

**Outline of the 14th Bi-annual Report of COSAC
on Procedures and Practices Relevant to Parliamentary Scrutiny
(to be approved by the Chairpersons of COSAC on 5 July 2010 in Brussels)**

Chapter 1. Sustainable development in the Europe 2020 Strategy

This chapter accompanies a set of questions regarding the content as well as the procedures of the recently adopted Europe 2020 Strategy. These will enable to examine whether the concept of sustainable development was sufficiently integrated into this Strategy. In addition, the chapter will provide information on how the national Parliaments intend to hold their governments to account for their actions in pursuit of the objectives of this strategy.

This concept of sustainable development was described for the first time in the so-called “Brundtland Report” in 1987 as: “(...) *development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts : the concept of ‘needs’, in particular the essential needs of the world’s poor, to which overriding priority should be given, and the idea of limitations imposed by the state of technology and social organization on the environment’s ability to meet present and future needs*”¹.

In 1992, the United Nations Conference on Environment and Development (henceforth “UNCED”)² transferred the concept of sustainable development onto the action level and, subsequently, the Commission on Sustainable Development (henceforth “CSD”) was established³.

On 9 June 2006, the European Union Strategy for Sustainable Development was published⁴.

Moreover, sustainable development is one of the first items of the Treaty of Lisbon as Article 3.3 of the Treaty on European Union stipulates: “*The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance*”.

¹ Report of the World Commission on Environment and Development: Our Common Future (UNO, 4 August 1987)-
http://www.un.org/french/documents/view_doc.asp?symbol=A/42/427&TYPE=&referer=http://www.un.org/fr/documents/&Lang=E-p. 54

² also known as the “Earth Summit” or the “Rio Summit”

³ the CSD is responsible for executing the international agreements on global sustainable development i.e. the Agenda 21, the Rio Declaration and the Johannesburg Plan of Implementation stemming from the 2002 Summit

⁴ this Strategy mainly deals with the following issues (1) climate change and clean energy, (2) sustainable transport, (3) sustainable consumption and production, (4) conservation and management of natural resources, (5) public health, (6) social inclusion, demography and migration and (7) global poverty and sustainable development challenges-<http://register.consilium.europa.eu/pdf/en/06/st10/st10117.en06.pdf>

After Rio de Janeiro and Johannesburg, a third important Summit on the level of the United Nations will take place in Rio de Janeiro in 2012 (“Rio + 20”). This Summit is currently being prepared by the CSD.

The new strategy “EUROPE 2020: A strategy for smart, sustainable and inclusive growth” was presented by the European Commission in its communication on 3 March 2010⁵. As suggested by the strategy’s title, one of its social and economic priorities is the concept of sustainable growth described as: “*promoting a more resource efficient, greener and more competitive economy*” and expressed as three climate and energy targets of (at least) 20% to meet, namely: “*reduce greenhouse gas emissions by at least 20% compared to 1990 levels or by 30%, if the conditions are right; increase the share of renewable energy sources in our final energy consumption to 20%; and a 20% increase in energy efficiency*”.

The Belgian Presidency of the European Union has defined sustainable development, one of the present-day major global challenges, as one of its priorities. It will, therefore, endeavour to search for ways to integrate sustainable development into the framework of the new strategy “EUROPE 2020: A strategy for smart, sustainable and inclusive growth”, the Lisbon Strategy’s successor, and to put it into practice.

Chapter 2. Parliamentary Scrutiny of the Common Security and Defence Policy (henceforth “CSDP”)

On 31 March 2010, ten Member States⁶ of the Western European Union (henceforth “WEU”) agreed to initiate procedures to terminate the modified Treaty of Brussels. Citing the mutual assistance clause enshrined in the Treaty of Lisbon (Article 42.7⁷ of the Treaty on European Union), these Member States considered that a next phase in CSDP had begun, ending the historic role of the WEU.

However, the termination of the modified Treaty of Brussels also means the end of the activities of the WEU Parliamentary Assembly, traditionally considered to be the interparliamentary body dealing with CSDP. The Parliamentary Assembly will cease its activities at the end of June 2011.

For many, the dissolution of the WEU Parliamentary Assembly will leave the issue of parliamentary control in the field of European defence unsolved.

Moreover, the Treaty of Lisbon is not designed to introduce any modification on this matter. It, though, grants the European Parliament with a general right to be informed and consulted.

In that context, the implementation of Article 10 of Protocol 1 on the role of national Parliaments in the European Union also represents an opportunity for national Parliaments to get more involved in the CSDP.

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>

⁶ France, Germany, Belgium, Spain, Greece, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom

⁷ “If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all means in their power. This commitment will be consistent with commitments in NATO”.

But how should this parliamentary control of CSDP look like? Is it really necessary to create an interparliamentary body, considering the fact that security and defence remain to a large extent national policies? The discussion still has to take place.

Some consider Protocol 1 to the Treaty of Lisbon on the role of national Parliaments in the European Union as the basis for this discussion.

In March 2010, the European Affairs Committee of the French *Sénat* adopted a resolution in which it stated that a structure should be created bringing together Members of Parliament specialised in defence issues of the 27 Member States of the European Union. This structure could be designed following the model of COSAC⁸. The organisation and secretariat would be the responsibility of the national Parliaments on a rotational basis of one meeting every six months.

The President of the WEU Parliamentary Assembly has proposed the creation of a permanent conference of representatives of national Parliaments. This new mechanism would have effective parliamentary control powers *vis-a-vis* the actors and activities of the European Union.

Another idea, presented at the XLIII COSAC meeting on 31 May - 1 June 2010, was to leave this scrutiny in the hands of COFACC and/or CODAC.

Both the Conference of Speakers of the Parliaments of the EU and COSAC have considered that:

- (Speakers): *"Given the special nature of the common security and defence policy (CSDP) and the role of national parliaments in the smooth functioning of the European Union, the Speakers stress the fundamental role of national Parliaments in the future parliamentary scrutiny of the common foreign and security policy including the CSDP"*⁹;
- (COSAC): *"Given the special nature of this policy area, COSAC underlines the fundamental role of national Parliaments in the parliamentary scrutiny of the common foreign and security policy as well as the common security and defence policy"*¹⁰.

For this reason, the Speakers have asked the incoming Presidency of their Conference to take the discussion forward, with a view to reaching an agreement at the next meeting of the Conference of Speakers of the EU Parliaments.

Article 10 of Protocol 1 clearly gives COSAC a role in this matter. At the same time, the European Parliament, the WEU Parliamentary Assembly and national Parliaments are also encouraged to reflect on this matter, which will be on the agenda of the XLIV COSAC meeting on 25-26 October 2010 in Brussels.

⁸ Six Members of Parliament for each Member State, six Members of the European Parliament, meeting once every six months

⁹ Presidency Conclusions of the EU Speakers' Conference, Part 6, Stockholm, 14 - 15 May 2010

¹⁰ Contribution of the XLIII COSAC, Para 5.3, Madrid, 31 May - 1 June 2010

Building on the information in the 13th Bi-annual Report of COSAC, this Chapter will examine a possible parliamentary scrutiny of the CSDP and its modalities.

Chapter 3. The future role of COSAC after the entry into force of the Treaty of Lisbon - Continuation of the debate of the XLIII COSAC meeting

The replies of the national Parliaments to the questions on the future role of COSAC after the entry into force of the Treaty of Lisbon led to a number of fairly general conclusions and suggestions which were taken up in the 13th Bi-annual Report of COSAC¹¹.

Furthermore, the XLIII COSAC spent a considerable part of its meeting in Madrid discussing this topic. This debate demonstrated that the issue of the future role of COSAC is far from being closed. Moreover, new suggestions were made which merit to be further explored.

Consequently, the Belgian Presidency has agreed to refine the quest for COSAC's post-Lisbon identity by means of a series of well-aimed questions in the context of Article 10 of Protocol 1 on the role of national Parliaments in the European Union which reads:

"A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise inter-parliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudge their positions".

Given this background, this chapter will present an overview of the opinions of national Parliaments and the European Parliament on practical aspects of holding COSAC debates on such issues as:

- the principle of subsidiarity;
- the European Commission's Work Programme;
- political monitoring of Europol and evaluation of Eurojust's activities;
- the European Union common foreign and security policy, including common security and defence policy.

¹¹ <http://www.cosac.eu/en/meetings/Madrid2010/ordinary.doc/> - p. 32 - 61