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**Seventeenth Bi-annual Report:**

**Developments in European Union**

**Procedures and Practices**

**Relevant to Parliamentary Scrutiny**

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of Parliaments of the European Union**

**COSAC SECRETARIAT**

WIE 05 U 041, 30-50 rue Wiertz, B-1047 Brussels, Belgium  
E-mail: [secretariat@cosac.eu](mailto:secretariat@cosac.eu) | Tel: +32 2 284 43776

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## BACKGROUND

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This is the Seventeenth Bi-annual Report from the COSAC Secretariat.

### **COSAC Bi-annual Reports**

The XXX COSAC decided that the COSAC Secretariat should produce factual Bi-annual Reports, to be published ahead of each ordinary meeting of the Conference. The purpose of the Reports is to give an overview of the developments in procedures and practices in the European Union that are relevant to parliamentary scrutiny.

All the Bi-annual Reports are available on the COSAC website at: <http://www.cosac.eu/en/documents/biannual/>

The two chapters of this Bi-annual Report are based on information provided by the national Parliaments of the European Union Member States and the European Parliament. The deadline for submitting replies to the questionnaire for the 17th Bi-annual Report was 1 March 2012.

The outline of this Report was adopted by the meeting of the Chairpersons of COSAC, held on 30 January 2012 in Copenhagen.

As a general rule, the Report does not specify all Parliaments or Chambers whose case is relevant for each point. Instead, illustrative examples introduced in the text as "e.g." are used.

A summary of answers can be found in the appendix to the Report and complete replies, received from all 40 national Parliaments/Chambers of 27 Member States and the European Parliament, can be found in the Annex on the COSAC website.

### **Note on Numbers**

Of the 27 Member States of the European Union, 14 have a unicameral Parliament and 13 have a bicameral Parliament. Due to this combination of unicameral and bicameral systems, there are 40 national parliamentary Chambers in the 27 Member States of the European Union.

Although they have bicameral systems, the national Parliaments of Austria, Ireland and Spain each submitted a single set of replies to the questionnaire.

## ABSTRACT

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### **CHAPTER 1: INFORMATION FLOW TO AND FROM PARLIAMENTS**

Access to EU documents and EU related documents produced by governments is essential to ensure that national Parliaments can properly carry out their scrutiny functions. Therefore the first chapter of the 17<sup>th</sup> Bi-annual Report examines **access to information** that Parliaments/Chambers have via the EU institutions and their respective Governments.

The Report highlights the frequent and varied use made of the documents transmitted directly by the European Commission to national Parliaments. As far as access to Council documents is concerned, the Report shows that 28 national Parliaments/Chambers have access to Limited documents, this amounts to 70% of them. 17 out of 40 national Parliaments/Chambers have access to EU Restricted documents and eight Parliaments/Chambers have access to EU Confidential documents. The Report also shows in empirical terms the number of Parliaments that have access to Council documents and/or EU related documents through a **database**, but notes that the majority of Parliaments/Chambers continue to be **sent documents by their Government**. It also highlights a number of examples of **best practice** in relation to access to documents and the use of a Government database.

The exchange of information between Parliaments is becoming increasingly common and indeed essential, as a result of the strengthened role of Parliaments in the Treaty of Lisbon. The chapter therefore also examines the use of the various forms of interparliamentary exchange of information and the frequency of use by Parliaments of these sources of information such as ECPRD and the COSAC website. In this context, the Report shows that the most commonly used **sources of information from other Parliaments** are the network of national Parliament Representatives based in Brussels and the IPEX database.

The chapter looks more closely at the **use of IPEX** and shows that it is being used by staff from a large majority of Parliaments on a daily or weekly basis. Although a number of Parliaments consider IPEX to be reliable or very reliable, slightly more believe that IPEX, though a valuable tool, needs improvement. To improve the reliability of IPEX all national Parliaments need to upload more comprehensive information to IPEX in a timely manner and to use the IPEX symbols correctly. Some encouraging trends are also identified: an overwhelming majority of Parliaments/Chambers provide translations or summaries of important decisions in English and/or French, noting that the European Parliament translates reasoned opinions into 21 EU languages; and that reasoned opinions are uploaded onto IPEX within one or two days of adoption by a large majority of Parliaments/Chambers.

## **CHAPTER 2: RE-LAUNCH OF THE SINGLE MARKET AND PARLIAMENTS**

The second chapter of the 17<sup>th</sup> Bi-annual Report investigates the parliamentary activity around the re-launch of the Single Market. The chapter uses information provided by Parliaments/Chambers, as well as information from the respective relevant websites of the Commission, the European Parliament and IPEX, to examine the parliamentary scrutiny of this important policy in the year of its 20th anniversary.

The chapter begins with a section focusing on the Single Market Act examining the Parliaments'/Chambers' positions on the **Commission's 12 key actions**, which have been considered by half of the Parliaments/Chambers. In this section the Report shows that 14 Parliaments/Chambers consider some of the key actions to be more important than others. The Report examines whether the Commission's proposals under the re-launch of the Single Market have been prioritised in the internal decision-making process in the Parliaments/Chambers. It also highlights the **parliamentary activities** of the Parliaments/Chambers in relation to the re-launch of the Single Market. The Report shows that 15 Parliaments/Chambers organised hearings/meetings on the subject and a number participated in the Single Market Forum organised by the Polish Presidency, the European Parliament and the European Commission.

Finally the chapter considers three areas in more detail as they are directly linked to the programme and will inform the debate of the XLVII COSAC meeting in Copenhagen in April 2012. These are a **Digital Agenda for Europe, the implementation of the Service Directive and a Roadmap to a Resource Efficient Europe**, which all three have been considered by a significant number of Parliaments/Chambers.

## CHAPTER 1: INFORMATION FLOW TO AND FROM PARLIAMENTS

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### 1.1 Access to EU and EU related documents by national Parliaments

Member State Governments have traditionally been held democratically accountable by national Parliaments for actions taken as Member States of the European Union acting in Council. Access to EU documents and EU related documents produced by Governments is essential to ensure national Parliaments/Chambers can properly carry out their scrutiny functions. In previous COSAC Bi-annual Reports, focus has been given to the different procedures and practices of scrutiny by national Parliaments/Chambers of European Union matters.<sup>1</sup>

Access to information and documentation from the EU institutions has traditionally been important for parliamentary scrutiny. Since 1 September 2006, the European Commission has directly transmitted Commission documents to national Parliaments with the aim of strengthening the political dialogue between the Commission and national Parliaments (the so-called Barroso initiative). The Treaty of Lisbon formalised the transmission of certain Commission documents to national Parliaments. Under Article 1 of Protocol 1 of the Treaty of Lisbon Commission consultation documents (green and white papers and communications) and the annual legislative planning documents shall be forwarded directly to national Parliaments. Under Article 2 draft legislative acts from the European Commission (as well as from the European Parliament or a group of Member States, the ECJ, the ECB or the EIB) will be forwarded to national Parliaments.<sup>2</sup>

The first chapter of the 17<sup>th</sup> Bi-annual Report of COSAC is divided into two sections. The first section examines the various documents and databases available to Parliaments/Chambers – either from governments or directly from the European Commission. This section also collates information on those Parliaments/Chambers that have access to Government databases containing relevant EU information.

The aims of section 1.1 of the 17<sup>th</sup> Bi-annual Report are to outline the EU and EU related documents currently available to national Parliaments/Chambers, to compare the situation in different Parliaments/Chambers and, throughout the section, to highlight examples of best practice. Please note that the information in this section does not apply to the European Parliament but only to the 40 national Parliaments/Chambers.

#### 1.1.1 Documents from the European Commission

Out of 40 national Parliaments/Chambers, **34 use the documents transferred directly from the European Commission** and five Parliaments/Chambers use only the European Commission documents transferred by the Government.

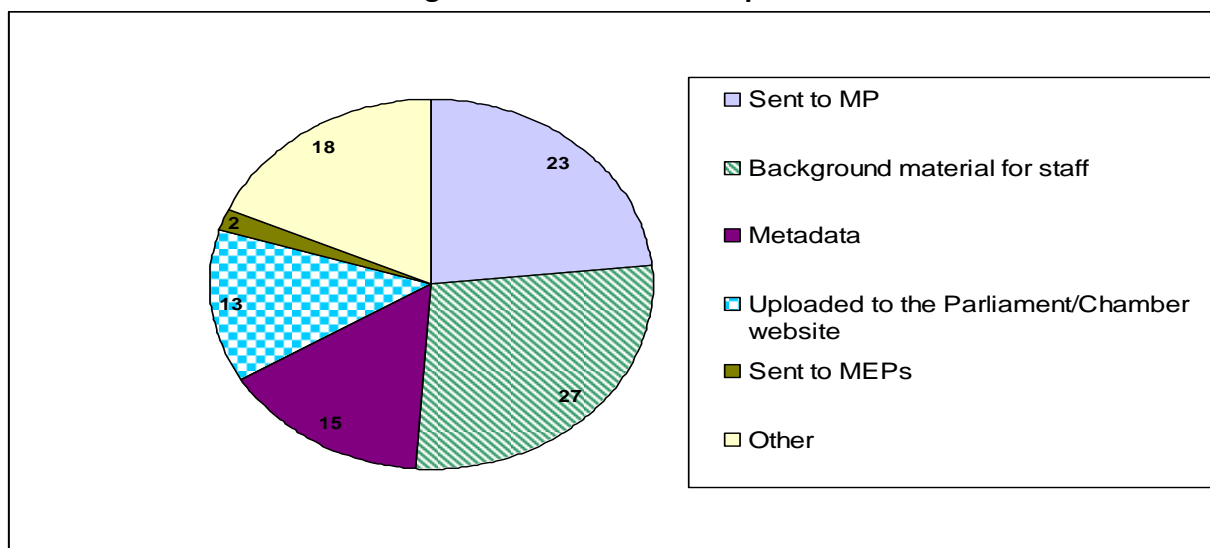
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<sup>1</sup> COSAC has looked at the procedures and practices of scrutiny of European Union matters in the EU national Parliaments in the Third Bi-annual Report of COSAC (May 2005), in the Eighth Bi-annual Report of COSAC (Oct 2007) and in the Thirteenth Bi-annual Report of COSAC (May 2010). <http://www.cosac.eu/en/documents/biannual/>

<sup>2</sup> Official Journal of the European Union 2008/C115/1

Parliaments/Chambers make **use of the European Commission documents** in a number of ways. Pie chart 1 shows the highest number of Parliaments/Chambers (27 out of 40) use these documents as **background material for staff** and 23 out of 40 **send the documents to Members** of Parliament.<sup>3</sup>

**Pie chart 1: Different regular uses made of European Commission documents**



In addition, some Parliaments/Chambers **refer the Commission documents to competent standing/sectoral committees**. In some cases this is done on the basis of an assessment by the European Affairs Committee or the European Affairs Department (staff) on the basis of political relevance of the document/proposal. For example, in the Luxembourg *Chambre des Députés* the "cellule européenne" sorts the documents into two categories (documents which are considered not to require any monitoring and documents to be further analysed by a committee). The Irish *Houses of the Oireachtas* Library & Research Services make weekly reports of all the documents received and make these available to Members electronically. In the Dutch *Tweede Kamer* the prioritised proposals "are sent directly to MPs, with an advice from staff on how to actively discuss these proposals."

### 1.1.2 Documents from Member State Governments

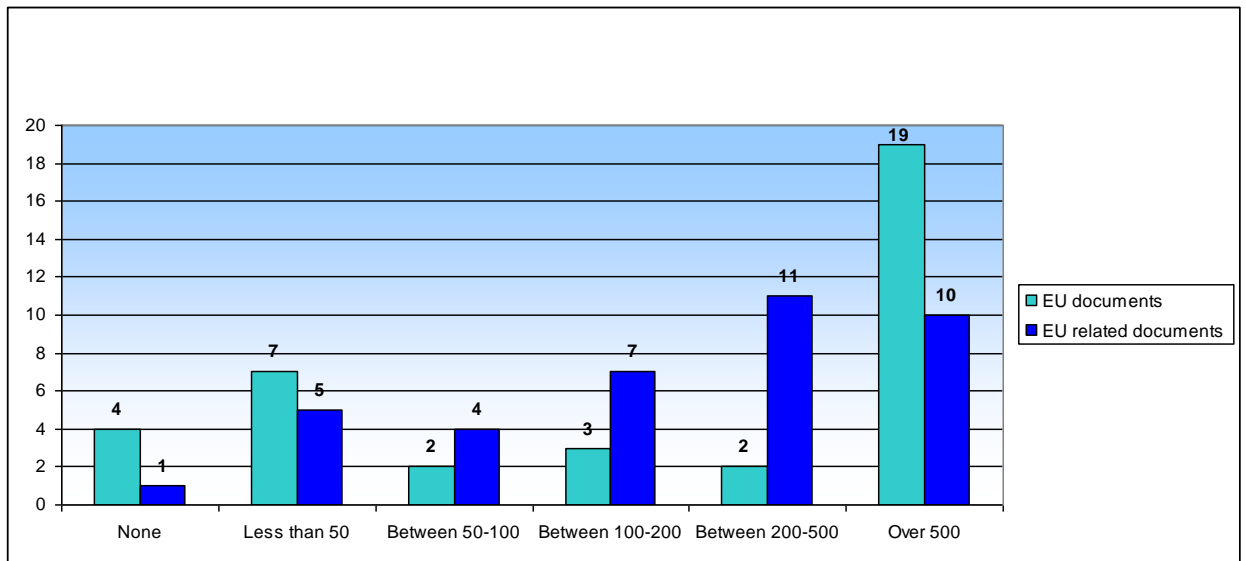
#### Number of documents received

In graph 1, the number of EU documents and EU related documents (such as notes, background documents, briefs, etc) that are received from Government is displayed. The four Chambers/Parliaments that receive no EU documents from their Government (Polish *Sejm* and *Senat*, Greek *Vouli ton Ellinon*, Cypriot *Vouli ton Antiprosopon*) all make active use of the documents directly transmitted from the European Commission. Interestingly, the Belgian *Chambre des représentants*, answered that since the coming into force of the Treaty of Lisbon the Federal Government had stopped forwarding EU documents (with the exception of the agenda of Council formations and any documents requested in relation to monthly meetings it holds with Ministers on Council activities). Since Poland joined the EU, the *Sejm* has access to a government database of documents transmitted from the EU but is only using it in very exceptional cases as it is not appropriate for the needs of the *Sejm*.

<sup>3</sup> See appendix for full information on replies giving the response of each Parliament/Chamber (Q2, page 1).



**Graph 1: Number of documents received from Government**



When comparing the number of EU documents received and the number of EU related documents produced by the Government, it may be worth noting that 14 Parliaments/Chambers receive the same number of both types of document. Ten Parliaments/Chambers receive fewer EU related documents and eight Parliaments/Chambers receive more EU related documents. The link between the Government sending EU documents and producing EU related documents in some Parliaments/Chambers is clear: for example the Lithuanian *Seimas* notes that the Government is obliged to submit a written position for any Commission proposal that is categorised by the *Seimas* as very relevant or relevant.

### Categories of documents sent by the Government

A clear trend can be observed in the replies to which categories<sup>4</sup> of documents are sent by the Government: **the lower the security classification of the document, the higher the number of Parliaments/Chambers that are sent the document by their Government.** 27 of the Parliaments/Chambers receive Limité documents. 17 receive EU Restricted documents and seven receive EU Confidential documents. Only the Austrian *Nationalrat* and *Bundesrat* receive EU Secret and Top Secret.

20 Parliaments/Chambers are sent the **latest COREPER documents** by their Government, 18 are sent the **latest Council working group documents** and 14 are sent **briefing documents** and/or **instructions for Government attachés.**<sup>5</sup>

The Swedish *Riksdag* is guaranteed full access under law to all official documents when the Parliament demands them from the Government, or a Government authority/agency.<sup>6</sup> However, it clarifies that in practice the Government rarely sends any documents with a classification above EU Restricted.

<sup>4</sup> See "Handling of documents internal to the Council" <http://register.consilium.europa.eu/pdf/en/11/st11/st11336.en11.pdf>

<sup>5</sup> See appendix for full information on replies giving the response of each Parliament/Chamber (Q7, page 4).

<sup>6</sup> See full response in the Annex to Bi-annual Report for more details.

#### **Case Study: The Austrian *Nationalrat* and *Bundesrat***

On 1 January 2012 the Austrian "EU Information Law" entered into force.<sup>7</sup> This law complements the existing obligation of the Austrian Government to inform the Parliament on EU matters and has simplified access to EU documents by making available the Council's extranet to the Parliament, enhancing the Parliament's scrutiny possibilities by establishing or formalising measures such as asking the Government to give "information on future EU projects" on a half-yearly basis.

On top of Council documents, the Austrian *Nationalrat* and *Bundesrat* receive other documents such as reports on meetings of the European Council and Council formations as well as on meetings of preparatory bodies and explanatory memoranda of items on the agenda of EU Committees, information on future EU projects on a half year basis, a yearly outlook based on the Commission's work programme, information on ongoing subsidiarity actions forwarded by the Parliament, explanatory memoranda on subsidiarity and information on initiatives of the European Council regarding the passerelle.

In order to deal with the large amount of information delivered to the Parliament an internal EU database was created soon after Austria's accession to the EU in 1995. It accommodates information from the government and (since 2006) documents directly transmitted by EU institutions. Each day approx. 100-150 documents are uploaded. With the new "EU information law", new categories of documents will be included. Public documents are made available on the internet to the public, whereas Limited documents remain on the intranet section.

It should be noted that Parliaments/Chambers often **receive other EU related information from their Government**. For example the Lithuanian *Seimas* added that the Committee on European Affairs or any specialised committee may request additional information or information necessary for deliberation from governmental bodies. The Italian *Senato della Repubblica*, when examining green and white papers and communications, may request a Government report on the status of negotiations, the impact on Italian legislation and opinions provided by any advisors.

#### **1.1.3 Access to EU and EU related documents via a government Database**

**18 out of 40** national Parliaments/Chambers are offered **access to a government database** containing relevant EU information and documents. Two of these answers, however, appear to refer to databases of the Parliament/Chamber of EU documents (discussed later).

The French *Sénat* has access to two databases, one containing diplomatic telegrams and the other EU working documents and proposals.<sup>8</sup> The German *Bundestag* and *Bundesrat* have access to the database that contains Council documents. In the government database accessed by the Latvian *Saeima* "documents are organised according to relevant Councils of Ministers and documents from the European Council and COREPER meetings have separate sections...There are also sections devoted to written procedure and Council decisions". The Belgian *Chambre des représentants* has access to a database that "contains documents of specific interest to the Belgian authorities in the framework of transposition of EU legislation."

A number of Parliaments/Chambers have **internal databases** which are used to manage EU information sent from the Government. For example the Slovenian *Državni svet* (National Council) explained it has access to EU documents through an internal database. The Italian *Camera dei Deputati* and *Senato della Repubblica* established a joint database to track all stages

<sup>7</sup> German text of Law": <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007573>

<sup>8</sup> **For translator:** Une base contient les télégrammes diplomatiques. Une autre contient tous les documents de travail et les propositions de l'UE.

of scrutiny of EU documents. The Bulgarian *Narodno sabranie* maintains a database on draft acts and other documents of the EU institutions and the positions of the Bulgarian Government sent to the National Assembly. The UK *House of Commons* and *House of Lords* jointly operate an internal EU scrutiny database. The Polish *Sejm* manages its own "Eudoc" database which includes the governmental positions transmitted to the *Sejm*. The Hungarian *Országgyűlés* also supports the parliamentary scrutiny of EU documents through an internal "EUDOC" database.

Of the Parliaments/Chambers that have **access to government databases**, 17 have access to public documents through this route. In addition 13 Parliaments/Chambers have access to **Limité documents**, three Parliaments/Chambers have access to EU Restricted and two Parliaments/Chambers have access to EU Confidential documents. 13 Parliaments/Chambers have **access to the latest COREPER documents** and latest **Council working group documents** and five have access to **briefing documents and/or instructions for government attachés** through that database.<sup>9</sup>

#### Database access

**Database access is available in a greater number of Parliaments/Chambers to staff** (senior staff of Committees by 16 Parliaments/Chambers, Committee secretariat by 12 Parliaments/Chambers and the National Parliament Permanent Representative by 13 Parliaments/Chambers) than to Members (ten Parliaments/Chambers) and their personal staff (nine Parliaments/Chambers), as would be expected.

In addition to the categories above, databases are often available also to additional staff of national Parliaments/Chambers (e.g. the EU Affairs Department of the Belgian *Chambre des*

#### Case Study: The Czech *Poslanecká sněmovna* and *Senát*

Both Czech Chambers have unrestricted access to the Government database which includes the following categories of EU documents: public, Limité and EU Restricted. The Czech Parliament also has access to the government database that contains "instructions for negotiation in the Council working groups and COREPER, the mandates for the deliberation in the Council meetings as well as the negotiation results, and also some framework positions to the important EU initiatives, acts and documents."

#### Case Study: The Lithuanian *Seimas*

The Lithuanian *Seimas* has full access to the government managed EU Information System (LINESIS). LINESIS offers the possibility to search, download and print EU documents and find any related additional information. MPs and parliamentary staff are given free access to the entire government database. For security this is limited by IP address. The Lithuanian *Seimas* has access via this route to documents in the following categories: public, Limité, EU Restricted and EU Confidential. It also has access to the latest COREPER documents, Council working group documents and briefing documents and/or instructions for government attachés in Brussels. It is possible to subscribe and regularly receive by e-mail certain EU documents and government papers (positions, reports from the working groups, non-papers, etc.). The Parliament can also contribute actively to this database and it uploads its own relevant documents (committee conclusions, opinions, resolutions, etc.) regularly to LINESIS.

In addition, the Lithuanian *Seimas* uses and manages its own database which has the possibility to store and up-load parliamentary documents on EU matters. This database has an indirect connection with IPEX (parliamentary documents are not uploaded to the IPEX database, but there are links from IPEX information to the database of the Lithuanian *Seimas*).

*représentants* and the Legal and Political Information Unit of the Parliamentary Research Department of the Lithuanian *Seimas*). In addition to Members and staff of national Parliaments/Chambers, the German *Bundesrat* notes that staff within the regional (*Länder*) authorities also have access to the database. Of the 18 Parliaments/Chambers that have access to

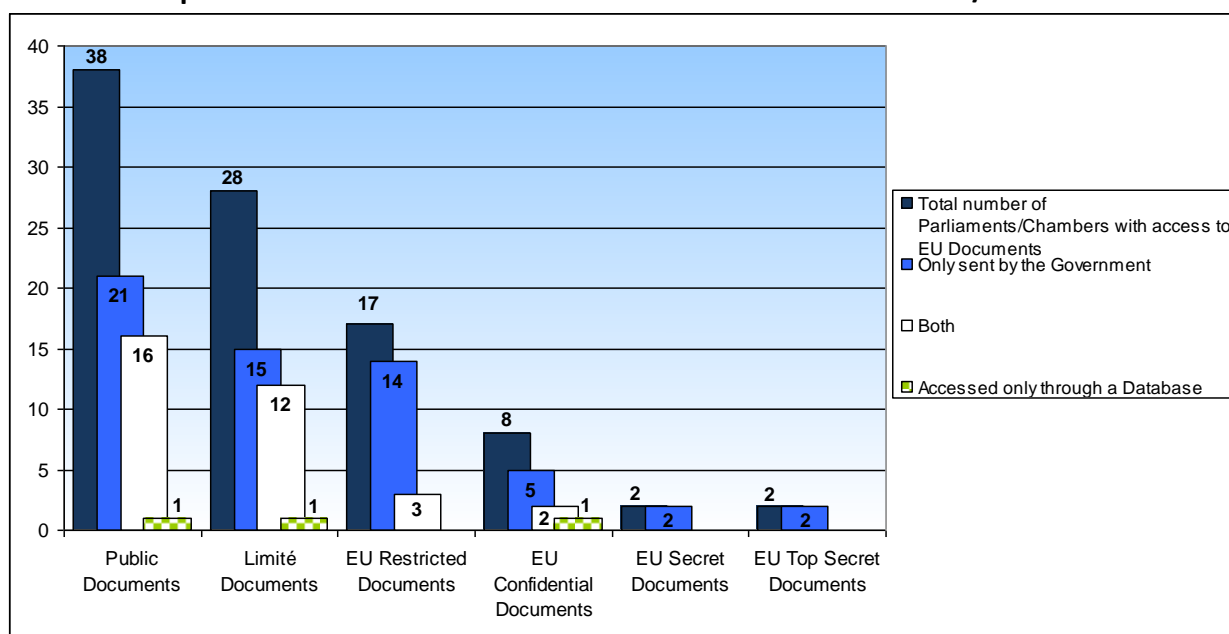
<sup>9</sup> See table 1 on page 10 for more information

their Government database, three Parliaments/Chambers say that the **information contained in the database was also available to the public**. These are the Bulgarian *Narodno sabranie*, the UK *House of Lords* and the Slovenian *Državni zbor* who access only public documents through their Government database. Four other Parliaments/Chambers state that the public have access in part and 11 Parliaments/Chambers answer that the public have no access at all.

When asked whether they have **unrestricted access to the database**, 11 Parliaments/Chambers reply that the database information is freely available to them while seven say that Parliaments/Chambers access is restricted. Those who have unrestricted access to the Government database can mostly only access public documents (UK *House of Lords*) or public and Limité documents (e.g. Italian *Camera dei Deputati*, Bulgarian *Narodno sabranie* and German *Bundestag* and *Bundesrat*). The Italian Government database has restricted access reserved to the Italian Parliament, and regional and local authorities. The Estonian database is available to the public but some documents are restricted to some viewers (access to such documents with an ID card).

#### 1.1.4 Overview of access to documents

**Graph 2: Classifications of documents accessible to Parliaments/Chambers**

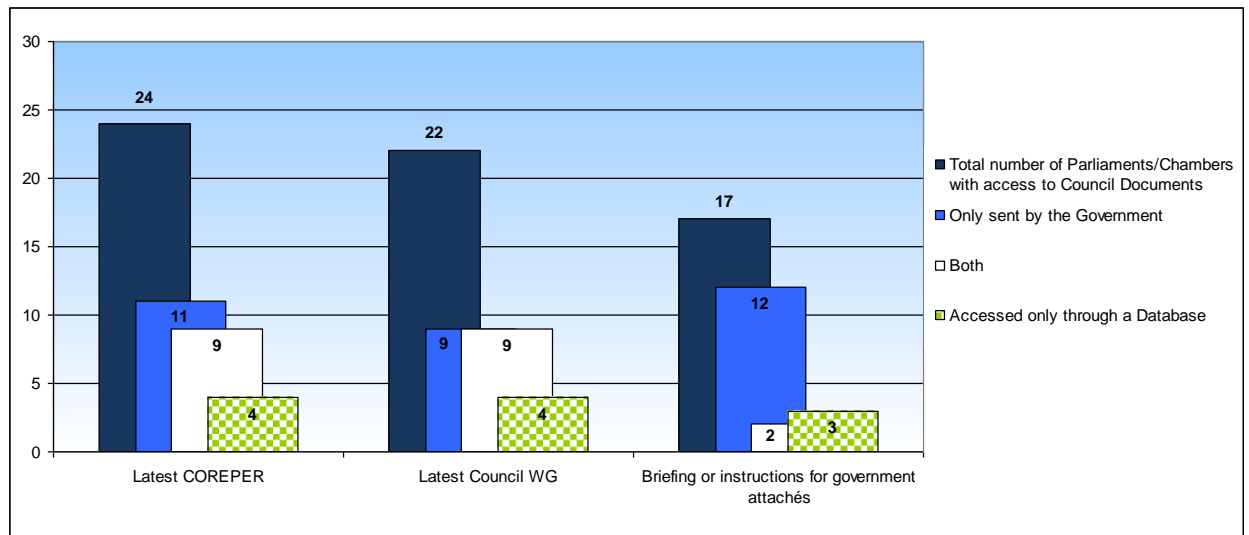


Graph 2 gives an overview of the accessibility of different classifications of Council documents available to national Parliaments/Chambers. It shows that a large majority of Parliaments/Chambers have access to public documents, either as they have been sent by their Government or through a database or both of these routes. **A total of 28 Parliaments/Chambers are able to access Limité documents, this amounts to 70% of all national Parliaments/Chambers** - a significant proportion. It also shows that a total of 17 out of 40 national Parliaments/Chambers receive EU Restricted documents and eight have access to EU Confidential documents.

Graph 2 shows that even though a number of Parliaments/Chambers have access to the documents by database, **all of them except one are still also sent the documents by their**

**Government.** This may show that Parliaments/Chambers do not wish to have to filter the large amount of EU information available through a database. If it is the case that the Government also attaches briefing to EU documents it sends, the Parliament/Chamber could more easily identify significant proposals and judge the impact of proposals at a national level.

**Graph 3: Categories of documents on Council activities/briefings accessible to Parliaments/Chambers and how accessed**



This graph shows that a slightly higher number of Parliaments/Chambers **access documents on Council activities including briefing or instructions only through a Government database** as compared to those accessing EU documents.

Table one (on the next page) has been collated to give readers the opportunity to easily compare the documents and information available to each national Parliament. It is intended to show the information summarised in this section of the chapter in an easily digestible format.

**Table 1: Access to documents (by Parliament/Chamber)**

Key: Sent by Govt. – documents sent to Parliaments/Chambers by the Government; Database – access to documents through a Government database; Both – documents sent by the Government and accessed through a Government database. <sup>1</sup> – documents sent automatically by the Government; <sup>2</sup> – documents have to be requested by the Parliament/Chamber; <sup>3</sup> – some documents are sent and others have to be requested.

	Public	Limité	EU Restricted	EU Confidential	EU Secret	EU Top secret	COREPER	Council WG	Briefings
AU <i>Nationalrat + Bundesrat</i> <sup>3</sup>	Both	Both	Sent by Govt.	Sent by Govt.	Sent by Govt.	Sent by Govt.	Both	Both	
BE <i>Chambre des représentants</i>	Sent by Govt.	Sent by Govt.	Sent by Govt.						
BE <i>Sénat</i>	Sent by Govt.						Sent by Govt.		
BG <i>Narodno Sabranie</i> <sup>3</sup>	Both	Sent by Govt.					Sent by Govt.	Sent by Govt.	
CY <i>Vouli ton Antiprosopon</i> <sup>2</sup>	Sent by Govt.	Sent by Govt.							
CZ <i>Poslanecká sněmovna</i> <sup>3</sup>	Both	Both	Sent by Govt.				Both	Both	Both
CZ <i>Senát</i> <sup>3</sup>	Both	Both	Sent by Govt.				Both	Both	Database
DE <i>Bundestag</i> <sup>1</sup>	Both	Both	Sent by Govt.				Database	Database	Sent by Govt.
DE <i>Bundesrat</i> <sup>1</sup>	Both	Both	Sent by Govt.				Both	Both	Sent by Govt.
DK <i>Folketing</i> <sup>3</sup>	Sent by Govt.	Sent by Govt.	Sent by Govt.						
EE <i>Riigikogu</i> <sup>3</sup>	Both	Both					Database	Database	Sent by Govt.
EL <i>Vouli ton Ellinon</i> <sup>2</sup>	Sent by Govt.	Sent by Govt.							Sent by Govt.
ES <i>Cortes Generales</i> <sup>3</sup>	Sent by Govt.	Sent by Govt.	Sent by Govt.				Sent by Govt.	Sent by Govt.	Sent by Govt.
FI <i>Eduskunta</i> <sup>3</sup>	Sent by Govt.	Sent by Govt.	Sent by Govt.	Sent by Govt.			Sent by Govt.	Sent by Govt.	
FR <i>Assemblée nationale</i> <sup>1</sup>	Both	Both	Both	Sent by Govt.			Both	Both	Sent by Govt.
FR <i>Sénat</i> <sup>1</sup>	Both	Both	Both	Both			Both	Both	Both
HU <i>Országgyűlés</i> <sup>3</sup>	Sent by Govt.	Sent by Govt.					Sent by Govt.	Sent by Govt.	
IE <i>Houses of the Oireachtas</i>	Sent by Govt.								Sent by Govt.
IT <i>Camera dei Deputati</i> <sup>3</sup>	Both	Both					Both	Both	
IT <i>Senato della Repubblica</i> <sup>3</sup>	Both	Both					Both	Both	
LT <i>Seimas</i> <sup>1</sup>	Both	Both	Both	Both			Database	Database	Database
LU <i>Chambre des Députés</i> <sup>3</sup>	Sent by Govt.								
LV <i>Saeima</i> <sup>3</sup>	Database	Database					Database	Database	Database
MT <i>Kamra tad-Deputati</i> <sup>1</sup>	Sent by Govt.								
NL <i>Tweede Kamer</i> <sup>3</sup>	Sent by Govt.								
NL <i>Eerste Kamer</i> <sup>3</sup>	Sent by Govt.								
PL <i>Sejm</i> <sup>3</sup>									
PL <i>Senat</i> <sup>3</sup>									
PT <i>Assembleia da República</i> <sup>3</sup>	Sent by Govt.	Sent by Govt.					Sent by Govt.	Sent by Govt.	
RO <i>Camera Deputaților</i> <sup>2</sup>	Both							Sent by Govt.	Sent by Govt.
RO <i>Senatul</i> <sup>2</sup>	Sent by Govt.						Sent by Govt.		
SE <i>Riksdag</i> <sup>3</sup>	Sent by Govt.	Sent by Govt.	Sent by Govt.	Sent by Govt.			Sent by Govt.	Sent by Govt.	
SK <i>Národná rada</i> <sup>3</sup>	Sent by Govt.	Sent by Govt.	Sent by Govt.	Sent by Govt.			Sent by Govt.	Sent by Govt.	Sent by Govt.
SL <i>Državni zbor</i> <sup>1</sup>	Both	Sent by Govt.	Sent by Govt.						
SL <i>Državni svet</i> <sup>3</sup>	Sent by Govt.						Sent by Govt.		
UK <i>House of Commons</i> <sup>3</sup>	Sent by Govt.	Sent by Govt.							
UK <i>House of Lords</i> <sup>1</sup>	Both	Sent by Govt.							Sent by Govt.

## 1.2 Exchange of information between Parliaments/Chambers

Whilst access to information and documentation from EU institutions has traditionally been important for parliamentary scrutiny, the exchange of information **between** Parliaments is becoming increasingly common and indeed essential, as a result of the strengthened role of Parliaments in the Treaty of Lisbon.

The second section analyses how information published on IPEX<sup>10</sup> is **accessed and used** by Parliamentary users. Specific focus has been given to the exchange of information on subsidiarity issues and on the political dialogue in order to determine whether IPEX offers value-added information compared to other means of exchanging information.

### 1.2.1 Use of IPEX

**In 36 out of 40 Parliaments/Chambers staff consult IPEX on a daily or rather weekly basis** (17 respondents consult it on a daily basis, 19 search the database at least once a week), whereas in others the frequency is between once and twice a month. European Parliament committee staff regularly carry out checks on IPEX, as the database often contains courtesy translations of national Parliament submissions.

When it comes to **Members consulting IPEX**, the picture looks quite different. **In 25 Parliaments/Chambers Members rarely** consult IPEX, and in three Parliaments/Chambers they never do. In 12 Parliaments/Chambers consultation by Members varies between once a week and once a month. The UK *House of Lords* adds that the Chairman of its EU Select Committee often consults IPEX. The European Parliament, recognising the need to raise awareness about IPEX, foresees **training sessions** on IPEX for Members and their assistants in the near future.<sup>11</sup>

**Subscription profiles** on IPEX provide the possibility to enhance the personalised use of this website. There are different levels of personalised accounts for different categories of users. The kind available to every IPEX user allows saving searches performed in the database.<sup>12</sup> Other accounts, with possibilities to update national Parliaments' sections are provided for IPEX Correspondents and staff responsible for uploading data. There are also profiles for national Parliament Representatives in Brussels, to facilitate exchange of information on subsidiarity controls and early warning on scrutinized draft legislative acts.

In most (19) of the responding Parliaments/Chambers there are users besides the IPEX Correspondent with subscription profiles on IPEX. There are eight Parliaments/Chambers with only this one profile, six Parliaments/Chambers has one additional subscription profile and three Parliaments/Chambers declare more than ten profiles: the European Parliament, the Swedish *Riksdag*<sup>13</sup> and the Romanian *Camera Deputaţilor*.

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<sup>10</sup> IPEX is a webpage designed in 2000 for the exchange of information between the national Parliaments and the European Parliament on EU-issues – <http://www.ipex.eu/IPEXL-WEB/home/home.do>

<sup>11</sup> Training sessions have already taken place also in a number of national Parliaments and a number more are planned.

<sup>12</sup> <http://www.ipex.eu/IPEXL-WEB/widgets/download.do?widgetId=082dbcc530d630570130d6f3024d00fa&fileId=082dbcc5312cf97d013147bc06ee0ae0>

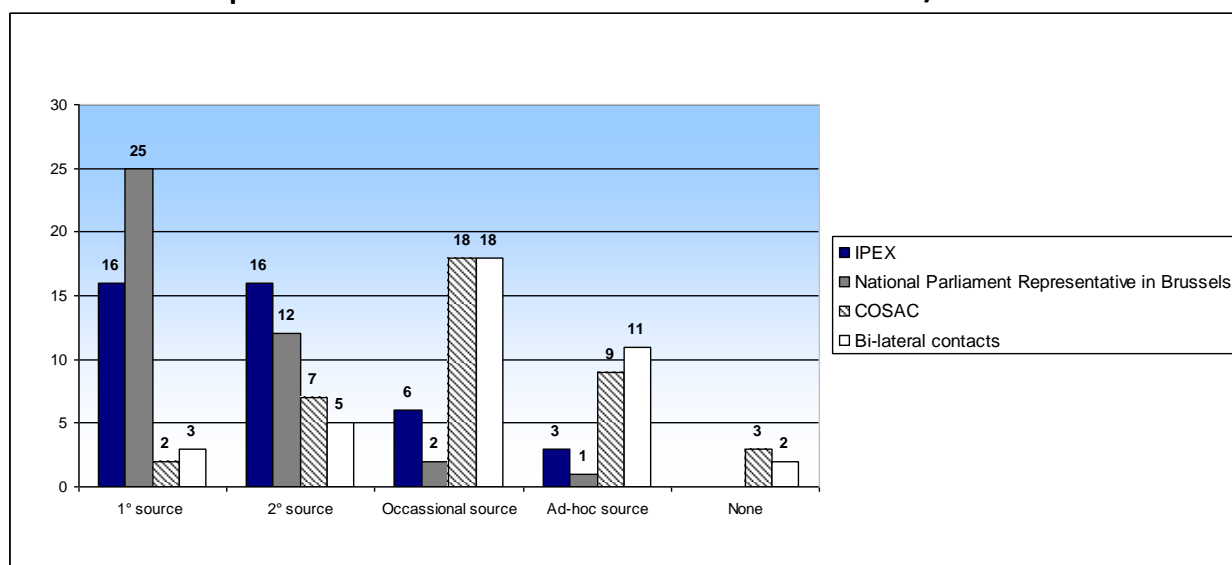
<sup>13</sup> According to additional information from the Swedish *Riksdag*, the IPEX Correspondent coordinates work conducted in every parliamentary committee by users with subscription profiles. Every committee is responsible for information on IPEX about scrutiny of EU draft legislative acts which are in their scope of interest.

As the IPEX database is quite frequently consulted by officials in many Chambers/Parliaments, it seems that the use of this tool is independent from the availability of the link to IPEX on the Parliament/Chamber website. **12 Parliaments/Chambers provide links to the IPEX on their website and on the Intranet.** A further 17 provide this link on their website only, and two Parliaments/Chambers declare that the link is available only on the Intranet. Ten out of 41 respondents declare no links to IPEX.<sup>14</sup>

### 1.2.2 Sources of information from other parliaments

As can be seen in Graph 4, the most commonly used sources of information from other parliaments on the control of subsidiarity and the informal political dialogue are **national Parliament Representatives in Brussels** (25 Parliaments/Chambers use them as a primary source and 12 as a secondary source). **IPEX is the second most commonly used source** with 16 Parliaments/Chambers using it as a primary source and 16 using it as a secondary source.

**Graph 4: Sources of information from other Parliaments/Chambers**



In the case of the European Parliament, all documents are officially transmitted by national Parliaments to the President of the European Parliament. The President refers these documents to the committees responsible for the subject matter and forwards them for information to the committee responsible for respect of the principle of subsidiarity (Legal Affairs Committee). Concerning the political dialogue, the directorate responsible for relations with national Parliaments transmits all the contributions to the relevant parliamentary committee.

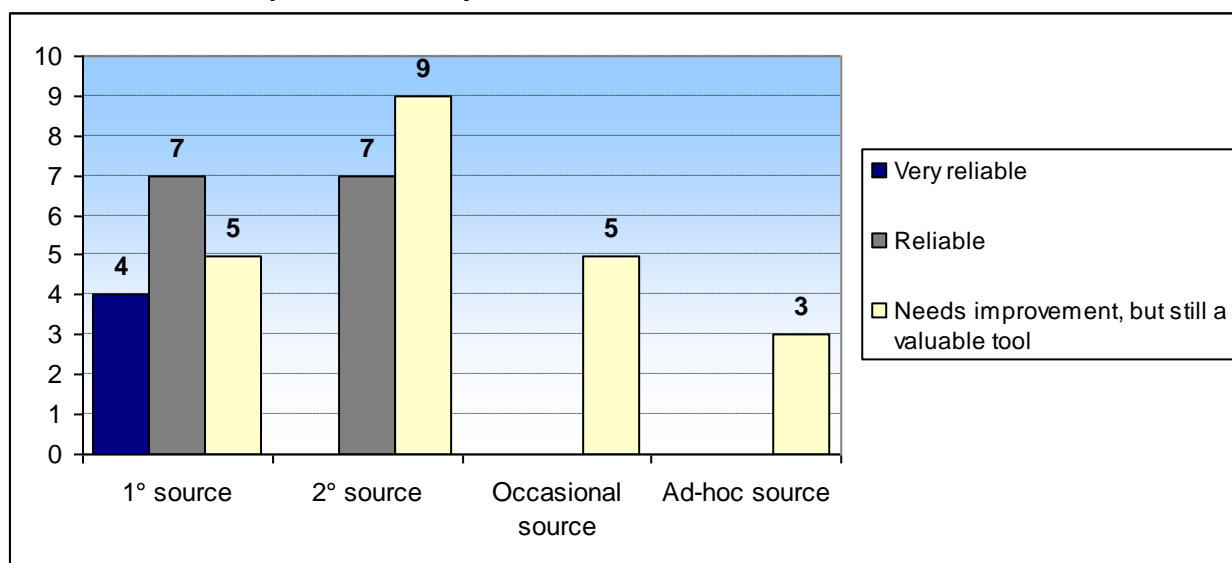
### 1.2.3 Reliability of IPEX

Regarding the question on reliability of IPEX Parliaments are overall divided into two groups: a small majority of **22 respondents hold the view that IPEX needs improvement, but still is a valuable tool.** 19 out of 41 respondents **consider IPEX reliable or very reliable** (15 and four respectively).

<sup>14</sup> See appendix for full information on replies giving the response of each Parliament/Chamber (Q5, page 12).



**Graph 5: Reliability of IPEX in relation to how much it is used**



As can be seen in graph 5 above, all four Parliaments/Chambers that regard IPEX as very reliable also use it as a primary source of information on subsidiarity control. In the group which considers IPEX a reliable source of information there are seven Parliaments/Chambers who use it as a primary source and seven who use it as a secondary source. Respondents who hold the view that IPEX needs improvement, but still is a valuable tool, use IPEX diversely: five as a primary source, nine as a secondary source, five as an occasional source, and three as an *ad-hoc* source.<sup>15</sup>

The Parliaments/Chambers that judge the **IPEX database to be very reliable or reliable**, mentioned in their replies that:

- it is an **efficient and the fastest way** to access the official information from other Parliaments/Chambers;
- it provides **clear and easy** access to relevant information regarding EU issues;
- it provides information on the **calendar of interparliamentary activities**; and
- the **new IPEX website** is a great improvement.

Some Parliaments/Chambers voice **concerns**, for example:

- the need for more national Parliaments to **upload information consistently** to the IPEX database in a **timely manner** to promote the proper flow of information;
- the **IPEX symbols** which are not easily recognisable and used incorrectly or ambiguously;
- the need to make **more information available in English or French** (especially translations of reasoned opinions or at least their summaries); and
- the **inconsistency between IPEX figures on reasoned opinions** and those that can be found via other interparliamentary sources of information.

#### **1.2.4 Need for more information about IPEX**

On the need to **be better informed on what is available on IPEX and how to access it**, a **majority** of 35 Parliaments/Chambers hold the view that there is **no such need**. Six Parliaments/Chambers have identified a need for more information. The Lithuanian *Seimas*

<sup>15</sup> See appendix for full information on replies giving the response of each Parliament/Chamber (Q3, page 10, Q6, page 12).

wishes to be better informed about *inter alia* the XML project (Extended Mark up Language) and the possibility to participate in the IPEX Roadshow. The European Parliament intends to proactively promote IPEX. An information session with parliamentary committees and policy department staff was held on 3 February 2012 and similar sessions are planned for political groups' staff, Members and their assistants.

### 1.2.5 Reasoned opinions on IPEX

A large majority of Parliaments/Chambers (32 out of 40) **upload reasoned opinions and opinions under the political dialogue** on the IPEX website either **on the day of adoption or within two days** following adoption. Another six Parliaments/Chambers upload documents within a week following adoption.<sup>16</sup>

The European Parliament, for its part, highlights that it has established a database of reasoned opinions and other contributions under Protocol 2 in the form of a table with hyperlinks to IPEX, which is available to Representatives of national Parliaments on the European Parliament intranet pages.

### 1.2.6 Translations of important decisions

An overwhelming majority of **37 Parliaments/Chambers** state that they **provide translations or summaries** of important decisions in English and/or French on IPEX. The European Parliament, for its part, translates all reasoned opinions into 21 EU languages. The Lithuanian *Seimas* as a rule translates all reasoned opinions into English.

### 1.2.7 Additional sources or networks used to gather information

Among **additional sources of information** used by Parliaments/Chambers the **COSAC website** and the **ECPRD network** (European Centre for Parliamentary Research and Documentation) are mentioned by 85% (35 out of 41) and 78% (32 out of 41) of respondents respectively. The Belgian *Chambre des représentants* intensively uses the ECPRD network by launching questionnaires or replying to them, consulting the online database and updating the page on parliamentary practice and procedure. The European Parliament, too, is a frequent user of the ECPRD network for matters related to parliamentary practices and procedures, and explains that several high level working groups (on issues such as raising the attractiveness of plenary meetings,<sup>17</sup> security and access to buildings and a code of conduct for Members) have benefited from ECPRD input. The UK *House of Commons* "finds it a valuable (and almost unique) way of quickly finding out the latest position in other countries" and believes that ECPRD conferences have provided useful forums for parliaments to exchange ideas and experiences. 56% (23 of 41) of Parliaments/Chambers name the **European Commission's website on national Parliaments** as a useful additional source of information. The recently established (2011) **European Parliament's database** on reasoned opinions and contributions, which is only available on the European Parliament's intranet, is consulted by 46% (19 out of 41) of Parliaments/Chambers. As national Parliaments can access this database only through their representatives in Brussels, this figure suggests that representatives have promptly started making use of this extra information channel.<sup>18</sup>

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<sup>16</sup> See appendix for full information on replies giving the response of each Parliament/Chamber (Q9, page 13).

<sup>17</sup> EN Working Group on Improving the Attractiveness of Plenary Sessions

FOR Translator - FR Groupe de travail sur l'amélioration de l'attrait de la séance plénière

<sup>18</sup> See appendix for full information on replies giving the response of each Parliament/Chamber (Q11, page 14).

11 Parliaments/Chambers indicate that they use a **variety of other sources** of information, too. These include the Representatives in Brussels (Lithuanian *Seimas* and Polish *Senat*), websites of national Parliaments (Polish *Sejm*, Swedish *Riksdag* and European Parliament), the website of the EP Directorate for relations with national Parliaments (Belgian *Chambre des représentants*), the European Parliament website (Czech *Senát* - specifically the Legal Affairs Committee pages for translations of reasoned opinions, the Italian *Senato della Repubblica* and the Polish *Sejm*), the website of the Parliament of the country holding the rotating Presidency (Italian *Senato della Repubblica*), numerous websites on an ad hoc basis (Polish *Sejm*) and contacts and information through delegations to Member States, interparliamentary committee meetings and related questionnaires, bilateral meetings between rapporteurs and videoconferences (European Parliament).

## CHAPTER 2: RE-LAUNCH OF THE SINGLE MARKET AND PARLIAMENTS

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### 2.1 Re-launch of the Single Market and Parliaments

In October 2010 the Commission announced a re-launch of the Single Market not only to stimulate much needed economic growth, but also to reinforce citizens' and companies' confidence in the functioning of the Single Market. For this purpose the Commission presented 50 different ideas ranging from increasing European competitiveness in a global market to creating a more business-friendly environment.<sup>19</sup> Following a public consultation on these 50 projects the Commission presented in April 2011, 12 key actions for strengthening the Single Market.<sup>20</sup> The Commission hopes to gain final approval from the European Parliament and the Council of proposals under the 12 key actions before the end of 2012, thereby marking the twentieth anniversary of the Single Market. The "Single Market Act" consists of 12 levers which are each accompanied by a key action, with associated legislative proposals. As can be seen in the background note for the XLVII COSAC Meeting produced by the COSAC Secretariat on "State of play for the 12 key actions of the Single Market Act", the Commission has presented proposals for all of the key actions except the Digital Single Market.<sup>21</sup>

The second chapter of the 17<sup>th</sup> Bi-annual Report concentrates on the parliamentary activity around the re-launch of the Single Market. The chapter uses the information provided by Parliaments/Chambers in the answers to the questionnaire, as well as information from the respective relevant websites of the Commission, the European Parliament and IPEX. The chapter begins with a section focusing on the Single Market Act examining, among other things, the Parliaments'/Chambers' positions on the Commission's 12 key actions and their parliamentary activities in relation to the re-launch. The chapter goes on to consider in more detail three concrete areas as they are directly linked to the programme of the XLVII COSAC meeting in Copenhagen in April 2012. These are a Digital Agenda for Europe, the implementation of the Service Directive and a Roadmap to a Resource Efficient Europe.

The XLVII COSAC meeting in Copenhagen could draw on the information in this chapter on the re-launch of the Single Market to inform its debates.

#### 2.1.1 The Single Market Act

**20** Parliaments/Chambers replied that they have **considered the Commission Communication on the "Single Market Act"**. The European Parliament was involved in the consultation process, which led to the adoption of the Communication.

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<sup>19</sup> "Towards a Single Market Act - For a highly competitive social market economy - 50 proposals for improving our work, business and exchanges with one another" COM (2010) 608 -

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0608:REV1:EN:PDF#page=2>

<sup>20</sup> "Single Market Act - Twelve levers to boost growth and strengthen confidence" COM (2011) 206 -

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0206:FIN:EN:PDF>

<sup>21</sup> See Background note for the XLVII COSAC Meeting, "State of play for the 12 key actions of the Single Market Act" - <http://www.cosac.eu/en/meetings/denmark2012/plenary/>

Of the 20 Parliaments/Chambers which have considered the Single Market Act, 14 answer that they regard some of the key actions to be more important than others. The table below shows which Parliaments/Chambers prioritised which key actions.

Key Action <sup>22</sup>	Prioritised by Parliament/Chamber	Additional comments in replies <sup>23</sup>
Revision of the legislative framework for public procurement	DK <i>Folketing</i> European Parliament FR <i>Assemblée Nationale</i> NL <i>Tweede Kamer</i> SE <i>Riksdag</i> UK <i>House of Lords</i>	The UK <i>House of Lords</i> , the Dutch <i>Tweede Kamer</i> and the French <i>Assemblée Nationale</i> call for <b>modernisation of rules applied in public procurement</b> . In a resolution from April 2011 on a Single Market for Enterprises and Growth the European Parliament calls on the Commission to make public procurement procedures more effective and less bureaucratic in order to encourage EU firms to participate in cross-border public procurement; stresses that further simplification is needed especially for local and regional authorities and to allow SMEs greater access to public procurement. <sup>24</sup> In a statement on the Commission Communication "Towards a Single Market Act" the Swedish <i>Riksdag</i> request "better regulation in the field of public procurement."
Legislation facilitating access to venture-capital for SMEs across Europe	AU <i>Nationalrat</i> European Parliament FR <i>Assemblée nationale</i> LV <i>Saeima</i> MT <i>Kamra tad-Deputati</i>	The European Parliament is in favour of " <b>removing administrative and fiscal barriers to their [SMEs] cross-border activities</b> by adopting a clearer VAT framework and a common consolidated corporate tax base" in order to stimulate the market for innovative and green technologies. <sup>25</sup> The Austrian <i>Nationalrat</i> issued an opinion on the Commission's Communication "Towards a Single Market Act" where it among other things calls for priority to "proposals with special attention to SME."
Legislation establishing a unitary patent in the EU	DK <i>Folketing</i> European Parliament LV <i>Saeima</i> SV <i>Riksdag</i> UK <i>House of Lords</i>	The Danish <i>Folketing</i> issued an opinion on the Commission's communication "Towards a Single Market Act" where among other things the European patent was highlighted. Likewise the Swedish <i>Riksdag</i> highlights the importance of an EU patent in their statement. The European Parliament stresses in its resolution on Single Market for Enterprises and Growth that "the creation of the EU patent and of a unified litigation system, as well as an improved system for the management of copyright, is indispensable for innovation and creativity."
Digital Single Market	DE <i>Bundesrat</i> DK <i>Folketing</i> European Parliament FI <i>Eduskunta</i>	The Finnish <i>Eduskunta</i> emphasises <b>copy-rights</b> as a prime objective whereas the Latvian <i>Saeima</i> and the Danish <i>Folketing</i> highlight <b>e-commerce</b> in their answers. In a report based on the preparatory documents for the

<sup>22</sup> See Background note for the XLVII COSAC Meeting, "State of play for the 12 key actions of the Single Market Act" - <http://www.cosac.eu/en/meetings/denmark2012/plenary/>

<sup>23</sup> See Annex for full replies for each Parliament/Chamber

<sup>24</sup> European Parliament resolution of 6 April 2011 on Single Market for Enterprises and Growth - <http://www.europarl.europa.eu/oeil/popups/summary.do?id=1148855&t=d&l=en>

<sup>25</sup> European Parliament resolution of 6 April 2011 on Single Market for Enterprises and Growth - <http://www.europarl.europa.eu/oeil/popups/summary.do?id=1148855&t=d&l=en>

	LV <i>Saeima</i> UK <i>House of Lords</i>	Single Market Act the UK <i>House of Lords</i> welcomes efforts to <b>improve consumer confidence</b> particularly in online services. <sup>26</sup> In their answer the German <i>Bundesrat</i> "advocates stipulating one or a small number of signature standards and calls for harmonised use of legal terminology [...] pertaining to provisions on electronic signatures." The European Parliament insists on steps to be taken "to enhance the confidence of businesses and consumers in e-commerce." <sup>27</sup>
Energy and transport infrastructure legislation	DK <i>Folketing</i> European Parliament LT <i>Seimas</i> UK <i>House of Lords</i>	The Lithuanian <i>Seimas</i> emphasizes in their answer the need to develop network interconnections for the energy infrastructure and believes that " <b>no Member State should remain isolated from the European gas and electricity networks after 2015</b> ". In a resolution from April 2011 the European Parliament draws attention to the added value of the <b>TEN-T network as it "provides an efficient framework for the movement of people and goods within the EU."</b> <sup>28</sup>
Revision of legislation on a European standards system	AU <i>Nationalrat</i> LV <i>Saeima</i> MT <i>Kamra tad-Deputati</i>	In an opinion on the Commission's Communication "Towards a Single Market Act" the Austrian <i>Nationalrat</i> calls for "priorities in the area of the internal market for services while respecting the special role of public services." <sup>29</sup>
Simplification of the accounting directives	MT <i>Kamra tad-Deputati</i> UK <i>House of Lords</i>	The Maltese <i>Kamra tad-Deputati</i> considers <b>reducing the regulatory burden</b> and simplifying the accounting directives as key priorities.
Legislation on alternative dispute resolution	DK <i>Folketing</i> European Parliament NL <i>Tweede Kamer</i>	During a debate in the parliamentary committee on Economy, Agriculture and Innovation of the Dutch <i>Tweede Kamer</i> focus was, among other things, on legislation on alternative dispute resolution. In the opinion of the Danish <i>Folketing</i> the European Affairs Committee called on the Commission to promote among other things an effective dispute settlement mechanism within the digital agenda.
Modernising the legislation on recognition of professional qualifications	European Parliament LV <i>Saeima</i>	In a resolution from April 2011 on a Single Market for Europeans the EP suggests "setting-up a 'mobility scoreboard' to measure mobility within the EU" and "assessing the feasibility and the added value of the EU-wide professional identity card and a 'European skills passport' in 2011." <sup>30</sup>

As a general remark, the Finnish *Eduskunta* believes that more attention should be paid to **long term development** in addition to short-time priorities. The Slovenian *Državni zbor* underlines the importance of "the connection between different sectoral policies, which take cross-border tools, including new technologies and the consequences of the globalisation into account"

<sup>26</sup> UK *House of Lords*, European Union Committee, 15th Report of Session 2010-11, Re-launching the Single Market - <http://www.publications.parliament.uk/pa/ld201011/ldselect/ldecom/129/129.pdf>

<sup>27</sup> European Parliament resolution of 6 April 2011 on a Single Market for Enterprises and Growth: <http://www.europarl.europa.eu/oeil/popups/summary.do?id=1148855&t=d&l=en>

<sup>28</sup> European Parliament resolution of 6 April 2011 on a Single Market for Europeans: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-145>

<sup>29</sup> See the questionnaire answers of the Austrian *Nationalrat* in the Annex to the Report.

<sup>30</sup> European Parliament resolution of 6 April 2011 on a Single Market for Europeans: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-145>

The European Parliament holds the view that “each spring session the European Council should be devoted to assessing the state of the Single Market, backed by a monitoring process” and it urges Member States to “reduce the transposition deficit of the Single Market Directives to 0.5% (...) by the end of 2012.”<sup>31</sup>

Moreover, the Danish *Folketing* believes that the Single Market has untapped potential and for that reason welcomes the Commission's plans to launch a comprehensive set of **new proposals for priority actions before the end of 2012**. Furthermore, the Austrian *Nationalrat* and *Bundesrat* emphasises that **citizens' support is needed in order to re-launch the Single Market**.

Some of the key actions in the Single Market Act have also raised concern for some of the Parliaments/Chambers. Against each of the highlighted key actions a list of the concerned Parliaments/Chambers and some of their comments have been collected in the table below.

Key Action	Concerns from Parliament/Chamber	Additional comments in replies <sup>32</sup>
Legislation to amend the directive on energy taxation	BG <i>Narodno sabranie</i> UK <i>House of Lords</i> PL <i>Sejm</i>	In a report based on the preparatory documents for the Single Market Act the UK <i>House of Lords</i> concluded that <b>the case for tax harmonisation had not been made</b> . The Bulgarian <i>Narodno sabranie</i> issued a reasoned opinion on "the Energy Tax Directive" as the Committee on European Affairs and Oversight of the European Funds "finds it necessary to approach the issue [of taxation] with caution, so that the potential changes do not affect the business environment's predictability, stability and competitiveness negatively".
Modernising the legislation on recognition of professional qualifications	BG <i>Narodno sabranie</i> European Parliament FR <i>Sénat</i>	Regarding mobility of citizens the Bulgarian <i>Narodno sabranie</i> believes that <b>removing the existing restrictions for citizens before 1st January 2014</b> would reflect positively on the consolidation of the internal market. In a resolution from April 2011 on a Single Market for Europeans the European Parliament calls for a review of transitional provisions in the Member States which are still imposing restrictions on their labour markets in order to open them up to all European workers. Furthermore, it calls for a <b>removal of obstacles encountered by mobile workers in order to ensure the full portability of pension rights</b> . <sup>33</sup>
Social Cohesion	PL <i>Sejm</i>	The Polish <i>Sejm</i> explains that it has reservations about the Commission's idea to amend Directive 96/71/EC on the posting of workers, as the current shape ensures a "reasonable compromise between the protection of the rights of workers and the freedom to provide services".
Legislation creating a European	UK <i>House of Lords</i>	In a report based on the preparatory documents for

<sup>31</sup> European Parliament resolution of 6 April 2011 on a Governance and Partnership in the Single Market: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-144>

<sup>32</sup> See Annex for full replies for each Parliament/Chamber

<sup>33</sup> European Parliament resolution of 6 April 2011 on a Single Market for Europeans: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-145>

framework for social investment funds		the Single Market Act the UK <i>House of Lords</i> concludes that "actions aimed towards improving social cohesion were best left to Member States". It gives priority according to "an action's potential to drive growth". <sup>34</sup>
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12 Parliaments/Chambers out of 30 that replied say that they submitted an opinion under the **political dialogue or adopted another parliamentary document** on the Single Market Act.<sup>35</sup> The Austrian *Nationalrat* and the Danish *Folketing* which issued opinions on the Commission Communication "Towards a Single Market Act". The Swedish *Riksdag* made a statement and the UK *House of Lords* produced a report based on the preparatory documents of the Single Market Act. On the Single Market Act itself, the European Parliament, the French *Sénat* and the Slovak *Národná rada* have adopted **resolutions**, while the French *Assemblée nationale* has produced a **report**. The Belgian *Chambre des représentants* and the UK *House of Commons* did not express opinions on the Commission's Communication as a whole but on some of its elements.

The Belgian *Chambre des représentants* and the UK *House of Commons* expressed **concerns with the proposal on a Common Consolidated Corporate Tax Base (CCCTB)**.<sup>36</sup> On the CCCTB the Belgian *Chambre des représentants* submitted an opinion in the framework of the political dialogue and the UK *House of Commons* issued a reasoned opinion as did the Dutch *Tweede Kamer*, the Swedish *Riksdag*, the Slovenian *Državni svet*, the Polish *Sejm* and the Bulgarian *Narodno sabranie*.<sup>37</sup>

Several Parliaments/Chambers underline **the need to improve Member States' transposition and application of EU legislation** to ensure a level playing field for all in the Single Market as the Danish *Folketing* argues.<sup>38</sup> Furthermore, the European Parliament writes in a Resolution on Governance and Partnership in the Single Market from April 2011 that "more attention should be paid to the quality and clarity of EU legislation in order to facilitate the implementation of the Single Market rules by the Member States."<sup>39</sup>

### 2.1.2 12 Key Actions - fast track legislative procedure

An overwhelming **majority of 37 Parliaments/Chambers have not debated** the Commission's invitation to adopt the key actions of the Single Market Act before the end of 2012 through a fast track legislative procedure. The only three Parliaments/Chambers to have considered this option are the Finnish *Eduskunta*, the Hungarian *Országgyűlés* and the Latvian *Saeima*. The European Parliament is discussing the issue and a first reaction to the Commission's proposal has been addressed to the President of the Commission by the President of the European Parliament. In its resolution of 1 December 2011 on the Outcome of the Single Market Forum

<sup>34</sup> UK *House of Lords*, European Union Committee, 15th Report of Session 2010-11, Re-launching the Single Market - <http://www.publications.parliament.uk/pa/ld201011/ldselect/ldcom/129/129.pdf>

<sup>35</sup> According to the Commission's website on national Parliaments 8 Parliaments/Chambers submitted an opinion within the political dialogue on the Communication "Towards a Single Market Act": [http://ec.europa.eu/dgs/secretariat\\_general/relations/relations\\_other/npo/index\\_en.htm](http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/npo/index_en.htm)

<sup>36</sup> COM (2011) 121 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0121:FIN:NL:PDF>

<sup>37</sup> See IPEX - <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20110121FIN.do#dossier-COM20110121>

<sup>38</sup> See Background note for the XLVII COSAC Meeting, "State of transposition and enforcement of Single Market directives in the EU Member States" - <http://www.cosac.eu/en/meetings/denmark2012/plenary/>

<sup>39</sup> European Parliament resolution of 6 April 2011 on Governance and Partnership in the Single Market - <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-144>



the European Parliament called "on the Commission to put forward all 12 priorities in the Single Market Act by the end of 2011 to enable the Council and the European Parliament, in close cooperation with the Commission, to adopt a first set of priority measures by the end of 2012 to impart new impetus to the Single Market."<sup>40</sup>

Most Parliaments/Chambers **do not express an opinion on the idea of applying a fast track procedure**, however, three of them have a positive attitude and another three have an overall negative opinion. Those opposing the fast track procedure underline that certain aspects of the key actions need further debate.

**Only two Parliaments/Chambers** i.e. the Belgian *Chambre des représentants* and the Romanian *Senatul* give the Commission's proposals under the re-launch of the Single Market a **higher priority** in their internal decision-making process.

### 2.1.3 Parliamentary activity on the re-launch of the Single Market

Regarding parliamentary activity, 28 Parliaments/Chambers indicate that they organised or attended events in relation to the re-launch of the Single Market. Out of these, 15 Chambers/Parliaments answer that their respective Committee(s) organised one or more hearings/meetings on the subject.<sup>41</sup> The Commissioner for the Internal Market and Services, **Michel Barnier participated in nine of these hearings/meetings** (e.g. Greek *Vouli ton Ellinon*, Czech *Poslanecká sněmovna* and Luxembourg *Chambre des Députés*) and Professor Mario Monti participated in three hearings/meetings (European Parliament, Danish *Folketing* and Italian *Camera dei Deputati*). Some other types of events were also organised such as the Committee on European Affairs of the Bulgarian *Narodno sabranie* who held a discussion with civil society representatives, MPs and MEPs with emphasis on the belief that the Single Market is a "result of the every-day activities of all the European citizens" and not a property of the European institutions.

Several Parliaments/Chambers have indicated that they attended conferences, meetings, hearings etc. on the Single Market, such as e.g. **the Single Market Forum** in Kraków in October 2011 organised by the Polish Presidency jointly with the European Parliament and the European Commission, which brought together businesses, NGOs, trade unions, think tanks, journalists, European institutions and national Parliaments to discuss the functioning of the Single Market (the Portuguese *Assembleia da República* and the UK *House of Lords* among others participated in this event). Prior to this event the European Parliament organised, together with the Belgian Presidency and the European Commission, a similar Single Market Forum in November 2010 in Brussels. The Polish *Sejm* and *Senat* organised together with the European Parliament, in October 2011, a **Joint Committee Meeting on "Re-launching the Single Market: State of play and Challenges Ahead"** in which several Parliaments/Chambers participated.

### 2.1.4 Digital Agenda for Europe

Although legislative proposals under the Digital Agenda, as a key action within the Single Market Act, have not yet been presented by the Commission, the subject is on the agenda of

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<sup>40</sup> European Parliament resolution of 1 December 2011 on the Outcome of the Single Market Forum: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0543+0+DOC+XML+V0//EN&language=EN>

<sup>41</sup> See appendix for full information on replies giving the response of each Parliament/Chamber (Q1&2, page 19).

the XLVII COSAC meeting in Copenhagen in April 2012. As part of the "Europe 2020 strategy", the Commission presented in May 2010 a 'Digital Agenda for Europe'.<sup>42</sup> 24 out of 40 Parliaments/Chambers have considered this Communication. However, only five Parliaments/Chambers indicated that they have adopted a parliamentary document on it (the Finnish *Eduskunta*, the German *Bundesrat*, the Swedish *Riksdag*, the UK *House of Commons*<sup>43</sup> and the European Parliament<sup>44</sup>). The Committee on Transport and Communications of the Swedish *Riksdag* welcomes the Commission's aim at creating "a well-functioning digital single market", but did however stresses that **improvement in areas such as consumer protection and intellectual property** is needed. The Finnish *Eduskunta* expresses the need for EU action to create a Digital Single Market by 2015 and **"to provide businesses and consumers with the means and the confidence to trade on-line"**. According to the German *Bundesrat* no additional action is needed "over and above" the existing legal framework when referring to "Strengthening the Single Market for Telecommunication Services".

### 2.1.5 The implementation of the Services Directive

The implementation of the Services Directive is a part of lever 5, Services, in the Single Market Act and is also on the agenda of the XLVII COSAC meeting in Copenhagen in April 2012. 24 Parliaments/Chambers answered to the questionnaire that they have debated or adopted a parliamentary document on the implementation of the Services Directive.<sup>45</sup>

The Parliaments/Chambers which have debated the implementation of the Services Directive acknowledge the importance of the principles laid down therein. Several have debated the subject, both in committee and in the plenary. The Swedish *Riksdag* explicitly argues that **increased mobility of the service sector would help establish a more competitive EU market** which as a result will boost the economy and create new job opportunities. It further expresses concern that the Directive has not been implemented by all EU Member States and argues that it is essential that all countries do so in order to guarantee equal competition.

Three National Parliaments/Chambers have indicated that the implementation of the Services Directive continues to be a subject for debate in their relevant committees. The European Parliament considers that "the first priority for the creation of a Single Market in Services is the full and complete implementation of the Services Directive in all Member States".<sup>46</sup>

The Lithuanian *Seimas* Committee on European Affairs, following debates on the implementation of the Services Directive which involved NGOs and socio-economic partners, issued an opinion. The Seimas supports the broad scope but calls for greater legal certainty for service providers.

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<sup>42</sup> A Digital Agenda for Europe COM (2010) 245 -

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0245:FIN:EN:PDF>

<sup>43</sup> <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeuleg/428/428i30.htm>

<sup>44</sup> European Parliament resolution of 5 May 2010 on a new Digital Agenda for Europe: 2015.eu -

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2010-133>

<sup>45</sup> Directive 2006/123/EC on Services in the Internal Market <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:376:0036:0068:en:PDF>

<sup>46</sup> European Parliament resolution of 25 October 2011 on the Mutual Evaluation Process of the Services Directive - <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-456>

In its reply to the questionnaire the Finnish *Eduskunta* writes that services account for almost four fifths of the economy and that much has to be done to open up the market for services. It further argues that it is necessary to raise standards of implementation and enforcement in order to achieve mutual recognition across the Single Market.

The Czech *Poslanecká sněmovna* adopted a resolution in which it supports the effective cross border provision of services, the broadest field of action of the Directive, as well as a simplified administration procedure.

Three Parliaments/Chambers explicitly mention the necessity to ensure adequate implementation of the Services Directive (the UK *House of Lords*, the European Parliament and the Lithuanian *Seimas*).

### **2.1.6 Roadmap to a Resource Efficient Europe**

The "Roadmap to a Resource Efficient Europe"<sup>47</sup> is not a part of the Single Market Act as such, but it is also on the agenda of the XLVII COSAC meeting in Copenhagen in April 2012. 20 Parliaments/Chambers answered that they have considered the Commission Communication "Roadmap to a Resource Efficient Europe". The Romanian *Camera Deputaților* has submitted an opinion in the framework of the political dialogue and five Parliaments/Chambers have adopted parliamentary documents.

Five Parliaments/Chambers explicitly express support for the Commission's Communication. For example the Latvian *Saeima* considers it to be a contribution towards achieving the goals set in the EU 2020 Strategy.

Three Parliaments/Chambers, i.e. the German *Bundesrat*, the Romanian *Camera Deputaților* and the Latvian *Saeima*, indicate however, that the cost of any measure implemented should be proportionate to the benefits offered. Both the Romanian *Camera Deputaților* and the German *Bundesrat* consider the objectives for 2020 in the Communication to be unrealistic or in some cases too ambitious. The German *Bundesrat* further advocates that more account should be taken of ecosystem services and call for considerable reductions in land consumption.

The Romanian *Camera Deputaților* proposes improvements of the "content of the provisions on food, water, fishing and efficient mobility, specifying the need to include a chapter dedicated to supporting and encouraging the SME at a national level for each MS".<sup>48</sup>

The European Parliament is preparing a resolution on resource efficient Europe (rapporteur Gerben-Jan Gerbrandy), the adoption of which is foreseen in May 2012.

Finally, the Dutch *Tweede Kamer* is planning a discussion with the Commissioner responsible for Environment, Janez Potočnik, and European Parliament Rapporteur on Resource Efficient Europe Gerben-Jan Gerbrandy.

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<sup>47</sup> COM (2011) 571 [http://ec.europa.eu/environment/resource\\_efficiency/pdf/com2011\\_571.pdf](http://ec.europa.eu/environment/resource_efficiency/pdf/com2011_571.pdf)

<sup>48</sup> <http://www.ipex.eu/IPEXL-WEB/scrutiny/COM20110571/rocam.do>