

Draft Questionnaire for the 19th Bi-Annual Report of COSAC on Procedures and Practices Relevant to Parliamentary Scrutiny

Chapter 1: Genuine Economic and Monetary Union

1.1 Has your Parliament/Chamber debated/scrutinised the European Commission Blueprint for a deep and genuine economic and monetary union [COM (2012) 777],¹ the December 2012 report on the issue by European Council President Van Rompuy² and/or the December 2012 European Council Conclusions³?

	Yes - debated/scrutinised	No- debated/scrutinised
Commission Blueprint		x
Van Rompuy Report		x
European Council Conclusions		x

If yes - give further details of debate/scrutiny.

1.2 If yes, what was the overall reaction to the document(s)?

	Positive/Negative	Necessary/Unnecessary steps	Realistic/Unrealistic
Commission Blueprint			
Van Rompuy Report			
European Council Conclusions			

Please elaborate if you wish to highlight any specific views.

1.3 Has/have the document(s) contributed to a debate in your Parliament/Chamber on the future direction of the Economic and Monetary Union?

Yes – debated at Committee level

Yes – debated in Plenary

No – In view of the fact that Parliament was dissolved on 7 January 2013 ahead of general elections in Malta on 9 March, and that consequently the new Parliament has only been constituted on 6 April, the Maltese Parliament has not had the opportunity to discuss these documents yet.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?url=COM:2012:0777:FIN:EN:PDF>.

² http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/134069.pdf

³ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/134353.pdf

If yes, please provide details

1.4 In the context of a deeper Economic and Monetary Union, what is the view of your Parliament/Chamber on the establishment of:

	Positive/Negative	Necessary/Unnecessary steps	Realistic/Unrealistic
A single resolution mechanism for the recovery and resolution of banks within the Member States participating in the Banking Union in the short term			
Ex-ante coordination of major economic reforms in the short term			
Ex-ante creation of a Convergence and Competitiveness Instrument (CCI) in the short term			
The possible creation of a fiscal capacity fund for the euro area in the medium term			
The possible creation of a redemption fund for the euro area in the medium term			

In view of the fact that Parliament was dissolved on 7 January 2013 ahead of general elections in Malta on 9 March, and that consequently the new Parliament has only been constituted on 6 April, the Maltese Parliament has not had the opportunity to discuss and take a position on these documents yet.

1.5 How might your Parliament/Chamber understand its role to be in the democratic legitimacy and accountability of a genuine economic and monetary union?

In view of the fact that Parliament was dissolved on 7 January 2013 ahead of general elections in Malta on 9 March, and that consequently the new Parliament has only been constituted on 6 April, the Maltese Parliament has not had the opportunity to discuss and take a position on these issues yet.

1.6 Does your Parliament/Chamber believe that the following documents have adequately considered the issue of democratic legitimacy and accountability, and in particular, the role of national Parliaments and the European Parliament, in a genuine economic and monetary union?

- Commission Blueprint - Yes/No?
- Van Rompuy report - Yes/No?
- December 2012 European Council Conclusions - Yes/No?
If yes, please elaborate.
If no, how might this issue be addressed?

In view of the fact that Parliament was dissolved on 7 January 2013 ahead of general elections in Malta on 9 March, and that consequently the new Parliament has only been constituted on 6 April, the Maltese Parliament has not had the opportunity to discuss and take a position on this issues yet. The matter will have to be discussed by the relevant committees of the Parliament in due course.

1.7 Does your Parliament/Chamber agree with the following excerpts from the December 2012 European Council Conclusions?⁴

"The general objective remains to ensure democratic legitimacy and accountability at the level at which decisions are taken and implemented"

Yes/No/In part? Give reasons

In view of the fact that Parliament was dissolved on 7 January 2013 ahead of general elections in Malta on 9 March, and that consequently the new Parliament has only been constituted on 6 April, the Maltese Parliament has not had the opportunity to discuss and take a position on this issues yet. The matter will have to be discussed by the relevant committees of the Parliament in due course.

"Further integration of policy making and greater pooling of competences must be accompanied by a commensurate involvement of the European Parliament"

Yes/No/In part? Give reasons

⁴ See point 14: http://www.consilium.europa.eu/uodocs/cms_data/docs/pressdata/en/ec/134353.pdf.

In view of the fact that Parliament was dissolved on 7 January 2013 ahead of general elections in Malta on 9 March, and that consequently the new Parliament has only been constituted on 6 April, the Maltese Parliament has not had the opportunity to discuss and take a position on this issues yet. The matter will have to be discussed by the relevant committees of the Parliament in due course.

1.8 According to your Parliament/Chamber, how could the statements quoted in Q1.7 be achieved in practice?

In view of the fact that Parliament was dissolved on 7 January 2013 ahead of general elections in Malta on 9 March, and that consequently the new Parliament has only been constituted on 6 April, the Maltese Parliament has not had the opportunity to discuss and take a position on this issues yet. The matter will have to be discussed by the relevant committees of the Parliament in due course.

1.9 How does your Parliament/Chamber prepare European Council meetings and scrutinise European Council conclusions?

Following European Council meetings the Prime Minister makes a statement to the House, followed by a debate, on the outcome of the particular European Council meeting in which he participated.

1.10 If you wish to provide any additional information related to Chapter 1, please do so below.

N/A

Chapter 2: European Semester 2013

2.1 Is your Parliament/Chamber satisfied with its degree of engagement in the economic governance of the EU and the European Semester at national level in 2013?

Yes/No/In part?

If yes or in part, please give examples of scrutiny carried out.

If no, what improvements does your Parliament/Chamber plan to make and how?

In view of the fact that Parliament was dissolved on 7 January 2013 ahead of general elections in Malta on 9 March, and that consequently the new Parliament has only been constituted on 6 April, the Maltese Parliament has not had the opportunity to discuss and take a position on these issues yet.

However, in one of the first sittings of the current Legislature, the House unanimously approved the setting up of a new Standing Committee on Economic and Financial Affairs. The new Committee would be able to take up scrutiny and

discussions on the European Semester budgetary surveillance cycle and wider economic governance issues in due course.

2.2 Has your Parliament/Chamber debated/scrutinised the Annual Growth Survey 2013?⁵

No

Please give details.

2.3 Has your Parliament/Chamber engaged with the European Commission in any part of the European Semester process?

No

If yes, how?

If no, why not?

To date Parliament has had limited mechanisms in place to enable it to scrutinise in depth the various documents originating from the European Semester process. As explained in reply to question 1.9, the Prime Minister regularly made reports to the House on the outcome of the European Council meetings, a number of which concerned stages in the European Semester cycle.

2.4 Will your Parliament/Chamber debate/scrutinise the following documents in 2013 with your Government?

	yes (<i>ex ante</i> / <i>ex post</i>)	no
Draft Stability and Convergence Programme		
National Reform Programme		
Country-Specific Recommendations		

In view of the fact that Parliament was dissolved on 7 January 2013 ahead of general elections in Malta on 9 March, and that consequently the new Parliament has only been constituted on 6 April, the Maltese Parliament has not had the opportunity to discuss and take a position on these issues yet.

2.5 Has your Parliament/Chamber increased its participation in the European Semester since the process began in 2011?

⁵ COM/2012/0750 final: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?url=COM:2012:0750:FIN:EN:HTML>,
COM (2012) 0752 final: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?url=COM:2012:0752:FIN:EN:PDF>,

Yes

If yes, how? Please give specific examples

The Maltese Parliament was represented at its highest level by the Speaker of the House of Representatives in the first European Parliamentary Week on the European Semester organised by the European Parliament in January 2013. Since the Parliament stood dissolved at the time, the Speaker at that time felt that it was crucial for the Maltese Parliament to be present at this event.

If no, why not?

- 2.6 Did your Parliament/Chamber participate in the Parliamentary Week of the European Semester, hosted by the European Parliament in January 2013?⁶

Yes

- 2.7 If so, did the Parliamentary Week enhance the involvement of your Parliament/Chamber in the European Semester at national level in 2013 as a result?

No

If yes, how?

If no, why not?

Since the new Parliament has only recently been reconstituted, Parliament has not yet had the opportunity to consider the outcome of the European Parliamentary Week. The setting up of the new Standing Committee on Economic and Financial Affairs, however, is considered to be one of the first essential steps that will enable the Parliament to involve itself in the European Semester at national level.

- 2.8 Did the Parliamentary Week facilitate thorough inter-parliamentary dialogue at European level on the key questions pertaining to the European Semester in 2013?

Yes

If yes, how?

⁶ See the list of participants:

<http://www.europarl.europa.eu/webnp/cms/lang/en/pld/1796;jsessionid=411B4D1449C7F159DCA83A2011888DA8>.

The Parliamentary Week provided an appropriate venue for a large number of MPs to have the opportunity to raise issues related to the European Semester from an economic, a budgetary and an employment point of view. The timing of the event at the beginning of the 2013 European Semester is also considered appropriate as it enables the European Parliament to take into account the deliberations during these meetings when preparing the reports on the Annual Growth Survey and Work Programme of the European Commission.

If no, why not?

2.9 In the view of your Parliament/Chamber, what is the optimum forum for interparliamentary cooperation at European level on the European Semester?

The Maltese Parliament has taken note of the Conclusions of the Speakers' Conference that was held in Cyprus between 21 and 23 April 2013, specifically the decision to launch the Conference as provided in Article 13 of the Treaty on Stability, Convergence and Governance, as soon as during the Lithuanian Presidency.

In order to maximise resource efficiency and to avoid the duplication of similar meetings the Maltese Parliament feels that this new Conference could be the most appropriate forum for interparliamentary cooperation at European level on the European Semester.

2.10 What role, if any, do parliamentary Committees play in the preparation of the draft Stability and Convergence Programme, National Reform Programme and Country-Specific Recommendations?

To date the Maltese Parliament has not been involved in the preparation of the draft Stability and Convergence Programme or the National Reform Programme.

With respect to the Country-Specific Recommendations, these are produced by the European Commission and endorsed by the Council rather than by the governments of the Member States unlike the draft Stability and Convergence Programme and National Reform Programme. The Maltese Parliament, however, would consider favourably involving the national parliaments during the preparation stage of the recommendations.

2.11 Has your Parliament/Chamber implemented, or does it plan to implement, any changes to its procedures at national level in response to the introduction of the European Semester?

	yes	no
Changes already made to	x	

national procedures		
Changes to national procedures planned	x	

If yes, please give further details.

Although not the primary reason for the setting up of the new Standing Committee on Economic and Financial Affairs, this is considered to be an important step towards enabling the Parliament to tailor its procedures to take into account the new European Semester cycle.

2.12 If you wish to provide any additional information related to Chapter 2, please do so below.

Chapter 3: EU Enlargement

3.1 What form does parliamentary approval of Accession Treaties and Stabilisation and Association Agreements (SAAs) take in your Parliament/Chamber?

- Act
- Motion
- Resolution
- Other

3.2 Does your Parliament/Chamber regularly debate/scrutinise Monitoring Reports (acceding countries) and/or annual progress reports (candidate and potential candidate countries)?

	yes	no
Monitoring Reports (acceding countries)		
Annual progress reports (candidate and potential candidate countries)		

These reports are placed on the agenda of Foreign and European Affairs Committee or one of its Working Groups for scrutiny.

3.3 Has your Parliament/Chamber debated the most recent Commission Communication setting out an Enlargement Strategy and the Main Challenges 2012-2013 [COM (2012) 600]?⁷

⁷http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?url=COM:2012:0600:FIN:EN:PDF;http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/strategy_paper_2012_en.pdf.

No

If yes, please give a short summary.

3.4 Has your Parliament/Chamber debated enlargement in relation to:

	yes	no
a) Turkey	x	
b) Iceland		X
c) Montenegro		X
d) Former Yugoslav Republic of Macedonia		X
e) Serbia		X
f) Albania		X
g) Bosnia and Herzegovina		X
h) Kosovo ⁸		X

If yes, please elaborate.

Turkey's accession to the EU was one of the issues that was discussed in the Standing Committee on Foreign and European Affairs during a meeting with H.E. Egemen Bagis, Minister for European Affairs and Chief Negotiator of Turkey, in April 2012.

3.5 Does your Parliament/Chamber engage in dialogue with political, official and civil society representatives in enlargement states on a regular basis?

Yes

If yes, how did the engagement take place and with whom?

Through Parliamentary Friendship Groups, participation by the Speaker of the Parliament in the annual Conference of Speakers of Small Member States and ad hoc bilateral visits there are opportunities to engage in discussions with representatives and officials from accession countries.

3.6 In the opinion of your Parliament/Chamber, how can the national discourse on enlargement be enhanced in your country?

⁸ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

The Foreign and European Affairs Committee is planning to place the subject of enlargement of the European Union, including the accession of the individual applicants on the agenda of the Committee. This will give the opportunity to the Maltese Parliament to discuss this issue.

3.7 If you wish to provide any additional information related to Chapter 3, please do so below.

Chapter 4: Subsidiarity

4.1 Please give an update on the *subsidiarity* scrutiny procedures in your Parliament/Chamber if they have changed since the publication of the 16th Bi-annual in October 2011.⁹ Please give any examples of innovation or best practise.

The subsidiarity scrutiny procedure has not been changed significantly since it was put in place towards the end of 2011.

A minor addition was made to include the transmission of reasoned opinions by the Maltese Parliament to the Maltese Members of the European Parliament and also to all the European Speakers.

4.2 Does your Parliament/Chamber think that the 8-week period for internal parliamentary scrutiny of subsidiarity as provided for in the Lisbon Treaty is sufficient?

No

If no, how many weeks would your Parliament/Chamber consider sufficient?

This issue has come up each time that Parliament has adopted a reasoned opinion in terms of Protocol No. 2 of the Lisbon Treaty as 8 weeks turn out not to be enough to allow the subsidiarity procedure to comfortably follow its course.

Although there is wide agreement, especially at administrative level, that the 8-week period is too short, no new timeframe has ever been discussed.

4.3 Please identify below the methods and/or networks used by your Parliament/Chamber to exchange information on subsidiarity and state whether these have helped the development of particular scrutiny outcomes. For example:

Method/network	Used (Y/N)	Helped to develop following scrutiny outcome (choose any)

⁹ Please see: <http://www.cosac.eu/documents/bl-annual-reports-of-cosac/>

		that apply)
Sent early notice of likely RO via National Parliament Representative	Y/N	RO/opinion/no RO/no action
Held discussions between MPs and/or MEPs in sidelines of COSAC	Y/N	RO/opinion/no RO/no action
Looked at IPEX database for details of ROs already issued	Y/N	RO/opinion/no RO/no action
Discussed with MPs and/or MEPs at EP interparliamentary meeting(s)	Y/N	RO/opinion/no RO/no action
Received/sent email notice of RO from/to another Parliament/Chamber	Y/N	RO/opinion/no RO/no action
Received/sent letter from Chairman of a Parliamentary Committee	Y/N	RO/opinion/no RO/no action
Held discussions between Parliamentary Committees (i.e. video conference)	Y/N	RO/opinion/no RO/no action
Discussed in political group meeting at COSAC	Y/N*	RO/opinion/no RO/no action
Information received from (or passed to) Permanent Representation/Government	Y/N	RO/opinion/no RO/no action
Other, please give more details	Y/N	RO/opinion/no RO/no action

* No information is usually given on discussions held during the political group meetings.

4.4 Please give details of any improvements suggested by your Parliament/Chamber to increase the effectiveness of the interparliamentary exchange of information on the scrutiny of subsidiarity?

N/A

4.5 How could the European Commission improve its response to ROs issued by national Parliaments in future?

In future, the European Commission should consider sending out detailed individual replies to those Parliaments which have submitted a reasoned opinion also when a yellow card has been reached.

"Monti II" proposal¹⁰

4.6 Did your Parliament/Chamber scrutinise, issue a Reasoned Opinion or an opinion under the political dialogue on the "Monti II" proposal?

	Yes	No
Scrutinise		x
Reasoned Opinion	x	
Opinion under political dialogue		x

4.7 Did your Parliament/Chamber exchange information with other Parliaments/Chambers on the "Monti II" proposal?

Yes, both sent and received

4.8 Which of the following methods/networks of exchange did your Parliament/Chamber use for the "Monti II" proposal? And which ones added value to your scrutiny process and/or helped develop a scrutiny outcome, if applicable?

Action	Used	Added value to scrutiny process	Helped to develop following scrutiny outcome (choose one if any)
National Parliament Representatives/Monday Morning Meeting	Y/N	Y/N	RO/opinion/no RO/no action
COSAC meeting on 23-25 April 2011	Y/N	Y/N	RO/opinion/no RO/no action
IPEX database	Y/N	Y/N	RO/opinion/no RO/no action
EP interparliamentary meeting(s)	Y/N	Y/N	RO/opinion/no RO/no action
Network(s) of political group(s)	Y/N	Y/N	RO/opinion/no RO/no action
Exchange between Parliamentary	Y/N	Y/N	RO/opinion/no RO/no action

¹⁰ COM (2012) 130 - Proposal for a Council Regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services, 21 March 2012.

Committees			
Exchange between individual MPs	Y/N	Y/N	RO/opinion/no RO/no action
Exchange between individual MEPs and MPs	Y/N	Y/N	RO/opinion/no RO/no action
Exchange between Parliamentary administrations	Y/N	Y/N	RO/opinion/no RO/no action
With Permanent Representation to the Council	Y/N	Y/N	RO/opinion/no RO/no action
National Government	Y/N	Y/N	RO/opinion/no RO/no action
Other, please specify			RO/opinion/no RO/no action

4.9 Does your Parliament/Chamber believe that the European Commission actions in responding to the "yellow card" were in line with the Lisbon Treaty provisions in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?

Yes

Even though the European Commission followed the letter of the Treaty, the spirit of the Treaty's provisions would imply that detailed individual replies are to be sent out to all the national parliaments that issued a reasoned opinion.

If no, why not?

4.10 Does your Parliament/Chamber believe that the European Commission, in the case of "Monti II", applied correctly the practical arrangements for the operation of the subsidiarity control mechanism as laid out in the 1 December 2009 letter from European Commission President Barroso to national Parliaments?¹¹

No

Please give reasons.

In the letter of 1 December 2009 concerning the practical arrangements for the operation of the subsidiarity control mechanism under Protocol No 2 of the Treaty of

¹¹ See: Annex to the letter from Commission President José Manuel Barroso and Vice-President Margot Wallström: http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/npo/docs/letter_en.pdf.

Lisbon sent to national parliaments by Commission President Barroso and Commission Vice President Wallström it was stated that:

Both in the case of the yellow and orange card procedure, the College will decide whether to maintain, amend or withdraw the legislative proposal in question, and give reasons for its decision in the form of a Commission Communication, which will be subsequently sent to all national Parliaments, as well as to the legislator and to IPEX.

The Commission, after deciding to withdraw the Monti II Proposal has to date not issued a Communication as described in the above letter.

- 4.11 Did your Parliament/Chamber believe that the letter from the European Commission in reply to the RO (dated 12 September 2012) was an adequate response?¹²

No

If not, why not?

The response is not considered to be adequate as the same letter was sent to all the parliaments without addressing the specific concerns raised in the individual reasoned opinions.

- 4.12 Following the response of the European Commission to the Contribution of the XLVIII COSAC,¹³ has your Parliament/Chamber received an individual reply to its RO, including reasoning, from the European Commission on the Monti II proposal?

No

If yes, please give details.

- 4.13 If applicable, does your Parliament/Chamber believe that, regarding the "Monti II" proposal, the European Commission sufficiently took into account the views included in your ROs?

No

If no, why not?

¹² ARES(2012)1058907:

http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/npa/letter_to_nal_parl_en.htm.

¹³ See letter of Vice-President Šefčovič: <http://www.parleu2013.ie/wp-content/uploads/2012/12/Letter-From-Maros-Sefcovic.pdf> and reply of the European Commission to the Contribution of the XLVIII COSAC, dated 24 January 2013: <http://www.cosac.eu/48-cyprus-2012/plenary-meeting-of-the-xlvi-cosac-14-16-october-2012-nicos/>.

Since the two letters sent by the Commission, dated 12 September 2012 and 14 March 2013 seem to have been standard letters sent to the Parliaments, the Commission seems to have failed to individually address the specific raised by the parliaments in their reasoned opinions, unlike other instances where a yellow card is not achieved.

- 4.14 If you wish to provide any additional information related to Chapter 4, please do so below.

