

**"Selecting dossiers from the annual work programme" and
"Improving the yellow card procedure"**

1. Introduction

This paper explores how the procedure for closer involvement and cooperation by parliaments might look on European issues. Delegations are invited to consider this text as a background and focus for the informal interparliamentary meeting, 19 January 2015 in Brussels. It is meant to facilitate and streamline discussions and the author is open to suggestions for further improvement on all discussed topics.

The conclusions of the discussion will be reported at the COSAC chairs meeting in Riga.

2. Background

Part of the agenda of the LII COSAC meeting in Rome was devoted to discussing the strengthening of interparliamentary cooperation between national parliaments and the European Parliament, building upon many previous reports and analyses. Many Parliaments/Chambers, as well as the European Parliament, seem to favour improving existing instruments, and creating new instruments aimed at better involving national Parliaments in the EU decision-making process without any need for formal Treaty changes.

In his letter to the College of Commissioners dated 18 December 2014, First Vice-President Timmermans announced that 'forging a new partnership with national parliaments is a priority for this Commission'. This seems to be the right moment to act in order to improve our cooperation. This paper highlights two areas of interparliamentary cooperation:

- A. Selecting dossiers on the basis of the Commission work programme
- B. Improving the yellow card procedure

A. The annual dossier selection on the basis of the Commission work programme

1. Selecting dossiers from the annual work programme

There are two necessary conditions for effectively influencing EU decision making and successful interparliamentary cooperation: selectivity and timing. By making a timely choice on which select number of topic(s) to cooperate, all actors are prepared for individual and common action.

The annual work programme of the European Commission provides one tool to help parliaments to select specific dossiers for further action. An increasing number of national parliaments are scrutinising this strategic document and identifying proposals they consider most important (or controversial). Through individual parliamentary scrutiny of the working programme, each national parliament and (the European Parliament) is able to select dossiers which are subject to political attention and to further scrutinise. This selection process helps to focus politicians' attention and work, which is crucial for effective parliamentary scrutiny – most parliaments do not have the time nor the capacity to scrutinise the bulk of EU proposals.

Principles for selecting dossiers by each parliament

- It is up to every national Parliament and the EP to decide if and how they want to scrutinise the work programme, and to draft a list of priorities.
- Those parliaments which do scrutinise the working programme could actively strive to share the results using existing (digital) networks (representatives in Brussels, COSAC meetings, email, IPEX).
- The lists of priorities could serve as a guideline for further interparliamentary cooperation.

2. How to cooperate after the selection of dossiers by parliaments

Interparliamentary cooperation can have many different forms, depending on the relevant dossier and the goal of cooperation. In some cases, the prioritisation of proposals in the work programme can be enhanced by announcing early the intention to use one or more of the instruments available to national parliaments, such as the "yellow card" or political dialogue. Such early warnings could also improve the possibility to form a coalition in the framework of the yellow card procedure.

There are a number of principal reasons why national parliaments want closer involvement in the decision making process:

- a) The proposed action by the Commission is not according to their preferences
- b) It is yet unclear what the idea is, or how it will affect national interests
- c) The idea in general seems good, but parliaments see opportunities for further improvement
- d) A new idea could be put forward (see the paper of House of Lords)

Principles for establishing cooperation between parliaments:

- If a dossier is highlighted as important by at least x parliaments, the dossier could be given increased parliamentary attention at national and interparliamentary level.
- On these dossiers, relevant parliaments could cooperate to:
 - Exchange information that would enable them to better scrutinise governments on specific files
 - Formulate a joint reaction to the European Commission
 - Exchange views with the European Parliament

Of course it is up to every parliament to decide if and how they want to cooperate on a commonly selected dossier. Ways to facilitate this cooperation could be:

- Discuss proceedings during COSAC (upon request of a number of parliaments)
- Organize a specific 'cluster of interest' meeting to deliberate on a topic
- Organize video conferences to exchange information
- Use the COSAC mailing list to exchange information
- Enhance exchange of information through IPEX
- Use the political group networks
- Through the network of Brussels Parliamentary Representatives

B. Improving the yellow card procedure

In its conclusions, the last Speakers' Conference asked that COSAC "explores the possibilities for more efficient use of subsidiarity checks" so that "the next Conference of Speakers could consider any such work undertaken by COSAC" to improve these matters. Much evidence has been gathered on how to improve the current subsidiarity or 'yellow card' procedure.

Amongst the most prominent suggestions are:

- Extending the deadline for Reasoned opinions from 8 to 12 weeks
- Making it possible for national parliaments to also scrutinise proportionality
- Improving the timeliness and quality of the responses by the European Commission to the reasoned opinions (and political dialogue) - this latter issue is dealt with in the aforementioned 18 December letter by First Vice-President Timmermans.

Although it would not be necessary to change the Treaty, any improvement cannot materialize without the help of the European Commission. *It is suggested that interested national parliaments form a small group, which would look into ways how improvements to the yellow card process could look like and which would discuss these proposals with the European Commission - the composition and time frame of this coordinated action could be subject of discussion during the upcoming COSAC chairs meeting in Riga.*

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