



EU Speakers' Conference

Stockholm, 14-15 May 2010

Background note:

Evaluation and monitoring in the area of freedom, security and justice

Interparliamentary cooperation regarding the area of freedom, security and justice was identified as an issue of priority for debate at the meetings between the Speakers and Secretaries-General of EU parliaments in December 2009. Before light is shed on the Commission's ideas regarding parliamentary participation in the political monitoring of Europol and evaluation of Eurojust, the Swedish EUSC Presidency assesses it not to be fruitful to deepen debate on the details for interparliamentary activities in this field. Instead, the Presidency suggests that the Conference focus on ensuring the involvement of parliaments in the drafting of regulations on parliamentary participation regarding Europol and Eurojust.

According to Article 12 of the Treaty on European Union, national parliaments contribute actively to the good functioning of the Union regarding the area of freedom, security and justice by taking part in the evaluation mechanisms for the implementation of the Union policies in that area and through being involved in the political monitoring of Europol and the evaluation of Eurojust's activities.

Provisions on involvement regarding Europol and Eurojust are undoubtedly the most prominent since Articles 88 and 85 of the TFEU seem to implicate not only assignments for concrete action by the parliaments, but also interparliamentary cooperation in some form. In contrast, Articles 70 and 71 merely secure that information is provided to parliaments regarding the evaluation of the implementation of Union policies by Member States' authorities and regarding the strengthening of operational cooperation on internal security.

Proposals for implementing legislation are awaited

So far, implementing provisions, as foreseen in the Treaty, have only been adopted regarding the standing committee on operational cooperation on internal security, according to Article 71. More complex implementing provisions on other aspects are still awaited.

Debate on the format of parliamentary participation in the scrutiny of Europol and evaluation of Eurojust merely on the basis of the Treaty provisions would most likely be unconstructive at this stage, as progress would be hampered by the fact that essential information is missing. Only when the proposals for the Europol and Eurojust regulations have been presented will the picture become clearer. Only then will we know what structures, operations, fields of action and tasks are foreseen for Europol and Eurojust, and only then will it be fruitful to enter a more concrete discussion on the actual meaning of “political monitoring”, “scrutiny” and “evaluation”, on what this is supposed to result in, on the procedures and arrangements to follow and on the legal context of parliamentary action.

Focus on the procedure

Instead of debating details of interparliamentary cooperation, parliaments at this stage ought to focus on ensuring procedures for influencing the drafting and the following negotiations of the regulations on parliamentary participation regarding Europol and Eurojust, so that room for manoeuvre is safeguarded.

It is generally expected that the Commission will issue these proposals, although it would also be possible for a group of member states to put forward initiatives. The Commission has, on various occasions, been asked to seek the views of national parliaments and the European Parliament before finalising its proposals. The contribution of the XLI COSAC in Prague suggest this to be done via a consultation document, also requesting the Council and the European Parliament, when the Commission has issued the proposals, to enter into dialogue with national parliaments, giving them reasonable time to express their views. The COSAC contribution followed a general statement by the Speakers' Conference in Paris earlier in 2009, on the importance of the role of national parliaments in the assessment and the monitoring of the construction of an area of freedom, security and justice, also emphasising the role of national parliaments in the drawing-up of new priorities for action in these matters.

The opportunity to influence lies primarily in upholding a dialogue during the drafting of proposals. Obviously, each parliament decides on its own contribution to this process but, equally obviously, parliaments would profit from an exchange of views among each other when preparing their respective positions. The COSAC's call on the European Parliament and the Council to give national parliaments reasonable time to express their views, should therefore also apply to the Commission in a consultation process.

Suggestion for a statement by the Speakers' Conference

Regarding the Speakers' Conference meeting in Stockholm, the Swedish Presidency suggests a two-track approach. First, the Speakers could reconfirm the request to the Commission to consult parliaments in the elaboration of the draft regulations.

Second, the Speakers could express an expectation that an interparliamentary meeting is arranged on the oversight mechanisms as part of the consultation process and as a complement to the exchange of information through IPEX and other channels. As was the case of the recommendation to hold an interparliamentary meeting on the Stockholm Programme, expressed by the Conference in February 2009, there is no need to specify the format of the meeting. In order to have a fruitful exchange of views, however, it is important that it is carried out by the parliamentary committees or bodies responsible for issues concerning Europol and Eurojust.

The natural format for a statement in this regards would be to include it in the conclusions of the Conference. According to common practice, the conclusions will be submitted to the President of the Commission. In order to give additional weight to a request to the Commission to consult the parliaments, there is the possibility of specifically pointing this out in the covering letter from the Swedish Presidency on behalf of the Conference as a whole.

The Presidency welcomes any comments to this approach.