

COSAC Chairpersons' meeting, 23 January 2017, Malta

Session II: Discussion on the European Commission Work Programme 2017

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After Vice-President Timmermans has shed his light on the Commission 's Work Programme, and Ms Hübner did so from the point of view of the European Parliament, let me focus on the perspective of the national parliaments.

The Work Programme is not only the announcement of the key initiatives for the EU. For many of the national parliaments the programme is also the starting point to look at what lies ahead in terms of scrutiny of EU policy and legislation for the coming year. It is therefore an important frame of reference for the role of national parliaments in EU decision-making, a role played primarily vis-à-vis our own national governments, but also at the European level, for instance by directly engaging with the Commission or by intervening in the legislative process through the yellow-card procedure.

In my view, and I think in the view of many of you, the work programme can also be the basis to further enhance cooperation between national parliaments with a view to strengthening the role of national parliaments overall.

From this perspective I first want to share a few thoughts on the practice of sharing our parliamentary priorities that is now starting to develop within COSAC regarding the Work Programme.

I then want to go a little bit deeper into the practices of the Dutch Senate. Because for the Dutch Senate the Commission's Work Programme is the basis for our own so-called "European Work Programme"; this is the selection of the Dutch Senate's priorities based on the initiatives in the Commission's Work Programme.

The "European Work Programme" is there in support of effective scrutiny for the coming year and helps to focus on what constitutes a priority to us.

By identifying proposals parliaments consider most important or controversial, grouping these priorities in a table and sharing them with each other and with the European Commission, we can work together as parliaments to scrutinise the proposals and to check our governments' negotiations in the Council. This indeed is at the core of the practice that we are now following in COSAC.

Two years ago the first overview of 16 Parliaments' priorities based on the Commission Work Programme 2015 was produced by our colleagues at the Dutch Lower House. In 2016 17 Parliaments/ Chambers shared their priorities in this manner. And in the The Hague contributions COSAC invited future Presidency parliaments to continue this practice.

As I understand the Maltese Chair has accepted to continue this and will take it upon itself to inform the European Commission about the parliaments' priorities, when the Parliaments who set priorities on the basis of the CWP 2017 have done so. The complete overview for 2017 will also be shared with all EU parliaments, expected in April/ May.

From the 25th bi-annual report we learned that a majority of the respondents (29/37) considered it useful to produce such an annual overview based on the work programme. This means that we can conclude that while a majority of us find a compiled list useful, not all of parliaments/ Chambers that set priorities actually contribute to the list: of 27 that set a priority list, 17 contribute. Of all the respondents only two replied that such a compiled list is not useful.

I would therefore like to suggest to all Parliaments/Chambers that set priorities in the first half of the year to support the initiative and contribute to the table.

So let me now briefly turn to the practice of the Dutch Senate regarding the selection of European priorities, and to why we believe selecting priorities is beneficial to our parliamentary work. So in which way do we in the Dutch Senate select priorities and why?

Let me start with the observation that a large part of the Senate's work relates to the European Union, and this part has only expanded over the years.

I am sure many of the colleagues recognize this.

The Senate's European procedure is based on the principle that its consideration of European policy and legislative proposals should be fully integrated into its regular work. This means that all the Senate's standing committees deal not only with national legislation but also with European dossiers relevant to the committee. In many fields national and European rules are interconnected, and their scrutiny requires the expertise and critical faculties of the members of the relevant standing committees.

As the 75 members of the Dutch Senate are part-time politicians and have limited time and capacity to scrutinise all European proposals; we *have* to be selective. For this reason the Senate has included in its European procedure an arrangement by which its committees select what they consider to be most important proposals from the European Commission's Annual Work Programme for parliamentary scrutiny.

Prior to this selection parliamentary parties in the Senate discuss the work programme of the European Commission. The list is then adopted by the plenary as the European work programme of the Dutch Senate.

Any proposal on the priority list from its publication on is automatically put on the agenda of the relevant committee for scrutiny. It is however up to the committee to decide what to do with the proposal.

Once the text of the draft proposal is published, the members can better assess the proposal on its subsidiary and on its content. The committee then decides if the proposal should be further scrutinised and addresses it concerns either to the European Commission or to the Dutch government.

Prioritising proposals does not mean that the other proposals, those not on the list, are therefore not being scrutinised. Standing committees get an overview

of all new draft proposals being published by the Commission weekly and can decide then and there whether a new proposal should be scrutinised.

So what are the benefits of early prioritising and selection?

1. The selection of proposals from the Work programme of the European Commission is meant to bring focus in the committee's work and is meant to support (in our case part-time) politicians, especially those who have limited time. It also draws attention to the committees' responsibilities for European policy and legislation at an early stage of proposals.

2. The fact that a selected draft proposal is put automatically on the agenda of the committee for scrutiny saves a considerable amount of time, one or two weeks in the case of the Senate. Which in the event of a breach of the subsidiarity principle can be crucial, since the response time given to parliaments is a mere 8 weeks.

3. By making a selection of the initiatives in the Commission's Work Programme at the beginning of the year the list of priorities operates as an early warning mechanism for all institutions concerned, both at the national and European level; rather than selecting draft proposals throughout the year to scrutinise once they are published.

4. What is equally important is that the list is shared with the Dutch government. This means that the government is informed to not only to speed up their assessment of the draft, but also provide more detailed information on their position towards the prioritised draft proposal and the governments' stance in the Council. It is in fact a way to express to the government in advance where our interests lie, but also where our concerns might lie.

5. Parliamentary cooperation starts with our colleagues in the other Chamber, the House. We share our list of priorities with the Members of the House, to facilitate further cooperation between the Chambers. E.g. we share motivations in the event of a breach of the subsidiarity principle when supported in both chambers.

In this light a combined list of priorities can also be the starting point for future co-operation with other parliaments. There are already many mechanisms in place that can facilitate such a co-operation:

- Of course there is the exchange of parliamentary documents and information through IPEX.
- Exchange of information works well through our network of Parliamentary Representatives in Brussels.
- COSAC and other interparliamentary meetings are a designated fora for the exchange of information.
- In the recent past parliaments have also organised specific 'cluster of interest' meetings to deliberate on a specific topic.
- And we could make (more) use of our political group networks.

Aside from the practical advantages such as future co-operation, producing a list of parliamentary priorities can increase the legitimacy of the drafting of (European) legislation for citizens, as it provides more transparency on what parliaments focus on in the EU. Moreover it can provide citizens/stakeholders the possibility to prepare input at an early stage. This is very important in a time citizens consider the EU to lack legitimacy and accountability. However varied the view of some of us are regarding the EU, I think we can all agree that this legitimacy deficit is a major concern that needs to be taken head on.

Having said that it is of course up to every parliament to decide if and how they priorities dossiers from the CWP.

We do encounter some challenges: We welcome the Commission's focus on what they call 'the big things', in the sense of limiting the quantity of its proposals. The smaller number of key initiatives in the annual CWP, compared to earlier Commissions is frequently emphasised by the Vice-president. The new modus operandi of the EC does create a challenge for national parliaments. In our experience the list of initiatives has in fact become shorter, though the number of draft documents published has –as far as we can establish- not considerably diminished. In fact we experience that the work programme of the previous Commissions were more a list of concrete

proposals that were to be expected, and is now it is rather a list of topics and clusters of initiatives that are briefly described. Some of them in fact containing many proposals. This makes it more difficult for the parliaments to determine in advance what specific proposal might be of particular interest. May I invite the Vice-president to comment on this.

Another challenge is that the 8 week period for reasoned opinions leaves parliaments little time for co-operation and exchange of ideas. We try to e.g. co-ordinate reasoned opinions together with the Dutch Lower House, but even between two Chambers in the Netherlands this is a challenge every time. So co-ordination of reasoned opinions with more parliaments can be an even bigger challenge.

I would be very interested in hearing from the colleagues their views on prioritising and the discussions that are at hand in their parliaments. And the possibilities.

But I also turn to the European Commission. The combined list shows you the topics that are of most concern to parliaments. Grab this opportunity and embed this knowledge in your contacts with the national parliaments.

I would also like to invite the European Parliament to take note of the combined list of priorities. Make use of the list and actively contact the parliaments that have prioritised initiatives.

Let me conclude.

Of course, as with every procedure, some practical obstacles or limitations have arisen. But these can be overcome or in any case, should not discourage us from continuing on this road.

National Parliaments are and will remain important players within the EU. Indeed, from my perspective and I think this is a sentiment widely shared among many national parliamentarians, this role should be further strengthened as the role of parliaments is essential in reinforcing democratic

legitimacy. And it is here, as we all know, that the EU currently is perceived to fall short.

We need to explore more effective and efficient ways to respond to and possibly anticipate European developments that affect our roles as law-makers and as scrutinizers of our own governments.

Sharing information regarding our points of view regarding the EU legislative initiatives does I believe have a clear added value. It can in fact help to strengthen the role of national parliaments, which is so essential.

While independent from each other, with each its own system and ways of doing things, we can and should learn from each other's practices, and see how – through coordination – we collectively can operate more effectively as national parliaments. Thank you for your attention and I look forward to your questions.