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in the EU: Functional Specialization, the EU Speakers
Conference, and the Parliamentary Dimension of the
Council Presidency

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Abstract

This Working Paper analyses three trends in interparliamentary cooperation in the European Union (EU). All of them pertain to the notable increase in the number of interparliamentary meetings in recent years. First, there is a growing tendency towards functional specialization, with the creation of three new permanent interparliamentary bodies for specific policy fields – foreign and security policy, economic governance, and (prospectively) Justice and Home Affairs. Second, the EU Speakers Conference has lately consolidated its constitutive role as the body that oversees the creation of other forms of interparliamentary cooperation within the EU and also supervises their ongoing functioning. Third, more and more interparliamentary meetings are held within the framework of the ‘Parliamentary Dimension’ of the rotating Council Presidency; this gives a role to the ‘Presidency Parliament’ which acts as agenda-setter, host and chair of a series of interparliamentary meetings during the six-month period. The argument of this Working Paper is that the collective effect of these three trends has been to rationalize interparliamentary meetings within the EU, making them significantly more ‘orderly’.

Keywords

European Union; EU Speakers Conference; Functional Specialization; Interparliamentary Cooperation; Parliamentary Dimension.

I. Introduction: Order or Disorder?*

There has been significant upheaval in the world of interparliamentary cooperation in the years since the Treaty of Lisbon passed into law. Most significantly, two major new Interparliamentary Conferences (IPCs) have been launched: in 2012, the ‘Interparliamentary Conference on the Common Foreign and Security Policy and the Common Security and Defense Policy of the EU’ (the CFSP-CSDP Conference) was established;¹ and in 2013, the ‘Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union’ (the SECG Conference) was initiated.² However, in both cases the act of creation was marred by conflict, in particular between the European Parliament (EP) and national parliaments, over how these new IPCs should be established, organized, and run – leading them to be described with words such as ‘contested’³ and even ‘battlefield’.⁴ More generally, the number of interparliamentary meetings – both small and large, formal and informal – has continued to increase without, according to one observer, any overall sense of order or control.⁵ Adding to the potential confusion, in addition to face-to-face meetings, more and more interparliamentary cooperation also takes place *virtually*, i.e. by correspondence, as is largely the case with the early warning mechanism for subsidiarity control.⁶ It therefore seems reasonable to describe interparliamentary cooperation in the EU as being in a state of “disorder”.⁷

It will be argued here, on the contrary, that there is an emerging *order* of interparliamentary conferences in the EU after the Lisbon Treaty. This order stems from three major trends representing changing norms and practices in the field of interparliamentary cooperation. These three trends pertain not to ‘virtual’ cooperation but specifically to the structure and organization of face-to-face interparliamentary meetings. The first trend concerns *what kind of interparliamentary conferences* are being created: overwhelmingly, the new meetings being created are functionally specialized, focused on particular policy areas. The second trend concerns *how these new bodies should be constituted and how their ongoing development should be monitored*: increasingly, it is the EU Speakers Conference that has taken on the task not only of creating these new bodies, but also reviewing their continuing functioning after their creation.⁸ The third trend concerns *how the logistical arrangements for*

* This Working Paper is an early version of a chapter in a forthcoming book: Davor Jancic (ed.), *National Parliaments after the Lisbon Treaty and the Euro Crisis: Resilience or Resignation?* (Oxford: Oxford University Press, forthcoming 2017).

¹ J Wouters and K Raube, ‘The Interparliamentary Conference on Common Foreign and Security Policy: A Quest for Democratic Accountability in EU Security Governance,’ (2016) in N Lupo and C Fasone, eds., *Interparliamentary Cooperation in the Composite European Constitution* (Oxford, Hart Publishing) 227-245.

² I Cooper, ‘The Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union (the ‘Article 13 Conference’),’ (2016) in N Lupo and C Fasone, eds., *Interparliamentary Cooperation in the Composite European Constitution* (Oxford, Hart Publishing), 247-267. While this conference met previously under different names, it will be referred to as the ‘SECG Conference’ throughout this chapter.

³ I Cooper, ‘The Politicization of Interparliamentary Relations in the EU: Constructing and Contesting the “Article 13 Conference” on Economic Governance,’ (2016) *Comparative European Politics* 14(2): 196–214.

⁴ A Herranz-Surrallés, ‘The EU’s Multilevel Parliamentary (Battle)Field: Inter-Parliamentary Cooperation and Conflict in Foreign and Security Policy,’ (2014) *West European Politics*: 957-975.

⁵ D Fromage, ‘Increasing Interparliamentary cooperation in the EU: Current Trends and Challenges,’ (forthcoming 2016), *European Public Law*.

⁶ I Cooper, ‘A “virtual third chamber” for the European Union? National parliaments after the Treaty of Lisbon,’ (2012) *West European Politics* 35(3): 441 – 65.

⁷ C Fasone, ‘Ruling the (Dis-)Order of Interparliamentary Cooperation? The EU Speakers’ Conference’ in N Lupo and C Fasone, eds., *Interparliamentary Cooperation in the Composite European Constitution* (Oxford, Hart Publishing, 2016), 269-289.

⁸ Ibid.

interparliamentary conferences are organized, in terms of their timing and location and which parliament acts as chair and sets the agenda. This task falls increasingly upon the rotating Presidency Parliament, which now has the responsibility for organizing the six-monthly series of events that has become known as the ‘Parliamentary Dimension’ of the Council Presidency. The argument here is that the collective effect of these three trends is to rationalize interparliamentary meetings within the EU, making them significantly more ‘orderly’.

There are a few caveats to be inserted at this point. To claim that there is an emerging ‘order’ of interparliamentary cooperation is not to deny that there is conflict among its participants; rather, it helps to put such conflict into a broader context. Even years after the two new IPCs have been in operation, participating parliaments continue to disagree over their exact nature and purpose, a dispute sometimes framed as a debate over whether they ought to be ‘discussion forums’ or ‘oversight bodies’.⁹ Despite this persistent disagreement, these IPCs still serve as examples of the three trends to be highlighted in this chapter. On the other hand, they also demonstrate, in different ways, that there are limits to these trends. For example, while policy-specific IPCs have been established in the fields of foreign and security policy and economic governance, an interparliamentary mechanism foreseen in the field of Justice and Home Affairs (JHA) has not yet been established. Similarly, while the EU Speakers Conference now has a commonly accepted role in establishing and supervising other IPCs, there is still debate within that body over what is the exact extent – and what are the concomitant limits – of its role. Thus, the purpose of this chapter is to show that these trends are emerging, but also to recognize that they have not fully taken hold. As a final caveat, the goal of the present analysis is to draw attention to these trends as significant empirical developments in the world of interparliamentary cooperation, not necessarily to approve or disapprove of them from a normative point of view.

The chapter aims to explain these three post-Lisbon trends in interparliamentary cooperation. First (Section II), the chapter describes the development of functionally specific interparliamentary cooperation. The two new functionally specific IPCs, the CFSP-CDSP Conference and the SECG Conference, are described briefly, as their development is already well-documented. Then, there is a more detailed discussion of the lesser-known case of interparliamentary cooperation in JHA. In this field, it is expected that a new interparliamentary oversight mechanism will be created in the near future – specifically for the political monitoring of Europol – but this has yet to happen. It is posited that these three policy fields – foreign and defense policy, economic governance, and JHA – share certain common attributes that set them apart from most other EU policies: (a) they were all partly developed outside the Community method, so that the oversight powers of the EP may be limited; (b) they involve EU action that is largely executive rather than legislative; and (c) they touch on sensitive issues of national sovereignty and identity, regarding which important powers rest with the member states. These commonalities suggest a rationale for establishing specialized interparliamentary bodies in these specific policy areas, for national parliaments and the EP together to exercise joint oversight over the executive actions of the EU.

The next section (Section III) chronicles the emerging role of the EU Speakers Conference as the interparliamentary body with the authority to establish and supervise the development of other forms of interparliamentary cooperation. Both the CFSP-CSDP Conference and the SECG Conference recognized this authority insofar as both of them deferred entirely to the guidelines set down by the EU Speakers Conference in establishing and/or revising their own Rules of Procedure. Yet when the EU Speakers Conference reviewed the functioning of these two IPCs at its 2015 meeting in Rome, it also demonstrated self-restraint in exercising its supervisory authority, acknowledging that the IPCs are autonomous bodies and it could not simply impose its will on them. The inquiry continues (Section IV) with an examination of the third trend in order to demonstrate that the logistical demands of the interparliamentary calendar have heightened the role of the Presidency Parliament – the parliament of the member state that holds the rotating Council Presidency and acts as the organizer and agenda-

⁹ I Cooper, ‘The Interparliamentary Conference on Stability, Economic Coordination and Governance’ (n 2).

setter for interparliamentary meetings. Even as the Council Presidency has declined in importance, the role of the Presidency Parliament has gained greater prominence. The ‘Parliamentary Dimension of the Council Presidency’ is a new term coined to refer to the series of events, including not only the major IPCs but also smaller chairpersons’ meetings, organized by the Presidency Parliament in a way that to some extent reflects its policy priorities. Finally, the chapter concludes (Section V) that on the whole these three trends, which to varying degrees developed as a consequence of the Treaty of Lisbon and the financial crisis, indicate the resilience of national parliaments.

II. Interparliamentary Cooperation in Functionally Specific Fields

Prior to the Treaty of Lisbon, there were just two long-standing interparliamentary conferences in the EU, both of which had a “general” rather than functionally specific competence. These were COSAC (the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union)¹⁰ and the EU Speakers Conference. The Convention on the Future of Europe of 2002-2003 had discussed, and ultimately rejected, the idea of creating a parliamentary ‘third chamber’ for the EU with a general policy competence. Instead, the Convention devised the so-called early warning mechanism as a device that would give national parliaments a direct role in EU politics – as ‘subsidiarity watchdogs’ – without actually creating any new EU-level institutions.¹¹ This was subsequently incorporated into the Treaty of Lisbon. As a consequence, this Treaty did not establish any new interparliamentary bodies, either of a general or a functionally specific character. It did, however, mention two specific policy fields as potential areas for enhanced interparliamentary cooperation – CFSP and JHA. Moreover, a later treaty, the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG or Fiscal Compact), introduced the idea of creating an interparliamentary conference to oversee the policy field of economic governance. Thus, in these three specific policy areas, EU treaties provided at least a minimal treaty basis for the specialized policy-specific interparliamentary cooperation that would be developed in the post-Lisbon EU. The following sub-sections examine these IPCs in turn.

The CFSP-CSDP Conference

The first policy-specific interparliamentary body was established in the field of CFSP-CSDP. This policy area is mentioned in Article 10 of Protocol no. 1 on the Role of National Parliaments in the European Union, annexed to the Lisbon Treaty, which stated that COSAC may ‘organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy’.¹² This can be read as giving COSAC a mandate to organize an IPC on CFSP-CSDP. However, in the event it was not COSAC but the EU Speakers Conference that set the guidelines for the CFSP-CSDP Conference, doing so at its meetings in Brussels (April 2011) and in Warsaw (April 2012).¹³ The new conference was in part a replacement for the Parliamentary Assembly of the Western European Union (WEU), which was abolished in 2011. It also replaced and consolidated two smaller twice-yearly meetings, the Conference of Foreign Affairs Committee Chairpersons (COFACC) and the Conference of Defence Affairs Committee Chairpersons (CODACC). The CFSP-CSDP Conference itself met for the first time in Cyprus in September 2012, at which time it adopted its own Rules of Procedure and a set of

¹⁰ M Knudsen and Y. Carl, ‘COSAC – Its Role to Date and its Potential in the Future,’ (2008) in G. Barrett (ed.), *National Parliaments and the European Union: The Constitutional Challenge for the Oireachtas and Other Member State Legislatures*. Dublin: Clarus Press, 455-483.

¹¹ I Cooper, ‘The watchdogs of subsidiarity: national parliaments and the logic of arguing in the EU’, (2006) *Journal of Common Market Studies* 44(2): 281-304.

¹² Article 10 thereof.

¹³ See Section III.

Conclusions. Since then, it has met twice a year, each time in the member state holding the Council Presidency. It is customary for each meeting of the CFSP-CSDP Conference to be addressed by the High Representative of the Union for Foreign Affairs and Security Policy as well as the Foreign Minister and the Defence Minister from the member state holding the Council Presidency.¹⁴

The SECG Conference

The impetus for the second policy-specific interparliamentary body came not from the Treaty of Lisbon but from the TSCG. In early 2012, to address the ongoing financial crisis, 25 EU member states signed the TSCG outside the framework of the EU Treaties. Article 13 thereof mandated the creation of an interparliamentary conference in the field of EU economic governance calling upon the EP and national parliaments to determine the organisation and promotion of a conference of representatives of their relevant committees in order ‘to discuss budgetary policies and other issues covered by this Treaty’.

Much as it had done with the CFSP-CSDP Conference, the EU Speakers Conference established the guidelines for the new IPC at its meeting in Nicosia in April 2013. According to these guidelines, this IPC consolidated and replaced previous meetings of the chairs of the budget and finance committees of the EP and national parliaments. Furthermore, whereas the meeting in the second half of the year would be hosted and chaired by the Presidency Parliament, as is usual for IPCs, the meeting in the first half of the year should take place on the EP premises in Brussels and be co-chaired by the Presidency Parliament and the EP.¹⁵

The first meeting of the new IPC, which met in Vilnius in October 2013 under the title of the ‘Interparliamentary Conference on Economic and Financial Governance’, was rancorous. In fact, the chief disagreement was not over economic policy – e.g. right vs. left, pro- vs. anti-austerity, ordoliberalism vs. Keynesianism – but rather over the conference’s institutional arrangements. The parliament chairing the meeting, the Lithuanian *Seimas*, had proposed an ambitious agenda including the adoption of Rules of Procedure and Conclusions. This was supported by a number of parliaments, including the French, but opposed by the EP as well as some other parliaments, including the German. This dispute reflected a deeper disagreement about whether it should be a strong conference with a broad scope or a weak conference with a narrow scope.¹⁶ Subsequent meetings alternated between a conference at the EP in Brussels within the context of the ‘European Parliamentary Week’ in January or February, and a conference in the Presidency Parliament in the autumn. After much delay, and after having been issued further guidelines by the EU Speakers Conference in May 2015 (see Section III below), the conference agreed its own Rules of Procedure at its fifth meeting in Luxembourg in November 2015. At that point, the conference, which had met under many different names, finally called itself the ‘Interparliamentary Conference on Stability, Economic Cooperation and Governance’ – the SECG Conference.

The Prospective JHA Conference on Europol

Among these three policy areas, it is arguably in the field of JHA where the Treaty basis is strongest for the specialized involvement of national parliaments. The Treaty of Lisbon states that national parliaments have both a general role overseeing the whole policy field, and a specific oversight role in

¹⁴ Of the eight meetings that took place up to early 2016, seven were addressed by the High Representative (the one exception being The Hague, April 2016), and seven were addressed by both the Foreign Minister and the Defense Minister (the one exception being Luxembourg, September 2015).

¹⁵ See more on the national parliamentary participation in the European Semester in the chapter by Aleksandra Maatsch in this volume.

¹⁶ I Cooper, ‘The Politicization of Interparliamentary Relations in the EU’ (n 3).

relation to two agencies – Europol and Eurojust. One of the ways national parliaments contribute to the ‘good functioning of the Union’ is in part by ‘taking part, within the framework of the area of freedom, security and justice, in the evaluation mechanisms for the implementation of the Union policies in that area’, and, more specifically, ‘through being involved in the political monitoring of Europol and the evaluation of Eurojust’s activities’.¹⁷ More generally, the EU Treaty singles out JHA as a policy field subject to enhanced scrutiny under the early warning mechanism, requiring that national parliaments ‘ensure’ that new proposals in this area are compliant with subsidiarity,¹⁸ and the voting threshold for a ‘yellow card’ is lowered from one-third to one quarter. Despite these Treaty provisions, no interparliamentary mechanism has yet been created in the field of JHA. It remains uncertain not only what form an interparliamentary mechanism should take, but also how it should be established – whether to do so through EU legislation or through interparliamentary negotiation.

The most significant movement in this direction has been in relation to Europol, the EU agency for police cooperation. Europol was established in 1999 as an international organization under the EU’s ‘Third Pillar’, subject to very limited oversight from the EP and only indirect oversight from national parliaments, via their government ministers in the Council.¹⁹ While the EP has long sought greater oversight powers vis-à-vis Europol, there have also been various proposals for some form of joint scrutiny involving national parliaments. For example, in 2002 the Commission suggested the creation of a joint supervisory committee in relation to Europol, to be made up of members of parliament (MPs) and members of the EP (MEPs).²⁰ Europol became an EU agency following a Council Decision of 2009, and the Treaty of Lisbon made it subject to regulation in accordance with the ordinary legislative procedure (i.e. co-decision): the EP and the Council ‘shall determine Europol’s structure, operation, field of action and tasks’, including ‘the procedures for scrutiny of Europol’s activities by the European Parliament, together with national Parliaments’.²¹

In March 2013, the Commission proposed a Regulation that would finally bring Europol into line with the Treaty of Lisbon. The proposal stated that Europol’s activities would be subject to ‘parliamentary scrutiny by the European parliament, together with national parliaments’, but left it open as to what form this should take.²² The EP, however, responded with very specific proposals of its own in February 2014. In its amendments to the draft Regulation, the EP proposed the creation of a specialized body to be called the Joint Parliamentary Scrutiny Group (JPSG), made up of all the MEPs in the EP’s Justice and Home Affairs (LIBE) Committee in addition to two members of the relevant committee from each national parliament.²³ The JPSG would exercise something close to a traditional parliamentary oversight function with respect to Europol, in that executive officials would

¹⁷ Article 12(c) TEU. Europol and Eurojust are the only two EU agencies with an explicit Treaty basis under the Treaty of Lisbon. Jorrit Rijpma, ‘Institutions and Agencies: Government and Governance after Lisbon,’ (2014) in Diego Acosta Arcarazo and Cian Murphy, eds. *EU Security and Justice Law*, (Oxford: Hart Publishing), 64.

¹⁸ M van Keulen, 2014, ‘New Parliamentary Practices in Justice and Home Affairs: Some Observations,’ (2014) in Holzacker, Ronald L, Luif, Paul (Eds.), *Freedom, Security and Justice in the European Union* (New York: Springer-Verlag), 18-19.

¹⁹ D Ruiz de Garibay, ‘Coordination Practices in the Parliamentary Control of Justice and Home Affairs: The Case of Europol,’ (2013) in B Crum, Ben and J E Fossum, eds. *Practices of Inter-Parliamentary Coordination in International Politics: The European Union and Beyond*, (Colchester: European Consortium for Political Research Press) 87-103.

²⁰ Ibid 89-90.

²¹ Article 88 TFEU.

²² Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA (COM/2013/0173), 27/03/2013, Art. 53(2), p.51.

²³ European Parliament legislative resolution of 25 February 2014 on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA (COM(2013)0173 – C7-0094/2013 – 2013/0091(COD)), 25/02/2014, Amendment 200 (Art. 53).

appear before it at its request, and key documents related to the agency's activities and performance would be presented and debated. It would review the appointment (and re-appointment) of the Executive Director of Europol, and hold hearings with the Chairperson of the Europol Management Board, Commission representatives, the European Data Protection Supervisor, and other relevant officials. If created, the JPSG would be the first institution of its kind, in that it would involve national parliamentarians in the direct and structured oversight over an EU agency.

This issue was discussed at the EU Speakers Conference in Vilnius in April 2014. The Italian Parliament, traditionally an ally of the EP, proposed that the EU Speakers Conference should endorse the 'prompt adoption' of the Europol Regulation, including its provisions with respect to parliamentary scrutiny. However, some participants resisted this proposal on procedural grounds, saying that any new mechanism should be established by parliaments themselves, rather than through the EU legislative process in which national parliaments are not directly involved. A very different proposal was put forward by Eva Kopacz, Speaker of the Polish *Sejm* (who later became Polish Prime Minister), with the support of the Polish Senate, the Irish Senate and the Hungarian Parliament. The speakers of these chambers proposed the creation of a full-blown interparliamentary conference for the whole policy field of JHA, including scrutiny of the activities of Europol and Eurojust. The new IPC would be modelled on the formula of the CFSP-CSDP and SECG Conferences, in that it would replace existing meetings of chairpersons, meet twice a year and be co-hosted and co-chaired over by the EP and the Presidency Parliament. This new body, it was suggested, could also exercise oversight over the European Public Prosecutor's Office, if and when the latter comes into being.²⁴ However, the idea of a new interparliamentary conference was rejected as unnecessary by the EP representative, Vice-President Miguel Angel Martinez Martinez. He remarked acerbically that one could envisage interparliamentary conferences for every policy area – sport, agriculture, transport – much like the multiple configurations in the Council: by that logic, there could be 15 interparliamentary conferences.²⁵ He preferred instead the EP's approach of holding interparliamentary committee meetings on an *ad hoc* basis. He reminded his colleagues that this field is now largely covered by co-decision, and that national parliaments should focus their scrutiny on their own governments' positions in the Council. In the face of this disagreement, no decision was taken.

In late November 2015, the EP and the Council reached an agreement on the Europol Regulation; it was adopted in May 2016 and was set to enter into force on 1 May 2017. The Regulation endorsed the establishment of a JPSG, but it did not specify how it should be constituted. Instead, it merely stated that the JPSG, its organisation and rules of procedure, shall be established together by the EP and national parliaments in accordance with Article 9 of Protocol no. 1 annexed to the Lisbon Treaty. This Article states that the EP and national parliaments 'shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union'. This means in practice that it will be the task of the EU Speakers Conference to make the decision regarding the practical arrangements for the JPSG. At its May 2016 meeting in Luxembourg, the EU Speakers Conference recognized that while the Europol Regulation defined the "objectives and missions" of the JPSG, the "modalities of parliamentary scrutiny" must be defined by the parliaments themselves, "while stressing that the European Parliament and national Parliaments are on equal footing." To that end, it set up a Working Group to consider possible scrutiny mechanisms and, after consulting other parliaments, to present a draft proposal in autumn 2016; it was hoped, perhaps optimistically, that after

²⁴ The second 'yellow card' under the early warning mechanism was issued in response to the Commission's proposal to create the European Public Prosecutor's Office. D Fromage, 'The Second Yellow Card on the EPPO Proposal: An Encouraging Development for Member State Parliaments?' (2015), *Yearbook of European Law* (advanced access).

²⁵ "On peut envisager une espèce de commencer à travailler comme travaille le Conseil. Avec les conférences, les conseils des ministres du sport, des ministres de l'agriculture, des ministres de transport. Nous pourrions envisager de travailler sur la base d'une quinzaine de conférences. Et l'on serait tout le temps en conférence." Miguel Angel Martinez Martinez, 8 April 2014. Transcribed by the author from video archived on the Lithuanian Presidency website, available at: <http://www.lrs.lt/intl/presidency.show?theme=842&lang=4&p_eventguid=5149749b-73c7-45ec-a613-33517db95b83>.

further discussions a text setting out the organization of the JPSG could be adopted by the EU Speakers Conference in early 2017.²⁶

Commonalities between the Policy Fields Covered by Interparliamentary Cooperation

Is there a common thread that connects these three policy areas? Is there a discernable logic to having national parliaments exercise an enhanced oversight role with respect to EU policy in these three particular fields, but not to all the others? Is there a rejoinder to Mr. Martinez's comment that we might as well go ahead and have fifteen interparliamentary conferences? In response, we may begin by noting that the Council also treats these three specific policy areas differently: this is apparent in the division of labour between Coreper I and Coreper II – the two formations of the Committee of Permanent Representatives that do the preparatory work for Council meetings. Coreper II is the senior body, consisting of the member states' ambassadors to the EU, whereas Coreper I is made up of their deputies. Whereas Coreper I deals with low-salience policy areas such as transport, education, employment, and the environment, Coreper II deals with policy areas of the highest political salience. In addition to 'general affairs', Coreper II prepares the work of three policy-specific Council formations: Economic and Financial Affairs, Foreign Affairs, and JHA. This gives some indication that these three policy areas share certain commonalities.

On a cautionary note, it should be acknowledged that all three of these policy fields have uncertain boundaries, in that each of them may be defined narrowly or broadly. In all three cases, there has been a debate over whether the interparliamentary body overseeing the policy field in question should have a narrow or broad field of concern. There was debate within the CFSP-CSDP Conference as to whether it should focus solely on CFSP-CSDP matters or also discuss related policy fields, such as development cooperation and humanitarian aid.²⁷ The field of economic governance is generally less well-defined as a policy field than CFSP-CSDP.²⁸ Within the SECG Conference, there was a debate over whether the discussions should be focused solely on the terms of the Fiscal Compact – i.e. fiscal consolidation and structural reform within the member states – or whether it should also deal with broader financial concerns, such as the Banking Union.²⁹ That the EP was among the strongest advocates of a narrow scope of interparliamentary cooperation was demonstrated on two particular occasions: (a) when it objected to the original title – the 'Interparliamentary Conference on Economic and Financial Governance' – and pushed to change the word 'financial' to 'fiscal' to reflect a narrower sphere of concern;³⁰ and (b) when, at the 2014 EU Speakers Conference, it rejected the creation of a full-blown IPC that would have covered the whole policy field of JHA. Thus, in thinking about what these three policy fields have in common, we should bear in mind that how they should be defined is a politically contested question, the answer to which may have practical consequences for the organization of interparliamentary oversight bodies. This said, these three policy areas, broadly defined, share certain commonalities that separate them from other EU policy fields.

First, EU policy development in these three areas has, to varying degrees, been at least partly outside the traditional Community method: decision making has been intergovernmental, with a limited role for the supranational institutions of the EU – the Commission, the EP, and the European Court of Justice. After the Treaty of Maastricht, two of these policy areas – CFSP-CSDP and JHA – were two separate intergovernmental 'pillars' of the EU, legally outside the first, Community Pillar. This was because they both involved sensitive questions of national sovereignty, concerning

²⁶ Conclusions of the EU Speakers Conference, Luxembourg, 22-24 May 2016, paras. 34 and 35.

²⁷ J Wouters and K Raube, 'The Interparliamentary Conference on Common Foreign and Security Policy,' (n 1) 239.

²⁸ I Cooper, 'The Interparliamentary Conference on Stability, Economic Coordination and Governance' (n 2), 252-255.

²⁹ See more in the chapter on the accountability of the European Central Bank to parliaments by Davor Jančić in this volume.

³⁰ I Cooper, 'The Politicization of Interparliamentary Relations in the EU,' (n 3) 206-207.

respectively the external and internal security of the member states. Even today, after the Treaty of Lisbon has dissolved the pillar structure and the EU has become a single legal entity, the field of CFSP-CSDP remains largely intergovernmental, over which the supranational EU institutions, including the EP, have limited sway.³¹ However, the field of JHA has now largely been brought within the realm of the Community method, and here the EP enjoys increased powers, including legislative co-decision, which it is anxious to preserve. Compared to the other two, the policy field of EU economic and financial governance is relatively new. Of course, the groundwork for the Economic and Monetary Union, including many of its attendant rules, date back at least to the Maastricht Treaty. But the recent financial crisis gave rise to a new regime of EU economic governance that has also been largely developed outside the Community method, relying instead on the intergovernmental ‘Union method’. Indeed, some of its legal instruments – including the TSCG, Article 13 of which gave the impetus for the SECG Conference – are outside of the framework of the EU treaties. While the Commission has in fact seen an increase in its powers of surveillance of national budgets, this process has adversely affected the EP, which is largely excluded from exercising oversight in this area.³² Unlike CFSP-CSDP and JHA, EU economic governance does not concern security, but it does touch on sensitive issues of national sovereignty. Most notably, it encroaches on the power of member states to make independent decisions about public finances, and this encroachment particularly affects national parliaments, the institutions that enact national budgets.

A second commonality is that the EU’s activities in these three policy fields tend to emphasize executive action rather than legislation. As a rule, foreign and security policy, whether at the national or EU level, is the realm of executive action *par excellence*. The CFSP-CSDP Conference enables members of the foreign affairs and defence committees of the parliaments of the EU to exchange information and best practices to enhance their oversight of their respective governments in these matters. But the conference itself also to some extent directly oversees these EU policies – including the European External Action Service and its head, the High Representative, who customarily attends the CFSP-CSDP Conference to make a statement and answer questions from the assembled parliamentarians. Similarly, while the field of JHA does involve EU legislation, it is also notable in that it involves executive agencies exercising discretionary powers in sensitive fields such as police cooperation (Europol) and judicial cooperation (Eurojust). Finally, while much of the EU economic governance regime was put in place by EU legislation – most notably the system of budgetary surveillance and economic coordination set out in the ‘Six Pack’ and the ‘Two Pack’ – it is largely implemented by the Commission. The Commission has considerable discretion in enforcing the rules of this regime, although in the background lies the threat of punitive sanctions imposed by the Council against a persistent rule-breaker.³³

Since these three policy fields involve governance to some extent outside the Community method, and as a result fall less under the control of the EP, then an increased role for national parliaments could compensate for this deficiency. There is a case to be made that if the policy question touches on sensitive issues of national sovereignty, such as external or internal security of the individual member states, then this too is a reason for greater involvement of national parliaments. Moreover, if the policy in question has an adverse impact on national parliaments – for example their budgetary autonomy – then this too could provide a rationale for their involvement in scrutinizing it. The fact that EU activity in these policy areas favours executive action over legislation means that national parliaments have no power to intervene to object under the early warning mechanism, because this mechanism does not encompass executive acts. For all these reasons, there is a case for *joint oversight*, involving the EP

³¹ A Herranz-Surrallés, ‘The EU’s Multilevel Parliamentary (Battle)Field,’ (n 4).

³² C Fasone, ‘European Economic Governance and Parliamentary Representation. What Place for the European Parliament?’ (2014) *European Law Journal* 20(2): 164–185.

³³ D Jančić, ‘National Parliaments and EU Fiscal Integration,’ (2016), *European Law Journal* 22(2): 225–249.

and national parliaments acting together, rather than *centralized oversight*, concentrated in the EP, in these particular policy fields.³⁴

III. The Supervisory Role of the EU Speakers Conference

A second important trend in the emerging order of interparliamentary cooperation is the ‘quasi-constitutional’ role of the EU Speakers Conference. This conference has assumed the role of supervising the establishment and development of other interparliamentary bodies in the EU. As we have already seen (Section II), it was the EU Speakers Conference that established both the CFSP-CSDP Conference in 2012 and the SECG Conference in 2013; moreover, in 2016 it was commonly accepted that it would be the task of the EU Speakers Conference to establish the future JPSG for Europol. This foundational role is not altogether new: the impetus for the first meeting of COSAC, in 1989, came from an initiative put forward at the EU Speakers Conference. What is new, however, is that the EU Speakers Conference has also assumed an ongoing *supervisory* role: not only did it establish the two new interparliamentary conferences, but in doing so it pledged to review their arrangements at a later date, despite the fact that the new conferences were supposed to be autonomous, self-governing entities. Yet on the other hand, there appear to be limits to this supervisory role, as became apparent at the meeting of the EU Speakers Conference in Rome in April 2015.

It is perhaps surprising that the EU Speakers Conference has assumed the role of ‘gatekeeper’ of interparliamentary cooperation in the EU, given that it is not mentioned anywhere in the EU Treaties, and that throughout much of its history it was only loosely affiliated with the EU and its predecessor institutions, the European Communities. The EU Speakers Conference met for the first time in 1963, for the second time in 1973, and then more or less annually from 1975 onwards. Between 1980 and 1998, the annual meetings alternated between a small conference of the Speakers of the ‘European Communities Parliaments’ (national parliaments of the European Communities, plus the EP) and a large conference of the Speakers of the ‘European Parliamentary Assemblies’ (national parliaments of the Council of Europe, plus the EP and the Parliamentary Assembly of the Council of Europe). It is only since 1999 that the EU Speakers Conference ‘has become an autonomous forum of cooperation and has affirmed its general competence of coordination and supervision of the interparliamentary cooperation in the EU’.³⁵ While it does not have ‘standing orders’ or ‘rules of procedure’,³⁶ in 2000 the EU Speakers Conference adopted its own ‘Guidelines’, which were amended in 2010. Moreover, it adopted Guidelines of Interparliamentary Cooperation in 2004, which were amended in 2008. These two sets of guidelines are generally accepted as the documents that set out the basic rules of interparliamentary cooperation and establish the key role of the EU Speakers Conference in organizing it.

However, this leadership role of the EU Speakers Conference was contested, in particular regarding the establishment of the CFSP-CSDP Conference. It may be argued that the Treaty of Lisbon gave COSAC a mandate to establish the CFSP-CSDP Conference, but this was ‘stolen’ by the EU Speakers Conference.³⁷ Specifically, a debate arose as to whether the CFSP-CSDP Conference should be established by the EU Speakers Conference (based on Article 9 of Protocol no. 1 annexed to the Lisbon Treaty) or by COSAC (based on Article 10 of the same Protocol).³⁸ Whereas some national

³⁴ I Cooper, ‘The Politicization of Interparliamentary Relations in the EU’ (n 3).

³⁵ ‘The History of the EU Speakers Conference,’ Available at <<http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do>> 1.

³⁶ C Fasone, ‘Ruling the (Dis-)Order of Interparliamentary Cooperation?’ (n 7) 274.

³⁷ C Fasone, ‘Ruling the (Dis-)Order of Interparliamentary Cooperation?’ (n 7) 283.

³⁸ Antonio Esposito, ‘The Role of COSAC in EU Interparliamentary Cooperation: An (Endless) Quest for an Identity’ (2016) in N Lupo and C Fasone, eds., *Interparliamentary Cooperation in the Composite European Constitution* (Oxford,

parliaments favoured COSAC, the EU Speakers Conference was favoured in particular by the EP. In the end, after much delay, the EP position won the day, and this cemented the role of the EU Speakers Conference as the body that governs interparliamentary cooperation. The establishment of the CFSP-CSDP Conference by the EU Speakers Conference proved a powerful precedent, so that when the time came to establish the SECG Conference, few questioned the legitimacy of the EU Speakers Conference playing the same foundational role again.

Despite the general acceptance of the EU Speakers Conference in establishing new forms of interparliamentary cooperation, disagreement persists – not least within the conference itself – over the extent and limits of its supervisory role. Specifically, are the internal Rules of Procedure of the new interparliamentary conferences dependent on the approval of the EU Speakers Conference, and if so what form should such approval take? This question arose because when the EU Speakers Conference established the other conferences it recommended ‘conducting a review’ of their ‘arrangements’ at a later date. With regard to the CFSP-CSDP Conference, the 2012 Presidency Conclusions requested such a review ‘after two years from its first meeting’.³⁹ A similar recommendation was issued with regard to the Article 13 Conference. In both these cases, the role of the EU Speakers Conference was ambiguous. On the one hand, it laid the foundation for a new, and presumably autonomous, IPC; on the other hand, it asserted its own supervisory role regarding the review of the ongoing arrangements for the new body.

Even after it was generally acknowledged that it is the job of the EU Speakers Conference to ‘establish’ a new IPC, it remained uncertain whether it should make all important decisions regarding the new body or simply set the parameters for it. Nowhere was this ambiguity in greater evidence than in relation to the Rules of Procedure for each of the new IPCs. In substantive terms, must the Rules for the new IPC remain within the guidelines set by the EU Speakers Conference, or could the new body, by an autonomous act, go beyond them? In procedural terms, does the new body autonomously establish its own Rules of Procedure, or is it up to the EU Speakers Conference to ‘confirm’ or ‘ratify’ them? Moreover, if an IPC is unable to agree on its Rules of Procedure – as was the case initially with the SECG Conference – can and should the EU Speakers Conference pre-emptively ‘adopt’ them on its behalf?

These questions were addressed in concrete, practical terms at the EU Speakers Conference in Rome in April 2015, which was tasked with reviewing the arrangements for the CFSP-CSDP and SECG Conferences, which were in very different states. Whereas the CFSP-CSDP Conference had a relatively smooth and consensual internal review process, the SECG Conference was still internally divided over basic questions concerning its structure and functioning. Even so, both cases showed how the EU Speakers Conference – or at least a number of its members – was reluctant to adopt Rules of Procedure on behalf of another IPC. Many of the speakers and/or representatives of national parliaments were ambivalent about the EU Speakers Conference imposing its will upon the other IPCs, which they regarded as autonomous. Despite this ambivalence, the EU Speakers Conference made all the important substantive decisions regarding the Rules of Procedure for the SECG Conference, even if it did not formally ‘adopt’ them. Furthermore, rather than insisting on their ‘self-determination’, the two new IPCs were entirely deferential to the decisions of the EU Speakers Conference. Both the CFSP-CSDP Conference, when conducting an internal review of its workings between 2013 and early 2015, and the SECG Conference, when finalizing its Rules of Procedure in November 2015, acted entirely in conformity with the parameters set by the EU Speakers Conference. This was due in no small part to the EP’s consistent promotion of the supervisory role of the EU Speakers Conference both within this Conference and within the policy-specific IPCs.

(Contd.)

Hart Publishing) 325-333. P.-G Casalena, N Lupo, and C Fasone, ‘Commentary on the Protocol No 1 Annexed to the Treaty of Lisbon’ (2013) in H.-J. Blanke and S. Mangianelli (eds), *The Treaty on European Union (TEU). A Commentary*, Heidelberg, Springer: 1529-1633.

³⁹ Presidency Conclusions of the EU Speakers Conference, Warsaw, 20–21 April 2012, p. 5, see: <http://www.ipex.eu/IPEXL-WEB/dossier/files/download/082dbcc5367c573a0136ded147ab331a.do>.

Review of the CFSP-CSDP Conference

The CFSP-CSDP Conference adopted its own Rules of Procedure at its first meeting in Cyprus in September 2012. This document recognized an ongoing supervisory role for the EU Speakers Conference in two specific ways: (a) it stipulated that any amendments to the Rules of Procedure must be decided by consensus and ‘must be in accordance with the framework set by the Conference of Speakers of the EU Parliaments’ (Article 8.2); and (b) it foresaw that an Ad Hoc Review Committee reviewing the workings of the Conference would ‘make recommendations thereon to be deliberated upon by the Conference of EU Speakers’ (Article 9).

One year later, at the meeting in Vilnius in September 2013, the Ad Hoc Review Committee was convened and a Working Group – made up of representatives of the ‘presidency trio’ of Ireland, Lithuania, and Greece, with the addition of Cyprus, Italy and the EP – compiled and categorized the proposed amendments, and made recommendations to the Ad Hoc Committee, which reported them to the Athens Conference in April 2014. The Ad Hoc Committee recommended a few minor changes to the Rules of Procedure, and the adoption of another document, called ‘Best Practices’, to serve as supplemental guidelines as to how the conference should be conducted. These changes were submitted for the approval of the EU Speakers Conference in Rome in April 2015.

It is notable that the internal process by which the CFSP-CSDP Conference reviewed its own procedures deferred *entirely* to the EU Speakers Conference. This is no exaggeration: the Ad Hoc Review Committee categorically denied consideration to any proposed amendment to the Rules of Procedure that was ‘in contradiction with the Warsaw Conclusions’. This ruled out, for example, consideration of a proposal to change the voting rules to those in use at COSAC: both the German *Bundestag* and the Latvian *Saeima* separately proposed that the conference should not operate solely on a consensus basis, but rather should be able to adopt Conclusions by a qualified majority of 3/4 of votes cast in circumstances where consensus is unobtainable. This meant, in effect, that the review process did not permit any major revision of the Rules of Procedure, but was basically a modest housekeeping exercise.

Yet despite the deference shown to it, the EU Speakers Conference in Rome proved cautious in the manner in which it exerted its authority vis-à-vis the CFSP-CSDP Conference. The Italian Parliament hosting the meeting had originally proposed that the EU Speakers Conference should ‘ratify’ the result of the review, but this met with objections from a number of representatives, including from the UK, Sweden, and the Netherlands. The representative from the UK remarked: ‘We are of the opinion that it is not the business of this conference to ratify or adopt Rules of Procedure for any other conference’. Similarly, the Swedish representative said: ‘We should only limit ourselves to discussions, and not ratifications, in this setting’. The Speaker from the Netherlands rejected the use of ‘ratify’ or similar terms, such as ‘adopt’ or ‘confirm’, because they tend to usurp the authority of the conferences to adopt their own rules: ‘The specific conferences draft their own Rules of Procedure and *they are the masters of those Rules of Procedure*’.⁴⁰ Many proposed that the EU Speakers Conference should merely ‘take note of’, rather than ‘ratify’ the CFSP-CSDP Conference’s Best Practices and amended Rules of Procedure. By contrast, EP President Martin Schulz insisted that it was the responsibility of the EU Speakers Conference to ‘adopt’ the documents. He even went as far as to quote directly to them the words of the 2008 Guidelines for Interparliamentary Cooperation, which said that the EU Speakers Conference ‘shall oversee the coordination of interparliamentary EU activities’. Schulz took from this that the authority of the other conferences is entirely dependent on the EU Speakers Conference:

Our role is to coordinate what all the sectorial assemblies do...What they have decided has to [be] coordinated here...They adopt Rules of Procedures for their sectorial body, but the frame in which

⁴⁰ Emphasis added. These exchanges can be viewed courtesy of the Italian Parliament, available at: <<https://www.youtube.com/watch?v=fQ4CZG3TpCk>>.

they act is our conference... We adopt it... If we would not adopt it, it is not adopted, because they have no right to provide themselves with their own rules.⁴¹

While some parliamentarians thought that this was merely a semantic debate: ‘We are splitting hairs here’, said the Irish Speaker; others maintained that it was significant: ‘I’ve got a legal background, and as a lawyer you know that the wording is important’, said the Speaker from the Netherlands. The chair of the meeting, the Speaker of the Italian Senate, seemed puzzled by the controversy, and continually tried to bring the discussion back to what he saw as the salient point, that the CFSP-CSDP Conference had itself reached a consensus (unlike the SECG Conference), which only needed to be affirmed by the EU Speakers Conference. However, the debate over what word to use to describe that act of affirmation reflected differing views of the nature of the EU Speakers Conference’s supervisory role and its implied relationship to the other conferences. In the end, the Presidency Conclusions referred to the ‘Discussion and approval of the revision of the Rules of Procedure of the Conference for the CFSP-CSDP’, noting also that the Speakers ‘welcome’ the conclusion of the review.

Review of the SECG Conference

The 2015 EU Speakers Conference in Rome also reviewed the functioning of the SECG Conference, which was in a state of uncertainty. Unlike the CFSP-CSDP Conference, the SECG Conference had not yet agreed upon its Rules of Procedure, despite having met four times between late 2013 and early 2015. The Italian Parliament chairing the meeting proposed that the EU Speakers Conference should impose a set of Rules of Procedure and this was supported *inter alia* by the representatives of the EP and the French and German parliaments. However, as was the case for the review of the CFSP-CSDP Conference, a number of representatives from national parliaments were reluctant to adopt the rules for another, ostensibly autonomous, conference. So, the EU Speakers Conference instead adopted a further set of ‘principles’ for the SECG Conference that effectively settled most of the outstanding questions regarding its organization. These principles were then incorporated into a new draft of the Rules of Procedure, which was finally adopted by the SECG Conference itself in Luxembourg in November 2015. This outcome was almost derailed by a last-minute dispute over whether the Rules of Procedure should recognize a continuing supervisory role for the EU Speakers Conference, as outlined below.

When the EU Speakers Conference in Rome considered whether to impose Rules of Procedure on the SECG Conference, the rationale for this move was that the latter had ‘failed’ to debate and adopt them of its own accord. To set the record straight, it should be stated clearly that the SECG Conference had never had a chance to properly debate and subsequently adopt its own Rules of Procedure, because at all four meetings this item was either removed from the agenda at the last minute or kept off the agenda altogether. This was, in particular, a consequence of the actions of representatives of the EP and the Italian Parliament.

For the first meeting (Vilnius, October 2013) the host parliament, the Lithuanian *Seimas*, had produced a draft ‘Rules of Procedure’ and included on the agenda a session for the debate and adoption of this document; but after particularly vehement objections from the EP, this item was removed and replaced with a more general discussion of the purpose and vision of the conference. Many of the national parliamentarians in attendance, who had expected to swiftly debate and adopt the Rules of Procedure, criticized this last-minute change to the agenda. The second conference (Brussels, January 2014) was hosted and co-chaired (along with the Greek *Vouli*) by the EP, which saw to it that the item was left off the agenda entirely.

The original agenda for the third conference (Rome, September 2014) had included a session for the debate and possible adoption of the Rules of Procedure, and the ground was prepared for this

⁴¹ Ibid.

debate given that many parliaments had submitted opinions on the Rules of Procedure and proposed amendments to the original draft produced by the *Seimas*. However, at the start of the third conference, the Speaker of the Italian *Camera dei Deputati*, Laura Boldrini, abruptly announced that the conference would not adopt the Rules of Procedure; rather, the decision would be left to the next EU Speakers Conference, which was to be held the following April in Rome, hosted by the Italian Parliament and co-chaired by herself. What this meant was that the third conference held its scheduled ‘debate’ on the Rules of Procedure but it was largely moot, as the parliament chairing the meeting had already ruled out the possibility that the Rules of Procedure would be adopted. Many of the attendees – including representatives from the French, German, Lithuanian, and Polish parliaments – objected to this move, with some arguing that consensus was achievable, and therefore the conference could and should go ahead and adopt its own Rules of Procedure rather than leaving the matter to the EU Speakers Conference. However, these objections went unheeded. After this, the Italian Parliament proceeded to collect and compile the proposed amendments to the Rules of Procedure in anticipation of their final adoption in Rome in April 2015.

No discussion of the Rules of Procedure took place at the fourth conference (Brussels, February 2015) because the Italian Parliament’s review was still ongoing, and also because the EP, again the host and co-chair of the meeting, wanted to leave it off the agenda anyway. Thus, of the first four meetings of the Article 13 Conference, two (Vilnius and Rome) were prevented from holding a decisive debate on the Rules of Procedure, and two (both at the EP in Brussels) did not discuss it at all.

Notwithstanding the absence of debate on the Rules of Procedure within the SECG Conference itself, it was proposed by the representatives of the Italian Parliament, with the full support of those of the EP, that the EU Speakers Conference in Rome should ‘adopt’ the Rules of Procedure in its stead. However, this proposal faced the same backlash as that concerning the CFSP-CSDP Conference, that it was inappropriate for the EU Speakers Conference to be making such a decision on behalf of another IPC. Yet, unlike the CFSP-CSDP Conference, the SECG Conference had not reached an internal agreement regarding its ongoing arrangements that would make up the substantive content of the Rules of Procedure. Consequently, the EU Speakers Conference discussed and agreed a set of ‘principles’ which ‘shall be transposed in detailed Rules of procedure’ by the SECG Conference itself. These were in fact detailed guidelines which left very little discretion to the SECG Conference in deciding on its own Rules of Procedure. The EU Speakers Conference made specific decisions regarding a number of outstanding issues: the conference’s name (hitherto the ‘Interparliamentary Conference on Economic and Financial Governance of the EU’), its general scope, timing, language regime, EU officials who should be invited to attend, the establishment of a presidential *troika*, and the manner in which it should adopt conclusions.⁴² Hence, the EU Speakers Conference essentially dictated the terms of the Rules of Procedure for the SECG Conference, even though it did not formally ‘adopt’ them. The SECG Conference subsequently transposed the EU Speakers Conference’s set of principles into its Rules of Procedure with strict fidelity, deferring, just as the CFSP-CSDP Conference did, *entirely* to the EU Speakers Conference in establishing its own rules.

There was, however, a final hitch, leading to a last-minute dispute at the SECG Conference in Luxembourg, which reveals how the EP went to great lengths to maintain the EU Speakers Conference in a superior position in relation to other IPCs. The Luxembourg Parliament drafted Rules of Procedure and circulated the document to the other parliaments prior to the meeting. However, when the heads of delegation (mostly the chairs of finance committees of the EP and national parliaments) met for the final *in camera* session to adopt the document, two further changes had been made to it. One change was merely technical (clarifying the meaning of the term ‘Presidency Parliament’), but the other involved a substantive change regarding how the Rules of Procedure would be amended. Whereas the original had only said: ‘Any amendments shall be subject to a decision by consensus by the Interparliamentary Conference on SECG’; the new version had added: ‘and must be in accordance

⁴² I Cooper, ‘The Interparliamentary Conference on Stability, Economic Coordination and Governance’ (n 2), 265-267.

with the framework set by the Conference of Speakers of the EU Parliaments'. This added text is identical to language in the CFSP-CSDP Conference's Rules of Procedure. In both cases, this implies that even after the new IPC has established its Rules of Procedure it is not really a self-governing entity: while it may amend the rules in future, any change must still conform to the framework established by the EU Speakers Conference.

Many representatives from national parliaments strongly objected to these eleventh-hour textual changes, and wondered where they had come from. It emerged that they had been inserted at the request of the EP delegation.⁴³ In the debate, the heads of delegation from national parliaments did not object on *substantive* grounds to the fact that the Rules of Procedure must conform to the framework established by the EU Speakers Conference; rather, they raised the *procedural* objection that they cannot agree to a document with last-minute changes, as they did not have sufficient time and opportunity to consult with their respective parliaments. For the EP, on the other hand, the *substantive* point was non-negotiable. The head of the EP delegation, Roberto Gualtieri, indicated that he would veto any Rules of Procedure that did not contain this language, and he doggedly stuck to this position even when, at one point in the debate, he seemed utterly isolated. The other heads of delegation argued that the Luxembourg conference should simply adopt the Rules of Procedure document as originally circulated and adopt the amendments at the next conference. But to the growing exasperation of the national parliamentarians present, Gualtieri refused this suggestion too, saying that he could not agree without consulting EP President Schulz. It was then agreed to reconvene for one more unplanned session after breaking for lunch. During the break, Gualtieri consulted with colleagues in Brussels (though not with Schulz, who was travelling) and came back with a compromise: he would drop his insistence on the change regarding the definition of the 'Presidency Parliament', but he would not relent on the main point – that the Rules of Procedure must respect the framework established by the EU Speakers Conference. This small gesture broke the impasse and, with some reluctance, the other heads of delegation accepted the document under these conditions.

This episode is noteworthy because it had the effect of consolidating the position of the EU Speakers Conference as the pre-eminent interparliamentary body in the EU, with a role as the organizer and supervisor of other forms of interparliamentary cooperation. It also shows that the EP will devote tremendous effort to preserve such a status for the EU Speakers Conference. The prospect that COSAC should instead perform this function – as implied in the Treaty of Lisbon, and preferred by some national parliaments – has been decisively rejected, largely as a result of the EP's efforts. Objectively, it makes some sense to assign decision-making authority over interparliamentary cooperation collectively to the Speakers/Presidents, who are, in formal terms, the highest officials in their respective parliaments, as opposed to the chairs of the European Affairs committees, as represented in COSAC. But it is also advantageous for the EP to work through the forum of the EU Speakers Conference because it is a forum where all decisions are made by consensus, and therefore the EP may veto any unwanted decisions; furthermore, the EP's position is enhanced by the fact that within the EP – which has no prime minister – the position of the President enjoys greater prestige than the Speaker of a typical national parliament within the EU. Maintaining the EU Speakers Conference in its pre-eminent position is consistent with the EP's overall preference that direct parliamentary oversight of EU institutions should be exercised by the EP itself rather than by IPCs, and that the latter, if created, ought to be of marginal importance, with limited scope and no formal decision-making power.⁴⁴ Whether one agrees that the emerging quasi-hierarchy among interparliamentary bodies is a positive development, there is no doubt that it makes interparliamentary cooperation more orderly.

⁴³ It appears that the other members of the presidency *troika* – the Latvian and Dutch parliaments – had also been consulted; however, such a consultation is of uncertain legitimacy because, strictly speaking, the troika did not yet exist because the Rules of Procedure had not yet been adopted.

⁴⁴ I Cooper, 'The Politicization of Interparliamentary Relations in the EU' (n 3).

IV. The Parliamentary Dimension of the Council Presidency

The third trend in the emerging order of interparliamentary cooperation in the EU concerns the time and place of interparliamentary meetings. The Parliamentary Dimension of the Council Presidency (Parliamentary Dimension) contributes to this ‘order’ by providing an organizational framework for the overall sequence of parliamentary meetings. The aforesaid IPCs indeed do not take place in isolation but within the context of an increasingly elaborate biannual calendar of parliamentary events. These events constitute the ‘Parliamentary Dimension’ of the rotating six-month Council Presidency, as they are generally hosted and chaired by the parliament of the EU member state holding the Council Presidency – hence, the ‘Presidency Parliament’. This is a notable institutional development in interparliamentary cooperation that has received little academic attention.⁴⁵

These meetings are not ‘Council’ events because they are chaired by the *parliament*, not the *government*, of the member state holding the Council Presidency. The term ‘Parliamentary Dimension’ captures this ambiguity. It was coined in 2011 by the Polish Parliament, which wanted to differentiate its own series of events from those of the Polish Council Presidency, which took place in the second half of that year. Since then, whenever a new government has assumed the Council Presidency, its parliament has adopted the term Parliamentary Dimension to give a separate identity to its own parallel series of events. This effort has even extended to developing a separate ‘brand identity’: the Parliamentary Dimension will often have its own logo, of a design that is related to but different from that of the official logo of the Council Presidency, and its own website.

The Parliamentary Dimension refers specifically to the series of 6-10 events under the Council Presidency that are (a) organized and chaired by the Presidency Parliament, sometimes in cooperation with the EP, (b) attended by members from the parliaments of all EU member states plus the EP, and (c) involve the discussion of EU policies. Most of these are chaired by the Presidency Parliament alone and held in the member state holding the Council presidency, often in the parliamentary chamber itself. However, some Parliamentary Dimension events are held in the EP in Brussels and co-organized and co-chaired by the EP and the Presidency Parliaments: these include the first-semester SECG Conference and the occasional Joint Committee Meeting (JCM) or Joint Parliamentary Meeting (JPM). This definition excludes those meetings held in Brussels and solely chaired by the EP: for example, the EP typically hosts several Interparliamentary Committee Meetings (ICMs)⁴⁶ in a given year that are attended by national parliamentarians, but these are not Parliamentary Dimension events as the Presidency Parliament is not involved in their organization. The above definition would also exclude any parliamentary diplomacy event involving large numbers of parliaments from non-EU countries, even if it were hosted by the Presidency Parliament.⁴⁷ While Parliamentary Dimension events may also be attended by observers from parliaments outside the EU – e.g. candidate countries or special guests – they are primarily meetings of members of EU parliaments and their focus is on EU-related subjects.

Since the creation of the two new IPCs in 2012 and 2013, four of the events in the six-month Parliamentary Dimension calendar now have a set format. In addition to the CFSP-CSDP and SECG Conferences, there are two COSAC meetings: the COSAC Chairs meet near the beginning of the six-month semester, and the Plenary meets towards the end. Beyond these, a number of additional meetings – typically at least two, but sometimes more – are organized at the discretion of the Presidency Parliament, often reflecting its political priorities. Most such events are not large

⁴⁵ Czachór, Zbigniew (2013). “Parliamentary dimension of the Polish presidency,” *Środkowoeuropejskie Studia Polityczne* 3(3): 7-29.

⁴⁶ K Gattermann, ‘Brussels Calling!? Understanding National Parliamentarians’ participation in inter-parliamentary committee meetings,’ (2013) paper presented at EUSA Conference, Baltimore MD, 9-11 May 2013.

⁴⁷ See more on parliamentary diplomacy in: Special Issue ‘Parliamentary Diplomacy Uncovered: European and Global Perspectives’, (guest editors: Stelios Stavridis and Davor Jančić), *The Hague Journal of Diplomacy*, Vol. 11, Nos. 2&3, 2016.

conferences but meetings of the chairpersons of other sectoral committees of national parliaments and the EP, depending on the subject of the meeting. Examples of such meetings include those focusing on ‘Human Trafficking in the Digital Age’ and ‘Energy’ (Netherlands, first semester 2016); ‘Employment and Social Affairs’ and ‘Economic and Digital Affairs’ (Latvia, first semester 2015); and ‘Fundamental Rights’, ‘Agriculture, Industrial Development, and SMEs’, and ‘Employment, Research and Innovation’ (Italy, second semester 2014). Sometimes, the Presidency Parliament will co-chair a JCM at the EP in Brussels. Such was the case, for example, with the ‘Joint Meeting of the Committees on Justice and Home Affairs’ held under the Greek Parliamentary Dimension (first semester 2014). In addition, a Presidency Parliament will occasionally convene an ad hoc meeting on relatively short notice to discuss a current or salient subject. The Luxembourg Parliamentary Dimension (second semester 2015) did this when it held a ‘COSAC Working Group Meeting’ to discuss the enhanced political dialogue (the “green card”)⁴⁸ and how to improve the early warning mechanism (the “yellow card”).

Two additional yearly meetings are closely associated with, but not strictly part of, the Parliamentary Dimension. The EU Speakers Conference takes place annually in the Spring (normally April-May), but it is hosted and chaired by the parliament of the member state that held the Council Presidency the previous autumn. Moreover, the Speakers Conference is preceded by a preparatory meeting of the Secretaries-General of the EU Parliaments, typically in February-March. The latter meeting is the only major interparliamentary meeting involving parliamentary staff rather elected officials.⁴⁹

The introduction of the Parliamentary Dimension points to the fact that, while the takeover of European Council chairmanship by the President of the European Council has caused the importance of the rotating Council Presidency to decline, that of the Presidency Parliament has increased. Nowadays, some of the largest meetings that take place in the member state holding the Council Presidency are the major IPCs – typically, gatherings of hundreds of elected and non-elected officials. The Parliamentary Dimension gives the Presidency Parliament the power to set the agenda for both these IPCs and the smaller *ad hoc* meetings which it organizes, and thus an opportunity – albeit a modest one – to influence the debate concerning its own policy priorities. One should not exaggerate the potential influence of the Presidency Parliament. To take one example, the Lithuanian Parliament (second semester 2013) made a concerted effort to raise the profile of smaller Parliamentary Dimension events, even pushing for the meetings of chairpersons to formally adopt Conclusions in the same manner as the major IPCs.⁵⁰ However, no subsequent Presidency Parliament has followed this example, so the smaller Parliamentary Dimension meetings have in general remained low-profile events. Even so, the Parliamentary Dimension framework is an important element of the emerging order of interparliamentary cooperation in the EU.

V. Conclusion

Interparliamentary cooperation in the EU has developed in dramatic and unexpected ways in recent years. Broad disagreement still persists – not only between the EP and national parliaments, but also among national parliaments themselves – over exactly what form interparliamentary cooperation should take. Nevertheless, while the field is still unsettled and contested, a new framework for interparliamentary cooperation has been evolving which in part builds upon, but also goes well beyond, that foreseen in the Treaty of Lisbon.

⁴⁸ See on this the chapter by Karolina Boronska-Hryniewiecka in this volume.

⁴⁹ C Fasone, ‘Ruling the (Dis-)Order of Interparliamentary Cooperation?’ (n 7) 276.

⁵⁰ For more on this, see “Strengthening Political Dialogue,” remarks Loretta Grauzinienė, Speaker of the Seimas, delivered at the EU Speakers Conference, Rome, April 21, 2015.

This chapter has highlighted three major trends in interparliamentary cooperation. First, two new major policy-specific interparliamentary conferences have been created – one in the field of foreign policy (the CFSP-CSDP Conference) and the other in the field of economic governance (the SECG Conference) – to complement the two long-standing conferences concerned with EU affairs in general (COSAC and the EU Speakers Conference). In addition, another policy-specific interparliamentary mechanism is foreseen in the field of JHA, although its exact form and scope have yet to be determined.

Second, the EU Speakers Conference has in recent years taken on a quasi-constitutional role as the interparliamentary body with the authority not only to establish other forms of interparliamentary cooperation – including the policy-specific bodies mentioned above – but also to supervise their ongoing development.

Third, the parliament of the member state holding the Council presidency now bears the considerable responsibility of hosting and chairing the most important interparliamentary meetings, under the auspices of the six-month “parliamentary dimension” of the Council presidency. These three features lend credence to the notion that there is an emerging order of interparliamentary cooperation in the post-Lisbon EU.

The Treaty of Lisbon and the financial crisis were instrumental to these developments to varying degrees. First, they provided the impetus for the growth in policy-specific interparliamentary cooperation, in that both the CFSP-CSDP Conference and the future oversight body for Europol are outgrowths of the Treaty of Lisbon, and the SECG Conference was an outgrowth of the TSCG, which was in turn a direct response to the financial crisis. Second, when it became apparent that policy-specific cooperation would take the form of new IPCs, this raised the question of how these should be created and supervised – tasks which eventually fell to the EU Speakers Conference. Third, the increase in interparliamentary activities raised the profile of the Presidency Parliament, whose enhanced organizational role was regularized in the institution of the “parliamentary dimension.” It would be inappropriate to exaggerate the importance of all this interparliamentary activity, as the newly-created IPCs do not have any independent decision-making authority; however, they do provide a discussion forum for MPs and MEPs to debate pressing public policy questions, and they perform an oversight function vis-à-vis the executive authorities of the EU. For these reasons, the emerging order of interparliamentary cooperation is a sign of national parliaments’ resilience, not resignation, as actors in the political system of the European Union.

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