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The EU legislation scrutiny procedure at the Chamber of Deputies in the framework of the European Semester

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Background Notes:

- EU legislation scrutiny procedure at the Chamber of Deputies – insight
- What the Chamber of Deputies examines during the cycle of the European Semester (ES)
- ES packages scrutinised recently by the Chamber
- Considerations on strengthening the Parliamentary Dimension of the European Semester (ES)
- Topics of interest of the RO Presidency of the EU Council in 2019
EU legislation scrutiny procedure at the Chamber of Deputies

Early stages up to present:

- EU accession: the Acquis communautaire.
- April 2011, the EU affairs are dealt with by the **Committee on European Affairs** (“CEA”) and by all of the Chamber’s Standing Committees, (known as: specialty/sectoral Committees).
- Special permanent staff unit for EU legislation and policies scrutiny process: **Division for the EU** as of 2009 – 2011.
- Improved **scrutiny procedure** as of 2011, with effect on relations with EU institutions and direct scrutiny of the Government of RO.
- Committees staff & other units.
The legal basis:

- Act on cooperation between the Parliament and the Government of Romania in the field of European Affairs ([Law no. 373](#) at December 18, 2013);

- The working procedure for the exercise of parliamentary scrutiny over the decision making mechanism at EU level, ([Provisions](#) of the Regulation of the Chamber of Deputies, amended in 2015, articles no. 160 to 185).

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- Diagrams representing a schematic flow of the Government scrutiny procedure.
  There are 7 diagrams/ 7 stages of the procedure.
EU legislation scrutiny procedure at the Chamber of Deputies

Scrutiny procedure for an ES document:

- The CEA (EAC) and the Division for the EU work together (almost) every step of the “way” (scrutiny procedure).

- The CEA adopts annual priorities, based on the priorities published by The European Commission for that year. The respective EC priorities’ communication is scrutinized itself.

- COM’s (single documents or packages) are proposed/ presented by the EU Division on a weekly basis. The CEA selects and adopts COM’s for scrutiny.

- The selected documents are subjected to approval of the Standing Bureau of the Chamber and Sectoral (specialty) Committees are notified of the process and of their designated documents.
Scrutiny procedure for an ES document:

- The Government’s relevant ministries and agencies are notified and are called to present their position in Parliament sittings.

Other institutions (labor unions, employers’ unions, academic environment, professional associations, NGOs, etc.) may be invited to participate.

- Several procedural steps & documents …

- The end result: the opinions adopted by the Committees are sent to CEA and the CEA’s final opinion is submitted to plenary approval (adoption) – it becomes a decision (a resolution) of the Chamber – it is published in the Official Journal of Romania (The Official Gazette).
Scrutiny procedure for an ES document:

The CEA’s opinion:

- translated into EN and FR;
- posted (uploaded) on IPEX, plus a brief (courtesy) summary in EN/FR;
- delivered to inquired Government ministries/ agencies and other consulted parties; Government takes it into account for EU Council discussions;

- delivered to the EC;
  - EC responds within a period of time, (sometimes, the response is rather late);

- The European Parliament forwards it to relevant Committees;
- follow-up varies (case-by-case).
HOW THE NEW ACT WORKS

Chapter II

The European Commission adopts the annual work programme

The Parliament scrutinizes the annual work programme of the European Commission and makes the selection of the draft European acts subject to parliamentary scrutiny procedure

5 days since the adoption

Government
Chapter III

Draft legislative or non-legislative acts of the European Union, along with their accompanying documents

GOVERNMENT

- without delay

- regularly

Regular reports on activities carried out and the result of Romania’s participation in the decision-making process of the European Union in the Council

- bi-annual

- regularly

Reports on the Minister’s Councils

Upon request from one of the two Chambers Annex 1

- time-limit of 10 working days

Upon request from one of the two Chambers Annex 2

- time-limit of 15 working days

Upon request of the Parliament, a factsheet on non-legislative acts

- time-limit of 15 working days from the request

The programme, the priorities of the rotating Presidency, and the list of general mandates

- At the beginning of the rotating presidency

Reports on the fulfilling of the transposition duties of the European Union law in the national legislation
Chapter IV

Every Chamber of Parliament decides to initiate the parliamentary scrutiny procedure for a draft act of the European Union and notifies the Government.

The Government shall deliver to the two Chambers of Parliament the extended factsheet concerning Annex No 2 and may ask for the speeding up of the examination within a time-limit of 15 working days.

The Parliament adopts a resolution within a time-limit of 3 working days.

The Government may decide without the resolution of the Parliament or of its two Chambers, or when resolutions of the Chambers are conflicting in nature.
Chapter VI

The Parliament starts the scrutiny of subsidiarity and propostionality principles and notifies the Government.

The Government forwards to the Parliament the factsheet provided for in Annex No 1 within 15 working days.

The two Chambers adopt Reasoned Opinions by resolutions within 8 weeks from transmission of the act.

EU President of the EP, President of the EC, President of the Council.

The Parliament (or the two Chambers) may lodge an action for annulment of acts before the Court of Justice.

The Parliament or one of the Chambers appoint an Agent responsible for representing the interests of the State in these proceedings.
Chapter X

The Government shall inform the Parliament about modifications concerning the need to transpose legislative acts of the European Union without delay.

The Government shall report on developments concerning transposition of legislative acts adopted at the European Union level in the domestic law quarterly.

The Government shall submit its legislative programme which shall comprise a section concerning draft legislation that shall transpose legal acts annually.
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<td>1.</td>
<td>BPI-1/E</td>
<td>COM(2018)10 - COMUNICARE A COMISIEI CĂTRE PARLAMENTUL EUROPEAN, CONSILIUL, COMITETUL ECONOMIC ȘI SOCIAL EUROPEAN ȘI COMITETUL REGIUNILOR Acțiuni ale UE în vederea îmbunătățirii conformării cu legislația de mediu și a guvernanței de mediu</td>
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<td>3.</td>
<td>BPI-3/E</td>
<td>COM(2017)797 - Propunere de DIRECTIVĂ A PARLAMENTULUI EUROPEAN ȘI A CONSILIULUI privind transparența și previsibilitatea condițiilor de munca în Uniunea Europeană</td>
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<td>5.</td>
<td>BPI-5/E</td>
<td>COM(2018)23 - Propunere de RECOMANDARE A CONSILIULUI privind promovarea valorilor comune, a educației favorabile incluziunii și a dimensiunii europene a predării</td>
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What the Chamber of Deputies usually examines during the cycle of the European Semester (ES) – part I

**The AGS package**, published in November:
- The AGS chapeau communication;
- The Alert Mechanism Report;
- The (Draft) Joint Employment Report;
- Except the Euro Area recommendation, (RO is not in Euro Area).

**The Winter package** from February or early March:
- The chapeau communication;
- The SWD (country report) for Romania;
- Special monitoring report for Romania, in the context of the MIP (The Macroeconomic Imbalances Procedure), if the case;
- Special recommendations („warnings”) addressed to Romania, if the case. (It has been the case for the past two years/ ES cycles).

**The Government’s programmes** submitted in April:
- National Reform Programme (NRP),
- Convergence Programme (CP).
- These were never examined (scrutinised).
- The Government submitted them in due time to Parliament, but the Parliament did not examine them formally.
What the Chamber of Deputies usually examines during the cycle of the European Semester (ES) – part II

The CSRs package from May:
- The chapeau communication;
- The specific CSRs for Romania;
- Special recommendations („warnings”) addressed to Romania, if there are any.
  (It has been the case in the past two years / ES cycles).

The conclusions on the ES cycle adopted by the Council of the EU:
- Never examined formally by adoption of resolution (decision) of the Chamber.
- The CEA (EAC) does discuss it, without adopting a formal opinion.
- Possibly, will be scrutinised procedurally in 2019, due to RO Presidency at the Council of the EU.
Documents with European Semester & EEA relevance scrutinized in 2018:

- **SWD (2018) 221** – Country report for 2018 for Romania; studied formally by CEA;
- **COM (2018) 114** – Completing the Capital Markets Union by 2019 – time to accelerate delivery;
- **COM (2018) 183** – A New Deal for Consumers package;
- **COM (2018) 32** – The implementation of the circular economy package: options to address the interface between chemical, product and waste legislation;
- **COM (2017) 797** – On transparent and predictable working conditions in the European Union;
Reasoned opinions on EU economic & social proposals:

2011:

COM (2011) 121 – Proposal for a DIRECTIVE on a **Common Consolidated Corporate Tax Base (CCCTB)**;

COM (2011) 453 – Proposal for a DIRECTIVE on the access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms.

2013:

COM (2012) 788 – Proposal for a DIRECTIVE on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (Text with EEA relevance);

COM (2013) 147 – Proposal for a REGULATION on measures to reduce the cost of deploying high-speed electronic communications networks (Text with EEA relevance).

2016:


2017:


Parliament of Romania – Chamber of Deputies
Division for the EU
The 2018 CSRs package – (the ES spring package) – has not been scrutinized at neither chamber.

The package contains documents (COMs and a SWD) addressed to RO:
- Commission Recommendation with a view to giving warning on the existence of a significant deviation from the adjustment path toward the MTO;
- A Commission Recommendation for a Council Recommendation with a view to correcting the significant observed deviation from the adjustment path toward the MTO in RO.
- RO is subject of the Significant deviation procedure, since June 2017.

Upon recommendation of the Commission, the EU Council adopted:
- Council Recommendation with a view to correcting the significant observed deviation from the adjustment path toward the medium-term budgetary objective in Romania date: June 18, 2018 (ECOFIN 569; UEM 233).
- The ECOFIN meeting on June 22, 2018 confirmed the recommendation.
Task Force on subsidiarity, proportionality and doing less more efficiently.

Extending the period for subsidiarity check at 8 weeks.

European Commission should be denied the possibility to maintain a legislative proposal that has been affected by the “yellow” or “orange” card. (This may imply modifications of the Treaties, a sensitive matter).

An increasing number of reasoned opinions in the past years.
Deeper commitment of the European Commission to its dialogue (cooperation) with the EP and NPs by:

- use of reasoned opinions alleging breach of the principle of proportionality,
- higher attention to substantance issues.

Although not reasoned opinions, many adopted opinions (resolutions) are mainly critical of the substance of EC’s proposals. Colloquially, we call these opinions: “critical opinions” (“criticizing” opinions) or “opinions of disapproval”.

In all cases, coordination NPs with EP is key.
Strengthening Parliamentary scrutiny in the European Semester procedure

Recent academic and think-tank studies suggest that the public opinion in Europe generally supports enhanced preliminary consultations between the EU institutions and the national institutions in the drafting process of national budgets.


Maatsch Aleksandra: Empowered or Disempowered? The Role of National Parliaments during the Reform of European Economic Governance, Max Planck Institute for the Study of Societies, Köln, December 2015.
Strengthening Parliamentary scrutiny in the European Semester procedure

Enhanced budgetary control at national levels.

A study published by the European Parliament in 2012 measured the formal strength of the national parliaments in the domestic annual budget process on a scale from 0 to 6.

It shows that parliamentary strength differs widely in the EU:

- Austria, Finland and Romania are considered to have the strongest parliaments (with a score of 5) in the budget process,

Strengthening Parliamentary scrutiny in the European Semester

Deepening the role of the European Parliament:

- Better use of opinions adopted by NPs;
- Closer consultations with NPs periodically;
- Exchange of views EP – Governments;
- Meetings of EP & NPs Committees;
- Staff level meetings may be formalized (?)
Strengthening the role of parliamentary scrutiny

Adjacent considerations (if time permits):

- Follow-up on the Inter-parliamentary conferences (Art. 13 & EPW).
- Motivate MPs in regards to the ES.
- EU Affairs Committees.
- Role of economic, financial affairs and social (employment) Committees.
- European Semester sub-Committees?
- Better use of rapporteurs.
Topics of interest of the Romanian Presidency of the EU Council in 2019

- National political consensus reached by all parties for our topics of interest (political priorities);
  - The PM has convened in Parliament’s plenary.
- Minister Delegate for European Affairs;
- Several preparatory meetings of Parliament - Government;
- Committees have submitted topics for agendas of conferences of the Parliamentary dimension.
  (Still subject to change).

Parliament of Romania – Chamber of Deputies
Division for the EU
I. The Europe of Convergence: growth, competitiveness, connectivity:
   • Sustainable development, convergence, employment and social rights;
   • Innovation and digitalization;
   • Connectivity and markets.

II. The Europe of Safety
   • Internal EU security management of external borders, the functioning of the Schengen area, combating crime and terrorism;
   • Cyber–security;
   • The future of liberty, security and justice space (post–Stockholm).

III. Europe, a Global Player
   • The Common Security and Defence Policy and the efficiency of EU’s external action;
   • The consistency of EU policy in its neighborhood;
   • Meeting EU’s international commitments.

IV. The Europe of Shared Values
   • Solidarity, cohesion and respect for human dignity;
   • Democracy, freedom and justice;
   • Tolerance, equal opportunities and non–discrimination.
I. The Europe of Convergence: growth, competitiveness, connectivity

There is broad consensus at EU level on the need to strengthen convergence between Member States and between regions, that would allow an increased efficiency of the European single market and would ensure the goal of strengthening the EU’s global competitiveness.

- Stimulating convergence at EU level would imply optimal premises for increasing European cohesion.

- Cohension, a shared European value;

- Trialogue with EC and EP with emphasis on post-2020 MFF negotiations.
The official preparation and coordination website for the Romanian Presidency of the EU Council; #RO2019EU: www.romania2019.eu
Thank you for your consideration!

Q & A
This presentation has been prepared for the “European Semester” summer seminar at the European Parliament, on 9–10 July 2018, Brussels, Belgium, EU.

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