



Council of the  
European Union

039037/EU XXVI. GP  
Eingelangt am 19/10/18

Brussels, 19 October 2018  
(OR. en)

12074/18

INF 165  
API 104

## COVER NOTE

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From: Mr Malik Azmani, Chairman of the Standing Committee on European Affairs, House of Representatives of the Netherlands  
Mr Bastiaan van Apeldoorn, Chairman of the Standing Committee on European Affairs, Senate of the Netherlands  
Mr Erik Christensen, Chairman of the Standing Committee on European Affairs, Parliament of Denmark

date of receipt: 16 July 2018

To: Chancellor Sebastian Kurz, The President of the Council of the European Union / General Secretariat of the Council

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No. prev. doc.: 8092/1/18

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Subject: Letter regarding transparency of the legislative process in the EU, following the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC), June 2018

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Delegations will find in the Annex a copy of the letter received on 16 July 2018.

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Encl.: 1



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IM 07613 2018  
16.07.2018

To: Chancellor Sebastian Kurz  
The President of the Council of the  
European Union  
P/a General-Secretariat of the Council  
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European Affairs Committee  
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Date 12 July 2018

Our reference 18-EU-B-048

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Dear Chancellor Kurz,

During the meeting of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC), held in Sofia on June 17-19 2018, delegations of the national parliaments of the European Union and the European Parliament discussed the replies to the letter of December 20, 2017 regarding four proposals to enhance transparency in EU decision-making and to bring the European Union closer to its citizens.

Delegations concluded that the letters we received did not in substance engage with the four proposals that have been put forward by national parliaments. Delegations also noted that the Eurogroup has not provided any reply so far. At the end of the plenary session, the LIX COSAC decided to invite the Council and related bodies to further reflect via a point by point answer on the proposals. We attach the conclusions and contributions for your information, the relevant paragraphs are 2.6 and 2.7. Moreover, we attach the original paper, presented at the LVIII plenary COSAC, containing the four recommendations.

We note that the General Affairs Council of June 26, 2018 discussed the implementation of the IIA Better Law Making. We welcome the call from Member States for a broader discussion on modernising the Council's transparency policy. We believe that the COSAC-proposals, as put forward in the letter of 20 December 2017, together with the Court of Justice's case-law and the Ombudsman's inquiries may constitute a good basis for such a reflection. We would welcome the opportunity to discuss options for reform in person.



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We look forward to receiving your more detailed reply to our letter in due time, preferably before October 19th 2018, in order to be tabled for the next plenary COSAC on November 18-20 2018 in Vienna.

Yours sincerely,

Malik Azmani  
Chairman of the Standing Committee on European Affairs,  
House of Representatives of the Netherlands

Bastiaan van Apeldoorn  
Chairman of the Standing Committee on European Affairs  
Senate of the Netherlands

Erik Christensen  
Chairman of the Standing Committee on European Affairs  
Parliament of Denmark

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## PLENARY MEETING OF THE LIX COSAC 17-19 June 2018, Sofia CONTRIBUTION OF THE LIX COSAC

### 1. EU PARLIAMENTS AND CITIZENS

- 1.1. COSAC underlines the essential role of national Parliaments in the functioning of the European Union and places great importance on their good cooperation with the European Parliament. As representatives of the European citizens, they have a crucial role in bringing the European agenda closer to the people and ensuring the efficiency of the decision-making process.
- 1.2. COSAC underlines the importance of political education and active engagement of the citizens in political life, in particular through elections at regional, national and European level. National Parliaments and the European Parliament encourage all European citizens to use their democratic rights at all levels, including the need to use their right to vote in the upcoming European Elections on 23-26 May 2019.

### 2. SUBSIDIARITY AND PROPORTIONALITY

- 2.1. COSAC welcomes the work of the Task Force on Subsidiarity, Proportionality and “Doing Less More Efficiently” and calls on all stakeholders to continue the efforts to improve the application of subsidiarity and proportionality in the Union. Following the active participation of the national Parliaments in the COSAC Working Group meeting on the 26<sup>th</sup> March 2018, as well as their written contributions throughout the Bulgarian Presidency, COSAC encourages the parliamentary delegations to continue their involvement in the future debates on the topic.
- 2.2. COSAC calls for an early consultation with the national Parliaments at the very beginning of the EU decision making process, so that the European peoples become more involved and acquire better understanding of the Union’s strategies and future regulations.
- 2.3. While in general the Subsidiarity Early Warning System provides a good opportunity for national Parliaments to make their voice heard, there are still aspects that could and should be improved without changing the treaties, as noted in the contributions of the LIV and LV COSAC.





- 2.4. More specifically, COSAC reiterates its invitation to the European Commission to consider excluding certain periods from the 8-week deadline provided by the treaties for a subsidiarity check, in the same manner as the current arrangement regarding the month of August. Such a period could be the mid-December to New Year break, as suggested by the Contribution of LIV and LV COSAC, as well as other recess periods that might be further discussed. In addition, possible modalities for an extension of the 8 weeks deadline should be further explored with a view to extending the deadline to 12 weeks.
- 2.5. While recognizing the right of each Parliament/Chamber to come up with their own process of subsidiarity scrutiny, COSAC calls for a strengthened cooperation and coordination between national Parliaments in order to maximize the results of their efforts.
- 2.6. COSAC underlines the importance of improving the way national Parliaments scrutinise their Governments as well as reinforcing the democratic rights of EU citizens and notes the need to increase transparency of the Council decision-making. COSAC encourages national parliamentary delegations to address the issue of EU transparency, especially of the Council, with their respective governments, in accordance with their national constitutional framework and practices.
- 2.7. With reference to paragraph 2.8 of the contribution of the LVIII Plenary COSAC on the issue of transparency, COSAC invites the Council and related bodies to further reflect via a point by point answer on the proposals that were sent to the EU institutions by 26 national parliaments/chambers enhancing the openness of legislative deliberations at EU-level.
- 2.8. COSAC invites the European Commission to improve the quality of its responses to national Parliaments' contributions, by providing clear and timely answers to their objections. COSAC reiterates its invitation to the European Commission to respond to national Parliaments' reasoned opinions no later than 8 weeks after the subsidiarity-check deadline. Periods referred to in Article 2.3 of this Contribution should be taken into consideration.
- 2.9. The co-legislators are expected to take better notice of the opinions expressed by the national Parliaments, given that they contribute actively to the good functioning of the Union, as stated by Art. 12 of the Treaty on the European Union.
- 2.10. COSAC calls on the European Commission to provide better impact assessments within the explanatory memoranda of its legislative proposals in order to justify them





properly. COSAC also invites the Commission, in addition to its analysis on principle of subsidiarity, to better elaborate its choice of legal base and its view on the principle of proportionality.

- 2.11. COSAC recalls its suggestions included in previous contributions regarding the introduction of a 'green card' mechanism as part of an enhanced dialogue that could submit to the European Commission proposals to initiate legislation, as well as amending and repealing existing EU legislation and encourages national Parliaments to continue exploring future possibilities of using 'green card' initiatives.
- 2.12. COSAC calls for a better use of the existing political dialogue mechanisms between national Parliaments and the EU institutions.

### **3. INTEGRATION AND CONNECTIVITY OF THE WESTERN BALKANS**

- 3.1. COSAC welcomes the European perspective of the Western Balkans with a strong focus on connectivity of the region and improvement of its links with the EU Single market as a strategic central priority of the Bulgarian Presidency of the Council of the EU.
- 3.2. COSAC regards the Communication from the Commission of 6 February 2018 for 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans', as an investment in a stable, strong and united Europe based on common values and on the full respect for the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 3.3. COSAC takes positive note of the reports on the Western Balkans partners and Turkey from 17th of April 2018 and of the conclusions and recommendations therein. COSAC underlines the importance of support and guidance to the partners from the region to pursue the necessary reforms.
- 3.4. COSAC stresses that progress towards EU accession is based on the respect for the EU values and on the merit-based individual performance of the partners from the region to comply with the Copenhagen criteria and the conditionality of the Stabilisation and Association Process; emphasises the importance of the full alignment with the Common Foreign and Security Policy of the EU.
- 3.5. While acknowledging the progress made by the Western Balkans, COSAC underlines that more efforts are needed to accelerate domestic reform processes and achieve irreversible and sustainable results, notably in the areas of rule of law, fight against





corruption and organized crime, human rights, freedom of expression and independence of media, strengthening the democratic institutions and public administration reform, economic development and competitiveness, as well as good neighbourly relations, thereby increasing stability and ensuring prosperity in the region.

- 3.6. COSAC notes that continued steady efforts are needed to tackle outstanding bilateral disputes in the region, including border disputes, in order to ensure that they do not have a detrimental effect on the accession process. COSAC stresses that the outstanding disputes and issues should be solved in line with international law and established principles, including through implementation of legally binding agreements.
- 3.7. In line with the respective Council Conclusions on 22 March, COSAC welcomes the EU's unequivocal commitment to the European perspective of the Western Balkans reaffirmed with the Sofia Declaration from 17th of May 2018. The EU parliaments expressed their support in this regard at the Interparliamentary Conference for CFSP/CSDP in Sofia, 15-17 February 2018.
- 3.8. COSAC expresses its support for the goals, commitments and outcomes of the EU – Western Balkans Summit in Sofia and its intense agenda for better and efficient infrastructure and digital connectivity, as well as contacts between people and learning opportunities, making the European perspective for the region more tangible, delivering direct impact and substantial benefits to the people and business from the region and EU. Implementation of the adopted Sofia Priority Agenda should remain in the focus of the next Presidencies of the Council.
- 3.9. COSAC stresses that the threat posed by radicalisation, terrorism and violent extremism requires EU and partners from the Western Balkans to develop strengthened mutual cooperation and increased exchange of information and best practices in the areas of shaping common values, preventing radicalization and responding to terrorist activities. COSAC also underlines that joined actions are needed in the field of migration, asylum and border management, the fight against irregular migration flows and trafficking of human beings.
- 3.10. COSAC notes that parliamentary oversight of the pre-accession and negotiation process bestows on them greater democratic legitimacy, increasing the transparency of the process and improving the strategic communication with the public on all EU matters. In light of this, COSAC declares its general support for increased and stronger





involvement of the Western Balkans Parliaments in COSAC work and activities in the future.

#### 4. COHESION POLICY AFTER 2020

- 4.1. COSAC takes note of the European Commission's proposal of May 2, 2018: "A modern budget for a Union that protects empowers and defends", i.e. the Multiannual Financial Framework 2021-2027. Acknowledging the proposal as a good starting point for negotiation, COSAC finds important that the MFF 2021-2027 should be linked to a comprehensive long-term policy strategy for the development of the European Union and for the revival of public investment both at European and national level. It is important to take Member States' different positions on the budgetary frame into consideration.
- 4.2. COSAC supports the continuation of the Cohesion Policy beyond 2020 with a commitment to maintain adequate levels of funding that will allow for the completion of its goals. As the Cohesion Policy is a key solidarity tool for stimulating the convergence between the Member States and their regions, COSAC underlines that, via its instruments, accelerator and multiplier effect of the investments would be achieved and regional disparities - tackled. Furthermore, it is important that all regions shall profit from the Cohesion policy, while the most underdeveloped remain its primary target.
- 4.3. COSAC points out that the real investments in growth, employment and balanced territorial development, must stay in the focus of the Cohesion Policy post 2020, remaining mostly in the form of grants. New tasks and objectives should not be financed to the detriment of the Cohesion Policy.
- 4.4. COSAC appeals for a result-oriented, effective and efficient Cohesion Policy in the Programming Period 2021-2027, transparently assessing the concrete impact and the sustainability of the projects at local and regional level with regard to the European added value, rather than simply monitoring the costs and productivity.
- 4.5. COSAC calls for an improvement of the main deficiencies in the Cohesion Policy implementation, such as the long and complex administrative procedures, the lack of flexibility when managing the projects and the procedure of co-financing.







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### **EU Macro-regional strategies**

- 4.6. Taking into account the role of the EU macro-regions in achieving sustainable development, security and prosperity, COSAC underlines that EU macro-regional strategies are an important platform for cooperation with invaluable and innovative contribution and should be further developed.
- 4.7. COSAC recognizes the need to improve the interrelation between the EU Strategy for the Danube Region and the cross-border cooperation in the Black Sea Region to overcome common challenges in the wider region.
- 4.8. COSAC underlines the importance of interconnectivity within the EU. Therefore, COSAC emphasises that firm commitment for successful and timely implementation of any trans-border projects to that end are vitally important for the EU and its citizens. A special consideration should be paid to the development of transport infrastructure and the expansion of the EU transport network; in this regard, macro regional strategies provide a good basis for the streamlining of multilateral efforts.

## **5. EUROPEAN PILLAR OF SOCIAL RIGHTS**

- 5.1. COSAC underlines that a reinforcement of the social dimension of the EU is vital in order to uphold the Treaty social objectives and ensure that European citizens identify with, and see the benefits of, the European project.
- 5.2. COSAC supports that a strong and solid European Pillar of Social Rights that aims to promote and enhance the existing social standards and principles is a shared responsibility of the EU and the Member States. The initiatives to deliver on the Pillar's objectives should be based on specific tools, further legislative actions, efficient policy-making mechanisms and financial instruments, subject to the next EU Budget negotiations.
- 5.3. COSAC emphasises that against the backdrop of an ageing and declining population, the globalisation, technical progress and digitalisation of societies and economies, the ongoing transformation of jobs and tasks as a consequence, it is crucial to invest in human capital to ensure productivity growth, high social standards and job-rich and robust economies, as well as adequate social protection systems.
- 5.4. COSAC stresses the importance of access to quality and inclusive education, training and lifelong learning in order to maintain and acquire the relevant skills needed for full participation in society and in the labour market in transition.



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- 5.5. COSAC highlights that equality of treatment and opportunities, in particular between women and men, should be enhanced in all areas, including participation in the labour market, terms and conditions of employment, career progression and equal pay for work of equal value, including measures that favour a good work-life balance.
- 5.6. COSAC recognizes the crucial role of social dialogue and stresses that social partners must be closely involved in the design, implementation and monitoring of policies according to national and EU provisions.
- 5.7. COSAC takes note of the 29th Bi-annual Report where according to the National Parliaments/Chambers among the most appropriate tools for implementation and monitoring of the European Pillar of Social Rights are a strengthened European Semester reflecting the Pillar's principles and EU funding instruments designed to support the reforms on the national level.





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# Opening up closed doors: Making the EU more transparent for its citizens

Paper from the Dutch COSAC delegation on EU transparency  
To be presented at the COSAC panel "Bringing Europe closer to its citizens"

Tallinn, 26-28 November 2017