

MINUTES OF THE MEETING OF THE LV COSAC
The Hague, the Netherlands, 12-14 June 2016

IN THE CHAIR: Mr Tuur ELZINGA, Chair of the Committee on European Affairs, Dutch *Eerste Kamer*, and Mr Malik AZMANI, Chair of the Committee on European Affairs, Dutch *Tweede Kamer*.

AGENDA:

1. Opening of the meeting

- Welcome address by Ms Ankie BROEKERS-KNOL, President of the Dutch *Eerste Kamer*
- Introductory remarks by Mr Tuur ELZINGA, Chair of the Committee on European Affairs of the Dutch *Eerste Kamer*

2. Adoption of the agenda

3. Procedural issues and miscellaneous matters

- Information on the results of the Presidential Troika of COSAC
- Letters received by the Presidency

4. 'Reflection on the Dutch EU Presidency'

Keynote speaker: Mr Mark RUTTE, Prime Minister of the Netherlands

5. Session I - 'Parliamentary scrutiny, an exchange of best practices'

5.1 Introduction

5.2 Opening by the Chair of the Committee on European Affairs of the Dutch *Eerste Kamer*, Mr Tuur ELZINGA and introduction of the moderator for this session, Ms Marit MAIJ, Member of the Dutch *Tweede Kamer*

5.3 Key findings of the 25th Bi-annual Report of COSAC

Presentation by the Permanent Member of the COSAC Secretariat, Ms Christiana FRYDA

5.4 Combining parliamentary information for scrutiny and effective cooperation between Parliaments: The use of Rapporteurs

Introduction by the moderator and debate

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Introduction by the moderator and debate

5.6 State of play on the instruments at the disposal of national Parliaments ("yellow"/"green" card)

Interview with Mr Frans TIMMERMANS, First Vice-President of the European Commission

6. Session II - 'The role of Parliaments in Protecting the Rule of Law within the EU'

Introduction by the moderator, Mr Murray Hunt, Visiting Professor Oxford University

Panel discussion:

- Mr Pieter VAN DIJK, former member Venice Commission, expert on the Rule of Law check list of the Venice Commission

- Ms Sophie IN' T VELD, Member of the European Parliament, Rapporteur of the legislative own initiative report on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights'

Debate

Closing remarks by Mr Frans TIMMERMANS, First Vice President of the European Commission

7. Session III - 'Exchange of best practices and experiences in Parliamentary Diplomacy'

Introduction by the moderator, Mr Jan WOUTERS, University of Leuven, research project "Interparliamentary Cooperation in the EU's External Action – Parliamentary Scrutiny and Diplomacy in the EU and Beyond"

Panel discussion:

- Ms Lolita IG NE, Chair of the European Affairs Committee of the Latvian *Saeima*
 - Mr Andrej HUNKO, Member of the German *Bundestag*
 - Mr Rubén MORENO PALANQUES, Member of the Spanish *Congreso de los Diputados*
- Debate

8. Meeting of the Chairpersons of COSAC

- Debate on the draft Contributions of the LV COSAC

9. Session IV: 'European Court of Auditors'

Introduction by the moderator, Mr Joris BACKER, Member of the Dutch *Eerste Kamer*

Introduction by Mr Alex BRENNINKMEIJER and Mr Ville ITÄLÄ, Members of the European Court of Auditors

10. Session V: 'Migration'

Discussion on the state of play of the implementation of the EU-Turkey Agreement

Introduction by the moderator, Mr Kamran ULLAH

Introduction by Mr Gerald KNAUS, Chair of the European Stability Initiative

Panel discussion:

- Mr Elmar BROK, Chair of the Committee on Foreign Affairs of the European Parliament (AFET)
- Ms Marina BERLINGHIERI, Member of the Italian *Camera dei deputati*
- Mr Václav HAMPL, Chair of the Committee on EU Affairs of the Czech *Senát*

Debate

11. Adoption of the Contribution of the LV COSAC

12. Presentation by the winner of the essay contest of the Dutch Parliament on the role of national Parliaments in the European Union in 25 years

PROCEEDINGS

1. Opening of the meeting

- **Welcome address by Ms Ankie BROEKERS-KNOL, President of the Dutch *Eerste Kamer***

Ms Ankie BROEKERS-KNOL, President of the Dutch *Eerste Kamer*, welcomed the participants to the final conference of the Parliamentary dimension of the Dutch EU Presidency. She explained that, under the last Dutch Presidency in which she participated as a Member of COSAC, an exchange of best practices on the Third Railway package has taken place after a long discussion on whether COSAC was the right place for such an exchange. She remarked that since then, the role of national Parliaments had become increasingly important, especially since the entry into force of the Treaty of Lisbon and that the instruments it provided for were still relatively new and therefore the "yellow card" procedure or the correspondence in the political dialogue needed special attention.

Recognising that Europe faced instability, conflict and disrupted societies at its borders, she reminded that the rule of law was the foundation and pertained to the basic values of the EU, and that national and European Parliamentarians all shared the responsibility to protect those values. Mentioning the migration crisis, she underlined the urgency to tackle this crisis and to find a common solution among 28 Member States, because no Member State would be able to tackle a crisis like this on its own. The national Parliaments and the European Parliament were uniquely placed to offer a platform for debate that determined whether initiatives for European solutions could count on broad public support. In this context, she underlined the necessity of strengthening

interparliamentary and parliamentary control over the European decision making process in order to make it more democratically legitimised.

- **Introductory remarks by Mr Tuur ELZINGA, Chair of the Committee on European Affairs of the Dutch *Eerste Kamer***

The Chair reminded the participants that the Dutch Presidency had organised six meetings under the parliamentary dimension of the Dutch EU Presidency, stimulating exchanges and debates. He recalled that Europe was faced with serious challenges, namely the terrorist attacks that took place over the last months and days, and also with regard to migration.

On the draft Contribution, Mr ELZINGA then informed the participants that, after the meeting of the Troika the day before, a modified document incorporating the Troika amendments had been drafted and announced that further amendments to the draft Contribution would be accepted until 12 pm.

2. Adoption of the agenda

The Chair presented the draft agenda of the LV COSAC, which was adopted without amendment.

3. Procedural issues and miscellaneous matters

- **Information on the results of the Presidential Troika of COSAC**

The Chair informed participants of the results of the Troika meeting held the day before.

- **Letters received by the Presidency**

He then referred to the letters received by the Presidency:

- A letter from Mr Kalle PALLING, Chairperson of the European Union Affairs Committee of the Estonian *Riigikogu*, requesting assistance in facilitating an informal lunch session in the margins of the LV COSAC on collaborative economy.
- A letter from Mr Carles ENSENAT, Chair of the Foreign Affairs Committee of the *Consell Generall* of Andorra, expressing interest in participating in the LV COSAC meeting. After consultation with the Troika, an invitation letter was addressed to the Andorran Parliament.

4. 'Reflection on the Dutch EU Presidency'

Keynote speaker: Mr Mark RUTTE, Prime Minister of the Netherlands

Mr Mark RUTTE, Prime Minister of the Netherlands, welcomed the participants to the Hall of Knights, the beating heart of Dutch democracy, which since 1904 was the venue for the annual State Opening of Parliament.

The Prime Minister of the Netherlands shared some reflections concerning the Dutch Presidency. He stated that it was too early to sit back, as there were still some dossiers to be closed, for example in the field of completing the Single Market. There was still enormous untapped potential here, especially in the digital market and in the market for services.

Concerning the migration problem, he underlined the efforts made by the EU in tackling the root causes of the crisis in Syria, creating hotspots, making clear agreements with Turkey, and creating a

European Border and Coast Guard. He also mentioned the need to build a robust Eurozone with sound public finances and the roadmap for the completion of the Banking Union. In order to ensure a safe, secure Europe, the EU had agreed to enhance information-sharing between security services and an exchange of passenger information. He pointed out those agreements as important steps in the fight against terrorism.

In order to counter the support for the EU that had been waning in recent years, a bridge between societies and the distant world of Brussels needed to be built, also with the help of national Parliaments, which could play a key role in changing that. After citing from a report of the Dutch *Tweede Kamer*, 'Ahead in Europe' in which it was stated that a single national Parliament could only play a very limited role in European decision-making and by working together with other parliaments, one's own parliament became stronger, he highlighted the role of COSAC as a forum for interparliamentary cooperation. In this regard, he welcomed the introduction of a "green card" procedure as a very constructive initiative, as long as it helped to keep the EU focused on the essentials. He concluded that national Parliaments were crucial for the implementation of all the aims described above. He ended his speech underlining that together national Parliaments could have the loudest possible voice in Europe, and in doing so they would help reinforce democratic foundations, foster stability and boost public support.

In the following debate six participants took the floor.

On the questions of Mr Gunter KRICHBAUM, German *Bundestag*, on the continuation of the sanctions against Russia and Mr Juhan PARTS, Estonian *Riigikogu* on the signal given to the people of Ukraine, especially after the non-ratification of the association agreement, the Dutch Prime Minister acknowledged that not enough progress had been achieved in the implementation of the Minsk agreements, particularly by Russia. He also pointed out that pressure needed to be maintained on the Ukrainian side to fully implement the agreement. However, the EU needed to take a decision in the coming weeks on the continuation of the sanctions. Ukraine had delivered on the benchmarks on visa liberalisation, as well as Georgia. Mr RUTTE regretted the organisation of a referendum in his own country on a multilateral agreement, but expressed his hopes that in negotiation the outcome of the agreement with the partners, his country would be able to adopt the association agreement.

Replying a question raised by Mr Lucio ROMANO, Italian *Senato della Repubblica*, on the migration crisis and, in particular the respect of the fundamental rights in relation to the reception of migrants, Mr RUTTE welcomed the Italian proposal of a "migration compact" expressing however some reservations on the point of the use of Eurobonds to finance the solution of the migration crisis. He acknowledged that Italy was very well placed to give some guidance to the EU on the question of the migration crisis and encouraged it to go on with the implementation of the hotspots in order to avoid the wave through of economic migrants. Further efforts were necessary to return economic migrants to their countries of origin.

Mr uboš BLAHA, Slovak *Národná rada*, shared the concerns of his population concerning the conclusion of TTIP and CETA agreements and the involvement of national Parliaments in the debate, to which the Prime Minister of the Netherlands responded that he was strongly in favour of the completion of the agreements for economical and geopolitical reasons. He added that in the case of his country, both Houses of Parliament had been involved in the discussions.

5. Session I - 'Parliamentary scrutiny, an exchange of best practices'

Introduction

- Opening by the Chair of the Committee on European Affairs of the Dutch *Eerste Kamer*, Mr Tuur ELZINGA and introduction of the moderator for this session, Ms Marit MAIJ, Member of the Dutch *Tweede Kamer*
- Key findings of the 25th Bi-annual Report of COSAC
Presentation by the Permanent Member of the COSAC Secretariat, Ms Christiana FRYDA

Introducing the session, Ms MAIJ explained that the Dutch Presidency had prepared an interactive session using the input of the Bi-annual Report on the first chapter. She then gave the floor to the Permanent Member of the COSAC Secretariat, Ms Christiana FRYDA to briefly present the 25th Bi-annual Report of COSAC, which consisted of three chapters: 1) Modes and Experiences of National Scrutiny, 2) The Rule of Law and the Role of Parliaments, 3) Parliamentary Diplomacy in the Framework of the European Neighbourhood Policy. Ms FRYDA's presentation focused on the first chapter of the Report.

- Combining parliamentary information for scrutiny and effective cooperation between Parliaments: The use of Rapporteurs
Introduction by the moderator and debate

Ms MAIJ stressed that the Bi-Annual Report had shown that not all Parliaments/Chambers had a system of rapporteurs and that the competences of rapporteurs differed from country to country. In order to kick off the debate, an informal vote was cast whether a "rapporteur was an instrument to be used by the European Parliament only". A majority expressed their opinion that the European Parliament should not be the only Parliament using a rapporteur.

Three Members of Parliament were then invited to share best practice models with participants. Mr Peter LUYCKX, Belgian *Chambre des représentants*, highlighted that in Belgium one of the priorities was to foster the cooperation between national Parliaments and the European Parliament. Two main instruments were used for that purpose; in addition to the Federal Advisory Committee which had no legislative power but which was for example informed before and after the European Council by the Prime Minister, every sectoral committee had a Europromotor in charge of looking at European files and introducing them on the agenda of his/her committee. However, he acknowledged that this role was very dependent on the personal involvement of the promotor or was limited by the legislative agenda of the committee.

Mr Paulo DUARTE MARQUES, Portuguese *Assembleia da República*, informed the participants that his parliament had recently adopted a new system whereby eight permanent rapporteurs were appointed in order to improve the quality of scrutiny of European initiatives, two of which being responsible for one dossier. The idea was to improve interaction amongst various committees and to create contact points for different dossiers both at national and European level.

Ms Ana BOAGIU, Romanian *Senat*, explained that the European Affairs committee had decided to take on the European model by nominating a rapporteur on each area depending on his or her field of experience. She clarified that the rapporteur presented the draft European act and interacted with the government.

Nine participants intervened in the debate.

Lord BOSWELL, UK *House of Lords*, informed that the system adopted by his Chamber allowed for a certain degree of specialisation through the establishment of specialised subcommittees of the European Affairs Committee; though he regretted that those subcommittees were not able to report individually on a given dossier but only through the main committee.

Mr Ignacio SÁNCHEZ, Spanish *Congreso de los Diputados*, pointed out that, following the acknowledgment that too much time was allocated to the discussion on subsidiarity issues in Common European Affairs Committee of the Spanish *Cortes Generales*, a new system was introduced following which a rapporteur had 5 minutes for the presentation of the draft act in relation to subsidiarity and if there was no opposition, no further debate would take place.

Ms Danuta HÜBNER, European Parliament, underlined the importance of the shadow rapporteurs from the different European Parliament political groups in the work towards the final agreement, as well as the possibility for standing rapporteurs on different files to bring up subjects that might be of importance.

Mr Maximos CHARAKOPOULOS, Greek *Vouli ton Ellinon*, noted the need for national Parliaments to be consulted on commercial agreements such as TTIP in order to avoid the impression that Europe decided without its citizens. Ms Lolita IG NE, Latvian *Saeima* and Mr Richárd HÖRCSIK, *Hungarian Országgyűlés*, agreed that TTIP was an important issue to be debated by national Parliaments and Ms IG NE explained that her Parliament had organised three discussion rounds which helped to deepen the knowledge of the issues at stake. Ms Danielle AUROI, French *Assemblée nationale*, pointed out that it was still not clear whether the CETA agreement would be considered as joint agreement or not. Mr BLAHA added that, in the case of the Slovak Parliament, civil society was invited to take part in the discussions of the commercial agreements.

- Scrutiny beyond ministerial Councils: Trilogue
Introduction by the moderator and debate

Ms MAIJ introduced the topic and, in order to kick off the debate, an informal vote was cast on whether more transparency would result in too much pressure on the negotiations. A majority of participants did not agree with this statement and asked for more transparency in the context of trilogues.

Three participants gave an overview over the best practices in their Parliament. Mr Luciano BUSSUTIL, Maltese *Kamra tad-Deputati* and Mr HÖRCSIK indicated that the trilogues had no formal base in the treaties, however they constituted an important factor in the EU decision-making procedure. Although the trilogues allowed early agreement, both speakers agreed that there was a lack of information and transparency which rendered it necessary for the national Parliaments to follow each step of the decision-making procedure.

Mr HÖRCSIK pointed to the absence of minutes, agenda and timing of the trilogue meetings, which made it even more difficult for national Parliaments to follow the legislative procedure, calling for a more transparent and democratic EU decision-making procedure.

Mr ROMANO insisted on the transparency of the EU decision-making process, reminding that the EU Better regulation initiative was especially adopted to strengthen communication with the public

throughout the legislative process. However, in the eyes of his Chamber, the openness and transparency on the results of the trilogues still needed to be improved. He also reminded that national governments were responsible for communicating the results of the trilogues; it was the duty of the national Parliaments to hold their government to account.

A vast majority of the 9 participants that took part in the following debate agreed that more transparency was needed in order to allow national Parliaments to better scrutinise the EU decision-making procedure.

Mr Ruben MORENO, Spanish *Congreso de los Diputados*, highlighted that the negotiations on TTIP were a good example of the lack of transparency. He added that the right balance between transparency and efficiency in the decision-making procedure needed to be struck.

Mr Kelvin HOPKINS, UK *House of Commons*, expressed the view that any EU decision ought to be taken in public to guarantee a degree of trust of the European public. He explained that a certain degree of discretion was needed when the committee was given evidence by advisors when it held into account the national government, recalling that the point was mainly about holding national governments to account.

Mr Philip CORDERY, French *Assemblée nationale*, stated that the European Council was the institution least subject to control and explained that it was a challenge to hold it into account.

Ms HÜBNER explained that, even though trilogues were not foreseen by the treaties, they were part of a declaration of the three institutions and were necessary to allow for agreements in first reading. She pointed to the fact that the European Parliament held public debates during the procedure, as well as discussions on the adoption of the mandate of its delegation and on the progress of negotiations, until the adoption of the result of the trilogues in committee and in plenary. She also reminded that the Council had agreed to more transparency and it was up to the national Parliaments to hold their governments to account.

While acknowledging that trilogues were necessary to find agreements in first reading, Mr Simon SUTOUR, French *Sénat*, regretted that the wording in the Interinstitutional Agreement (IIA) was too vague and did not foresee any possibility of taking into account the positions of the national Parliaments and asked for a modification of the IIA. Mr Stefan SCHENNACH, Austrian *Bundesrat*, and Lord BOSWELL also pleaded in favour of a possibility for national Parliaments to get involved at a later stage than just after the adoption of the draft EU proposal by the European Commission and to extend the political dialogue. Lord BOSWELL also launched an appeal to the national Parliamentarians to make best use of all the opportunities already exercise scrutiny.

- State of play on the instruments at the disposal of national Parliaments ("yellow"/"green" card)
Interview with Mr Frans TIMMERMANS, First Vice-President of the European Commission

The first Vice-President of the European Commission was interviewed by Ms MAIJ regarding the state of play on several instruments. First, he referred to the current issues at stake which needed to be solved, pointing out the terrorist threats which constituted a threat to liberty and freedom, the migration issue and the completion of the internal market, in particular the digital single market.

Concerning the IIA, Mr TIMMERMANS regretted that the Council of the European Union had taken some distance towards the old IIA which he tried to rectify by creating equidistance between the three institutions. Another issue he referred to was the need to create more transparency and to involve more the citizens and enterprises. He also expressed his hope that national Parliaments would become more involved in the EU decision-making via the Council. This involvement of Council and national Parliaments was necessary to have better legislation.

Responding to the question of the trilogues being a black box, Mr TIMMERMANS highlighted that the institutions did not need to go into trilogues, but, if they did, there was no need to keep it behind closed doors. He underlined that national Parliaments had the possibility to address the Council directly and that the national governments should be the first addressee of the national Parliaments.

On the question of allocating more time to national Parliaments to react on an EU legislative proposal, Mr TIMMERMANS stated that the month of August was already excluded and that more time would not lead to an improvement in the "yellow card" procedure. He said that rather cooperation should be extended. The European Commission was not in favour of extending the deadlines any further as the legislative procedure was already quite long. He then acknowledged the triggering of a "yellow card" on the proposal for a Directive on the posting of workers¹ emphasising that the European Commission would not simply dismiss the arguments put forward by the national Parliaments. Recalling the "yellow card" on the EPPO², he guaranteed that the intention of the European Commission was to react differently, to carefully analyse the arguments put forward and to discuss them together with the national Parliaments. The first Vice-President indicated that the Commission was going to assess the arguments also politically and not only from a legalistic point of view of subsidiarity or proportionality. In what concerned the improvement of the "green card", Mr TIMMERMANS welcomed the initiative taken by Lord BOSWELL on Food Waste, recognising that this was a field in which the EU needed to become active. In this sense the proposed "green card" helped the European Commission become active.

On the issue of transparency and openness, Mr TIMMERMANS underscored that national traditions in the Member States differed and that there was no "one size fits all" solution.

Finally, Mr TIMMERMANS indicated that the question of the "red card" would be addressed after the results of the referendum in the United Kingdom on 23 June 2016 were known.

6. Session II - 'The role of Parliaments in Protecting the Rule of Law within the EU'

Introduction by the moderator, Mr Murray Hunt, Visiting Professor Oxford University

Panel discussion:

- Mr Pieter VAN DIJK, former member of the Venice Commission, expert on the Rule of Law check list of the Venice Commission
- Ms Sophie IN' T VELD, Member of the European Parliament, Rapporteur of the legislative own initiative report on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights'

Debate

Closing remarks by Mr Frans TIMMERMANS, First Vice President of the European Commission

¹ Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services [COM(2016)128]

² Proposal for a COUNCIL REGULATION on the establishment of the European Public Prosecutor's Office (COM/2013/0534)

Mr ELZINGA opened the session and suggested a minute of silence for the victims of the shooting in Orlando. He then invited Mr Murray HUNT, Visiting Professor of the Oxford University, to take the floor as a moderator of the panel. He expressed in his opening the profound respect for the work of the Parliaments and mentioned his 12 years of experience in the field of the rule of law and human rights protection. He followed with a definition of the rule of law extended to the access to justice, equality and human rights. Mr HUNT stressed the importance of the Parliaments in upholding the rule of law and sketched three main questions for the panel - why should the Parliaments have a role in protecting the rule of law; what the Parliaments had done in asserting such a role and how they could increase their role in the future?

Mr HUNT highlighted the parts of the 25th Bi-Annual Report of COSAC dealing with this topic, mentioning that most of the Parliaments considered the rule of law when drafting the laws, that many committees were involved and that this could be a source of interesting best practices. He stressed the importance of mainstreaming of the rule of law throughout the whole process, mentioned that there was different frequency and quality of the debate across Parliaments influenced by the existence or, in some cases, lack of resources. He mentioned that many Parliaments had used the opportunity to participate in international organisations dealing with the rule of law; however the follow-up was not sufficient.

The first panellist, Mr Pieter VAN DIJK, former member of the Venice Commission and expert on the rule of law check list, stated that while there was consensus about the core principles, it was important to find the way to implement them, starting with agreeing on what the rule of law was. He described his work on the checklist created in order to reach more of a consensus, to help review and prepare common ground, which could find its use in national Parliaments, the European Parliament and parliamentary assemblies. When asked about the importance of this exercise, he mentioned that Parliaments had the main role in checking the extent to which the legislation was respecting the rule of law and stressed the use of the rule of law benchmarks and principles to ensure the quality of the law and regularity of having discussion on the rule of law. The second panellist, Sophie IN 'T VELD, European Parliament, referred to Article 2 of the TUE as the most important one defining the shared values. In this context, she stressed that agreeing on the common framework of the rule of law and common standards was essential. She invited Parliamentarians to take the responsibility of defining a higher basic legal framework that should not be easily dependent on the change of parliamentary majorities. Mr VAN DIJK stressed the role of the judiciary in the protection of the rule of law, which should also be in conformity with the laws adopted by a democratic elected legislator.

Both panellists touched upon the tension or relation between the democracy and the rule of law. Finding the best practice based was, according to Mr VAN DIJK, very difficult, largely depending on what indicators from what sources were taken into consideration. Ms IN 'T VELD mentioned the own initiative report which was currently being prepared by the European Parliament on a mechanism or pact on how to uphold the standards of democracy, the rule of law and fundamental rights across Europe. As best practice, she called for a public annual parliamentary debate together with the national Parliaments and hopefully within each of them about those standards. Mr DIJK called on the Parliaments to use the opportunity to ask the Venice Commission for opinion on the rule of law if they were doubts about this aspect of the draft legislation coming from their governments. The existence of special committees, according to Mr DIJK, was important in streamlining the rule of law and increasing the conformity with the rule of law across all legislative acts. For Ms IN 'T VELD, apart from the internal structure, it was the presence of the system of checks and balances, which together with transparency and critical thinking was very important for

the future of application of the rule of law. She mentioned that the European Parliament intended in its report to recommend holding an annual debate on the rule of law.

In the following debate 11 participants took the floor.

Mr Philippe MAHOUX, Belgian *Chambre des représentants*, member of the Venice Commission, mentioned the rule of law itself was not sufficient to establish democracy and asked about the role of the Agency on Fundamental rights (FRA) in the debate. Sir William CASH, UK *House of Commons*, stated that the UK had been in favour of and fought for human rights, especially after the Second World War and that democracy should go first and the rule of law should follow. He expressed his disagreement when national law was overruled. The difference in approach of the European Commission and the Council of the EU when applying the rule of law in human rights and in sanctioning countries for overreaching the deficit figures was pointed by Mr António GAMEIRO, Portuguese *Assembleia da República*.

Ms IN 'T VELD said that the countries, when accepting the Treaty, were bound by it, which meant that sometimes their national law had been overridden by it and that the legislation should be in compliance with the standards the country agreed upon. She believed that the framework discussed in the European Parliament had been proposing would be fair, treat Member States equally and be evidence-driven and that it would give the EU a tool to uphold the values. Mr VAN DIJK mentioned that it would be desirable to agree on what the rule of law meant and on how to put it in effect. He admitted the enormous impact of the British law on the current system adding that Britain formed part of it.

In the second round of questions, Mr Ladislav ILIĆ, Croatian *Hrvatski sabor*, expressed that the rule of law in general form was one of the fundamental values shared by all Member States, but that the concept of European values was not defined enough, mentioning that Member States had different systems of values. Mr Gunther KRICHBAUM, German *Bundestag*, pointed at the fact that there were still real shortcomings in the Member States when it came to the application of the rule of law, and that the minorities should be protected by a majority. He continued that the system of checks and balances was needed in order to increase the credibility and confidence in Parliaments. He appreciated that the rule of law had been made one of the priorities for the European Commission. Ms Nadia GINETTI, Italian *Senato della Repubblica*, stressed the need for coordination between the existing mechanisms which Member States had established and the mechanism in the recent proposal of the European Parliament in order to have parliamentary and interparliamentary debate. Ms Danielle AUROI, French *Assemblée nationale*, confirmed that the question of subsidiarity was important, but the Member States could not do whatever they wanted regarding the rule of law.

Reacting to the questions, Mr VAN DIJK said he still believed in common values without having the same opinions about implementing these common values. The debate, as he said, was about the rule of law, not about the rule of the majority. Ms IN 'T VELD responded that there was a will to integrate all the existing systems together which could increase effectiveness. She stressed that in the treaties, in the Charter of Fundamental Rights, as well as in the European Convention on Human Rights it was stated clearly that everybody would be treated equally. The EU was about values, she continued, and that applied to everybody without discrimination.

In the last round of questions, Mr Philip CORDERY, French *Assemblée nationale*, mentioned the case of Member States ignoring the recommendation of the European Commission and other EU institutions and asked how to make sure there were measures to ensure the rules had been followed

by the Member States. Additionally, he asked how this topic could trigger a “green card” for national Parliaments to do the assessment. Mr Jarosław OBREMSKI, *Polish Senat*, focused on the democratic deficit resulting from the shift of the decision making to the hands of the judiciary, which created fears among citizens and Parliaments. He continued stressing the importance of finding balance between security and freedom. The recent rise of euroscepticism and populism in traditionally pro-European Spain had been due to both economic and political reasons, according to Mr Fernando MAURA, Spanish *Congreso de los Diputados*, and this resulted in the lack of respect for the values of the EU. The role of constitutionalism in upholding the rule of law was the missing part of the debate, according to Baroness FALKNER; she mentioned that there were many countries with no formal constitutional separation between Parliamentarians and the judiciary and that this would create edges with political interference.

In his reply, Mr VAN DIJK said that the Venice Commission recently prepared the opinions on the situation in Hungary and Poland, hoping that some actions would be taken based on those opinions. He reminded that the Inter-State Complaint Procedure under the European Convention had become obsolete, but could be again helpful in some cases. Ms IN 'T VELD confirmed that the aim was to go away from the incident-based reporting, which made countries feel targeted unfairly, to permanent reporting on equal footing. She added that this was the moment to stand up for the shared values and that the European Semester mechanism in this area was proposed including monitoring of the institutions. On the risk of conflict in the absence of separation between the judiciary and the legislature, she stressed that agreement on common principles was important.

In his closing remarks, Mr TIMMERMANS, stated, among others, that democracy was not enough to guarantee the individual and collective rights and freedoms of citizens; the tripod consisting of democracy, the respect for human rights and the rule of law was needed with the due respect for all the three elements and for this to happen the separation of powers and respect for the role of each institution was required. He added that uniformity of application of the EU law was essential for the EU to function. The involvement of the national Parliaments was very important and appreciated when debating these issues, but the European aspect, the rights of European citizens on the European level should be taken into consideration when doing so.

7. Session III - ‘Exchange of best practices and experiences in Parliamentary Diplomacy’

Introduction by the moderator, Mr Jan WOUTERS, University of Leuven, research project "Interparliamentary Cooperation in the EU's External Action – Parliamentary Scrutiny and Diplomacy in the EU and Beyond"

Panel discussion:

- Ms Lolita IG NE, Chair of the European Affairs Committee of the Latvian *Saeima*
- Mr Andrej HUNKO, Member of the German *Bundestag*
- Mr Rubén MORENO PALANQUES, Member of the Spanish *Congreso de los Diputados*

Debate

The moderator, Professor Jan WOUTERS, began by defining the parliamentary diplomacy as a full range of international activities undertaken by Parliamentarians to increase mutual understanding among countries, to strengthen governments’ accountability and to increase the democratic legitimacy of international organisations. He underlined the growing sensitivity in Parliaments for foreign policy and diplomacy, growing expectations that elected representatives would take part in negotiations and diplomacy of world importance, which meant need for more transparency. Parliaments as institutions and individual Parliamentarians were ever more requested to engage in international issues that impacted people’s lives, he added. He focused on three specific questions: why should Parliaments develop a proper role in diplomacy, distinct from the traditional diplomatic

tools; what internal and external consultations were desirable when Parliaments engaged in diplomacy; what were the challenges to conduct a genuine parliamentary diplomacy.

The first of the three panelists to take the floor, Ms Lolita IG NE, Chair of the European Affairs Committee of the Latvian *Saeima*, illustrated several international fora and multilateral organisations where she had experienced forms of parliamentary diplomacy, mentioning COSAC itself, the Parliamentary Assembly of the Organisation for Security and Cooperation in Europe (OSCE) and the Parliamentary Assembly of the Council of Europe (PACE). In this context, she reflected on participation into electoral observation missions. Referring to bi-lateral parliamentary diplomacy, she recalled three dilemmas she had been confronted with. In this context, first, she stressed the issue of a country's size and how a small country could have advantages in this field, especially when doing something of a symbolic importance, where a fresh start was needed. Another dilemma, she continued, referred to engaging in activities with countries where the Parliament was not elected through democratic elections but rather appointed by authoritative governments. Referring to her experiences, she stressed the importance of such activities underlining that there were important processes going on in such countries: being there gave the opportunity to really engage in developments. In her view, in such cases consultations with the government were even more relevant. Finally, she recalled the experience of the Parliamentary meeting of the Eastern Partnership Summit where the Parliamentary dimension could focus on "sending signals" with no concrete commitments.

The next panellist, Mr Andrej HUNKO, member of the German *Bundestag*, defined parliamentary diplomacy as a vital part of parliamentary work and resumed it as the total of all international relations that a Parliament and the MPs had, consisting of visits of committees, 'friendship groups' visits around the world. Mr HUNKO highlighted the program of the German *Bundestag* "MPs protect MPs", which was founded following the recommendation of the Inter-Parliamentary Union. He described the program as aiming at the protection of MPs living in countries where they were in danger or were imprisoned. He invited other Parliaments to follow that model.

Stressing the fact that Parliaments could act more freely than governments, he reminded the recent case of adopting the law on the genocide in Armenia by the Bundestag. He insisted on the fact that diplomacy was not just cultivating good relations, but particularly maintaining relations under bad circumstances. In this context, he expressed the view that if sanctions or black-listing of officials were adopted to target a specific country, they should exempt members of Parliaments.

The final panellist, Mr Ruben MORENO PALANQUES, Member of the Spanish *Congreso de los Diputados*, began by underlining how diplomacy was the exclusive prerogative of the government in most countries, and how diplomacy *strictu sensu* should remain the prerogative of governments. Nevertheless, he recognised that in a fast changing world, Parliaments could have a role to play, perform diplomatic activities where elements like informality, use of soft power, pluralism were present, and where the Parliamentarians often had the capacity to collect information more easily than regular diplomats. When illustrating the range of informal diplomatic activities in which the Spanish Parliament was engaged, he recalled the participation of the President of the *Congreso* in high-level diplomatic visits, followed by visits by individual members, sometimes upon the recommendation of the Ministry of Foreign Affairs. He also mentioned missions of the Committee on Foreign Affairs, namely the bilateral dialogues that preceded governmental missions. The cooperation between Parliaments, in case of Spain, concentrated mainly on Europe, Northern Africa and Latin America, he added. Besides, Mr MORENO PALANQUES mentioned electoral observation missions conducted either in cooperation with OSCE or independently and special formation programs for parliamentary advisors.

In the first round of the debate, three members of national delegations took the floor underlining the importance of Parliaments when explaining the international situation to the public, using resolutions as diplomatic tools, specifically mentioning the lifting of sanctions (Mr Simon SUTOUR, French *Sénat*); stressing the role of national Parliaments in scrutinising the EU foreign policy decided secretly in European Councils and upon which no national Parliament was exerting control (Mr Yves POZZO DI BORGIO, French *Sénat*); and referring to the cooperation between Parliaments and executives on specific cases (helping to establish efficient Parliaments in East Timor, actions in Africa and Asia) mentioned by Ms Regina BASTOS, Portuguese *Assembleia da Republica*.

According to Ms IG NE, accountability to the citizens on the involvement in international activities was crucial. As for the secrecy of decisions taken during European Councils, she stressed that this varied very much in individual Member States, depending on relations between the Parliament and the government. Referring to previous arguments for excluding the members of Parliaments from sanctions, she expressed her opposition to granting immunity to any group of people automatically rather than on deeds or merits. Mr MORENO PALANQUES mentioned the practice that the government's representatives had presented the Parliament with the government position before European Councils took place, but certain flexibility was needed in order to leave the government enough freedom to reach agreements with the remaining 27 Member States.

Mr Giovanni MAURO, Italian *Senato della Repubblica*, found the MPs fact-finding missions by nature less formal than pure diplomatic missions able to collect non-partial information and highlighted the influence this may have on the activities of Parliaments, e.g. on adoption of resolutions and on some actions of the government. Mr Tamas MESZERIC, European Parliament, raised the attention of COSAC to the European Parliament's highly developed parliamentary diplomacy and pointed out some overlaps in activities with the so-called 'friendship groups'.

The greater amount of freedom that Parliaments had been enjoying when dealing with diplomacy, was stressed by Mr Jozef VISKUPI, Slovak *Národná rada*. Mr Franc TR EK, Slovenian *Državni zbor*, attributed parliamentary diplomacy, with its mixture of formal and informal activities, a therapeutic value as well as the capacity of overcoming prejudices and false myths through direct contacts among Parliaments. Mr Gediminas KIRKILAS, Lithuanian *Seimas*, underscored the activities undertaken in the framework of the Eastern Partnership and encouraged the strengthening of inter-party relations based on EU values.

Ms IG NE agreed strongly with the view of inter-party relations as an important part of the parliamentary diplomacy, especially towards fragile new democracies in the countries covered by the European Neighbourhood Policy. She also welcomed the establishment and use of friendship groups. Mr HUNKO identified one of the goals of parliamentary diplomacy as the establishment of political families and expressed the opinion that parliamentary diplomacy could make more easily sense when things in some countries started to go wrong and therefore could have an influence and encourage a positive development.

Mr Dobra DORIN, Romanian *Senat*, referred to an example of the strategic partnership which Romania had established in 2010 with Moldova to help its integration within the EU, where MPs had the possibility to be more direct and open than governments. Mr Ignacio SANCHEZ, Spanish *Congreso de los Diputados*, elaborated on the importance of Parliaments' consistency in the foreign policy of the state. Mr HOPKINS invited those Parliaments engaging in international activities to have something more than cosy discussions; the political messages should reflect the genuine

opinions of the electorate, which, according to him, was fundamental to avoid the birth of dangerous new populisms. Mr Zoltán TESSELY, Hungarian *Országgyűlés*, expressed the support of the Hungarian delegation to the amendment on the Eastern Partnership tabled by the Polish delegation, on the effectiveness of EURONEST.

Ms IG NE reminded Latvia's own activities towards Moldova stressing the importance of the reforms that the EU demands from the countries covered by the Neighbourhood Policy. Mr HUNKO referred to the risk of individual Parliaments or MPs undermining efforts of the official diplomacy. Mr MORENO PALANQUES recognised the usefulness of direct actions from EU Member States towards candidates or neighbouring countries. He stressed the principle of a single diplomacy and agreed that too many actors on the diplomatic scene could be dangerous.

8. Meeting of the Chairpersons of COSAC

The Chair informed that all delegations had received a table with the original draft text of the contributions circulated on 30 May 2016, the amendments submitted by delegations before the meeting, a modified compromise text following the Troika's meeting the day before, and new amendments submitted by the deadline of 12pm that day. Following an animated debate and voting in cases of controversy, an amended text of the draft Contribution of the LV COSAC was agreed. The European Parliament delegation kept its reservations concerning the vote on paragraph 6.4 and would express them in writing.

9. Session IV: 'European Court of Auditors'

Introduction by the moderator, Mr Joris BACKER, Member of the Dutch *Eerste Kamer*

Introduction by Mr Alex BRENNINKMEIJER and Mr Ville ITÄLÄ, Members of the European Court of Auditors

Mr Joris BACKER, Member of the Dutch *Eerste Kamer*, introduced the session explaining that the topic of the European Court of Auditors (ECA) was introduced on the agenda because the ECA could help members of parliament identify on what money was spent.

Mr Alex BRENNINKMEIJER, Member of the European Court of Auditors, began his introduction by giving information on the ECA's work. In this context, he referred to the increasing importance of the ECA's work and activities focusing on financial, compliance and performance audits. He referred to the ECA as a financial watchdog of the financial interests of EU citizens contributing to accountability and a learning government and providing lessons to be learnt from previous experience. On its work, he mentioned its annual report discussed in many national Parliaments, but also its special reports focusing on important specific issues, among others, the excessive deficit procedure and the EU supervision of credit rating agencies; the latter, he added, might be very helpful for the work of national Parliaments in managing spending at national level and reporting on a well-functioning system.

Mr BRENNINKMEIJER referred to COSAC as a forum of exchange of information and best practices between national Parliaments and the EU institutions and to the stronger role granted to national Parliaments by the Treaty of Lisbon recognising their role in contributing actively to the 'good functioning of the Union'; this, according to him, included controlling the budget spending at national level. The ECA's reports presented at the European Parliament and the national Parliaments provided input for parliamentary reports, motions, questions and debates with the government. In providing information on the ECA's actions, he referred specifically to the role of Member States' Members of the ECA who sent special reports with a cover letter to the Chairs of parliamentary

committees, or who contacted MPs to exchange information and/or arrange a presentation in a committee. In this context, he referred to tailor-made visits and contacts with MPs, as well as to contacts with members of the staff which he deemed to be very important and successful.

As to the results of this interaction, Mr BRENNINKMEIJER mentioned the provision of information besides that received from Ministers for influencing the government, many positive reactions to the letters addressed to parliamentary committees and MPs, as well as many invitations for presentations of special reports in national Parliaments. He gave the case of the special report on VAT- Fraud as an example where the ECA's report gave input for influencing the Dutch government; the report was presented to the Dutch Parliament and the latter, using the information given, was issuing motions to the relevant Minister.

Referring to the importance of the ECA's reports for national Parliaments and to the need for strengthening cooperation with the ECA, he mentioned there was no 'one size fits all' approach and argued that best practices identified by the ECA could be shared. In this respect, he made specific reference to the establishment of contacts between the staff in the ECA and the staff in national Parliaments, the exchange of the parliamentary agenda planning and the ECA programme of special reports, the presentation of a cover letter on special reports and a presentation by ECA Members of such reports at committee meetings, questions and debates with input from the ECA findings, and replies from the government and/or adaptation of government policy and position in Council meetings.

In concluding, Mr BRENNINKMEIJER stressed the relevance of ECA work to national Parliaments pointing out that MPs could become familiar with ECA work and special reports, could make better use of ECA reports in their daily work and ask for further explanation, and improve the connection between the EU and national legislative process. He encouraged further debate on relations between national Parliaments and the ECA and the optimal use of the ECA's reports.

In the debate that followed moderated by Mr Joris BACKER, 8 participants took the floor.

Baroness FALKNER observed that this year, despite the error rate being significantly high, nevertheless the Netherlands, although in previous years among those countries which did not recommend discharging the EU budget, recommended the discharge. She asked why 10% of irregularity is considered fraudulent and whether this was down to Member States or down to the EU institutions.

Ms Nadia GINETTI appreciated the work of the ECA and stated that collaborating with it facilitated identifying weaknesses in their administration procedures at national level which enabled the proper use of EU resources and the fight against fraud. She supported strengthening the cooperation and coordination with EUROPOL and OLAF.

Mr Anne MULDER, Dutch *Tweede Kamer*, asked whether the ECA, after having identified a problem at the national level, proposed helping Member States through more rules from Brussels or through strengthening them. He supported copying the UK model found to be working well rather than producing more EU rules.

In reply, Mr BRENNINKMEIJER, on the discharge of the EU budget, explained briefly the discharge of the EU budget procedure decided on a yearly basis by the European Parliament with advice of the Council and mentioned the error rate of 4,7%. He said that this procedure had been there for 20 years and that it was losing its importance; he argued that there may be other ways to

exert influence and informed the participants that the ECA had had several initiatives on more effective ways, for example focusing on risks, to influence the procedure. On fraud and cooperation with EUROPOL, he underlined that access to databases was a national issue and explained the ECA's role in cases of identifying fraud. If it did identify such fraud, it was not its role to investigate, but to report to OLAF and to the national audit institution. On rules, he agreed that more rules were not always necessary and stood for more cooperation among Member States which was of key importance.

Mr Ville ITÄLÄ, Member of the ECA, explained the error rate and that the ECA was not only investigating misused money, but also instances violating regulations. He mentioned Parliaments requests to go more for the country-specific situation. He submitted the question whether this was the procedure wanted.

Baroness Hilary ARMSTRONG, UK *House of Lords*, asked how citizens could be reassured that global corporations acted responsibly in relation to paying taxes.

Mr Stéphane CRUSNIÈRE, Belgian *Chambre des représentants*, mentioned the relation between the ECA and national audit institutions and asked whether ECA was able to draft reports on specific issues, i.e. on the Juncker plan and the Turkey agreement, and whether it was possible for a Member State to ask the ECA to produce a special report.

Mr HOPKINS reflected on the UK contribution to the EU budget and asked whether the ECA was concerned by the fact that the EU budget was not signed by the ECA, which was a matter of concern to the UK Parliament, and whether the ECA saw that as a fundamental problem.

In his reply, Mr BRENNINKMEIJER explained that tax payment by companies was not an issue that could be solved at national level and that cooperation was extremely important to combat such problems. The ECA could monitor effectiveness if EU was drafting policies in that way. Furthermore, on the EU budget, he clarified that if the ECA was identifying errors, this meant there were errors at the national level as well, since 80% of the EU budget expenditure was managed by Member States. He mentioned the two main reasons for errors being the violation of public procurement rules, but also EU money not being spent for the purpose meant. On reports on specific issues, he informed the participants that both the Juncker plan and the Turkey agreement were indeed in the ECA work programme. He invited national parliamentarians to contact their national Member of the ECA who could influence the ECA's agenda to ask for specific reports.

Mr ITÄLÄ underlined the importance of cooperation with national Parliaments in identifying relevant issues and clarified that the ECA was an unpolitical body which produced its annual report; the question as to whether to discharge the EU budget or not was a political issue. Mr ITÄLÄ also referred to the ECA's interaction and exchange of information with the national audit institutions and the ECA's visits to Member States. He mentioned the intention to perhaps produce common special reports.

Mr BRENNINKMEIJER, responding to a question from Mr BACKER, emphasised that a limited number of Member States issued a national declaration on spending of the EU budget, due to constitutional reasons. He stated that, despite the control as to whether rules were applied, it was very important to see whether there were too many rules or whether those were complex and unclear to apply in the Member States. Indeed, he identified the complexity of the rules as an issue to consider in the future, underlining the importance of cooperation with the national audit offices in order for the ECA to get acquainted with the different rules in Member States.

In this context, Mr Arto PIRTTILAHTI, Finnish *Eduskunta*, asked how the rules could be made easier. Mr ITÄLÄ recognised that indeed the rules had to be clarified and had to be made easier, emphasising nevertheless that the important issue was not identifying the error, but achieving the goal.

Mr Manuel RODRIGUES, Portuguese *Assembleia da República*, mentioned that national parliaments could benefit of the ECA work, specifically the ECA special report on the excessive deficit procedure and referred to the case of Portugal which faced the risk of being sanctioned for not complying with the requirement to reduce its deficit.

Mr BRENNINKMEIJER referred to the visit of the Portuguese and the Spanish Members of the ECA to explain the report and underlined that, thus far, there had been no sanctions imposed from the Council on the advice of the European Commission for excessive deficit. He informed the participants that the ECA was currently drafting a follow-up report on the strong arm of the excessive deficit procedure evaluating whether it was effective or not and on what should be done in the future.

10. Session V: ‘Migration’

Discussion on the state of play of the implementation of the EU-Turkey Agreement

Introduction by the moderator, Mr Kamran ULLAH

Introduction by Mr Gerald KNAUS, Chair of the European Stability Initiative

Panel discussion:

- Mr Elmar BROK, Chair of the Committee on Foreign Affairs of the European Parliament (AFET)

- Ms Marina BERLINGHIERI, Member of the Italian *Camera dei deputati*

- Mr Václav HAMPL, Chair of the Committee on EU Affairs of the Czech *Senát*

Debate

Mr Gerald KNAUS, Chair of the European Stability Initiative, introduced the core reasons to develop the agreement between the EU and Turkey and moving on the state of play of the agreement supported by figures showing a dramatic reduction in the number of crossings through the Aegean sea. Mr KNAUS continued listing the elements which had not been working, amongst those, the slow process of taking asylum decisions due to the low number of asylum case workers, mentioning that on some islands no case workers from Greece were present, and the number of refugees taken to the EU from Turkey, which was far lower than promised and created concerns on the Turkish side about the agreement. On the other hand, he mentioned the lack of transparency in re-admitting the asylum seekers back to Turkey, where some had been detained and not treated according to expected standards. Therefore, according to Mr KNAUS, the EU should demand full transparency and appoint someone highly respected to oversee the process and ensure safety for every person returned and support the idea of sending a European Asylum Support Mission to the Greek islands under the invitation of the Greek Prime Minister. In addition, the EU should show that it was serious about resettling Syrian refugees from Turkey. This could create the foundations of the future European asylum policy, he added, ensuring both control and compassion. The proposals from the European Commission about relocation schemes would not have worked in the emergency situation last year, he continued, but with all the measures in place (namely the European Asylum Support Mission deals with neighbours regarding the return of persons and the relocation policy) this would be a system which would combine control and compassion. Finally, Mr KNAUS pledged for making effort for the agreement to work.

Mr BROK mentioned that the situation reflected the fact that the Member States and the EU did not keep their responsibilities; in addition to this, the contribution to the UN programme had decreased and no case administrators had been sent to help. He stated that with the EU-Turkey the EU had started assuming its responsibilities towards the refugees with 6 billion Euros for schooling, medical assistance and fighting smugglers. Mr BROK underlined the many promises that Member States had not fulfilled so far and affirmed that if the implementation of the EU-Turkey Agreement failed, figures in terms of refugees would go back to the level of previous months; on the other hand, building fences would never be a solution, he added. Ms BERLINGHIERI saw the current situation of managing migratory flows as a test and opportunity for updating the tools and policies. The rising euroscepticism in Europe had its root in the inability to solve the current problems. The migration flows were a new norm rather than a transition, in her view. She stressed that solidarity and respect for human rights were essential and that the capacities of countries such as Greece and Italy were not unlimited. According to her, due to the lack of economic recovery, it was difficult to provide adequate reception and only proper integration policies could contribute to solving the situation. At the same time, Ms BERLINGHIERI mentioned that illegal activities and exploitation must be avoided and burden sharing developed. The Agenda for migration was applied only partially, according to her, and the implementation of the EU-Turkey Agreement depended on Turkey as well, which could not escape its responsibilities, she added. She mentioned the importance of resources and economic growth in some African countries which would discourage people from fleeing to Europe, stressing the need to focus on active partnership with countries which could help reach this objective. Mr HAMPL focused on what parts of the EU-Turkey had worked and said that some elements, namely the decrease of number of crossings and functioning of hotspots, were evident. Greece needed help, he said, and this was recognised and required broader acceptance. He thought that it was not the effect of the relocation or resettlement causing the decrease in numbers of crossing, but rather the deterring effect of the return policy; he believed that this could work for other regions too. The relocation system, he continued, did not work well. He stressed that some asylum seekers had not accepted to relocate when the country was not the one they had preferred. Mr HAMPL agreed that the EU-Turkey Agreement worked and could be used for other regions, though it was the sustainability of the agreement which should be looked at carefully as well, he added.

Mr KNAUS and Mr BROK agreed and added that it was in the EU's interest that the EU-Turkey deal worked and at the same time in the interest of refugees. Turkey had been taking care of three millions of refugees, he said, and that should be taken into consideration when blaming Turkey for not being democratic. Mr KNAUS added that treating the refugees as best as possible was the key.

Mr Anastasios KOURAKIS, Greek *Vouli ton Ellinon*, stated that Greece supported the EU-Turkey Agreement because it had helped the containment of migration flows. Despite the reduction in migration flows, these had not disappeared, he added. In contrary to the past, Mr KOURAKIS said, there had been a recent phenomenon of massive recourse to the asylum procedure from refugees. The EU-Turkey Agreement, though not perfect, helped easing a very dire urgency and provided breathing air. He regretted that the commitments in terms of resettlements were not fulfilled and pointed out that a Marshall-type of plan was needed to address the situation in the countries of origin of refugees.

Ms Ravza KAVAKCI KAN, Turkish *Türkiye Büyük Millet Meclisi*, highlighted that the root problem to the current crisis had been the silence of the world on the criminal nature of the Assad Regime and the consequent security situation in Syria. She reminded that Turkey was supporting most of the burden and it expected the EU to keep up to its promise. She stressed that visa liberalisation was a fundamental question. Underlining that there was no standard definition of

terrorism, she expressed the view that for Turkey the “*pacta sunt servanda*” principle applied, hoping that the same could be said for the EU.

Reacting to the two interventions, Ms BERLINGHIERI stated that, if there were really values upon which the EU was based, it was the moment to stick to them. She stressed that decisions at the EU level had been taken, but not implemented by all Member States. Mr KNAUS stressed that Turkey was helping the EU in a strategic and very costly manner and, therefore, we should not walk away from very specific engagements. For Mr BROK, the first argument in support of the visa liberalisation was security for EU citizens and countries given the biometric features of new passports. The agreement, he added, made it possible to control the movements. He found it inconsistent to allow officials of a country not considered fully democratic to travel freely, but not the victims.

Mr SUTOUR demanded not to forget the human dimension of the crisis and stressed how Italy and Greece, the most exposed countries, had been left alone. As for the EU-Turkey Agreement, he advised the EU to stick to a maximalist non-negotiable position with Ankara. Sir William CASH, UK *House of Commons*, put the accent on the importance of a legal definition of the status of refugees and economic migrants. He regretted that the Dublin agreement had been torn up and confessed his lack of understanding for the agreement with Turkey. Mr Frederick AZZOPARDI, Maltese *Kamra tad-Deputati*, stressed that the agreement was of great help to decrease the pressure and show real solidarity with the frontline EU Member States. He insisted that adequate money, personnel and solidarity must be provided by the Member States to make the agreement work. Mr Jaak MADISON, Estonian *Riigikogu*, saw a problem in how to explain to Georgia and Ukraine, which, according to him, had fulfilled the conditions, that Turkey would be given visa liberalisation despite the existing human rights' violations. He expressed his opposition to the reform of the Dublin agreement and to the system of quotas to the Member States.

When blaming Europe, the positive effect of policies of the EU on lives and the saving of lives were forgotten, said Mr DUARTE MARQUES, Portuguese *Assembleia da República*, and this should be mentioned as well. He admitted that the discussions were about the problems the EU was facing, and they should be focused on what was happening in the countries of origin as well.

In his reply, Mr HAMPL affirmed that the agreement was very important and visa liberalisation needed to move on if the EU conditions were met. He invoked the sense of fairness towards Georgia as well. Mr BROK reacted saying that sometimes it was neither Brussels nor the EU to blame for the growing gap between the EU and the public. National governments, said Mr BROK, had the obligation to explain the agreement to the public. He denied fiercely the comments of the campaigners for the Brexit and those of the Eurosceptics. Mr BROK declared his conviction that only acting together as EU was it possible to tackle the consequences of the war in Syria, the 12 million refugees that it had created, climate change, and to strive for a genuine policy for Africa. He concluded that having no discussion on migration with countries considered not fully democratic would mean having no talk to address migration at all. Mr KNAUS reminded that Turkey had visa-free travel with the European Community Member States until the military coup of 1980. He questioned how keeping students or ordinary citizens in the country were helping to improve the human rights' situation in Turkey. He stressed that it was in the interest of the EU and of refugees to help make Turkey become a place as good as possible for refugees. He finally denied the claims that Turkey had been fast-tracked for visa liberalisation.

Ms Danielle AUROI, French *Assemblée Nationale*, criticized the agreement based on legal uncertainty since many international fora defined Turkey as a non-safe country. Considering that

the Turkish member did not want to subscribe to a supposed EU definition of terrorism, she concluded that the agreement was not possible. Finally, she observed that in the Mediterranean the situation did not improve. Mr BLAHA stated that, from the beginning, Slovakia and Central European EU countries wanted to stop the irregular migration, therefore they supported the deal acknowledging that compromises were needed. This deal was essential to fight smugglers and to demotivate people from risking their lives crossing the sea, he added. He believed that the EU-Turkey Agreement encompassed a realistic prospect for future solutions. Mr Kalle PALLING, Estonian *Riigikogu*, agreed with the Greek colleague that a new Marshall-type plan was needed to address the crisis, but, he said, the EU for the moment was insisting on the plan of relocation of refugees. He asked what would happen if there was no visa liberalisation for Turkey, stating that if Georgia and Ukraine were not granted the visa liberalisation, Turkey could not get it either. He finally stressed the view that, if there was no agreement with Georgia on visa liberalisation, there could not be one with Turkey.

Mr KNAUS reacted on questions on legal uncertainty saying that the goal was to establish the visa free agreement and at the same time an independent evaluation panel monitoring the situation of each individual that would be sent back to Turkey. He noted that out of approximately 5 million people who fled from Syria, only a small part were in the EU, mainly in Sweden, Germany and Austria. Failing to act towards the needs of these people, he added, and not providing the adequate support, including providing education, resettlement for tested refugees from Turkey, would potentially lead to radicalisation and destabilisation. Mr BROK replied to those who denounced unfairness towards Georgia and Ukraine on the visa liberalisation by saying that each of those countries would be judged on their achievements and that the European Parliament would adopt a final positive position in autumn. He insisted for the Agreement to contain an "emergency brake" clause so the liberalisation agreement could be suspended in case of misuse. Ms BERLINGHIERI stressed that the non-respect of human rights could not be used as a pretext, because, not only the future of the Syrians and refugees, but also the future of the Europeans, was at stake.

Mr HÖRCSIK stressed that for Hungary the Migration Action Plan and the EU-Turkey Agreement were considered crucial steps in dealing with the migration crisis. He underlined the urgent need for an EU common response and announced a Hungarian action plan on the protection of EU external borders and for the preservation of freedom of movement inside the Schengen area. Mr Hans-Peter PORTMANN, Swiss *Conseil national*, reminded the audience that in September 2015 Switzerland had agreed to take 40000 Syrians while France had agreed to take 30000. He warned that the closure of national borders would mean the collapse of the EU and assured that Switzerland would immediately join a Frontex that could secure the common borders, while stressing the need for more hot-spots. He concluded that concrete urgent actions were needed not arrogant speeches. Ms Marie GRANLUND, Swedish *Riksdag*, welcomed Mr KNAUS' constructive ideas, which would be useful in Sweden. She supported the Agreement with Turkey as a concrete step to face a humanitarian disaster. As next urgent steps she indicated the relocation and the evaluation of asylum requests. Ms Marit MAIJ, Dutch *Tweede Kamer*, encouraged more discussion on what happened in the EU, about the conditions inside refugee camps present in the Member States resembling the conditions in camps in Africa. She stressed that there was no adequate personnel processing the asylum requests and called on the Member States to improve the situation.

In the final replies, Mr KNAUS emphasised that there was no key information on the number of Greek case workers and of asylum cases treated in the European Commission reports, thus it was not possible for Parliamentarians or for the public to assess the current situation. Continuing to refer to the situation of the refugee camps in Greece, he invited the Dutch Presidency and the Parliaments to ask their governments to raise the question of why the Member States and the EU were not

collaborating to draw a pilot, flagship mission which would accelerate asylum procedures while treating well refugees. He invited to make it a European mission. Mr HAMPL quoted the example of Bulgaria to show that it was impossible to force asylum seekers to settle in countries where they did not want to reside. Ms BERLINGHIERI stressed the importance of cooperation with third countries and of establishing serious specific cooperation goals with countries of origin. Mr BROK raised three points: he suggested that COSAC should set up an oversight team of all decisions taken concerning the crisis since September 2015; he called for a clearer definition of refugee and economic migrant; and reminded a proposal of 2001 to set up an EU border and coast guard.

11. Adoption of the Contribution of the LV COSAC

Mr AZMANI mentioned that the first draft of the Contribution, which had been sent to the delegations before the meeting, and the amendments submitted to the text were discussed by the Troika. The Troika submitted a revised compromise text which was approved by the Chairpersons.

The text of the Contribution of the LV COSAC was adopted, as amended by the Chairpersons.

Finally, Mr BLAHA announced that the next meeting of the Chairpersons of COSAC was taking place on 10-11 July 2016 in Bratislava, where the European Commissioner on Employment, Social Affairs, Skills and Labour Mobility, Ms Marianne THYSSEN, was invited to talk about the EU Social Dimension. The LVI COSAC meeting was taking place on 13- 15 November 2016 in Bratislava and would deal with, among others, the topic of migration, TTIP and Energy Union.

12. Presentation by the winner of the essay contest of the Dutch Parliament on the role of national Parliaments in the European Union in 25 years

The Chair invited Mr Andrea FINESSO, the winner of the essay contest amongst students on the role of national Parliaments in the European Union that the Dutch Presidency had organised. Mr FINESSO explained his vision for a stronger involvement of national Parliaments in EU affairs, arguing for a bicameral European parliamentary system with the European Parliament as the Lower Chamber and a permanent High Chamber (Senate) consisting of elected deputies from national Parliaments.

Mr AZMANI thanked, also on behalf of Mr ELZINGA, all members and staff for their participation and support, and closed the meeting.