudes de asilo a la semana en el país, ya que la mayoría de las personas prefieren solicitar refugio en otros países. Un tercio de los menores no acompañados ha llegado a Suecia, seguida de Austria y Alemania. Éste último país, sin embargo, es el que ha recibido el mayor número de solicitudes de asilo.

Hay más de 900.000 solicitudes de asilo pendientes de resolución, un problema que tiende a agravarse con el tiempo. El funcionamiento de los “hotspots” dista mucho de una situación óptima, ya que no se dispone de los recursos suficientes para garantizar condiciones dignas de vida a las personas que llegan a territorio europeo.

En el turno de intervenciones, tomó la palabra la **Sra. Granlund**, que recordó que nos encontramos ante la peor catástrofe de refugiados desde la Segunda Guerra Mundial. Suecia ha asumido una gran responsabilidad, al haber asumido a más de 140.000 personas de las que 30.000 son menores de edad, una cifra impresionante para un país de 9 millones de habitantes. Si no garantizamos una integración digna, los problemas de seguridad y de otra índole que afrontaremos en el futuro serán mucho peores.

La **Sra. Nachtmannova**, del Parlamento de Eslovaquia, apoyó las medidas propuestas por los anteriores oradores. Sin embargo, desde su Parlamento se han aprobado dictámenes motivados en relación con las últimas propuestas legislativas concernientes a los sistemas de recepción de los refugiados.

El **Sr. Bana**, del Parlamento de Hungría señaló que la política de la Unión Europea ha propiciado la llegada de cientos de miles de personas entre las que, en su opinión, existen algunas vinculadas a grupos terroristas. Defendió acabar con los programas de recepción de inmigrantes.

La **Sra. Graham**, del Parlamento de Noruega, señaló que su país está dispuesto a recibir a 1.500 personas en el sistema de reparto desde los hotspots, y



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ha informado a ACNUR de su voluntad de recibir hasta 8.000 personas procedentes de Siria.

El **Sr. Bizet**, del Senado de Francia, señaló que existe un límite en la capacidad de recepción de refugiados en Europa, y en particular en algunas regiones y municipios. Aunque debe desligarse con claridad la situación de los refugiados de los atentados terroristas, es preciso que trabajemos enérgicamente por corregir la situación en los países de origen.

El **Sr. Canas**, de la Asamblea de la República de Portugal, tras exponer brevemente la situación política de Portugal, anunció que su país cumplirá con los compromisos asumidos en relación con la recepción de refugiados.

La **Sra. Huebner**, del Parlamento Europeo, indicó que la crisis de los refugiados es uno de los desafíos más fundamentales que ha sufrido en las últimas décadas la Unión Europea. Animó a corregir las numerosas deficiencias técnicas que se han detectado en el sistema de recepción de solicitudes de asilo.

La **Sra. Ginetti**, de Italia, pidió una aplicación directa de lo establecido en el Tratado de Lisboa: una política de asilo, refugio y migración común en todos los Estados miembros y establecida desde las instituciones de la Unión Europea.

El **Sr. Kirkilas**, de Lituania, apoyó la posición general sobre la inmigración y la necesidad de aceptar a países de terceros países. Pidió la modificación en profundidad del sistema de “tarjeta azul”. Están a favor de un sistema común de asilo edificado sobre la solidaridad de los Estados miembros.

El **Sr. Grulich**, de la República Checa, apoyó que FRONTEX reciba más recursos, si bien no está de acuerdo con que se convierta en una policía fronteriza de ámbito comunitario. En relación con las cuotas, el Senado checo ha adoptado un dictamen motivado en relación con la propuesta de la Comisión ya que abre la puerta a formaciones políticas extremistas.

El **Sr. Mahoux**, de Bélgica, se solidarizó con las víctimas de los atentados terroristas y condenó la lentitud de los países que se niegan a la reubicación de solicitudes de asilo y refugio. Existe un deber universal de solidaridad que en estos momentos está siendo vulnerado.

El **Sr. Bordo**, de Italia, alertó de que la crisis de los refugiados amenaza con convertirse en un problema estructural de los países más afectados, como Italia y Grecia.

El **Sr. Zammit**, de Malta, señaló que las medidas que hemos adoptado siembre se han acordado en los momentos inmediatamente posteriores a las tragedias que hemos sufrido, de manera que las medidas en vigor tienen un componente de provisionalidad que debemos superar. Es preciso un período de reflexión sobre si queremos ser una sociedad abierta que respete Schengen o si queremos renunciar a las conquistas que hemos alcanzado. Esa reflexión,



finalmente, deberá venir acompañada por un diseño racional y reflexivo de un sistema común de tratamiento de las solicitudes de asilo.

El **Sr. Schennach**, de Austria, defendió la modificación de Dublín y el reforzamiento de la solidaridad entre los Estados miembros, ya que si no salvamos el sistema de Schengen podemos poner en peligro la misma existencia de la Unión Europea.

El **Sr. Van Bommel** reconoció que en su Parlamento existe una fuerte división en torno al tratamiento que dispensar a las solicitudes de asilo. Sólo con soluciones estructurales de los problemas que afectan a Oriente Medio podremos lograr poner fin a la crisis migratoria en el largo plazo.

La **Sra. Pires**, de la Asamblea de la República de Portugal, exigió que se tenga en cuenta que los solicitantes de asilo huyen del mismo terrorismo del que todos queremos protegernos. Exigió mantener abiertas las fronteras entre los Estados miembros y mantener la existencia de corredores humanitarios para los solicitantes de asilo.

El **Sr. Krichbaum**, de Alemania, comenzó mostrando la solidaridad con Francia en estos momentos tan difícil. Esa misma solidaridad debe proyectarse en el tratamiento de los refugiados que se reciben en el continente europeo. Este año Alemania habrá recibido más de un millón de solicitudes de asilo, y afeó a algunos Estados miembros el oponerse al sistema de cuotas.

El **Sr. Charakopoulos**, de Grecia, recordó que los refugiados son las primeras víctimas de los terroristas. Su país ha sido el más afectado de la Unión en la crisis migratoria, de modo que los servicios de recepción de refugiados se encuentran al borde del colapso. Señaló que Turquía debe crear hotspots en sus países, garantizando el traslado directo hasta los países de destino final.

El **Sr. Cash**, del Reino Unido, criticó el sistema de las cuotas obligatorias pues no responde a las demandas de las opiniones públicas de casi ningún Estado miembro. Sólo a través de una enérgica participación en la resolución de los problemas de Oriente Próximo podrá ponerse fin a este problema en el largo plazo.

La **Sra. Kyriakidou**, de Chipre, exigió mayor ambición en la Unión Europea en la búsqueda de una solución compartida a una crisis que está superando a su país. Criticó la actitud de Turquía en la crisis, ya que a su entender ha propiciado el agravamiento de la crisis al desentenderse del crecimiento del Da'esh.

La **Sra. Prashar**, del Reino Unido, apoyó que participemos de manera más activa en la solución de la inestabilidad de Oriente Próximo.

El **Sr. Tararache**, de Rumania, sostuvo que la política común de recepción de las solicitudes de asilo debe ser objeto de una profunda reflexión. Debe diferenciarse, a su juicio, de manera clara el tratamiento que reciben los solicitantes de asilo de los emigrantes económicos.



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El **Sr. Palling**, de Estonia, criticó que se permita que las personas que llegan a Italia y Grecia puedan seguir avanzando hacia otros países de la Unión, ya que ello constituye una vulneración de los principios de Dublín.

El **Sr. Senic**, de Serbia, se mostró comprometido con los valores europeos y anunció que su país colaborará con la Unión Europea en la resolución de la crisis de los refugiados.

El **Sr. Stronck** intervino para congratularse de que las posiciones expresadas responden de manera cercana a las mantenidas por los Estados miembros en las reuniones del Consejo, lo que demuestra que nos encontramos ante un asunto al que todos los países otorgan la importancia que merece.

La **Sra. Ferrara** señaló que los Estados que se esconden en la soberanía o en el mandato de sus ciudadanos para incumplir sus obligaciones con los demás Estados miembros están comportándose de una manera insolidaria que pone en peligro la existencia misma de la Unión.

El **Sr. Schembri** defendió una mayor solidaridad entre los Estados miembros.
Parte 2. Lucha contra la migración irregular y la protección de las fronteras exteriores de la Unión.

El **Sr. Bordo**, Presidente de la Comisión de Asuntos de la Unión Europea de la Cámara de Diputados de Italia, comenzó recordando la importancia de corregir los problemas en los países de origen como mejor instrumento para lograr una solución a la crisis migratoria que sufre la Unión Europea.

Por otra parte, el Sr. Bordo apostó por una mejor coordinación de las fuerzas de seguridad de los Estados miembros como mecanismo para luchar contra el terrorismo. En este sentido, enfatizó la necesidad de concluir a la mayor brevedad las negociaciones sobre el programa de intercambio de información de pasajeros en los vuelos intraeuropeos, ya que puede llegar a ser un instrumento de máxima utilidad.

En relación con el asilo, dio por superado el sistema de Dublín, que no fue diseñado para acoger a un número tan elevado de personas como el que está recibiendo la Unión en estos momentos.

El Contraalmirante **Hervé Bléjean**, Subcomandante de EUNAVFOR MED, tomó la palabra para exponer los esfuerzos que se están llevando a cabo para garantizar la seguridad en los desplazamientos de los migrantes en el Mediterráneo. Hasta ahora han salvado a más de 6.000 migrantes, han arrestado a 43 personas vinculadas a redes delictivas de tráfico de personas y han incautado más de sesenta embarcaciones.



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El objetivo final debe ser el de fortalecer las capacidades de Libia para detener en origen el tránsito irregular de personas, ya que se trata de la única forma de evitar que este problema se cronifique en el Mediterráneo.

El **Sr. Hörcsik**, de Hungría, apostó por tener unas fronteras exteriores impenetrables para salvar el espacio Schengen. Comprometió su país en la tarea de reforzar la protección de las fronteras exteriores y enfatizó la necesidad de que la relocalización de los inmigrantes sea voluntaria para cada Estado.

El **Sr. Bizet**, de Francia, reconoció que Schengen ha sido menos operativo de lo inicialmente previsto, de modo que existen agujeros en nuestra seguridad que debemos corregir. Apostó por reforzar la colaboración con Turquía para frenar los flujos irregulares de migración, modificar el Reglamento de Dublín y crear una política europea de seguridad y defensa digna de tal nombre.

La **Sra. Anitori**, de Italia, indicó que su país ha salvado la vida de miles de personas. Se ha vacunado a más de 100.000 personas y se ha salvado de un ahogamiento seguro a muchos cientos. El Reglamento de Dublín debe ser modernizando y a su juicio falta un enfoque integrado con la política de cooperación y desarrollo.

El **Sr. Trzaskowski** señaló que se debe desincentivar a aquéllos que pretenden entrar irregularmente en Europa y reforzar las fronteras exteriores de la Unión. Enfatizó que es vital identificar a todas las personas que llegan a los “hotspots” de Europa.

El **Sr. Parnis**, de Malta, dijo que es preciso identificar claramente a las personas que llegan a Europa para evitar que entre los inmigrantes o los refugiados lleguen personas que supongan una amenaza para la seguridad de nuestro continente.

El **Sr. Mauro**, de Italia, añadió que no hemos dado cumplimiento a lo acordado en la Declaración de Barcelona. Hemos fallado al continente africano, y hemos pagado las consecuencias. La cuenca del Mediterráneo es un espacio común, y las dos orillas no pueden vivir de espaldas.

La **Sra. Birchall**, de Rumania, se mostró favorable a centrarnos en las causas de los flujos migratorios como mecanismo para prevenir la futura llegada masiva de inmigrantes. Criticó además que su país no sea aceptado como parte de la zona Schengen a pesar de la intensa cooperación que éste ha mantenido con los demás Estados miembros para combatir la inmigración irregular.

La **Sra. Levicar**, de Eslovenia, se preguntó cuál es el problema con permitir un tránsito seguro de los inmigrantes o los refugiados a los países a los que desean llegar, que se han mostrado favorables a recibirlos.

El **Sr. Marques**, de Portugal, recordó que las fronteras exteriores son una responsabilidad compartida, y de ahí que FRONTEX sea un instrumento que debe



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ser reforzado. En el largo plazo, el problema no se resolverá con muros más elevados, sino con una participación más activa en la búsqueda de soluciones a los problemas en los países de origen.

El **Sr. Hampl**, de la República Checa, subrayó la importancia de acelerar la puesta en marcha de la plena operatividad de los hotspots como instrumento para garantizar nuestra seguridad.

La **Sra. Maij**, de Holanda, recordó la necesidad de combatir las redes delictivas que trafican con personas y que se lucran con la desesperación de cientos de miles de personas.

El **Sr. Schennach**, de Austria, recomendó la búsqueda de soluciones compartidas que huyan de las murallas impenetrables, que no existen. No hace tanto tiempo que eran los europeos los que buscaban refugio en otros países, lo que debe recordarnos la importancia del desafío que afrontamos.

La **Sra. Sanín**, del Senado español, indicó que la solidaridad con los países de origen y tránsito deben ser los ejes de nuestra política migratoria. España ha sido, por otra parte, enormemente solidaria a lo largo de esta crisis, triplicando el gasto empleado en la protección de las rutas marítimas y ofreciendo la puesta a disposición de los países más afectados de medios que permitan aliviar su situación. Además, el nuestro será el tercer país que más refugiados acoja a través de los mecanismos de reparto. La Sra Sanín, además, recordó que debemos coordinar esta política con la labor de las fuerzas y cuerpos de seguridad para evitar que a causa de nuestra política migratoria o de asilo lleguen a Europa personas que puedan poner en peligro la seguridad del continente.

El **Sr. Lequiller**, de Francia, señaló que España tiene una experiencia interesante. Desarrolla una intensa política de promoción del desarrollo en Senegal y Guinea a cambio de que la Guardia Civil pueda patrullar sus costas y reducir así el impacto de la migración irregular.

El **Sr. Skarphedinsson** recordó la necesidad de mostrar una mayor compasión y un respeto por los derechos humanos de las personas que quieren venir a Europa. Políticas como la reducción del tráfico de armas o el reforzamiento de la política de cooperación.

La **Sra. Karamanli**, de Francia, sugirió una mayor armonización de las legislaciones de los Estados miembros en relación con la política antiterrorista. Lamentó que no se estudie la ampliación de las competencias de la Unión Europea para que participe, a través de Europol, en la lucha contra la delincuencia transnacional.

El **Sr. Kourakis**, de Grecia, cuestionó la diferenciación entre inmigrantes legales e ilegales, ya que todos ellos son personas. Tampoco mostró comprensión por la diferenciación entre refugiados y los inmigrantes económicos. Occidente, a su



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entender, tiene una gran responsabilidad en la situación de pobreza económica que sufren sus países de origen.

El **Sr. Yuksel**, de Bélgica, repasó las actuaciones que el Ejército belga ha desarrollado para contribuir a la seguridad del Mediterráneo y la lucha antiterrorista. Defendió además que debemos combatir las causas que empujan a miles de personas a huir desde países como Libia o Siria.

El **Sr. Bordo** insistió en el rechazo a la equiparación entre inmigración y terrorismo. La deriva populista no puede imponerse en nuestro discurso, porque ello constituiría la mayor victoria de los terroristas. El simple cierre de nuestras fronteras, pues, no servirá en la lucha contra el terrorismo. En cuanto al fenómeno migratorio, indicó que sólo una respuesta unificada de la Unión Europea permitirá canalizar los flujos de personas y facilitar la asimilación de las personas que recibamos en los próximos años.

El **Sr. Bléjean** afirmó que el modelo de cooperación entre España, Senegal y Mauritania es una fuente de inspiración para EUNAVFOR MED, ya que combina la prevención a corto plazo con la solución de las causas de la migración en el largo plazo. La operación, además, debe mantener una permanencia que asegure que dispongamos de los medios suficientes para garantizar las fronteras europeas.

Reunión de los Presidentes de las delegaciones

A partir de las 16:30 tuvo lugar la reunión de los Presidentes de las delegaciones, en la que se alcanzaron acuerdos de compromiso en todos los puntos salvo en lo relativo al párrafo 1.5 de la contribución, relativa al reparto de los refugiados entre los Estados miembros. Se acuerda dejar pendiente la aprobación final tanto de las conclusiones como de la contribución.

Sesión III. Política de ampliación

En primer lugar, tomó la palabra el **Sr. Simon Mordue**, Director de Estrategia y Turquía de la Dirección General de Vecindad de la Comisión Europea. Éste introdujo la cuestión señalando que la política de ampliación tiene unos efectos sumamente beneficiosos para los Estados cercanos a las fronteras de la Unión, ya que incentiva la adopción de mejoras en todos los ámbitos.

El informe relativo a la política ampliación recientemente aprobado contiene unas conclusiones y unas recomendaciones que se espera sigan teniendo vigencia para todo el mandato de la actual Comisión. Ahora la Unión da recomendaciones más claras para los países que aspiran a la adhesión, si bien ya se ha anunciado



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que no se van a producir ampliaciones en los próximos cinco años. Ello es así porque en la evaluación de este año se ha comprobado que los países candidatos todavía tienen importantes reformas pendientes para cumplir con los criterios de incorporación. Permitir que algún país pase a integrarse en la Unión sin estar preparado tiene un coste en el largo plazo que excede con mucho el de demorar en unos años la adhesión, como se ha comprobado en varios Estados.

A continuación el Sr. Mordue repasó las principales conclusiones de los informes relativos al proceso de adhesión de diferentes países. En lo referente a Turquía, señaló que la cumbre celebrada el domingo con dicho país centrada en la crisis de los refugiados demuestra que existe una relación muy cordial. Turquía es el sexto socio comercial más importante de la Unión Europea, lo que demuestra que las relaciones con este país van mucho más allá de la gestión de los flujos migratorios. No obstante, también señaló que existen algunos indicadores preocupantes en el país en cuestiones como la independencia del poder judicial, una menguante libertad de expresión y una creciente espiral de violencia.

En relación con Montenegro, el orador echó en falta la introducción de reformas en relación con la lucha contra la corrupción y el respeto a diversas libertades, y en particular a la libertad de prensa. En el caso de Serbia el principal escollo se encuentra en las relaciones con Kosovo, si bien reconoció que dentro del Consejo existen distintas sensibilidades en torno al tratamiento que otorgar a esta cuestión. En Macedonia, a su entender, existen importantes deficiencias en torno al trato que reciben algunas minorías étnicas que constituyen graves vulneraciones de los derechos fundamentales.

En lo relativo a Albania, el orador advirtió que 2015 no ha sido un año con avances sustanciales. Se echa en falta un reforzamiento del Estado de Derecho en particular en lo relativo a la independencia judicial, respeto a los derechos individuales... En relación con Bosnia-Herzegovina se han producido importantes avances, en particular con la entrada en vigor del acuerdo de asociación con este país. Lo fundamental es que se decida cuándo se va a producir la solicitud de adhesión. Idealmente, señaló el Sr. Mordue, esta solicitud debe suscitar un amplio consenso social que todavía no existe en el país.

Con Kosovo se ha firmado, el pasado 27 de octubre, el acuerdo de estabilización y asociación, el último de los que estaban pendientes en los países de la zona. Se ha creado una Fiscalía especial para la lucha contra la corrupción, un avance notable a raíz de la situación existente. No obstante, el Sr. Mordue advirtió que existe una situación de bloqueo político en lo relativo a las relaciones con Serbia.

El **Sr. Krichbaum**, Presidente de la Comisión para Asuntos de la Unión Europea del Bundestag alemán, tomó la palabra a continuación. Comenzó



Congreso de los Diputados

señalando que la ampliación ha sido hasta ahora una historia de éxito, que tiene mucho que ver con el Premio Nobel recibido hace tres años por la organización. Defendió que todos los países de los Balcanes tengan una perspectiva de integración en los próximos años, si bien advirtió que el ritmo de avance en las negociaciones difiere mucho entre los diferentes países candidatos. El parlamentario confió en que en el primer trimestre de 2016 se van a producir importantes avances en el proceso de adhesión de Montenegro y Serbia.

El Sr. Krichbaum quiso advertir que las exigencias derivadas del proceso de adhesión para los Estados candidatos no se imponen para el beneficio de Alemania, Francia o ningún otro país, sino en beneficio de los mismos países y sus ciudadanos. En este sentido, señaló que considera inaceptable que un país que ya es miembro emplee el poder de veto para la adhesión de un tercero como un mecanismo de presión para la resolución de contenciosos bilaterales, situación que considera que se está produciendo en el caso de Macedonia. La incorporación de este país se encuentra bloqueada desde hace varios años porque un país ha vetado su adhesión debido a un conflicto que nada tiene que ver con el cumplimiento de los requisitos de adhesión.

El Sr. Krichbaum se refirió a que no debemos precipitarnos en el proceso de ampliación. En países como Rumania o Bulgaria la incorporación a la Unión Europea se ha producido probablemente antes de lo deseable, ya que se trata de países que tienen todavía importantes reformas pendientes y una estructura productiva que les impide ser competitivos en el ámbito de la Unión.

En relación con los países del Este, el Sr. Krichbaum advirtió que los acuerdos en vigor actualmente son de Partenariado y Cooperación, no de asociación, y debemos tener cuidado al emplear los términos precisos ya que de lo contrario corremos el peligro de generar unas falsas expectativas de incorporación de estos países a la Unión Europea en los próximos años que no son realistas.

El Sr. Kamal Izidor Shaker, Presidente de la Comisión de Asuntos Europeos del Parlamento de Eslovenia, tomó la palabra para recordar que su país se incorporó a la Unión Europea hace 11 años. Durante estos años, señaló, se ha producido una “fatiga de ampliación” que a su entender tiene mucho que ver con la crisis económica. No obstante, indicó, la política de ampliación es la mejor política exterior de la Unión, ya que permite promover con un elevadísimo nivel de éxito la generalización de reformas políticas y económicas. Se trata de un proceso que fomenta el desarrollo y la calidad de vida de los ciudadanos y que al mismo tiempo refuerza a la Unión Europea, al permitir una ganancia de peso demográfico y económico que le convierte en un actor mucho más relevante en el escenario global.

La Unión Europea, gracias a la ampliación, es un faro de esperanza para un amplio segmento de la opinión pública de los países candidatos. De ahí que no



pueda hablarse de la Unión Europea como un modelo cerrado, sino como un proyecto siempre con perspectivas de crecimiento. Además, la ampliación permite incrementar la seguridad de la Unión, al garantizar que los países vecinos mantienen una actitud amistosa y de cooperación.

El Sr. Shaker recordó que Robert Schuman señaló que Europa no puede ser un bloque geográfico de países que siempre se están contradiciendo, sino que debe constituir una comunidad de Estados que naciones que colaboren y tengan en cuenta el interés común. Ese espíritu, a su entender, es el que debe inspirar la política de ampliación de la Unión Europea hacia sus vecinos.

El **Sr. Bizet**, de Francia, advirtió que tenemos que ser rigurosos en el proceso de ampliación, ya que de lo contrario corremos el peligro de incorporar países que no se encuentran preparados. Además, hemos de tener en cuenta la capacidad de la Unión Europea de absorber nuevos Estados, ya que las ampliaciones no deben alterar de manera sustancial el equilibrio de poderes existentes actualmente en las instituciones europeas.

El **Sr. Horcsik** agradeció que la ampliación esté teniendo un lugar tan destacado en el debate. Su país es defensor del proceso de ampliación basado en una condicionalidad justa y en el debido cumplimiento de los requisitos impuestos para todos los países candidatos. La apertura de negociaciones, además, permitirá facilitar la resolución de problemas de vecindad que en estos momentos existen con algunos Estados.

La **Sra. Birchall**, de Rumania, se mostró favorable a la política de ampliación de la Unión Europea. Apoyó el nuevo paquete normativo de la ampliación y se congratuló de la importancia que otorgamos a la política de ampliación ya que permite mejorar notablemente las relaciones con los países vecinos. Apoyó que se produzcan avances en las negociaciones de adhesión con Turquía, Georgia y Ucrania.

El **Sr. Kolman**, de Croacia, manifestó que su país respalda la política de ampliación, ya que ésta ha permitido alcanzar notables éxitos en los últimos años en los países candidatos. Lamentó que los calendarios fijados, sin embargo, no se hayan cumplido en los pasados años.

El **Sr. Soutour**, de Francia, recordó que la Unión Europea es una unión política y de valores, una perspectiva que a su entender no siempre se ha tenido en cuenta en el proceso de adhesión. No podemos permitir que los avances en materia económica o comercial nos cieguen en las negociaciones, ya que debemos exigir a todos los países candidatos que asuman los valores de la Unión. Puso en duda los avances que se han reconocido en el proceso de adhesión de Turquía, tanto en lo relativo a las prioridades de su política exterior como en el respeto de las libertades que está teniendo en lugar en los últimos meses.



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El **Sr. Barchmann**, de Alemania, señaló que estamos negociando con un elevado número de países pero no hay perspectivas de adhesión inmediatas, de modo que corremos el peligro de generar unas expectativas de incorporación que no son realistas. Es, a su entender, la situación que se ha producido en Turquía, país en el que ha aparecido un resentimiento hacia Europa que puede ser muy perjudicial de cara al futuro.

El **Sr. Canas**, de Portugal, indicó que su país apoya el proceso de ampliación aunque coincide en que no se dan las condiciones para que se produzca una incorporación en el corto o medio plazo. Por ese motivo también advirtió del peligro de generar falsas expectativas de incorporación inmediata, riesgo que a su juicio existe tanto con Turquía como con Serbia.

El **Sr. Vestlund**, de Suecia, recordó que su Parlamento ha respaldado en reiteradas ocasiones el proceso de ampliación. Algunos Estados miembros, sin embargo, lograron la adhesión sin dar cumplimiento al obligado respeto a los derechos fundamentales. Puso el ejemplo al muy deficiente respeto a los derechos del colectivo LGTB, que todavía sufre episodios de discriminación desde los poderes públicos en naciones como Polonia, Lituania o Hungría. Debemos tener cuidado al apresurarnos en las negociaciones, ya que de lo contrario podemos terminar por corromper el mismo proyecto europeo.

El **Sr. Senic**, de Serbia, se mostró optimista en relación con la incorporación de su país a la Unión Europea y agradeció el apoyo que hasta el momento ha recibido de la práctica totalidad de los Estados miembros.

El **Sr. Tessely**, de Hungría, defendió las perspectivas de integración de los países balcánicos, y recordó que su país ha colaborado activamente con varios países candidatos para facilitar el cumplimiento de los requisitos de adhesión.

El **Sr. Boswell**, del Reino Unido, recordó que su Comisión ha informado favorablemente de los pasados informes de ampliación en los últimos años. Indicó que el proceso de adhesión ha tenido efectos muy positivos en los Estados candidatos, si bien debemos ser estrictos en la evaluación del cumplimiento de los requisitos. Los Estados miembros, por otra parte, debemos ser cuidadosos en la apertura y cierre de las negociaciones, ya que de lo contrario podemos generar unas expectativas imposibles de cumplir.

El **Sr. Luykx**, de Bélgica, se mostró más favorable a una profundización que a una ampliación precipitada. La alternativa para Europa es más Europa. En un momento en el que un Estado miembro está debatiendo su salida del proyecto, debemos ser cuidadosos al avanzar apresuradamente en la ampliación. Por último, señaló que Turquía no está en condiciones de cumplir los criterios de Copenhague.

El **Sr. Cash**, del Reino Unido, dijo que es preciso ser realistas al referirnos al debate de la ampliación. La crisis de la migración, a su entender, está deteriorando el clima político en el continente, e indicó que la ampliación puede no contribuir



positivamente a la resolución de este problema. La existencia de más países puede dificultar el proceso de toma de decisiones, e implicar que se imponga a los Estados la adopción de acuerdos en contra de los deseos de sus votantes, lo que en el largo plazo sólo puede debilitar el proyecto europeo.

El **Sr. Marques**, de Portugal, señaló que la de la ampliación ha sido una historia de éxito, aunque no exenta de errores, de los que hemos aprendido. Además, subrayó que en algunos países candidatos el sentimiento europeísta es mayor que en muchos Estados miembros.

La **Sra. Kavvadia**, de Grecia, apoyó la incorporación de Turquía a la Unión Europea porque ello contribuiría a la mejora de las relaciones con este país. No obstante, el éxito de las negociaciones requerirá muchos esfuerzos

Finalmente, se suscitó una cuestión de orden promovida por las delegaciones de Francia y el Reino Unido, que criticaron que el Comisario Europeo de Vecindad y Negociaciones de Ampliación haya delegado su presencia en la reunión en un funcionario de su Departamento. Se acordó por asentimiento que en futuras reuniones de la COSAC se requeriría a los Comisarios su presencia en las reuniones. Por último, los tres oradores principales agradecieron las intervenciones que habían tenido lugar y coincidieron en que la ampliación es una de las cuestiones en las que se decidirá el futuro de la Unión.

Por último, se procedió a la sesión relativa a la adopción de las conclusiones y la contribución. La Presidencia luxemburguesa propuso un texto de compromiso relativo al párrafo 1.5 de la contribución que fue aceptado por todas las delegaciones. La versión final de las conclusiones se adjunta como Anexo número 4. La versión final de la contribución se adjunta como Anexo número 5.

Concluida la sesión, la delegación emprendió su regreso a España.

Palacio del Congreso de los Diputados, 26 de enero de 2016

Fernando Galindo Elola-Olaso
Letrado de las Cortes Generales



Congreso de los Diputados

ANEXO 1

Draft as of 25 November 2015

L I V C O S A C

29 November - 1 December 2015

Luxembourg

DRAFT PROGRAMME

Sunday 29 November 2015

14.00 - 19.00 Arrival of delegations and registration for the meeting at the hotels

Meeting of the Presidential Troika of COSAC

16.30 Departure from the hotels

17.00 - 19.00 Meeting of the Presidential Troika

Venue :
European Convention Center Luxembourg (room D)
L-1499 Luxembourg
4, place de l'Europe

19.00 Departure for the reception

19.15 Departure from the hotels for the reception

19.30 **Reception** hosted by Mr Marc Angel, Chairman of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration, at the Hotel Sofitel Europe
L-2015 Luxembourg, 4, rue du Fort Niedergrunewald

around 21.30 Return to the hotels

Monday 30 November 2015

7.30 Departure from the hotels for participants in meetings of political groups

Registration (for those who are not yet registered)

Meetings of political groups

8.00 - 9.00

Meetings of political groups
European Convention Center Luxembourg
L-1499 Luxembourg, 4, place de l'Europe

Group of the European People's Party (room E)
 Group of the Progressive Alliance of Socialists and Democrats
 in the European Parliament (room B)
 Group of the Alliance of Liberals and Democrats for Europe
 (room D)
 Group of the The Greens / European Free Alliance
 (room workshop 1)

8.15

Departure from the hotels (other participants)

9.00 - 9.30

Opening of the meeting

Welcome address by H. E. Mr Mars Di Bartolomeo, Speaker of the Chamber of Deputies of the Grand Duchy of Luxembourg

Introductory remarks by Mr Marc Angel, Chairman of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration of the Chamber of Deputies

Adoption of the agenda

Procedural issues and miscellaneous matters

- Information on the results of the Presidential Troika of COSAC
- Presentation of the 24th Bi-annual Report of COSAC
- Letters received by the Presidency
- Procedural issues

Debate

9.30 - 13.00

Session I - European Agenda on Migration

Common asylum policy and legal migration policy

Keynote speakers :

Mr Gaston Stronck, Director of the International Economic Relations and European Affairs, Ministry of Foreign and European Affairs

Ms Laura Ferrara, Member of the Civil Liberties, Justice and Home Affairs Committee of the European Parliament

Mr Jean-Pierre Schembri, European Asylum Support Office (EASO)

Debate

11.00 Coffee break

11.30 ***Fight against irregular migration and securing Europe's external borders***

Keynote speakers :

Mr Michele Bordo, Chairman of the Committee on EU policies of the *Camera dei Deputati* of Italy
Rear Admiral Hervé Bléjean, Deputy Commander of EUNAVFOR MED

Debate

13.00 **Family photo**

13.15 **Lunch** at the European Convention Center Luxembourg

13.45	Informal lunch session on the current negotiations on EU reform ahead of the referendum on UK membership (on request of the UK delegation)
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14.45 **Session II - A Digital Single Market Strategy for Europe**

Keynote speakers :

Mr Andrus Ansip, Vice-President of the European Commission for the Digital Single Market
Mr Jean-Paul Zens, Premier Conseiller de Gouvernement, Service des médias et des communications, Ministère d'Etat du Grand-Duché de Luxembourg
Mr Kalle Palling, Chairman of the European Affairs Committee of the *Riigikogu* of Estonia
Ms Angelika Mlinar, Member of the European Parliament

Debate

16.15 End of session

Return by bus to the hotels

16.30 **Meeting of COSAC Chairpersons**

Appointment of the Permanent Member of the COSAC Secretariat for 2016 and 2017

Debate on the Draft Contribution and Draft Conclusions of the LIV COSAC

18.00 Return to the hotels

- 19.45 Departure by bus from the hotels to the Grand Théâtre de la Ville de Luxembourg
L-2525 Luxembourg, 1, rond-point Schuman
- 20.00 **Dinner** hosted by H. E. Mr Mars Di Bartolomeo, Speaker of the Chamber of Deputies
- 22.00 Return to the hotels

Tuesday 1 December 2015

- 8.45 Departure from the hotels
- 9.15 **Session III - Enlargement policy**
- Keynote speakers :
- Mr Simon Mordue, Director « Strategy and Turkey », DG NEAR, European Commission
Mr Kamal Izidor Shaker, Chairman of the Committee on EU Affairs of the *Drzavni zbor* of Slovenia
Mr Gunther Krichbaum, Chairman of the Committee on EU Affairs of the German *Bundestag*
- Debate
- 10.45 Coffee break
- 11.15 **Adoption of the Contribution and Conclusions** of the LIV COSAC
- 12.00 **Lunch** at the European Convention Center Luxembourg
- 14.30 Departure of delegations



Congreso de los Diputados

ANEXO 2

LIV COSAC

29 November – 1 December 2015

Luxembourg

FINAL LIST OF PARTICIPANTS

LIV COSAC

29 novembre – 1^{er} décembre 2015

Luxembourg

LISTE DES PARTICIPANTS FINALE

AUSTRIA – AUTRICHE – ÖSTERREICH

National Council / Conseil national / Nationalrat

Mr / M. Hannes WENINGER, Head of delegation, Deputy Chair of the Standing Subcommittee on European Union Affairs

Mr / M. Wolfgang GERSTL, MP, Member of the Standing Subcommittee on European Union Affairs

Mr / M. Johannes HÜBNER, MP, Member of the Standing Subcommittee on European Union Affairs

Ms / Mme Gabriela MOSER, MP

Federal Council / Conseil fédéral / Bundesrat

Mr / M. Stefan SCHENNACH, MP, Deputy Chair of the Standing Subcommittee on European Union Affairs

Mr / M. Gerhard KOLLER, Official, Head of the European Relations division

Mr / M. Christian HÜTTERER, Official, Permanent Representative of the Austrian Parliament to the EU

BELGIUM – BELGIQUE – BELGIË

House of Representatives / Chambre des représentants / Kamer van volksvertegenwoordigers

Mr / M. Peter LUYKX, MP, Député

Mr / M. Veli YÜKSEL, MP, Député

Mr / M. Carlos DEMEYERE, Official, Premier conseiller

Senate / Sénat / Senaat

Mr / M. Philippe MAHOUX, Head of delegation, Président du Comité d'Avis fédéral chargé des Questions européennes

Mr / M. Tim DE BONDT, Official, Secrétaire de délégation

BULGARIA – BULGARIE – БЪЛГАРИЯ

National Assembly / Assemblée nationale / Narodno sabranie

Ms / Mme Miglena ALEKSANDROVA, MP, Member of Committee on European Affairs and Oversight of the European funds

Mr / M. Vladimir TOSHEV, MP, Member of Committee on European Affairs and Oversight of the European funds

Mr / M. Antoni TRENCHIEV, MP, Member of Committee on European Affairs and Oversight of the European funds

Ms / Mme Lidiya SIMOVA, Official, Chief expert

Ms / Mme Iva YORDANOVA, Official, Junior expert

CROATIA – CROATIE – HRVATSKA

Parliament / Parlement / Hrvatski sabor

Mr / M. Igor KOLMAN, Head of delegation, MP, Deputy Chairman of the European Affairs Committee

Ms / Mme Ingrid ANTICEVIC MARINOVIC, MP, Member of the European Affairs Committee

Ms / Mme Jelena ŠPILJAK, Official, Advisor to the European Affairs Committee

CYPRUS – CHYPRE – ΚΥΠΡΟΣ

House of Representatives / Chambre des représentants / Vouli ton Antiprosopon

Mr / M. Prodromos PRODROMOU, Head of delegation, Deputy Chairman of the House Standing Committee on Foreign and European Affairs

Mr / M. Yiannos LAMARIS, MP, Member of Parliament

Ms / Mme Athina KYRIAKIDOU, MP, Member of the House Standing Committee on Foreign and European Affairs

Mr / M. Fidias SARIKAS, MP, Member of the House Standing Committee on Foreign and European Affairs

Ms / Mme Hara PARLA, Official, Senior International Relations Officer

Ms / Mme Elena STYLIANOU, Official, European Affairs Officer

CZECH REPUBLIC – RÉPUBLIQUE TCHÈQUE – ČESKÁ REPUBLIKA

Chamber of Deputies / Chambre des députés / Poslanecká Sněmovna

Ms / Mme Kristyna ZELIENKOVA, Head of delegation, MP, Vice-chairperson of the Committee on European Affairs

Ms / Mme Helena LANGSADLOVA, MP, Vice-chairperson of the Committee on European Affairs

Ms / Mme Sona MARKOVA, MP, Member of the Committee on European Affairs

Mr / M. Pavel PLOC, MP, Vice-chairman of the Committee on European Affairs

Mr / M. Filip FICNER, Official, Head of the EU Unit

Senate / Sénat / Senát

Mr / M. Václav HAMPL, Head of delegation, Chairman of the Committee on EU Affairs

Mr / M. Tomáš GRULICH, Senator, Member of the Committee on EU Affairs

Mr / M. Jan GRINC, Official, European Union Unit

Mr / M. Jiří KAUTSKÝ, Official, European Union Unit

DENMARK – DANEMARK – DANMARK

Parliament / Parlement / Folketinget

Mr / M. Klaus ANDERSEN, Official, Representative of the Danish Parliament to the EU

ESTONIA – ESTONIE – EESTI

Parliament / Parlement / Riigikogu

Mr / M. Kalle PALLING, Head of delegation, Chairman of the European Union Affairs Committee

Mr / M. Jaak MADISON, MP, Vice-chairman of the European Union Affairs Committee

Mr / M. Mihkel RAUD, MP, Member of the European Union Affairs Committee

Mr / M. Andre SEPP, MP, Member of the European Union Affairs Committee

Ms / Mme Kristi SÕBER, Official, National Parliament Representative based in Brussels

Ms / Mme Siiri SILLAJÕE, Official, General coordinator of EU Presidency

Ms / Mme Teele TAKLAJA, Official, Adviser of the European Union Affairs Committee

FINLAND – FINLANDE – SUOMI

Parliament / Parlement / Eduskunta

Ms / Mme Anne-Mari VIROLAINEN, Head of delegation, MP, Chair of the Grand Committee

Ms / Mme Tytti TUPPURAINEN, MP, Deputy Chair of the Grand Committee

Ms / Mme Sirkka-Liisa ANTTILA, MP, Member of the Grand Committee

Ms / Mme Johanna KARIMÄKI, MP, Member of the Grand Committee

Mr / M. Ville TAVIO, MP, Member of the Grand Committee

Mr / M. Mats LÖFSTRÖM, MP, MP representing the Åland constituency

Mr / M. Peter SARAMO, Official, Head of the Secretariat for EU Affairs, Counsel to the Grand Committee

Ms / Mme Tuija MÄKIPÄÄ, Official, Administrative assistant of the Grand Committee

FRANCE – FRANCE

National Assembly / Assemblée nationale

Ms / Mme Marietta KARAMANLI, Head of delegation, MP, Vice-présidente de la commission des Affaires européennes de l'Assemblée nationale

Mr / M. Philip CORDERY, MP, Membre de la commission des Affaires européennes

Mr / M. Pierre LEQUILLER, MP, Vice-président de la commission des Affaires européennes

Ms / Mme Marion MUSCAT, Official, Administrateur de la commission des Affaires européennes

Senate/ Sénat

Mr / M. Jean BIZET, Head of delegation, Président de la commission des affaires européennes

Mr / M. Yves POZZO DI BORGO, Senator, Vice-président de la commission des affaires européennes

Mr / M. Simon SUTOUR, Senator, Vice-président de la commission des affaires européennes

Mr / M. Philippe DELIVET, Official, Chef du service de la commission des affaires européennes

GERMANY – ALLEMAGNE – DEUTSCHLAND

German Bundestag / Bundestag allemand / Bundestag

Mr / M. Gunther KRICHBAUM, Head of delegation, MP, Chairman of the Committee on the Affairs of the European Union

Mr / M. Heinz-Joachim BARCHMANN, MP, Member of the German Bundestag

Mr / M. Manuel SARRAZIN, MP, Member of Committee on the Affairs of the European Union

Mr / M. Michael STÜBGEN, MP, Committee on the Affairs of the European Union

Ms / Mme Heike BADDENHAUSEN, Official, Secretary of the Committee on the Affairs of the EU

Ms / Mme Franziska GRAUMANN, Official, Staff Secretariat of the Committee on the Affairs of the EU

Federal Council / Conseil fédéral / Bundesrat

Ms / Mme Heike RAAB, MP, Member of the Committee on European Union Questions

Mr / M. Andreas VEIT, Official, Deputy Head of the Secretariat of the Committee on European Union Questions

GREECE – GRÈCE – ΕΛΛΑΔΑ

HELLENIC PARLIAMENT / PARLEMENT HELLÉNIQUE / ΒΟΥΛΗ ΤΩΝ ΕΛΛΗΝΩΝ

Mr / M. Anastasios KOURAKIS, Head of delegation, Président de la Commission des Affaires Européennes

Mr / M. Maximos CHARAKOPOULOS, MP, Membre de la Commission des Affaires Européennes

Ms / Mme Ioanneta KAVVADIA, MP, Vice-président de la Commission des Affaires Européennes

Ms / Mme Eleni KONSTANTINIDOU, Official, Chef de la Division de l'Union Européenne

HUNGARY – HONGRIE – MAGYARORSZÁG

National Assembly / Assemblée nationale / Országgyűlés

Mr / M. Richárd HÖRCSIK, Head of delegation, Chairman of the Committee on European Affairs

Mr / M. Tibor BANA, MP, Vice-Chairman of the Committee on European Affairs

Mr / M. Zoltán TESSELY, MP, Vice-Chairman of the Committee on European Affairs

Ms / Mme Zsuzsanna DÓCZY, Official, Advisor to the Committee on European Affairs

Ms / Mme Zsuzsanna ROSTÁSI-SZABÓ, Official, Head of the EU Department

IRELAND – IRLANDE – ÉIRE

Parliament / Parlement / Houses of the Oireachtas

Mr / M. Dominic HANNIGAN, Head of delegation, Chairman of the Oireachtas Joint Committee on European Union Affairs

Mr / M. Timmy DOOLEY, MP, Member of the Oireachtas Joint Committee on European Union Affairs

Ms / Mme Aideen HAYDEN, Senator, Member of the Oireachtas Joint Committee on European Union Affairs

Mr / M. Derek KEATING, MP, Member of the Oireachtas Joint Committee on European Union Affairs

Ms / Mme Bríd DUNNE, Official, Clerk to the Oireachtas Joint Committee on European Union Affairs

Ms / Mme Fiona CASHIN, Official, Policy Adviser, Oireachtas Joint Committee on European Union Affairs

ITALY – ITALIE – ITALIA

Chamber of Deputies / Chambre des députés / Camera dei Deputati

Mr / M. Michele BORDO, Head of delegation, Chairman - European Union Policy Committee

Mr / M. Stefano CICCIGNANI, Official, EU Affairs Department

Ms / Mme Livia MINERVINI, Official, Head of Secretariat - European Union Policy Committee

Senate / Sénat / Senato

Mr / M. Giovanni MAURO, Head of delegation, Vice President of the EU Policies Committee

Ms / Mme Fabiola ANITORI, Senator, Member of the EU policies Committee

Ms / Mme Nadia GINETTI, Senator, Member of the EU Policies Committee

Mr / M. Davide Alberto CAPUANO, Official, Head of the office of the EU Policies Committee

LATVIA – LETTONIE – LATVIJA

Parliament / Parlement / Saeima

Ms / Mme Nellija KLEINBERGA, MP, Member of the European Affairs Committee

Mr / M. Sarmīte BIŠA, Official, Assistant of MP

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Congreso de los Diputados

ANEXO 3



4 November 2015

**Twenty-fourth Bi-annual Report:
Developments in European Union
Procedures and Practices
Relevant to Parliamentary Scrutiny**

Prepared by the COSAC Secretariat and presented to:

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

29 November-1 December 2015
Luxembourg

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

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Background

This is the Twenty-fourth 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 24th Bi-annual Report was 14 September 2015.

The outline of this Report was adopted by the meeting of the Chairpersons of COSAC, held on 13 July 2015 in Luxembourg.

As a general rule, the Report does not specify all Parliaments or Chambers of which the case is relevant for each point. Instead, illustrative examples are used.

Complete replies, received from 39 out of 41 national Parliaments/Chambers of 28 Member States and the European Parliament, can be found in the Annex on the COSAC website. The Greek *Vouli ton Ellinon*, due to recent elections, and the Slovenian *Državni zbor* did not answer the questionnaire.

Note on Numbers

Of the 28 Member States of the European Union, 15 have a unicameral Parliament and 13 have a bicameral Parliament. Due to this combination of unicameral and bicameral systems, there are 41 national parliamentary Chambers in the 28 Member States of the European Union.

Although they have bicameral systems, the national Parliaments of Austria, Ireland and Spain each submitted a single set of replies to the questionnaire.

ABSTRACT

CHAPTER 1: THE FUTURE OF PARLIAMENTARY SCRUTINY OF EU AFFAIRS

The first chapter of the 24th Bi-annual Report of COSAC, building on previous Reports, explores how to strengthen the role of national Parliaments in the EU decision-making process by improving the "yellow card" procedure and by introducing a "green card" (enhanced political dialogue). In this context, the Report, firstly, gives an overview of the positions regarding the scope and procedural framework of the "green card", while ensuring its compliance with the existing Treaty provisions and with the inter-institutional balance of powers. Secondly, building on the Contribution of the LIII COSAC which noted that a majority of Parliaments/Chambers were in favour of issuing a voluntary, non-binding set of best practices and guidelines, it collects Parliaments'/Chambers' views on the areas that these informal guidelines should cover and presents best practices.

Since the publication of the 23rd Bi-annual Report of COSAC, some Parliaments/Chambers indicated that they had adopted an official position or intended to do so in the near future. On the scope of the "green card", the 24th Bi-annual Report shows that the views expressed on favoured two options; there was unanimous support among those responding to include "suggestions for new legislation" and support by an overwhelming majority of those responding to include "suggestions to amend existing legislation".

A vast majority of the responding Parliaments/Chambers declared that it was not necessary to amend existing legislation or rules of procedure to participate in a "green card" (enhanced political dialogue), while some Parliaments/Chambers specified that they wanted to wait until the "green card" had become more precise.

Regarding the scope and procedural framework of a proposed "green card", the majority of the respondents supported the introduction of a minimum threshold and the suggestion that that threshold should always be the same, but only few indicated whether this threshold should be established at one third or at one quarter. Furthermore, in case a minimum threshold was fixed but not reached, a majority suggested that the text could still be sent to the European Commission by the participating the Parliaments/Chambers as a joint text without considering it as a "green card".

A vast majority of the responding Parliaments/Chambers supported the introduction of a deadline to participate in a "green card", but only about half mentioned that the deadline should be the same for every green card or that the deadline should be fixed by the initiating Parliament/Chamber when launching an initiative.

A majority of those responding indicated that a specific timeframe should be introduced for concluding the process of a "green card", and half of them specified that this timeframe should be the same for every "green card" between 16 weeks and six months. Almost all the respondents were of the opinion that it should be possible to suggest amendments to the initial text prepared by the initiating Parliament/Chamber and that these amendments should be introduced within a deadline decided by the initiating Parliament/Chamber. Half of the Parliaments also expressed the view that the initiating Parliament/Chamber alone should decide whether to accept the amendments and circulate an amended text afterwards.

The vast majority of the respondents stated that it should be allowed to withdraw from a "green card" at any stage. A small majority of the respondents indicated that they were in favour of drafting a "green card" according to a set form. A majority of respondents stated that consultations among interested Parliaments/Chambers should take place according to the initiating Parliament's/Chamber's choice, while some respondents supported consultation via e-mail or among the representatives of national Parliaments in Brussels or in cluster meetings at political level in the initiating Parliament's/Chamber's premises or via videoconferencing.

Regarding the "yellow card" procedure, a vast majority of the responding Parliaments/Chambers considered that it needed improvement without Treaty change. The respondents' proposals covered several aspects. The most mentioned element concerned the improvement of the European Commission's reply to Reasoned Opinions, followed by an adjustment of the current 8-week deadline to issue such a Reasoned Opinion. Other possible improvements referred to the justification of the proposal by the European Commission with regard to subsidiarity, as well as to the communication, exchange of information and coordination of national Parliaments' on issuing a "yellow card".

Just less than one fourth of the responding Parliaments/Chambers indicated that they had established criteria for deciding whether the principle of subsidiarity had been breached and even less had defined criteria for separating the principle of subsidiarity from the principle of proportionality.

More than half of the respondents drafted Reasoned Opinions according to an internal set form, but, according to the findings, in most cases an internal set form and a fixed format/template for a Reasoned Opinion could not be distinguished from each other. When Parliaments/Chambers used some kind of form/format, there was room for flexibility on how it was used.

On best practices highlighted by Parliaments/Chambers, it is noted that none of the practices were mentioned by a majority of the respondents. Those highlighted included, among others, the practice to clearly indicate the text was a Reasoned Opinion, to include a clear motivation of the violation, to include scrutiny also of the principle of proportionality, as well as to use other actors' input.

Nonetheless, the responding Parliaments/Chambers expressed almost unanimously that the legislative proposal to which the Reasoned Opinion refers to, as well as a clear indication that a text is a reasoned opinion should be included in a Reasoned Opinion. A translation in English of the Reasoned Opinion or a summary in English, a summary of the argumentation, the legal basis, as well as the motivation were also supported by a majority of the responding Parliaments/Chambers.

A vast majority of the respondents expressed the view that the mid-December to New Year break should be excluded from the 8-week deadline provided by the treaties for a subsidiarity check, while a majority stated that the recess periods in the EU institutions should be excluded as well. According to a majority of Parliaments/Chambers, it was the European Commission that should define/announce annually the exact dates of periods excluded from the 8-week period.

CHAPTER 2: A EUROPEAN AGENDA ON MIGRATION

The second Chapter of the 24th Bi-annual Report of COSAC on European Agenda on Migration focuses on Parliaments'/Chambers' discussions on the European Commission's Communication "A European Agenda on Migration" and also presents an overview on the preventive measures that should be taken and put in place to avoid further humanitarian tragedies in the Mediterranean. The Chapter highlights Parliaments'/Chambers' views on the immediate actions proposed by the European Commission, i.e. the temporary European relocation scheme for asylum seekers who are in clear need of international protection and the resettlement scheme of migrants from third countries to EU Member States.

It also focuses on the new policy on legal migration in relation to the demographic challenges most EU countries are facing resulting in shortages of specific skills, which aims at attracting new talents and also casts light on Parliaments'/Chambers' views on the European common asylum system, and on the best practices of Parliaments'/Chambers in the application of the asylum rules.

According to the findings of the Report, the vast majority of the responding Parliaments'/Chambers had discussed the Communication "A European Agenda on Migration" in a committee meeting and in plenary, while a few were planning to hold a discussion in the near future.

On the preventive measures, according to the findings of this Report, the majority of the Parliaments'/Chambers had a discussion on the matter in a committee meeting and/or in plenary, while a few intended to hold a discussion.

Several Parliaments'/Chambers stressed the need to enforce the fight against illegal migration, human smuggling and trafficking, to solve the problems in the countries of origin, as well as to have better cooperation both with the countries of origin and the transit countries. Some others highlighted the need for better protection and management of the EU external border and for strengthening the work of the EU agencies, such as FRONTEX, EUROPOL, and EUROJUST.

According to the findings of the Report, the vast majority of the Parliaments /Chambers had discussed the actions proposed by the European Commission concerning a relocation system to distribute those in clear need of international protection within the EU either in a plenary session or in a committee meeting, some Parliaments'/Chambers had issued opinions on the actions, while some had not yet discussed the proposed actions. A different approach is seen in the discussion on the target of 20.000 resettlement places for the EU per year by the 2020, which had been discussed by less than half of the respondents in committee meetings, while only by some in the plenary; only one Parliament/Chamber communicated that it had issued an opinion on the issue.

The Report indicates that Parliaments'/Chambers' views vary on the voluntary versus compulsory participation of the Member States both in the relocation of the asylum seekers and migrants, as well as on the future targets of the resettlement.

The actions proposed by the European Commission on legal migration had been discussed by almost half of the responding Parliaments'/Chambers in a committee meeting, and only in

three cases in a plenary session. No Parliament/Chamber had issued an opinion. All the different actions proposed by the European Commission had been discussed by the Parliaments/Chambers.

The discussions concentrated on some of the mentioned actions more than on others. The action on "An EU-wide scheme for highly qualified third-country nationals", and the action "A modernisation of European visa policy" had been discussed by almost half of the responding Parliaments/Chambers. Only the European Parliament had discussed all of the mentioned actions.

The Parliaments/Chambers which expressed their views on the question of legal migration tended to highlight the importance of effectively managing it. Some of the Parliaments/Chambers stressed the need for further legal avenues for migration and safe entry options for those seeking asylum.

More than half of the responding Parliaments/Chambers had discussed the Common Asylum System either in plenary or in a committee meeting. In this context, the two actions which had been debated by the largest number of Parliaments/Chambers were the "Application of the Dublin system" and the "Implementation of the Common European Asylum system" both debated by the majority of the responding Parliaments/Chambers.

Some of the Parliaments/Chambers submitted concrete proposals in the framework of their debates like the creation of a standard, shared database for better managing the asylum applications and resettlement operations, the establishment of a sorting system to allow moving the migrants to their country of choice for the assessment of their asylum application.

Certain replies reflect different evaluations of the Dublin Regulation by Parliaments/Chambers; among others, one respondent called for an ambitious reform of the entire Regulation and another overtly called for the Regulation's repeal as far as the principle of the first port of entry was concerned.

CHAPTER 3: ENLARGEMENT POLICY

The third Chapter of the 24th Bi-annual Report of COSAC on enlargement policy focuses on the Political Guidelines for the next European Commission, especially President Juncker's announcement that ongoing negotiations would continue, and notably that the Western Balkans would need to keep a European perspective, but that no further enlargement would take place over the next five years.

Almost half of the responding Parliaments/Chambers had not analysed the European Commission's Political Guidelines, particularly the idea that no further enlargement should take place over the next five years, while less than half had discussed the topic in a committee meeting.

A number of Parliaments/Chambers presented their views on enlargement in general, as well as on the Commission's announcement, while some had not reached a common position. Nevertheless, a number of those stating that no common position had been reached outlined their views. The Report shows that Parliaments'/Chambers' views vary and focus on different aspects of the enlargement policy; in general terms though, the enlargement process was

largely supported among the respondents as promoting peace, democracy, security and prosperity in Europe, while the importance of economic, administrative and legal reforms in the candidate countries and aspirant countries was notably highlighted in some cases. Conditionality and a merit-based approach were expressly underlined in a few cases.

The Report also shows that the European Commission's approach had overall neither changed Parliaments' view on the enlargement policy nor had an impact on the procedures put in place by Parliaments in relation to Monitoring Reports/Annual progress reports or the overall scrutiny on enlargement policy. A few Parliaments/Chambers made reference to their intention to follow their usual procedures on the monitoring of the progress reports.

In addition, according to the Report's findings, in most cases there had not been notable developments or modifications in Parliaments' practice of oversight of the accession negotiations since the 19th Bi-annual Report drafted under the Irish Presidency.

CHAPTER 1: THE FUTURE OF PARLIAMENTARY SCRUTINY OF EU AFFAIRS

The first Chapter of the 24th Bi-annual Report of COSAC builds upon the 21st, 22nd, 23rd Bi-annual Reports and the Contribution of the LIII COSAC adopted in Riga. It focuses on how to strengthen the role of national Parliaments in the European decision-making process by introducing a "green card" (enhanced political dialogue) and by improving the "yellow card" procedure.

Section 1 continues the discussion of the 23rd Bi-annual Report on the "green card" (enhanced political dialogue) aiming at complementing the information given by Parliaments/Chambers about their positions and views regarding the scope and procedural framework of the "green card", while ensuring its compliance with the existing Treaty provisions and with the inter-institutional balance of powers.

Section 2 explores whether the "yellow card" procedure should be improved. Taking into account the finding that a majority of Parliaments/Chambers are in favour of issuing a voluntary, non-binding set of best practices and guidelines regarding the subsidiarity check documented in the Contribution of the LIII COSAC, it presents Parliaments'/Chambers' views on the elaboration of such informal guidelines and the best practices that could form the basis of such work.

Section 1: Scope and procedural framework of the "green card" (enhanced political dialogue)

i. Official position on the "green card" (enhanced political dialogue)

Since the publication of the 23rd Bi-annual Report of COSAC, in which six Parliaments/Chambers¹, indicated that they had adopted an official position², another seven Parliaments/Chambers communicated they had adopted an official position concerning their participation in the "green card"³. These⁴ indicated that they either adopted an official position or implicitly approved the "green card" when they decided to co-sign the letter of the UK *House of Lords'* European Union Committee initiative on food waste, which had collected 16 signatures and was sent to the President of the European Commission on 22 July 2015.

The Maltese *Kamra tad-Deputati* added that it viewed the enhancement of political dialogue by way of the "green card" initiative as a major step forward for a more positive and stronger role of national Parliaments in the EU. On this occasion, the Chair of the European Affairs Committee of the French *Assemblée nationale* underlined that the capacity to take initiatives was in line with the general aim of the committee, consisting in making positive proposals

¹ Lithuanian *Seimas*, Cyprus *Vouli ton Antiprosopon*, Czech *Senát*, Dutch *Tweede Kamer*, Danish *Folketing* and Italian *Camera dei deputati*.

² The Parliamentary Group of AKEL- Left - New Forces represented in the Cyprus *Vouli ton Antiprosopon* reiterated its position that an amendment to the TFEU constituted a prerequisite in order to establish the right of Parliaments to the legislative initiative.

³ Throughout the text, for a better readability, ' "green card" (enhanced political dialogue) ' will be abbreviated as "green card".

⁴ The Maltese *Kamra tad-Deputati*, the French *Assemblée nationale*, the Croatian *Hrvatski sabor*, the Belgian *Chambre des représentants*, the Italian *Senato della Repubblica*, the Dutch *Tweede Kamer* and the Luxembourg *Chamber of Deputies*.

instead of giving priority to a blocking capacity. It was pointed out that the "green card" should not be excessively formalised, concerning the timeframes for example. The Conference of Presidents of the Belgian *Chambre des représentants* decided to adhere to the principle, but to let its participation depend on each specific initiative. The Luxembourg *Chambre des Députés* decided to support the idea of the introduction of a "green card" in July 2015 in a meeting of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration. The Italian *Senato della Repubblica* stated that the "green card", in the general framework of the political dialogue, constituted a useful tool for a constructive involvement of national Parliaments in the EU integration process, in full respect of the institutional balance. The Belgian *Sénat* specified that the procedure could have as objective the introduction on the agenda of the European Commission of a proposal for a legislative act suggesting the introduction of new legislation or for modifying an existing one when one third of national Parliaments asked for it. It also mentioned the importance of foreseeing such a possibility for the European Parliament.

The Dutch *Tweede Kamer* recalled a report it adopted in 2014 in favour of the idea of a "green card", allowing Parliaments to propose new European policies to the European Commission jointly. As to this point, however, it noted that nothing stood in the way of Parliaments making such a proposal now. Together with the Belgian *Chambre des représentants* it indicated that it would like to wait for the results of the Working Group before taking positions on the details of the "green card".

Four out of 13 responding Parliaments/Chambers⁵ indicated their intention to adopt an official position in the near future. The French *Sénat* added that it would come back to this question in the framework of the discussions on the "Better lawmaking" proposals. After its decision in June 2015 not to support the initiative on food waste in June 2015, the German *Bundesrat* decided not to support the initiative on food waste because, as it had not yet adopted an opinion on this, it decided that the idea of introducing a "green card" should be addressed by the Conference of Ministers of European Affairs of the Federal States.

The Irish *Houses of the Oireachtas* responded that, even if it had not adopted a formal position, it was supportive of the concept of a "green card". It could provide for structured co-operation within a given timeframe by a number of Parliaments on specific policy areas and it did not purport to be a 'right of initiative'.

The "green card" was seen by the German *Bundestag*, which had no formal position on whether or not to introduce a new and formal procedure, as a possible contribution to an informal dialogue.

Although the UK *House of Lords'* European Union Select Committee had formally endorsed the introduction of a "green card" and agreed to propose a pilot project on food waste, it underlined that the procedure for proposing and co-signing such a proposed card had remained informal, and decisions had been taken by the EU Select Committee, exercising the powers conferred upon it by the *House of Lords*. The House itself would only be invited formally to adopt a position on the "green card" once the procedure was more clearly defined.

⁵ French *Sénat*, Czech *Poslanecká sn movna*, the German *Bundesrat* and Romanian *Camera Deputa ilor*.

The UK *House of Commons* referred to a report debated in March 2015 stating that it looked forward to the European Commission responding to the call of national Parliaments and the European Council to strengthen national parliaments' role in improving EU legislation.

Though the Slovak *Národná rada* and the Portuguese *Assembleia da República* had not adopted any official position, they participated in the food waste initiative. The latter added that it agreed with encouraging greater participation of national Parliaments in the European construction within the scope of enhanced political dialogue, without calling into question the co-legislator's competences or the European Commission's power of initiative.

Whereas the Polish *Sejm* and the Croatian *Hrvatski sabor* indicated that they would return to the question of introducing a "green card" after the upcoming elections, the Irish *Houses of the Oireachtas* indicated that it planned to consider a technical motion on the introduction of a "green card" before the end of the current parliamentary session.

The European Parliament recalled its resolution of 16 April 2014, in which it stressed that proper legitimacy and accountability must be ensured at national and EU level by the national Parliaments and the European Parliament respectively, and recalled the principle, set out in the conclusions of the December 2012 European Council meeting, that "throughout the process, the general objective remains to ensure democratic legitimacy and accountability at the level at which decisions are taken and implemented".

The Swedish *Riksdag* reminded that according to Sweden's constitutional setting, the Government had the primary responsibility for the task of representing Sweden internationally and that it was only within the framework of the subsidiarity check mechanism that the *Riksdag* could, in accordance with the treaties, communicate directly with the European Commission.

Some other Parliaments/Chambers stated that they were going to follow the discussion on the introduction of a "green card" closely and that they would take a formal decision as to their participation at a later stage.

The Finnish *Eduskunta* and the Italian *Camera dei deputati* expressed their doubts concerning the introduction of a "green card". While the first questioned whether the proposal could be lawfully adopted without Treaty change, and was not prepared to take a formal position on this "highly unofficial proposal", the latter stated that the political dialogue should continue to take place following the now well established practice of bilateral exchanges between the European Commission and individual Parliaments, without entering into any kind of collective dialogue between the European Commission and groups of national Parliaments. The Romanian *Senat* underlined the importance of improving cooperation and communication between national Parliaments and the European institutions in the frame of the current treaties, and of fully using the current mechanism before proposing new instruments. The proposals for introducing a "green card" could lead to a debate on the change of the current treaties.

The Dutch *Eerste Kamer* did not support the letter on food waste for various reasons, which included the appropriateness as such of the matter for a "green card" as well as the "green card" as an instrument of political dialogue. It added that the discussions concerning the participation in the "green card" were going on at committee level and would eventually show whether there was political support for a "green card" on another policy subject and as an instrument.

ii. Scope

The respondents unanimously⁶ (23 out of 23) indicated that under the "green card" Parliaments/Chambers should be allowed to make "Suggestions for new legislation". An overwhelming majority (22 out of 24) of the Parliaments/Chambers were in favour of including "Suggestions to amend existing legislation" to the scope of the "green card", with the exception of the Portuguese *Assembleia da República* and the Bulgarian *Narodno sabranie*.

Regarding the scope, the proposal to extend it to "Suggestions to repeal existing legislation" was supported by a majority (19 out of 24).

A small majority of Parliaments/Chambers (11 out of 21) supported that national Parliaments should be allowed to make "Suggestions to amend or repeal delegated or implementing acts".

The Portuguese *Assembleia da República* would like to extend the scope of the "green card" to include "*Suggestions for measures relating to legislative initiatives included in the European Commission Work Programme.*" The Dutch *Tweede Kamer* underlined that "*suggestions for new legislation*" should not amount to the right of initiative to propose EU legislation. The Irish *Houses of the Oireachtas*, the Czech *Senát* and the Latvian *Saeima* proposed that the "green card" could also be used to suggest non-legislative initiatives to the European Commission.

iii. Existing legislation and rules of procedure

Whereas a vast majority of Parliaments/Chambers (22 out of 25) indicated that it was not necessary to amend existing legislation or rules of procedure to participate in a "green card", the Polish *Senat*, the Polish *Sejm* and the UK *House of Commons* replied that a modification of the rules of procedure would be required. The Polish *Senat* added that the participation in a "green card" would even require a change to the Polish Constitution or to the Treaties in order to grant the necessary powers to the *Senat*. Five Parliaments/Chambers (e.g. Luxembourg *Chambre des Députés*, Hungarian *Országgyűlés*) indicated that they did not intend to amend existing legislation or rules of procedure.

Commenting on the possible modification of existing legislation or rules of procedure, two Parliaments/Chambers indicated that they wanted to wait until the "green card" had become more precise. Certain others pointed out that they saw the "green card" as enhanced political dialogue to which the same procedures applied as to the actual political dialogue.

⁶ Only the Green party of the Austrian *Nationalrat* and *Bundesrat* responded to the question on the scope.

The Dutch *Eerste Kamer* replied that political opinions were adopted by the standing committees, while reasoned opinions had to be adopted in plenary. As the adoption of a "green card" would therefore be limited to the standing committees, it suggested not including in the text of a possible "green card" any formulation stating that it reflected the point of view of the Parliaments/Chambers as a whole. In the case of the Committee for European Affairs of the Czech *Poslanecká sn movna* however, the resolutions were deemed to be the statements of the whole Chamber of Deputies and therefore a modification of the rules of procedure was not necessary.

iv. Threshold

A majority (17 out of 21) of the responding Parliaments/Chambers were in favour of setting a minimum threshold of Parliament/Chambers for introducing a "green card"; however, only some responded whether this threshold should be established at one fourth (six Parliaments/Chambers) or at one third (5 Parliaments/Chambers). Some proposed another number, e.g. the Hungarian *Országgy lés* who proposed one fifth or the Romanian *Camera Deputa ilor* who indicated that 80% of the Parliaments would be necessary to launch a "green card". Some Parliaments/Chambers responded that it was not necessary to formalise a fixed number. The Dutch *Tweede Kamer* added that a "green card" gained power when more Parliaments, possibly also the European Parliament, supported it. The amount of support was an important element, but the *Tweede Kamer* had no common position at the moment on how this should operate. According to the Irish *Houses of Oireachtas*, a threshold should demonstrate that there was support/preference for action to be taken and that there was a body of support for the initiative among national Parliaments.

A vast majority of respondents (15 out of 20) underlined that the threshold for launching a "green card" should always be the same. Only a few Parliaments/Chambers⁷ were of the opinion that fixing a threshold should be left to the discretion of the initiating Parliament/Chamber. The French *Sénat* considered that the "green card" should be flexible and of informal nature, so defining a minimum threshold would not be necessary.

In case a minimum threshold was introduced but not reached, a majority of respondents (16 out of 24) suggested that the text could be sent to the European Commission by the participating the Parliaments/Chambers as a joint text without considering it as a "green card". About one third of the respondents considered that the text could be sent to the European Commission by each participating Parliament/Chamber as a political opinion and about one fifth of the respondents expressed the opinion that the initiating Parliament/Chamber should announce the consequences if the threshold was not reached in its initial communication to Parliaments/Chambers. None of the Parliaments/Chambers was of the opinion that the text should not be sent to the European Commission at all.

v. Deadline and timeframe

A vast majority of Parliaments/Chambers supported the introduction of a deadline to participate in a "green card" (20 out of 22), with two Parliament/Chambers⁸ being against it. However, the respondents were almost evenly divided over the question whether the deadline

⁷ Polish *Senat*, Portuguese *Assembleia da República*, Italian *Senato della Repubblica*, German *Bundestag*

⁸ Italian *Senato della Repubblica* and German *Bundestag*

should be the same for every "green card" (10 respondents) or left to the discretion of the initiating Parliament/Chamber to inform Parliaments/Chambers on its choice (nine respondents).

A majority of Parliaments/Chambers indicated that a specific timeframe should be introduced for concluding the process of a "green card" (17 out of 21), with four Parliaments/Chambers⁹ being against. Almost half of the responding Parliaments/Chambers indicated that this timeframe should be the same for every "green card" and should be between 16 weeks and six months (12 out of 25).

The Romanian *Camera Deputa ilor* suggested that the timeframe should be the same for every "green card" and should be between two and three months. The Czech *Senát* added that the timeframe for decisions on the participation in a "green card" should be six months unless the initiating Chamber had important reasons to set a shorter deadline and argued that sufficient time for due consideration of proposals by the national Parliaments was one of the most important features of the process. It also proposed that national Parliaments unable to join a "green card" within the given deadline should, after consulting the initiating Parliament/Chamber, still be able to join it by sending a letter to the European Commission. The Hungarian *Országgyűlés* pointed out that the timeframe should be reasonable.

vi. Amendments

With the exception of one Parliament/Chamber (Slovak *Národná rada*), all the respondents (21 out of 22) were of the opinion that it should be possible to suggest amendments to the initial text prepared by the initiating Parliament/Chamber and that these amendments should be introduced within a deadline decided by the initiating Parliament/Chamber. This deadline should be announced prior to circulating the "green card" in order to inform other Parliaments/Chambers.

The Italian *Senato della Repubblica* and the Irish *Houses of the Oireachtas*, indicated that it should be possible to send amendments at any stage.

Half of the responding Parliaments/Chambers (nine out of 18) stated that the initiating Parliament/Chamber alone should decide whether to accept the amendments and circulate an amended text afterwards. The French *Assemblée nationale* underlined that, for reasons of efficiency and flexibility, the initiating Parliament/Chamber needed to fix a deadline. The UK *House of Lords* pointed to the difficulty the issue raised and argued that, on the one hand, inviting Parliaments/Chambers to amend the text could slow down the process; on the other hand, it would be unfortunate to exclude the possibility of amendments that might improve the substance of the text. For this reason, it suggested a limited timeframe for introducing amendments, with the initiating Parliament deciding whether to accept them; this Parliament/Chamber would then circulate the amended text to all signatories, inviting them to agree/disagree with the amended text, without the possibility of further amendments.

vii. Withdrawal

⁹ Italian *Senato della Repubblica*, French *Assemblée nationale*, Portuguese *Assembleia da República* and German *Bundestag*

A vast majority of the Parliaments/Chambers (20 out of 22) stated that it should be allowed to withdraw from a "green card" at any stage. The Hungarian *Országgyűlés* added that a clear timeframe should be set for the withdrawal. The Irish *Houses of the Oireachtas* underlined that flexibility was required in order to allow the Parliaments/Chambers first to consider the amended text and then to decide whether they still wanted to join the "green card". The Lithuanian *Seimas* proposed ensuring that a participating Parliament/Chamber could only revoke its decision if it disagreed with the proposed amendments. The Latvian *Saeima* suggested that withdrawal from a "green card" should not be possible after its transmission to the European Commission.

viii. Specific form

A small majority of Parliaments/Chambers (12 out of 21) indicated that they were in favour of drafting a "green card" according to a set form. According to a large majority of respondents (12 out of 17), this set form should contain a "summary of the reasons behind the proposed action" as well as "the anticipated benefits". A majority of Parliaments/Chambers (10 out of 17) have stated that a "green card" should include a reference to a legal base and to the preferred type of legislation. Only a few Parliaments/Chambers (four respondents) had given their support to including a deadline for the European Commission's reply to the "green card".

For the Latvian *Saeima*, it was essential that a "green card" contained some substantive elements, while its exact form was of less importance. The Italian *Senato della Repubblica*, the UK *House of Lords* and the Hungarian *Országgyűlés* underlined that there was no need to adopt a set form. The UK *House of Lords* added that there should be guidance, ideally agreed at COSAC level, possibly including the elements listed in the questionnaire. The Dutch *Tweede Kamer* supported a flexible approach and stated that it was up to the initiating Parliament/Chamber to see which parts should be included. It also pointed out that the minimum elements to include could be discussed by the COSAC Working Group¹⁰.

ix. Consultations

A majority of respondents (14 out of 25) stated that consultations among interested Parliaments/Chambers should take place according to the initiating Parliament's/Chamber's choice. Just above one third (nine out of 25) of the Parliaments/Chambers responded that the consultations should take place via e-mail or among the representatives of national Parliaments in Brussels (eight out of 25). Less than a third of the respondents (seven out of 25) would like to see cluster meetings at political level in the initiating Parliament's/Chamber's premises. Only a few Parliaments/Chambers (six out of 25) wanted to organise consultations via videoconference.

The Polish *Senat* and the Maltese *Kamra tad-Deputati* suggested organising consultations among national Parliaments in connection with the COSAC meetings. The UK *House of Lords* underlined that all the options mentioned could be used, whereas the Hungarian

¹⁰ In response to the invitation by the LIII COSAC addressed to 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")" (paragraph 2.13 of the Contribution of the LIII COSAC, the Luxembourg *Chambre des Députés*, established a working group which held its first meeting on 30 October 2015.

Országgyűlés specified that consultations should take place primarily between those MPs and Secretariat staff working on the dossier. The French *Assemblée nationale* added that, if physical meetings were to take place, these should be organised at political level and not among representatives in Brussels and that interpretation should be provided at least into the EU working languages.

Regarding this point and the procedural aspects above (points iv-ix), the Belgian *Sénat* communicated that, before deciding, it wanted to wait for the results of the COSAC Working Group¹¹.

Section 2: "Yellow card" procedure

i. Improvement of the "yellow card" procedure

A majority of the responding Parliaments/Chambers (26 out of 32) considered that the "yellow card" procedure needed improvement without Treaty change.

The improvements proposed could be grouped as follows.

Firstly, the most mentioned (12 Parliaments/Chambers) was that the European Commission should improve its answers to Reasoned Opinion¹² (RO) issued by national Parliaments. The quality as well as the timeliness of the answers by the European Commission should be improved. Secondly, the adjustment of the current 8-week deadline to issue a RO was suggested by nine Parliaments/Chambers. The French *Assemblée nationale*, the Swedish *Riksdag*, the Dutch *Tweede Kamer* and the Czech *Senát* specifically mentioned the possibility to take into account certain recess periods when calculating the deadlines. The Cyprus *Vouli ton Antiprosopon*, suggested that, in cases of proposals of increased complexity, the 8-week period should be extended by at least two weeks.

A less mentioned improvement within the "yellow card" procedure was better coordination (Maltese *Kamra tad-Deputati*, Czech *Poslanecká sněmovna*), cooperation among national Parliaments (Dutch *Tweede Kamer*), inter-institutional cooperation (Bulgarian *Narodno sabranie*), as well as communication (Czech *Poslanecká sněmovna*, Bulgarian *Narodno sabranie*), more information provided by the Commission on a biannual basis to national Parliaments regarding the upcoming legislative proposals falling under the scope of Protocol 2 (Hungarian *Országgyűlés*) and exchange of information among national Parliaments through a consultation forum on IPEX (Romanian *Camera Deputaţilor*). The possibility to establish guidelines/criteria was specifically pointed out by the European Parliament, the Latvian *Saeima*, the Romanian *Camera Deputaţilor* and the Luxembourg *Chambre des Députés*.

The French *Sénat*, the Hungarian *Országgyűlés*, the Swedish *Riksdag* and the Lithuanian *Seimas* underlined the importance of a better justification of the proposal by the European Commission with regard to subsidiarity; this justification should not be limited to one or a few arguments concerning the need to take action at the EU level. The Lithuanian *Seimas* added that impact assessments were not translated into all EU official languages, and thus

¹¹ *ibid*

¹² Reasoned opinion will be abbreviated as "RO" throughout the following text.

they did not permit all stakeholders to appraise compliance with the principle of subsidiarity and in some cases may render the exercise of national Parliaments' right to monitor the subsidiarity principle more difficult.

The Finnish *Eduskunta* indicated that it did not consider the "yellow card" procedure vital for parliamentary influence, stating that it even failed to improve national Parliaments' influence, but demonstrated the need for national Parliaments' input to be included in the European legislative procedure. In its view, parliamentary influence could be made real only through parliamentary control of national Governments' activities in the Council.

The Belgian *Chambre des représentants* and *Sénat* added that the "yellow card" mechanism needed to be revised because the non-federal legislative assemblies of the Belgian parliamentary system were participating in the "yellow card" process.

The European Parliament noted that the current timeframe for national Parliaments to carry out subsidiarity and proportionality checks had often been considered insufficient and, in its resolution of 4 February 2014¹³, considered several initiatives to improve the evaluation of European issues by national Parliaments. It suggested that each legislative act published in the Official Journal should contain a note detailing those national Parliaments which had responded and those which had raised subsidiarity concerns; proposed forwarding national Parliaments' ROs to the co-legislators without delay; suggested that guidelines could be prepared outlining criteria for ROs on subsidiarity issues and proposed mobilising national Parliaments to undertake comparative evaluations of *ex ante* assessments which they had conducted and *ex post* assessments drawn up by the European Commission.

ii. Criteria for deciding a breach of the subsidiarity principle

Only nine out of 37 respondents replied that they had established criteria for deciding whether the principle of subsidiarity had been breached. When specifying these criteria, the UK *House of Lords*, the Finnish *Eduskunta*, the Lithuanian *Seimas*, as well as the Austrian *Nationalrat* and *Bundesrat* referred to the relevant definitions and criteria in Article 5 TEU and/or Protocol 2.

The Committee on Foreign and European Affairs of the Cyprus *Vouli ton Antiprosopon*, although not having established such criteria, used the guidelines on the application of the principles of subsidiarity and proportionality as provided in the Treaty of Lisbon and in the Treaty of Amsterdam.

The Dutch *Eerste Kamer* mentioned that principles of subsidiarity and proportionality and the legal basis would be considered in a RO.

The Italian *Senato della Repubblica* explained that it used the "necessity test" and the "EU added value test", and pointed out that these elements were also described by the European Commission in its 19th Report on subsidiarity and proportionality. In similar terms the French *Sénat*, Swedish *Riksdag*, Dutch *Tweede Kamer* and Latvian *Saeima* explained how and which criteria were being used. The Latvian *Saeima* added that its analysis was also

¹³ Resolution of 4 February 2014 on EU Regulatory Fitness and Subsidiarity and Proportionality - 19th report on Better Law-making covering the year 2011 ((2013/2077(INI)) P7_TA(2014)0061

based the appropriateness of the choice of the legal basis of the proposal and on the reasoning provided by the Commission in its proposal as regards the observance of the principle of subsidiarity.

The French *Sénat* had not established a list of such criteria, but had nevertheless developed certain principles; among others, it added that a lack of impact assessment was also a ground to issue a RO, as insufficient analysis did not ensure that the European Commission had correctly defined the appropriate level of action in accordance with the principles of subsidiarity and proportionality.

The Swedish *Riksdag* indicated that it used a method of establishing the level at which action should be taken, the so called two-step method. The main question was at which level a proposed action should be carried out, not whether the proposed action should be carried out or not. If it was possible to achieve the objectives of the proposed action by dealing with it at the national, regional or local level, no action should be taken at EU level. If yes, then the question had to be asked if the objectives of the measure could be better achieved at EU level.

The European Parliament mentioned that, in its resolution¹⁴, it was noted that Protocol No 2 provided national Parliaments with the formal opportunity to advise the EU legislator as to whether a proposed law fell short of the subsidiarity test since its objectives could not, by reason of their scale or effects, be better achieved at EU rather than at Member State level. It further suggested assessing whether appropriate criteria should be laid down at EU level for the evaluation of compliance with the principles of subsidiarity and proportionality.

iii. Drafting a Reasoned Opinion

Twenty out of 35 Parliaments/Chambers replied they drafted ROs according to an internal set form. Parliaments/Chambers were also asked if they had a fixed format/template for a RO, and which aspects were used in it.

The answers provided showed that in most cases an internal set form and a fixed format/template for a RO could not be distinguished from each other. In case there was a set or fixed form/format, it was common practice for several Parliaments/Chambers to work along the same lines for every RO and to use the same elements every time. When Parliaments/Chambers used some kind of form/format, there was room for flexibility on how it was used.

Some Parliaments/Chambers specifically explained that they used a set form. The UK *House of Lords* mentioned that the ROs were adopted in a set form, which was agreed by the House in 2010. The Portuguese *Assembleia da República* explained that it used a set form for the purposes of scrutinising the European initiatives it received, regardless of whether or not they fell in the scope of scrutiny of the principle of subsidiarity. If a breach of subsidiarity was found, a RO was issued and approved in plenary in the form of a Resolution. The Polish *Senat* also mentioned that a fix format for a RO was used.

¹⁴ Resolution of 4 February 2014 on EU Regulatory Fitness and Subsidiarity and Proportionality - 19th report on Better Law-making covering the year 2011 ((2013/2077(INI)) P7_TA(2014)0061

The ways in which some sort of form/format was used varied. Some Parliaments/Chambers used the form of a resolution, e.g. the Czech *Senát* stated that they used the general form of resolutions with bullet points. The reasoning of the opinion was clearly distinguished from other comments on the legislative proposal relevant only to the Government or in the framework of political dialogue.

A more flexible approach was used by the Luxembourg *Chambre des Députés* and the Cyprus *Vouli ton Antiprosopon*. In the first case, there was no fixed format and in the second case it was not obligatory to follow a set form. The Czech *Poslanecká sn movna* stressed that they did not use any fixed template; it was up to the rapporteur who drafted a RO. The Italian *Senato della Repubblica* did not have a format/template either; the previous ROs adopted were followed as examples. The Romanian *Senat* indicated that although it did not use a standard form, ROs included legal and technical elements indicating the breach of subsidiarity.

The Lithuanian *Seimas* explained in more detail the specific elements that could be found in a RO, as a strict form had not been set. The practice existed that the RO consisted of two documents; a resolution by the plenary to approve the conclusion of the Committees on European Affairs or on Foreign Affairs on possible breach of the principle of subsidiarity and an extract of these committees conclusion, where the motivation was referred to.

The Swedish *Riksdag* used certain guidelines to formulate a statement to the Plenary, which the committee had to propose in order to submit a RO. ROs were formulated in a uniform way, with certain set headings. The RO, appended to the statement, should state which proposal had been examined, that the committee considered that the proposal was in conflict with the principle of subsidiarity and the reasons it found a breach.

iv. Criteria to separate the principles of subsidiarity and proportionality

Only six Parliaments/Chambers out of 34 stated that they had defined criteria for separating the principle of subsidiarity from the principle of proportionality. Explaining their answers, the Irish *Houses of the Oireachtas*, the Swedish *Riksdag* and the Austrian *Nationalrat* and *Bundesrat* referred to the relevant definitions and criteria in Article 5 of TEU and/or Protocol 2. The Finnish *Eduskunta*, though it had not established any criteria, explained that it also used Article 5 TEU.

The Swedish *Riksdag* stressed that the examination of subsidiarity also included a proportionality criterion. It stated that there was a certain amount of support in literature and in EU Court of Justice case-law to justify that a certain degree of proportionality assessment could be regarded as being included within the framework of subsidiarity checks. The wording in the Treaty "the Union shall act only if and in so far as " meant that the examination of subsidiarity also included a proportionality criterion, and that the proposed measures may consequently not go beyond what was necessary to achieve the desired objectives of the measures.

The Polish *Senat*, Bulgarian *Narodno sabranie* and the Latvian *Saeima* also mentioned the separation of proportionality and subsidiarity. The Polish *Senat* and Bulgarian *Narodno sabranie* explained that the principle of proportionality followed that of subsidiarity. The Polish *Senat* explained that, when attempting to separate proportionality and subsidiarity, it

considered that, if a given goal was to be better achieved on a community level, but the measures proposed by the Commission seemed to be excessive, the proposal was considered to be in breach of proportionality.

v. Guidelines for Reasoned Opinions and best practices

On establishing guidelines for ROs, many Parliaments/Chambers highlighted several best practices. A few (six out of 23)¹⁵ mentioned the use of a clear indication in the text when a national Parliament was issuing a RO. The use of a clear motivation in the RO on why a breach of subsidiarity had been concluded was also mentioned. The Romanian *Camera Deputa ilor* added that an extensive explanation of the motivation for issuing a RO was needed, as this was not to be used as a mean to counteract core principles in the EU Treaties or slow down the integration process in the EU.

On the motivation and the elements in a RO, a few Parliaments/Chamber mentioned the principles of subsidiarity as well as proportionality in relation to the RO. For example, the Cyprus *Vouli ton Antiprosopon* highlighted that it considered that the principles of subsidiarity and proportionality were inextricably interwoven, and thus when conducting a subsidiarity check, it always considered proportionality aspects as well. Therefore, when establishing guidelines for ROs, it would support the inclusion of proportionality concerns in ROs, provided that these guidelines did not separate the two principles or preclude their examination *in tandem*, or impede national Parliaments from issuing a RO of non-compliance to the principle of subsidiarity that raised proportionality issues as well.

The Czech *Senát* pointed out that the distinction between the principle of subsidiarity and proportionality was mostly a matter of formulation of the argumentation in the RO, and that the two principles overlapped. It was clear that a RO could not be adopted on the grounds of a breach of the principle of proportionality, but certain arguments were relevant to both principles; those should not be dismissed by the European Commission as relevant only to proportionality.

The German *Bundesrat* mentioned it was following a non-binding recommendation, which described the preconditions for submitting a RO on non-compliance with the principle of subsidiarity. This also applied to scrutiny of proportionality, which, in the German *Bundesrat's* view, could also be examined within the framework of the subsidiarity check. The recommendation also contained scrutiny-related questions that could be utilised when scrutinising the subsidiarity principle in the stricter sense of the term. Finally, the guide included overviews of how procedures were structured in the *Bundesrat*, as well as indications of further scope for the *Bundesrat* to take action.

A number of Parliaments/Chambers highlighted the process of issuing a RO, for instance referring to how to get input from other actors. For example, the Bulgarian *Narodno sabranie* mentioned that the opinion of the Council for Public Consultation to the relevant committee was also part of the ROs, and that it reflected the viewpoint of various business organisations, NGOs and academia. The Austrian *Nationalrat* and *Bundesrat* pointed out that consultations with different stakeholders could improve the quality of ROs, as they worked closely together

¹⁵ French *Assemblée nationale*, Dutch *Eerste Kamer*, Italian *Senato della Repubblica*, Dutch *Tweede Kamer*, Czech *Senát*, Latvian *Saeima*

with the Provincial Parliaments by giving them the opportunity to make comments on all draft legislative acts and by taking those comments into consideration when voting on a RO. The Lithuanian *Seimas* also highlighted other actors' input; it may request the Legal Department of the Office of the *Seimas* as well as the European Law Department under the Ministry of Justice of the Republic of Lithuania to submit their opinion on the proposal's compliance with the principle of subsidiarity. Furthermore, it stated that a Government representative always participated in the consideration of a legislative proposal during the committee meetings, thus ensuring a wide political debate and cooperation between the parliament and the Government.

Other best practices mentioned included, among others:

- Appointing a member of Parliament in standing committees to follow-up EU matters regarding their respective committees (Belgian *Chambre des représentants*)
- Introducing a specific procedure in case a RO needed to be issued when the Plenary was not in session (Luxembourg *Chambre des Députés*)
- Mandatory translation into English of a full text of every RO issued and publication of the translated RO on IPEX as soon as possible (Polish *Senat*)
- In case of no impact assessment or lack of motivation of the proposal by the European Commission, this should be mentioned in the RO (French *Sénat*)
- Explanation setting out the breach in subsidiarity - 'subsidiarity test' (Irish *Houses of the Oireachtas*)

Regarding aspects that should be included in an RO, 32 respondents out of 33 suggested mentioning the legislative proposal the RO referred, 31 opted for clearly indicating that the text was a RO, 23 opted for providing a translation of the RO in English or a summary in English, 22 suggested including a summary of argumentation, 21 suggested including the legal basis and a motivation, while only nine suggested including information on the internal procedure applied.

Regarding other proposed aspects, a few Parliaments/Chambers made a remark about the language to be used for a RO. The French *Sénat* mentioned that a translation of the RO was desirable, at least into one of the EU working languages. The full translation or summary did not have to be included in the RO, but could be the subject of a parallel communication. The French *Assemblée nationale* expressed the view that a translation or a summary in English and in French should be provided. The European Parliament pointed out that, whereas the provision of a translation or summary in English could be helpful, the Committee on Legal Affairs (JURI) considered that requiring the inclusion of a translation into English of ROs or of a summary in English would be contentious in light of the principle of multilingualism.

The Latvian *Saeima* also suggested adding constructive suggestions to the European Commission on how to improve the legislative proposal in order for it to comply with the principle of subsidiarity (e.g. suggestion to choose a different type of legal instrument).

vi. The 8-week period for issuing a Reasoned Opinion

Regarding the 8-week period for issuing a RO, a vast majority of responding Parliaments/Chambers (24 out of 33) considered that the mid-December to New Year break should be excluded from this period. A majority (18 out of 33) expressed the view that recess periods in the EU institutions should be excluded as well. Other suggested periods to be

excluded were the period from mid-July to mid-September, as most Parliaments were in recess then (Belgian *Chambre des représentants* and *Sénat*), the recess periods of the national Parliaments (the Romanian *Camera Deputa ilor*), as well as January and July-August as those were the periods of parliamentary holidays (Romanian *Senat*). The Dutch *Tweede Kamer* mentioned that excluding recesses was a minimum option. They preferred extending the deadline to 12 weeks as many Parliaments had different recess periods; in order to be able to improve cooperation between national Parliaments, which could improve the quality of ROs, it was essential to allow enough time.

The Latvian *Saeima* expressed that no further exceptions, in addition to the month of August, should be added because this could be confusing and potentially lead to legal uncertainty; the current situation was clear and left no room for confusion as far as the deadlines for submitting ROs were concerned.

Nineteen out of 28 Parliaments/Chambers stated that the exact dates of periods excluded from the 8-week-period should be communicated by the European Commission.

CHAPTER 2: A EUROPEAN AGENDA ON MIGRATION

At the time when both the 30th anniversary of the signing of the first Schengen agreement and the 20th anniversary of the entry into force of the second Schengen agreement are celebrated, the adoption of a new policy on migration has become one of the urgent objectives of the European Commission. In this light, the second Chapter of the 24th Bi-annual Report casts light on Parliaments'/Chambers' discussions on the European Commission's Communication "A European Agenda on Migration"¹⁶ adopted on 13 May 2015 aiming both at putting forward concrete actions to respond to the immediate crisis and save lives at sea, and at proposing structural responses for the medium and long term. The principle of the Agenda is a coordinated EU response on the refugees and migration.

According to the findings of the Report, the vast majority of the responding Parliaments/Chambers had discussed the abovementioned Communication; 21 out of 37 in a committee meeting and six in plenary. Four were planning to hold a discussion in the near future.

Section 1 of the Report, acknowledging the need to provide an urgent solution to the situation in the Mediterranean, presents an overview of the Parliaments'/Chambers' views on the preventive measures that should be taken and put in place to avoid further humanitarian tragedies in the Mediterranean. Section 2 presents Parliaments'/Chambers' views on the immediate actions proposed by the European Commission, i.e. the temporary European relocation scheme for asylum seekers who are in clear need of international protection and the resettlement scheme of migrants from third countries to EU Member States. Section 3 focuses on a new policy on legal migration in relation to the demographic challenges most EU countries are facing resulting in shortages of specific skills, which aims at attracting new talents. Section 4 casts light on Parliaments'/Chambers' views on the European common

¹⁶ Communication of the European Commission to the European Parliament, the Council, the European Economic and Social Affairs Committee, the Committee of the Regions, A European Agenda on Migration COM(2015) 240.

asylum system, and the exchange of best practices of Parliaments/Chambers in the application of the asylum rules.

Section 1: Preventive measures

Only few Parliaments/Chambers had not at all discussed the preventive measures proposed by the European Commission, while the majority of the Parliaments/Chambers had a discussion on the matter in a committee meeting and/or in plenary (19 out of 37 in a committee meeting and nine in plenary). Four communicated they intended to hold a discussion.

Eight Parliaments/Chambers, among others the French *Assemblée nationale*, the Polish *Sejm*, the Estonian *Riigikogu*, the Czech *Poslanecká sn movna*, the German *Bundesrat*, the Romanian *Senat* and the European Parliament, stressed the need to enforce the fight against illegal migration, human smuggling and trafficking, as well as to solve the problems in the countries of origin and to have better cooperation both with countries of origin and transit countries.

The Polish *Sejm*, the Lithuanian *Seimas* and the Czech *Senát* stressed the need for better border protection and management of the external borders of the EU, as well as better EU return policy and development of European asylum policy.

The Italian *Senato della Repubblica*, the French *Assemblée nationale* and the Lithuanian *Seimas* further highlighted the need to strengthen the work of FRONTEX, as well as of Europol and Eurojust by ensuring maximum coordination of their actions and by making full use of their capabilities. The Italian *Senato della Repubblica* further proposed possible measures to be introduced, i.e. the establishment of highly specialised international police missions, a European intervention to tackle illegal migrations, strengthening of the Triton operation, the introduction of burden-sharing mechanisms, a diplomatic and political action towards third countries, overcoming of the Dublin III regulation framework, the possibility to apply for asylum at the embassy level, an action towards countries of origin and transit and an intervention of the United Nations Security Council.

While the Slovak *Národná rada* and the Czech *Poslanecká sn movna* pointed out the need for maintaining voluntary nature for solidarity activities within the EU, the Italian *Senato della Repubblica* asked to ensure fair and balanced participation of all Member States in the area of relocation of the asylum seekers and migrants.

The European Parliament in several resolutions specifically highlighted the establishment of safe and legal avenues for asylum seekers for entering the EU and stressed the need for Member States to effectively fulfil their search and rescue obligations. It also recalled the need to examine the overall strategy on cooperation with third countries and to address the root causes of migration.

The Dutch *Tweede Kamer* requested the Government to focus on EU discussions regarding intensifying cooperation between all countries in the Mediterranean area, among others regarding better information and counselling, regional protection and supporting African aid services.

When asked to indicate concrete preventive measures that had been discussed, the vast majority of responding Parliaments/Chambers (24 out of 29) indicated that they discussed the issue of working in partnership with third countries to tackle the migration upstream; at the same time, only half of those responding had discussed deployment of assets (ships and aircrafts). The vast majority of those responding (22 out of 29) had discussed FRONTEX joint-operations Triton and Poseidon. More than half of responding Parliaments/Chambers looked at capture and destruction of vessels used by smugglers, while less than half of those responding specifically discussed capture and destruction of vessels used by smugglers outside the EU territory. Two thirds of responding Parliaments/Chambers discussed support to a possible Common Security and Defence Policy (CSDP) mission on smuggling migrants. Almost the same number of the respondents has discussed regional development and protection programmes (North Africa, Horn of Africa, Middle East).

Several Parliaments/Chambers specified other measures which had been discussed and which covered many aspects of the humanitarian tragedies in the Mediterranean. Among them, the need for the EU to support more structured intervention for the stabilisation of Libya (Maltese *Kamra tad-Deputati*), the transfer of the FRONTEX Headquarters closer to the centre of the Mediterranean (Italian *Camera dei deputati*) and reinforcing the protection of external borders (Czech *Senát*) were highlighted.

The Portuguese *Assembleia da República* discussed the possibility of establishing information centres in the countries of origin, transit and destination to provide clarification and guidance for migrants on their rights and obligations. The possibility of compensating private operators, such as the merchant navy, to provide incentives for their cooperation and solidarity in sea rescue missions, was also mentioned. It expressed its doubts as to the effectiveness of preventive measures that were not accompanied by political and diplomatic responses.

The Slovak *Národná rada* discussed the creation of safe zones in the countries of origin and creation of hotspots at the most affected entry points, securing legal pathways for qualified migrants. The hotspots were discussed also in the French *Sénat*.

The possibilities for migrants to apply for asylum outside the EU borders were also discussed in several Parliaments/Chambers (e.g. Slovak *Národná rada*, Italian *Senato della Repubblica*). The Belgian *Chambre des représentants* discussed a new and more flexible model for asylum seekers in Belgium.

The Lithuanian *Seimas* focused on the importance of having a communication strategy to prevent the dissemination of negative, populist or false information and to preclude the shaping of a negative public opinion in the EU.

Only few Parliaments/Chambers presented their opinion on preventive measures that may be put in place. These included short-term activities, such as the ones listed in the Communication document: better border management, effective return policy and incentives to curb illegal migration (Polish *Sejm*); long-term activities to strengthen EU international role and credibility (Italian *Senato della Repubblica*); better information and counselling, better regional protection and support for African aid services to prevent migrants from undertaking a hazardous trip to the EU (Dutch *Tweede Kamer*). The Swedish *Riksdag* emphasised the importance of both emergency measures to save lives and long-term

measures to create legal ways of entering the EU, while the Romanian *Senat* encouraged the Member states to secure the EU borders.

The Polish *Sejm* raised concerns about destroying smugglers' boats, noting that such activities would probably require the involvement of military resources, which would require the consent of the UN Security Council or of the Libyan authorities.

The Hungarian *Országgyűlés* stated that parliamentary discussions, both at plenary and committee levels, focused on the challenges posed by the Western Balkan migration transit route.

When asked to provide additional information on the preventive measures, among others, the UK *House of Lords*, the Romanian *Camera Deputaţilor*, as well as the European Parliament and the Italian *Senato della Repubblica* referred to inquiries having taken place and reports under preparation. The Swedish *Riksdag* made reference to the labour migration highlighting also the positive aspect of migration. It welcomed the EU actions towards increasing the EU's attractiveness for prospective employees, reminding however that it was also important to prevent the exploitation of people coming to the EU.

Section 2: Actions proposed by the European Commission (relocation and resettlement)

i. Parliaments' discussions on actions proposed concerning a relocation system to distribute those in clear need of international protection within the EU

A first implementation package on the European Agenda on Migration adopted on 27 May 2015 included: a proposal to trigger for the first time Article 78(3) of the TFEU in order to urgently relocate 40,000 asylum seekers for the benefit of Italy and Greece; a Recommendation for a resettlement scheme for 20,000 persons from outside the EU; an Action Plan on Smuggling; and the necessary amendments to the EU Budget to reinforce the Triton and Poseidon operations at sea so that more lives could be saved.

Twenty-nine out of 37 responding Parliaments/Chambers discussed the actions proposed by the Commission concerning a relocation system to distribute those in clear need of international protection within the EU either in a plenary session (eight Parliaments/Chambers) or in a committee meeting (21 Parliaments/Chambers). Two Chambers (Lithuanian *Seimas* and Slovak *Národná rada*) issued an opinion on the actions, while three other Parliaments/Chambers announced the intention to discuss these (Spanish *Cortes Generales*, Bulgarian *Narodno sabranie* and Romanian *Camera Deputaţilor*). Some Parliaments/Chambers did not discuss the proposed actions (e.g. Slovenian *Državni svet*, Croatian *Hrvatski sabor*, Cyprus *Vouli ton Antiprosopon*).

The opinions expressed by the Parliaments/Chambers varied mainly on the issue of voluntary or compulsory distribution of refugees and on the issue of quotas per country. Six Parliaments/Chambers did not issue a common opinion. Several Parliaments/Chambers¹⁷ expressed their support to the voluntary basis of the distribution, as well as to the need for an allotment scheme that was reasonable and based on actual capabilities of Member States and

¹⁷ Polish *Senat* and *Sejm*, Hungarian *Országgyűlés*, Estonian *Riigikogu*, Czech *Poslanecká sněmovna* and *Senát*, Lithuanian *Seimas*, Latvian *Saeima* and Slovak *Národná rada*)

their opposition to country quotas defined by the European Commission. Some Parliaments/Chambers supported however the European Commission's distribution proposal and quotas¹⁸.

The EU Affairs Committee of the Polish *Sejm* pointed out that the European Commission exceeded its mandate on the relocation and resettlement programme, established by the European Council at the extraordinary summit in April. It stressed that the European Council's document expressly refers to voluntariness and not to compulsoriness, and noted that the principle of voluntariness did not imply lack of solidarity or responsibility.

The Czech *Poslanecká sn movna* referred to a resolution adopted by its Committee on European Affairs, which rejected the proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece¹⁹ and which supported the position of the Government on the proposed mechanism; it called on the Government to do everything possible to block adoption of the draft.

The EU Affairs Committee of the Estonian *Riigikogu* expressed the opinion that Member States should decide unanimously on the distribution key concerning a relocation system, reflecting the proportionate size of their population and economy in the EU.

The EU Affairs Committee of the Lithuanian *Seimas* adopted an opinion which stated, among others, that the principle of solidarity should be based on transparent criteria that were clear and acceptable to all Member States and on the indisputable principle of voluntary participation.

The Czech *Senát* referred to its resolution²⁰ where it stressed that it did not agree with the mandatory relocation of migrants between Member States; Member States should bear the primary responsibility for their asylum and migration policy, including the consequences of non-compliance with the rules agreed at EU level. It also agreed with the Czech Government that the proposal for a decision was also legally unclear in many respects, in particular with regard to the specific procedures, the rules of the Dublin regulation or health aspects.

The Latvian *Saeima* debated the issue in the EU Affairs Committee and, while generally recognising the need to offer solidarity to Member States facing an unprecedented flow of refugees, the common opinion was that the relocation system should operate on a voluntary basis.

The Slovak *Národná rada* referred to its Declaration on Solving Migration Challenges Currently Faced by the European Union where it highlighted, among others, the need for solidarity in addressing the current migratory pressure, as well as responsibility for taking measures to protect the common external borders of the EU. It further expressed the readiness of the Slovak Republic to assist in resolving the humanitarian crisis, insisting however on the voluntary nature of individual contributions by the Member States for resettlement and relocation programs, and rejecting the introduction of mandatory quotas, as well as any

¹⁸ Portuguese *Assembleia da República*, Italian *Camera dei Deputati* and *Senato della Repubblica*, European Parliament, Austrian *Nationalrat*

¹⁹ (COM (2015) 286 final)

²⁰ No.161 of 18 June 2015

questioning of the fundamental pillar of the Schengen system, i.e. the principle of free movement of persons.

The Romanian *Senat* expressed its disagreement with using a standard mechanism that would not take into consideration the particularities of each Member State and the contribution to the activities to European Agencies such as FRONTEX. Furthermore, it stressed that the solutions must be found in adequate policies for migration, border security and not by introducing controls or affecting the application of the Schengen *acquis*.

The Portuguese *Assembleia da República* made reference to the need that all Member States accept to be part of the response and to be willing, within their capabilities, to assume their share of responsibility. This assumption should, however, be accompanied by the Union assigning resources to the Member States that have the greatest financial difficulties and/or those that needed greater investment in their refugee and/or migrant support services, so they could respond efficiently.

The Italian *Senato della Repubblica* referred to its resolution adopted on 24 June 2015 and, acknowledging the Communication as constituting an innovative approach, stressed the importance of the relocation and redistribution of asylum seekers already present in Europe. It called on the Union to undertake unequivocal commitments while ensuring the relocation plan for asylum seekers already present in Italy and Greece to ease the burden on the European first ports of call. It instructed its Government to adopt all initiatives to help secure an agreement on the redistribution of asylum seekers which was ambitious in terms of the numbers involved, equitable in terms of distribution, binding on the Member States and operational before the summer season²¹.

The German *Bundesrat* supported the European Commission's proposal to establish a mandatory programme for resettlement and/or re-distribution.

The European Parliament discussed the proposal of the European Commission both in a Plenary session and in Committees' meeting (LIBE and AFET). It was discussing a new report²² at that time related to the permanent crisis relocation mechanism under the Dublin system and adopted a resolution²³ on the Council Decision establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary²⁴.

The Dutch *Tweede Kamer* discussed the proposal in a committee meeting; it agreed with the Government that relocation and resettlement should take place in the short term, and that it was necessary to try to improve regional reception of refugees in the long term, as well as to invest in the improvement of reception in the region and to look for more structural solutions.

²¹ In the same resolution, the Italian *Senato della Repubblica* called on the Union to override the Dublin Regulation principle according to which asylum seekers must be taken in by the first port of entry in order to introduce the principle of mutual recognition of decisions to grant asylum.

²² 2015/0208(COD)

²³ Provisional measures in the area of international protection for the benefit of Italy and Greece, of 9 September 2015, P8_TA-PROV(2015)0306

²⁴ COM(2015)0451 - C8-0271/2015 - 2015/0209(NLE).

The Austrian *Nationalrat* and *Bundesrat* repeatedly discussed at Committee meetings ways to solve the current situation at European level such as a distribution of asylum seekers among the EU Member States.

The UK *House of Lords* referred to a report it published²⁵ calling on the British Government to participate in the relocation scheme provided this could be done on a voluntary basis. The European Scrutiny Committee of the UK *House of Commons* had recommended a separate debate in September that would focus specifically on the UK's Title V opt-in.

The EU Affairs Committee of the Irish *Houses of the Oireachtas* agreed to keep the European Agenda on Migration under further scrutiny and to return to this question should the Government opt into the relevant measures.

ii. Parliaments' discussions on actions the target of 20.000 resettlement places for the EU per year by the year 2020

A second implementation package on the European Agenda on Migration was adopted by the European Commission on 9 September 2015, proposing concrete measures to respond to the current refugee crisis and to prepare for future challenges. The proposal included: an emergency relocation proposal for 120,000 persons in clear need of international protection from Greece, Hungary and Italy; a crisis relocation mechanism to be inserted into the Dublin Regulation; a common European list of Safe Countries of Origin; making return policy more effective through a common Return Handbook and an EU Action Plan on Return; a Communication on Public Procurement rules for Refugee Support Measures; a Communication on addressing the external dimension of the refugee crisis; an Emergency Trust Fund for Africa.

Less than half of the responding Parliaments/Chambers (16 out of 35) had discussed the target of 20.000 resettlement places for the EU per year by the year 2020 in committee meetings, eight had debated the target in a plenary session, two had discussed the objective both in a plenary session and in a committee meeting, one had issued an opinion on the issue, five had not discussed it at all, while five intended to discuss it.

The position of the responding Parliaments/Chambers reflected the division between supporters of the European Commission proposal for a compulsory repartition mechanism based on fixed country quotas and supporters of voluntariness.

The Polish *Sejm* stressed that, in its Communication document, the European Commission had not taken account of the situation in Ukraine. In case of a potential influx of refugees from Ukraine to Poland, Poland would certainly become the destination country. It was also noted that the European Commission had devoted far too little attention to combatting the so-called secondary movements within the EU and to required measures aimed to prevent situations in which persons relocated or resettled to all EU countries would move to a selected group of the richest EU members, contrary to the relocation principle.

²⁵ "The UK opt-in to the proposed Council Decision on the relocation of migrants within the EU", EU Home Affairs Sub-Committee, UK House of Lords, 15 July 2015

The European Parliament informed that the issue was discussed both at plenary and committee level (namely in the LIBE and AFET Committees). It also mentioned the Tavares Reports²⁶ underlining its long time support to the creation of a resettlement programme.

The Dutch *Tweede Kamer* informed that, following a debate in a Committee meeting, it supported the view of the Government, which supported resettlement of 20.000 places and ensuring that every Member States took its fair share. After the new proposals of the Commission on 9 September, views were divided. However, the majority in the Chamber supported the view that resettlement should be used as instrument to support reception in the region in the short term.

The Czech *Senát* adopted a Resolution²⁷ in which it stated that it was fundamentally opposed to the establishment of common mandatory schemes for relocation and resettlement, putting emphasis on the exclusively voluntary nature of the proposed mechanisms, as these measures did not address the underlying reasons for massive waves of migration and may, on the contrary, further stimulate migration.

Section 3: New policy on legal migration

i. Parliaments' discussions on the actions proposed by the European Commission on legal migration

Almost half of the Parliaments/ Chambers responding (17 out of 37) discussed the actions proposed by the European Commission on legal migration in a committee meeting, nine had not discussed it at any level, while six intended to discuss it in future. Only three had discussed the European Commission proposed actions in a plenary session. The Romanian *Senat* issued an opinion on the matter.

The responding Parliaments/Chambers had discussed all the different actions. More specifically, out of 23 respondents, 11 discussed "An EU-wide scheme for highly qualified third-country nationals", while "A modernisation of European visa policy" and "The future of the Blue Card directive" were discussed by nine. "A new mobility and job-seeking opportunities for students", "A new mobility and job-seeking opportunities for researchers" and "Stronger action to link migration and development policy" were discussed by eight Parliaments/Chambers. Five Parliaments/Chambers discussed the action on "Re-prioritising funding for integration policies". The action on "Identification of economic sectors that face or will face recruitment difficulties or skill gaps" and the action on "A promotion of permanent dialogue and peer evaluation at European level on labour market gaps, regularisation and integration" were each discussed by four. Only three Parliaments/Chambers discussed the "Cheaper, faster and safer remittance transfers" action, while the action on "A platform of dialogue to include input from business, trade unions and other social partners" was discussed by only two.

A few Parliaments/Chambers reported having discussed other actions.

²⁶2009/0127(COD)- COM(2009)0456, C7-0072/2012) and 2009/2240(INI)

²⁷ No. 160 of 18 June 2015

The European Parliament had discussed all the above mentioned actions; the Committee on Civil Liberties, Justice and Home Affairs (LIBE) reported also ongoing trilogues on the Directive on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing which was to be adopted in codecision²⁸.

The EU Affairs Committee of the Portuguese *Assembleia da República* stressed that in the context of the presidency of the Parliamentary Assembly of the Union for the Mediterranean, the *Assembleia da República* discussed the possibility of portability of social security benefits for migrant workers with a view to facilitating a sustained return (circular migration), in other words, ensuring that migrants were not inhibited from returning to their places of origin for fear of losing their guarantees.

The Czech *Senát* discussed the actions concerning a modernisation of European visa policy and adopted a Resolution²⁹ on the Proposal for a Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast)³⁰ and on the Proposal for a Regulation of the European Parliament and of the Council establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations³¹.

The Danish *Folketinget* reported that, although the relevant Minister had informed the Committee on EU Affairs on these proposals at Committee meetings, due to the Danish opt-out on Justice and Home Affairs, there had been no in depth discussions or common positions.

ii. Parliaments'/Chambers' views on legal migration

Only some Parliaments/Chambers replied to the question whether they had adopted a common opinion on legal migration.

The EU affairs Committee of the Irish *Houses of the Oireachtas* affirmed that generally, the issue of illegal immigration was of concern to the Committee and that it had addressed the issue of undocumented migrants. The Committee reported having engaged with the Migrant Rights Council of Ireland and the Immigration Control Platform, representing either side of the debate.

The European Parliament's LIBE Committee replied underlining that the Parliament, which had discussed the question both in plenary session and in a committee meeting, had stressed the need to explore further avenues of legal migration. It supported the Commission's proposals granting enhanced intra-EU mobility to legal migrants (e.g. students, researchers, trainees) and creating a new job-seeking permit. In the past, the European Parliament had been asking for a horizontal legal migration instrument.

The Czech *Senát* stated its general support to legal migration and its effective management and emphasised the importance of the fight against illegal immigration and the implementation of an effective return policy.

²⁸ 2013/0081 (COD)

²⁹ No. 615 of 22 October 2014 (9th legislative term)

³⁰ COM (2014) 164

³¹ (EC) No 562/2006 and (EC) No 767/2008 (COM(2014) 163)

The Romanian *Senat* emphasised that legal migration could, under certain conditions, bring benefits to the EU, namely on the labour market. It also stressed that the revision of the Blue Card Directive should provide better conditions for the highly qualified. Furthermore, it underlined the fact that Romania would need the support of the EU both for its education programmes and for its health system.

Finally, the German *Bundesrat* welcomed the Commission's plans to advocate a new European policy for legal migration and called for further legal and safe entry options to be created for migrants seeking asylum in the Member States. In the *Bundesrat*'s view, intensifying efforts to integrate people who were recognised as being entitled to protection was a shared challenge for the Member States. It requested the Commission to ensure greater involvement of national Parliaments and other relevant stakeholders from civil society in further discussions to design and implement the European Migration Agenda and associated follow-up measures.

A few Parliaments/Chambers gave some notable additional information. Among those, the UK *House of Lords* mentioned that its Committee on EU Affairs, before the publication of the EU's Agenda on Migration, had urged the Government to opt into the Draft Directive on the conditions of entry and residence of third country nationals for the purpose of Study and Research. However, the Government declined to do so.

The Swedish *Riksdag* stressed that in general the visa policy was the subject of continuous discussion in its Committee on Social Insurance. The *Riksdag* considered that legal migration was a positive force that contributed to more open and richer societies and that there should be more legal ways for migration to take place.

Section 4: The European common asylum system

i. Parliaments' discussions on the European common asylum system

Nine out of thirty-five Parliaments/Chambers had discussed the European common asylum system in a plenary session, 11 in a committee meeting, while eight had not discussed it at all. Three (the French *Assemblée Nationale*, the Slovak *Národná rada* and the Swedish *Riksdag*) had issued an opinion and four declared their intention to discuss it. The French *Sénat*, the Hungarian *Országgyűlés* and the European Parliament discussed the question both in plenary and in committee meetings.

The "Application of the Dublin system" and the "Implementation of the Common European Asylum system" were the questions most debated with respectively 19 and 18 out of 28 Parliaments/Chambers having discussed them. Ten had discussed the action on "A more effective approach to abuses", the action on "Strengthening Safe Country of Origin provisions of the Asylum Procedure Directive", the action on "Measures to promote systematic identification and fingerprinting". Eight Parliaments/Chambers debated the action on "Establishing a single asylum decision process" and the action on "Encouraging more uniform decisions". Seven discussed the action on "A systematic monitoring process, while the action on "A common asylum code". The action on "Developing the network of reception authorities" and the action on "Training of reception authorities" were discussed by five and three Parliaments/Chambers respectively.

A number of Parliaments/Chambers had discussed other related questions. Notably, the EU Affairs Committee of the Portuguese *Assembleia da República* also discussed the creation of a shared, standardised database to better organise the management of asylum applications and resettlement operations between the EU, Mediterranean countries of immigration, transit countries, United Nations High Commissioner for Refugees (UNHCR), International Organisation of Migration (IOM) and other relevant international organisations.

The Italian *Senato della Repubblica* informed that, during the discussion in plenary, it was proposed to establish a prompt sorting system, through which migrants could be moved to their country of choice for the assessment of their application for international protection.

The EU Affairs Committee of the Irish *Houses of the Oireachtas* stressed that it had approached this issue from the perspective of undocumented migrants as well as asylum. The Committee engaged with both sides of the debate and discussed the possibility of a regularisation scheme for the undocumented.

The Polish *Sejm* reported that, at its meeting in August 2014, the European Union Affairs Committee discussed the role of the FRONTEX Agency in limiting illegal migration, particularly with reference to the Mediterranean Sea area.

The German *Bundesrat* expressed its support for the Commission's view that greater solidarity and fairer responsibility-sharing were crucial in EU refugee policy.

The European Parliament stressed that it was involved in the revamping of the Common European Asylum System as co-legislator. Shortcomings in the Dublin system had been highlighted for many years, but no agreement could be found with the Council in 2013 for a more ambitious reform. It reminded that negotiations between the institutions were ongoing for the Dublin amendment on the application of Dublin to unaccompanied minors and recalled two pending proposals³².

The EU Policies Committee of the Italian *Camera dei Deputati* informed that in the debate it endorsed the possibility to reform the Dublin regulation.

ii. Notable best practices

Very few Parliaments/Chambers chose to highlight their Member States' best practices on the application of asylum rules.

Among those, the French *Assemblée nationale* mentioned the recently adopted reform of the asylum law of 29 July 2015, which reinforced the guarantees of asylum seekers in all stages of the procedure, introduced a new accelerated procedure and a new contentious procedure. Under the new law, allowances took into account the families' composition, and gender and sexual orientation were explicitly recognised as possible reasons of persecution.

³² Amending Regulation (EU) No 604/2013 as regards determining the Member State responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a Member State (2014/0202(COD)) and the Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin.

Both the Czech *Poslanecká sn movna* and the Slovak *Národná rada* mentioned a strict observance of the Dublin system rules.

CHAPTER 3: ENLARGEMENT POLICY

In the Political Guidelines for the next European Commission³³, the Commission acknowledges the historic success of enlargement policy, which has brought peace and stability to the European continent. In this light, President Juncker underlined that ongoing negotiations would continue, and notably the Western Balkans would need to keep a European perspective, but that no further enlargement would take place over the next five years.

In this context, the first section of the third Chapter of the 24th Bi-annual Report presents information on Parliaments'/Chambers' views on these Political Guidelines and particularly on the Commission's announcement and on its impact on the national discourse in the Member States. It addresses the question whether this announcement has had an impact on the procedures introduced in relation to the Monitoring Reports/Annual progress reports or the overall scrutiny on enlargement policy. The second section focuses on notable developments or modifications, if any, in the practices and procedures of parliamentary oversight of the accession negotiations since 2013 when the 19th Bi-annual report was drafted under the Irish Presidency of COSAC.

Section 1: Progress in enlargement policy

i. Examination/scrutiny of the European Commission's Political Guidelines, particularly the idea that no further enlargement should take place over the next five years and Parliaments'/Chambers' views

Sixteen out of 37 respondents stated they had not analysed the European Commission's Political Guidelines, particularly the idea that no further enlargement should take place over the next five years, while thirteen stated that the issue had been discussed at a committee meeting. Five replied that the issue had been discussed at a plenary meeting, while two intended to hold a discussion. The European Parliament replied that the issue had been discussed both in a committee meeting and in plenary. According to the European Parliament's Committee on Foreign Affairs (AFET), no formal resolution with a common position of the European Parliament had been adopted on the issue under discussion. The Romanian *Senat* was the only Chamber which had issued an opinion on the issue.

Although the Committee on Foreign Affairs of the Swedish *Riksdag* had not analysed the Commission's political guidelines, it had analysed the Commission's view of the enlargement process in connection with the consideration of the Commission Work Programme (CWP) 2015 and noted that the enlargement process had been given limited scope in the CWP. It stressed how important it was that enlargement was highlighted more clearly in the work of the Commission, as it contributed to stability in Europe and to security and prosperity in Europe. It further emphasised that the EU's commitment would benefit both the EU and the countries that desired EU membership and advocated that the EU should stand by its

³³ http://ec.europa.eu/priorities/docs/pg_en.pdf

commitments and established principles. The Committee also welcomed the fact that the Commission in its enlargement reports clearly stressed the need for fundamental economic, legal and administrative reforms in the six countries in the Western Balkans and in Turkey.

The Luxembourg *Chambre des Députés* specified that enlargement was regularly discussed during its public annual debate on foreign policy.

A number of Parliaments/Chambers stated their views on the enlargement policy in general and on the Commission's announcement on enlargement policy.

The Lithuanian *Seimas* referred to the adoption of conclusions on EU enlargement issues after a discussion held on 26 November 2014 by the Foreign Affairs Committee³⁴ in which it stressed the importance of EU enlargement policy in reaching certain EU strategic aims of improving stability, security and welfare of people, strengthening EU as a global actor, and spreading democratic and European values. Lithuania's support to the European perspective, including the possibility of applying to become a member of the EU, to Georgia, Moldova and Ukraine was stressed. The Committee also underlined the importance of support of civic society to further EU enlargement and expressed its intention to further strengthen interparliamentary cooperation with the Parliaments of the countries seeking EU membership.

The German *Bundesrat*, noting "the Commission's modest forecast", emphasised, among others, that the Western Balkans countries needed the EU prospect more than ever, as this constituted a crucial factor for further stabilisation and for securing peace right across Europe; this offered scope to make progress on economic reforms, as well as on reform of administrative and legal systems, and thus to make headway on economic and political development.

The European Affairs Committee of the Latvian *Saeima* underlined that the enlargement policy should take a tailor-made and merit based approach and that the EU needed to send a clear message to the candidate countries as to their accession prospects.

The UK *House of Lords* stated that the Committee had asked the UK Government for its assessment of the implications of the Commission's announcement, and what steps were being taken to ensure that the existing momentum towards accession was maintained. Mentioning a report by the European Union Committee³⁵ published before the Commission's announcement on enlargement policy, it noted that the Committee welcomed the increased focus on implementing real, lasting changes in aspirant countries ahead of their accession, and the prominence of the rule of law in ongoing dialogues and also supported the strict use of conditionality. It further noted the enlargement process should not be exploited by Member States in order to gain leverage in bilateral disputes with aspirant countries. The report noted that enlargement fatigue in the EU and accession fatigue in aspirant countries could seriously threaten the future of the enlargement agenda, but found that the EU's capacity to absorb new members currently sufficed. The Committee did not think that any credible alternatives to membership existed.

³⁴ On the Communication titled "Enlargement Strategy and Main Challenges 2014-2015" COM (2014) 700 final

³⁵ The future of EU enlargement", House of Lords, European Union Committee, 6 March 2013.

The Committee for European Affairs of the Romanian *Senat* believed that now, more than ever, a united EU was needed. The EU, it added, had always reconfirmed its fundamental values; double standards should be avoided. According to its view, the countries making progress towards implementing reforms must receive substantial support with the final goal of joining the EU.

At least seven Parliaments/Chambers expressly stated that no common position had been reached on the Commission's announcement on enlargement.

Nevertheless, a number of Parliaments/Chambers stating that no common position had been reached outlined their views. The French *Assemblée nationale* stated that, according to recent discussions held, there was consensus among all political groups in relation to postponing or delaying enlargement for the next five years. The Joint Committee on EU Affairs of the Irish *Houses of the Oireachtas* considered that Ireland must continue to act as a champion for EU enlargement and neighbourhood policy; it was critical, it added, that the prospect of EU membership was maintained for the Western Balkans and Turkey and that the full potential of Europe's neighbourhood policy was realised. According to the Slovak *Národná rada*, the Slovak Republic supported the enlargement process, in particular with regard to Western Balkan countries. The Hungarian *Országgyűlés* informed that, following the publication of the forthcoming Progress Report in mid-October 2015, the subject would be on the agenda of the Committee on European Affairs.

The majority of the respondents (19 Parliaments/Chambers) including the European Parliament, as well as the governing majority SPÖ (S&D) and ÖVP (EPP) of the Austrian *Nationalrat* and *Bundesrat* expressly gave a negative reply to the question whether the European Commission's approach changed their Parliament's/Chamber's view on the enlargement policy.

Among those providing a negative reply, the French *Assemblée nationale* stated that the European Commission's approach was more or less aligned with the position of the majority of its members after the crisis in 2008 according to which it was indispensable to better prepare future accessions so as to ensure integration of the *acquis communautaire* concerning economic, social and environmental issues, as well as concerning the rule of law and fundamental freedoms. It added that it envisaged a mission in several countries of the Western Balkans in the first half of 2016 in order to evaluate their progress referring also to its permanent parliamentary monitoring through its relations with the Western Balkans. The Croatian *Hrvatski sabor* said that the Commission's announcement was seen as a reflection of the current status of accession negotiations and progress made by candidate countries, not as a sign of the EU's unwillingness to enlarge. While acknowledging that enlargement and eligibility for EU membership were defined in the treaties, the Grand Committee of the Finnish *Eduskunta* noted the hostility towards enlargement in certain Member States and saw sense in not pursuing enlargement policies, when there was no expectation of a favourable outcome. The Czech *Senát* emphasised that it had been a staunch supporter of enlargement, recognising at the same time the long and complex nature of the next enlargement and stressing the principle of conditionality. According to the European Parliament's AFET Committee, the European Parliament³⁶ remained committed to the EU enlargement policy as

³⁶ Resolution of 10 June 2015 on the 2014 Commission Progress Report on Turkey (2014/2953(RSP) (P8_TA-PROV(2015)0228) and Resolution of 11 March 2015 on the 2014 Progress Report on Serbia (P8_TA(2015)0065).

a key policy to promote peace, democracy, security and prosperity in Europe and supported accession of well-prepared countries; it further argued that each country should be judged on its own merits in terms of fulfilling, implementing and complying with the same set of criteria, and that the speed and quality of necessary reforms determined the timetable for accession.

The Portuguese *Assembleia da República*, referring to its existing monitoring of the enlargement process, understood that the lessons of previous enlargements should not be forgotten and that the candidate countries should meet the Copenhagen criteria. Therefore, the intentions expressed by the European Commission in its Political Guidelines, specifically that no enlargement would take place for the next five years so that the EU could fully digest the addition of the last thirteen Member States, were welcomed. However, the negotiations with and necessary reforms in candidate countries should continue. In this context, the importance of enlargement to the Western Balkans was highlighted, and emphasis was placed on the fact that the political situation in relation to designations and borders should be resolved before accession. It would also be important to have effective progress as regards Turkey's membership.

The UK *House of Lords* cited the European Union Committee's report³⁷ and argued, among others, that Member States should take advantage of the pause in enlargement to engage in a fundamental reassessment of their strategic interests in the eastern neighbourhood. It noted an unresolved tension between the offer of membership on the table to Eastern Partnership countries and the political will of Member States to follow through, which was not uniform and which complicated Russia's relationship both with these countries and with the EU.

ii. Impact on the procedures put in place by Parliaments/Chambers in relation to Monitoring Reports / Annual progress reports or the overall scrutiny on enlargement policy

Twenty-seven Parliaments/Chambers expressly replied negatively to the question whether the Commission's announcement had had an impact on the procedures put in place by their Parliament/Chamber in relation to Monitoring Reports/Annual progress reports or the overall scrutiny on enlargement policy. A few made reference to their intention to follow their usual procedures on the monitoring of the progress reports (e.g. Dutch *Tweede Kamer*) and one stated that the issue was to be discussed (Bulgarian *Narodno sabranie*). The French *Assemblée nationale* underlined that the reports in question were published only in English and not in all EU working languages, which made regular parliamentary scrutiny impossible.

Section 2: Parliamentary oversight of the accession negotiations

All but two respondents (35 out of 37) replied that there had not been notable developments or modifications in the practice of their Parliament's/Chamber's oversight of the accession negotiations since the 19th Bi-annual Report drafted under the Irish Presidency.

The European Parliament's AFET Committee noted that, although no substantial modifications had taken place in the monitoring of accession negotiations, the membership of

³⁷ "The EU and Russia: before and beyond the crisis in Ukraine", House of Lords, European Union Committee, 20 February 2015.

the re-established Working Group on the Western Balkans of the Committee on Foreign Affairs responsible for providing oversight on the opening, monitoring and concluding of negotiations concerning the accession of European States had been extended to include also Chairs of relevant interparliamentary delegations in order to provide better synergies for a comprehensive monitoring of the accession process including the negotiations.

The Czech *Poslanecká sn movna*, which gave a positive reply, explained that here had been closer attention paid to Ukraine and Georgia as a consequence of recent developments in that region. The Belgian *Sénat* explained that, since the last State reform, it did not have any competences in the field of accession treaty ratification; the Senators followed the debate on enlargement through the federal opinion Committee and through their own parliament.



Congreso de los Diputados

ANEXO 4

Conclusions of the LIV COSAC

Luxembourg, 30 November - 1 December 2015

1. 24th Bi-annual Report of COSAC

COSAC welcomes the 24th Bi-annual Report of COSAC prepared by the COSAC Secretariat and warmly thanks the Secretariat for its excellent work.

2. "Yellow card"

- 2.1. COSAC notes that the working group on Strengthening the political dialogue by introducing a "green card" and improving the reasoned opinion procedure ("yellow card") suggests that a reasoned opinion should mention the legislative proposal it refers to, indicate clearly that the text is a reasoned opinion, include a translation or a summary of the text in English and French, as well as a summary of the argumentation, the legal basis and the motivation.
- 2.2. While respecting their established internal practices, COSAC encourages national Parliaments to consider these elements while drafting a reasoned opinion.

3. COSAC Secretariat

- 3.1. COSAC notes that the term in office of the Permanent Member of COSAC Secretariat will end on 31 December 2015.

COSAC welcomes the decision taken by the Chairpersons of COSAC held in Luxembourg on 1 December 2015 to renew Ms Christiana FRYDA's appointment as Permanent Member of the COSAC Secretariat for 2016 - 2017.

COSAC expresses its gratitude to the House of Representatives of Cyprus for having seconded Ms Christiana FRYDA as Permanent Member for 2014 - 2015 and for continuing to second her for 2016 - 2017. COSAC is convinced that Ms FRYDA will smoothly continue to coordinate the work of the COSAC Secretariat.

- 3.2. COSAC recalls that the co-financing of the current Permanent Member and the office of the COSAC Secretariat and website maintenance costs ends on 31 December 2015. The Luxembourg Presidency invited Parliaments to renew their commitment to the co-financing agreement for the period from 1 January 2016 to 31 December 2017.

COSAC notes that so far 25 Chambers of 28 national Parliaments have signed and sent their letters of intent indicating that they are willing to participate in the co-financing for the above stated period.

COSAC welcomes the fact that this number is above the minimum threshold, therefore the co-financing of the Permanent Member and the office of the COSAC Secretariat and the costs of website maintenance will continue.

COSAC invites the remaining few Parliaments / Chambers to submit letters of intent as soon as possible.

1 December 2015

- 3.3. COSAC thanks the European Parliament for hosting the COSAC Secretariat on its premises in Brussels and for providing it with appropriate office facilities.



Congreso de los Diputados

ANEXO 5

Contribution of the LIV COSAC

Luxembourg, 30 November – 1 December 2015

COSAC strongly condemns the barbaric attacks perpetrated on 13 November 2015 in Paris and shares the grief of the families of the victims and of the French people. COSAC calls for a united Europe in the fight against terrorism.

COSAC reminds national Parliaments that their enhanced role in the decision-making at EU level, should include supporting the EU institutions in their swift action against terror.

1. European Agenda on Migration

- 1.1. COSAC reaffirms the importance of providing an urgent solution based on solidarity and fair sharing of responsibility, as stated in Article 80 of the Treaty on the Functioning of the European Union (TFEU) to the tragic humanitarian situation of the refugee crisis and of offering assistance to partner countries to address the root causes of migration. COSAC welcomes the increased funding for the most affected Member States and for Frontex, EASO and Europol.
- 1.2. COSAC considers that the adoption of an effective, humanitarian and safe European migration policy has become one of the most urgent objectives of the European Union and supports the Member States to continue working on the implementation of the European agenda presented by the European Commission.
- 1.3. COSAC underlines that in the European Union, an area of open borders and freedom of movement, Member States need to have a joint approach to guarantee high standards of protection for refugees by establishing a renewed Common European Asylum System and a more effective EU return policy, making full use among others of the common Return Handbook and an EU Action Plan on Return.
- 1.4. COSAC recognises the need to exercise solidarity in relation with Member States facing an unprecedented flow of refugees and migrants and welcomes in this context the operational measures taken by the European Commission and the Member States allowing first relocations of asylum seekers to take place, and the resettlement of migrants from third countries to EU Member States. Furthermore, COSAC reminds that coordination is needed with the countries in the European Economic Area and Switzerland, so that the resources, experience and opportunities may be more efficiently used; COSAC calls on Member States, to step up their efforts and fulfil at a faster pace their commitment according to their binding share.
- 1.5. COSAC acknowledges that a majority of Parliaments welcomes the European Commission's proposal for a permanent relocation mechanism of refugees; looks forward to the proposal for a permanent resettlement scheme and to the reform of the Dublin Regulation. At the same time, COSAC acknowledges several Parliaments' reservations regarding these measures proposed by the European Commission.

- 1.6. COSAC asks the competent European Agencies (Frontex, EASO and FRA) to cooperate and work together to submit a report on the current operation of the Dublin Regulation, and to evaluate the possible impact of alternative proposals of reform.
- 1.7. COSAC is concerned about, the increased irregular migration and human smuggling and trafficking into the EU and the significant number of migrants entering the EU from and through the Central and Eastern Mediterranean and the Balkans and sees a clear need to enforce the fight against irregular migration, human smuggling and trafficking, as well as to focus on addressing the root causes of migration the problems in the countries of origin and to have better cooperation with countries of origin and transit countries. In this context, COSAC strongly supports the agreement on an EU-Turkey joint action plan to address the migratory flows towards the EU COSAC underlines the importance of the support to Jordan and Lebanon.
- 1.8. COSAC recommends the urgent collection of information and the distinct analysis on the minors in the migration flow, especially unaccompanied minors; a communication dedicated to this topic and a plan of urgent measures, possibly in cooperation with the United Nations Children's Fund (UNICEF), and the United Nations High Commissioner for Refugees (UNHCR) are recommended.
- 1.9. COSAC welcomes the 17-point plan of action, agreed on 25 October 2015 at the Meeting on the Eastern Mediterranean / Western Balkans migration route, to improve cooperation between countries along the Western Balkans migration route to tackle the refugee crisis in the region.
- 1.10. COSAC supports the Action Plan decided at the EU-Africa Summit held in Valletta on 11-12 November 2015, which is a true effort to strengthen cooperation in the area of migration and address the current challenges and opportunities.
- 1.11. COSAC takes note of the inter-related issues of migration and development and welcomes the decision of the EU to strengthen development cooperation with third countries to address the common challenges.
- 1.12. COSAC stresses the need to open legal channels for migration, in order to decrease the attempt of people who risk their lives trying to enter the EU in an illegal way and to meet the increasing demand for skills and talents in the EU. COSAC looks forward to the European Commission's proposal to revise the Blue Card in March 2016.
- 1.13. COSAC considers that the EU needs a better protection and management of its external borders, both the southern and the eastern borders, by strengthening controls, including through additional resources for Frontex, EASO and Europol, and with personnel and equipment from Member States; COSAC stresses that the free movement of people within the Schengen area is one of the biggest achievements of European integration and that border security must not affect the application of the Schengen *acquis*, a re-introduction of border controls never being more than a short-term measure.
- 1.14. COSAC looks forward to the European Commission's revised proposal on Smart Borders by the beginning of 2016.

- 1.15. COSAC stresses that the EU must continue working closely with key international organisations such as the UNHCR, the United Nations Development Programme and, the International Organisation for Migration (IOM) and the International Red Cross and Red Crescent Movement to help tackling the refugee crisis at a global level.

2. A Digital Single Market Strategy for Europe

- 2.1. COSAC considers that the EU has to play a more prominent role in the global digital revolution in order to better exploit the significant growth potential it bears for the continent and deplores the lack of integration in this field, which undermines the access of EU consumers to online goods and services at competitive prices, and which impairs the development of digital cross-border networks and services.
- 2.2. COSAC welcomes the European Commission's communication on a Digital Single Market Strategy for Europe, which follows-up the commitment towards a Connected Digital Single Market of the European Commission's President, and looks forward to the European Commission's proposals for implementation of the Digital Single Market, especially on cross-border contract rules, geo-blocking, VAT for cross-border e-commerce and the reform of copyright regime.
- 2.3. COSAC welcomes the agreement on the regulation on a European single market for electronic communications, which marks a significant step towards the implementation of the Digital Single Market by allowing for the abolition of roaming charges by mid-2017 and protecting the open internet.
- 2.4. COSAC looks forward to the swift conclusion of the Network and Information Security Directive (NIS Directive) which aspires to ensure the highest level of trust and security across the EU.
- 2.5. Beyond the technical and economic aspects of the Digital Single Market, COSAC calls on the European Commission to formulate suggestions in its forthcoming New Skills Agenda for Europe on how to improve e-skills so that the digital revolution can better favour employment and in this context asserts the importance of the European Social Fund and the Grand Coalition for Digital Jobs, in particular regarding employee training.
- 2.6. COSAC acknowledges the necessity of tax systems in the EU to adapt to the challenges raised by the digital economy. The forthcoming European Commission's "Action Plan on VAT" will attempt, inter alia, to improve the European Union's resilience to the VAT fraud through the electronic commerce.
- 2.7. COSAC insists that, in digital development, the rules on the protection of privacy are observed.

3. European Enlargement policy

- 3.1. COSAC emphasises the historic success of the EU enlargement process, whose objective is to reunite the European continent and to ensure the rule of law, freedom, stability, security, prosperity and the respect of fundamental rights.
- 3.2. COSAC takes note of the political guidelines of the President of the European Commission, which exclude further enlargement during the current European Commission's mandate and supports the efforts of the European Commission in continuing EU accession negotiations and assisting pre-accession countries in implementing reforms; welcomes the European Commission's 2015 enlargement package.
- 3.3. COSAC reminds the success of the European enlargement and stresses that it is vital to support the European integration process of the countries already engaged on this path, taking note that it has already substantially contributed to their democratization, institutional modernization as well as vast economic reforms.
- 3.4. COSAC underlines that existing conditionality is an absolute requirement of accession negotiations and that the European Commission should thoroughly assess the compliance of candidate countries with the Copenhagen criteria, especially in the fields of rule of law, fundamental rights and public administration reform.
- 3.5. COSAC recalls the European perspective of the Western Balkans and welcomes the progress made in accession negotiations and the Stabilisation and Association Process. COSAC underlines that the principle of countries being assessed on their own merits based on their progress in accession negotiations should remain a crucial foundation for the success of the enlargement process; and underscores the necessity to proceed promptly with the European integration process for those countries, which have proven their readiness and have defined the European orientation as their policy goal.
- 3.6. While COSAC welcomes the resumption of accession negotiations with Turkey, it recalls that, in accordance with Article 49 TEU, any European State which respects the values referred to in Article 2 and is committed to promoting them, may apply to become a member of the EU. To this end, COSAC underlines that Turkey must fulfil all its obligations emanating from its accession process, including its obligation to ensure full and non-discriminatory implementation of the Additional Protocol to the Association Agreement and to normalize its relations with all EU Member States and takes note of the European Council Conclusions of 15 October 2015.
- 3.7. Recalling contributions adopted in Rome in December 2014 and in Riga in June 2015, COSAC reiterates its strong commitment to both Eastern and Mediterranean Dimensions of the European Neighbourhood Policy.

4. Improving the “yellow card” procedure

- 4.1. COSAC reiterates that the «yellow card » procedure needs improvement without Treaty change.
- 4.2. COSAC informs the European Commission that a vast majority of Parliaments whose views are presented in the 24th Bi-annual Report consider that the mid-December to New Year break should be excluded from the 8-week deadline provided by the treaties for a subsidiarity check and that a majority also stated that the recess periods in the EU institutions should be excluded as well. These periods should be announced annually by the European Commission.
- 4.3. COSAC invites the European Commission to consider excluding these periods from the 8-week deadline and invites the future Dutch Troika to present a follow-up on this matter to COSAC.
- 4.4. COSAC furthermore reiterates its call upon the European Commission to strengthen efforts to ensure better quality and more timely responses to reasoned opinions.

5. Introducing « green cards » (enhanced political dialogue)

- 5.1. COSAC notes a wide support concerning the scope of the « green card » as a non-binding form of enhanced and coordinated political dialogue, as well as a clear willingness of chambers whose views are presented in the 24th Bi-annual Report to proceed in a flexible way concerning procedural issues in the framework of the political dialogue, without undermining the Commission's right of legislative initiative and in full respect of the current Treaties' provisions and of the inter-institutional balance of powers.
- 5.2. COSAC notes a support in favour of a «green card» that could suggest introducing new EU legislation, as well as amending and repealing existing EU legislation.
- 5.3. COSAC supports the idea of introducing a minimum threshold, a deadline and a timeframe for participation in a « green card ». This minimum threshold should always be the same and, in case it is not reached, the text can be sent to the European Commission as a joint text by participating Parliaments/Chambers without considering it as a « green card».
- 5.4. COSAC encourages national parliaments whenever appropriate to work closely together in a « green card», so that the initiative goes beyond a regular political dialogue conducted by a single Parliament / Chamber and gains political momentum at the European level due to the coordinated action and cooperation.
- 5.5. COSAC recognises the possibility to introduce amendments to the initial text following a deadline decided by the initiating Parliament/Chamber and supports the idea of allowing, signing-in ex post and withdrawal from a «green card » at any stage.
- 5.6. COSAC underlines that the means of consulting interested Parliaments/Chambers should be left to the initiating Parliament's/Chamber's choice.
- 5.7. COSAC invites the future Dutch Troika to present a follow-up on this matter to COSAC.