



**31<sup>st</sup>**  
Bi-annual Report

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**Developments in  
European Union  
Procedures and Practices  
Relevant to  
Parliamentary Scrutiny**

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## **Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union**

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# BACKGROUND

This is the Thirty-first Bi-annual Report from the COSAC Secretariat.

## **COSAC Bi-annual Reports**

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

All the Bi-annual Reports are available on the COSAC website at:

<http://www.cosac.eu/documents/bi-annual-reports-of-cosac/>

The three chapters of this Bi-annual Report are based on information provided by the national Parliaments of the European Union Member States and the European Parliament. The deadline for submitting replies to the questionnaire for the 31<sup>st</sup> Bi-annual Report was 19 March 2019.

The outline of this Report was adopted by the meeting of the Chairpersons of COSAC, held on 21 January 2019 in Bucharest.

As a general rule, the Report does not refer to all Parliaments or Chambers that have responded to a given question. Instead, illustrative examples are used.

Note that, in some cases, respondents are able to provide more than one answer to multiple choice questions. Any perceived disparity in the total number of answers to a question and the total number of respondents can thus be accounted.

Complete replies, received from 41 out of 41 national Parliaments/Chambers of 28 Member States and the European Parliament, can be found in the Annex on the COSAC website.

## **Note on Numbers**

Of the 28 Member States of the European Union, 15 have a unicameral Parliament and 13 have a bicameral Parliament. Due to this combination of unicameral and bicameral systems, there are 41 national parliamentary Chambers in the 28 Member States of the European Union.

Although they have bicameral systems, the national Parliaments of Austria, Ireland and Spain each submitted a single set of replies to the questionnaire, therefore the maximum number of respondents per question is 39. There were 39 responses to the questionnaire.

# ABSTRACT

## **CHAPTER 1: PROSPECTS OF INTERNATIONAL TRADE RELATIONS OF THE EUROPEAN UNION; THE FUTURE OF RELATIONS BETWEEN THE EUROPEAN UNION AND THE UNITED KINGDOM IN THE CONTEXT OF BREXIT**

The first chapter of the 31<sup>st</sup> Bi-annual Report of COSAC aims at taking stock of Parliaments'/Chambers' views on international trade policies of the European Union and its Member States, on the values to be promoted and defended when negotiating new trade agreements, and on the best ways to seize economic opportunities.

The majority of Parliaments/Chambers had not scrutinised the outcome of the first anniversary of the Comprehensive Economic and Trade Agreement between the EU and Canada (CETA).

Many of them had however debated the impact of partnerships and trade agreements with at least one of the following countries: Australia, Chile, Israel, Japan, Mexico and South Korea.

Whereas the majority of Parliaments/Chambers had not scrutinised the *Communication on a new Africa-Europe Alliance for Sustainable Investment and Jobs: Taking our partnership for investment and jobs to the next level* (COM (2018) 643) and the Joint Communication *Connecting Europe and Asia – Building blocks for an EU Strategy* (JOIN (2018) 31), the majority of Parliaments/Chambers had scrutinised the Free Trade Agreement with Singapore (COM (2018) 194).

When asked about their support to resume negotiations on the Transatlantic Trade and Investment Partnership (TTIP), two thirds of the respondents expressed no opinion. A quarter of them supported the idea of resuming TTIP negotiations although more than half of these respondents indicated that this should be done under certain conditions. The rest answered negatively.

The CETA was regarded as a valuable EU trade model and experience by several Parliament/Chambers.

On the issue of free trade between the EU and the United Kingdom in a future relationship after Brexit, the vast majority of respondents were in favour of it, and none were against it.

## **CHAPTER 2: THE EUROPEAN EDUCATION AREA AS A DRIVING FACTOR FOR RESHAPING AND STRENGTHENING THE SINGLE MARKET**

The second chapter of the 31<sup>st</sup> Bi-annual Report of COSAC focusses on national education policies and legislation, exploring the role of the European Education Area in the future, particularly within the context of the digital era.

According to the findings of the Report, the majority of Parliaments/Chambers had assessed their respective national education policies with regard to the evolution of the EU labour market in the digital era.

With regard to the harmonization of national education policies, most Parliaments/Chambers chose not to express any opinion on the matter, with the rest of the respondents equally divided between a positive and negative answer.



The vast majority of respondents also had no opinion to express on whether their respective national education policy prepared people for digital entrepreneurship.

The findings of the Report show that the technical aspects of the digital education (such as artificial intelligence and augmented/virtual reality) had not been subject to any recent legislative action in the vast majority of Parliaments/Chambers. Similarly, the methodology aspects (such as redesigned learning space, personalized learning, curriculum) had been subject to legislative action in less than half of the Parliaments/Chambers.

Only a handful of Parliaments/Chambers identified obstacles in their national education legislations that prevented them from being flexible and adapting to the rapid evolution of digital society, with the vast majority of Parliaments/Chambers either responding negatively or not expressing an opinion at all.

When asked about the most appropriate level of responsibility for future education policies, the majority of respondents named the national level with EU support as the most suitable one, whereas only a handful of respondents named the national level alone as the preferred level.

Parliaments/Chambers were also asked whether they had scrutinised the Communication *Building a stronger Europe: the role of youth, education and culture policies* (COM (2018) 268). Over half of the respondents answered negatively, whereas one third answered positively. A small number of Parliaments/Chambers stated that they would do so in the future.

Asked whether they had scrutinised the Communication *Engaging, Connecting and Empowering young people: a new EU Youth Strategy* (COM (2018) 269), half of the respondents answered negatively. Slightly less than half answered positively, while a very small number said they would do so in the future.

When asked whether they had identified any obstacles for the mutual recognition of diplomas, the majority of respondents did not express any specific opinion. The rest of the replies were equally divided between positive and negative answers.

Parliaments/Chambers were also asked whether they were of the opinion that the European Education Area (EEA) would contribute to a stronger and more competitive Union. Nearly half of the respondents answered positively whereas the other half decided not to state any concrete opinion.

Finally, Parliaments/Chambers were asked to list the main three policy areas that were deemed to need special attention in order to make the EU the world leader in terms of education and skill and to transform the Single Market into an area where the most innovative companies and start-ups met the best-qualified workforce. The responding Parliaments/Chambers mainly named the following areas: education and training; professional education; lifelong learning; acquisition of digital skills; common education and mutual recognition of diploma; promotion of equity and social cohesion; linguistic competences; mobility and development of research and innovation.

### **CHAPTER 3: ECONOMY BASED ON INNOVATION, TECHNOLOGICAL PROGRESS AND SOCIAL IMPACT; THE ROLE OF PARLIAMENTS IN FOSTERING THE “NEW ECONOMY” OF THE EU**

The third chapter of the 31<sup>st</sup> Bi-annual Report of COSAC takes stock of the current risks and advantages brought by the new technologies while investigating the legislative role national

Parliaments play in this field, and analyses their use of digital platforms when performing general and subsidiarity scrutiny.

Most Parliaments/Chambers did not mention any specialised committees with exclusive mandates on new technologies, although a good number of them had assessed the technological progress with regard to the current legislation and law-making process. Several Parliaments/Chambers also thought the EU legislation encouraged indeed the innovative companies, although the majority did not express an opinion.

Less than a fourth of Parliaments/Chambers took the view that the EU legislation protected citizens against the intrusive new technologies, with most of them not expressing an opinion.

The impact of technological progress on jobs was assessed by about half of the responding Parliaments/Chambers.

Only a very small number of Parliaments/Chambers thought public consultations met the regulatory needs of technological progress, though it was an even smaller number that thought they did not: the vast majority chose instead to not express any opinion.

The vast majority of Parliaments/Chambers considered the subsidiarity principle relevant when regulating new technologies, new economic models and technological progress, and indeed were of the view that the subsidiarity principle, as a fundamental principle of the EU, was relevant to all EU regulation and applicable to all areas that do not fall within the exclusive competence of the EU.

Nearly half of the respondents also expressed the view that shared competence was the appropriate approach to adopt when regulating technological progress. Some Parliaments/Chambers pointed out that the matter had been adequately addressed in the Treaties.

Regarding which policy areas, if any, needed to be treated only at EU level or only at national level, the general trend emerging from the Report was in line with the subsidiarity principle, namely that EU action should always be justified by the added value it would bring in each case compared to action taken only by the Member States. Not all Parliaments/Chambers expressed a formal opinion on this subject, but some respondents referred to examples of policy areas that should primarily remain under the national competence, such as education, or that should fall under exclusive EU competence, such as competition enforcement.

It transpires from the report that most Parliaments/Chambers used digital platforms to communicate important EU-related issues, with almost all respondents reporting that they used IPEX to exchange information on subsidiarity scrutiny.

Parliaments/Chambers identified different stages at which they uploaded information on the webpage of the proposal subject to scrutiny, but the bulk did so only after the final decision had been taken. The majority of Parliaments/Chambers also thought that the earliest possible stage for uploading information was in fact at the start of the subsidiarity scrutiny process.

Half of the responding Parliaments/Chambers said they contacted IPEX correspondents from other national Parliaments in order to get information on the scrutiny status of European draft proposals.

The majority of Parliaments/Chambers also used IPEX to upload information related to general scrutiny and, once again, most did so once they reached a conclusion on the dossier.

The majority of respondents considered the symbols used by IPEX to describe the scrutiny state as clear and useful. Most also considered it useful to find the draft opinion of specialised committees on the national scrutiny pages of a particular dossier.

# CHAPTER 1

## PROSPECTS OF INTERNATIONAL TRADE RELATIONS OF THE EUROPEAN UNION; THE FUTURE OF RELATIONS BETWEEN THE EUROPEAN UNION AND THE UNITED KINGDOM IN THE CONTEXT OF BREXIT

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THE FIRST CHAPTER OF THE 31<sup>ST</sup> BI-ANNUAL REPORT aims at taking stock of Parliaments'/Chambers' views on the European international trade policy, on the values to be promoted and defended when negotiating new trade agreements, and on the best ways to seize new economic opportunities.

Section A concentrates on the contributions of Parliaments/Chambers to the current European Union trade policy and mainly details parliamentary views on (i) the EU's trade relations with some key world partners, (ii) the protection of the Single Market and (iii) the values that the EU is called to defend and promote when negotiating new trade agreements.

Section B explores Parliaments'/Chambers' views on the shape and substance of the future commercial relations with the United States of America (USA) and the United Kingdom (UK).

### Section A

#### **Parliaments contributions to European Union trade policy**

##### **i. EU's trade relations with key world partners, other than the USA and the UK**

Seven out of the 38 respondents had scrutinised the outcome of the first anniversary of the entry into force of the Comprehensive Economic and Trade Agreement between the EU and Canada (CETA), in terms of trade balance, dispute settlements and consumer protection, while 31 had not.

The Italian *Senato della Repubblica* acknowledged having carried out comprehensive hearings, according to which CETA had positive effects for Italy, especially regarding exports to Canada. Similar conclusions came from the Belgian *Chambre des représentants*, which had noted an overall large increase of Belgian exports during the fourth quarter of 2017. Hearings were also organised by the Dutch *Tweede Kamer* and by the Portuguese *Assembleia da República*.

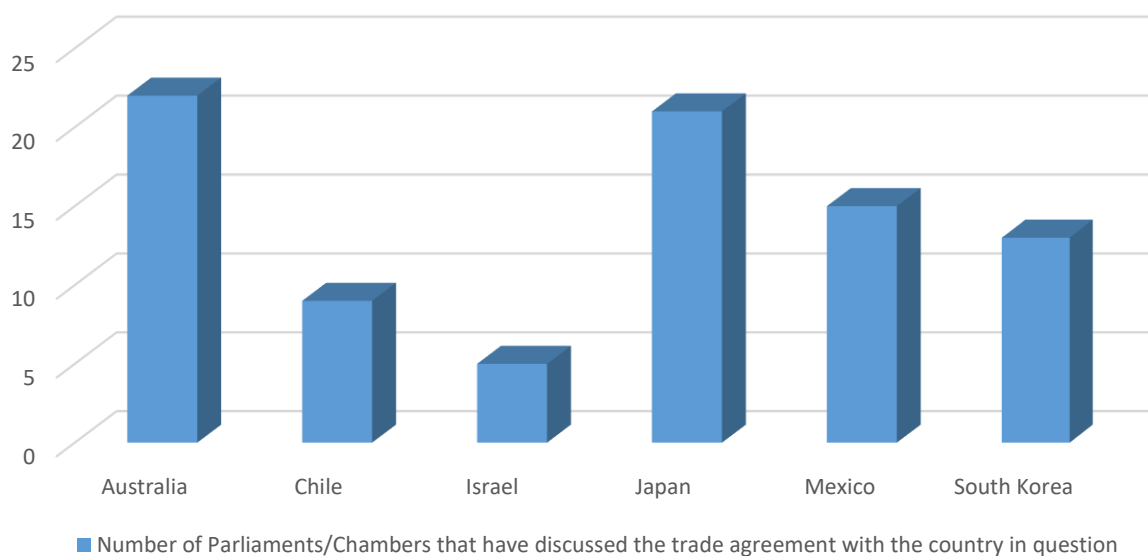
The French *Sénat* had drawn specific lessons after this agreement's first year of implementation, notably concerning the fragile sectors and the stakeholders' access to public procurements. The European Parliament said it regularly monitored CETA, especially on aspects related to investments or to its implementation.

Even though they had not scrutinised its effects yet, some Parliaments/Chambers shared their intention to do so in the future, while others had carried out specific analysis even before CETA had entered into force. The Lithuanian *Seimas* indicated its willingness to examine some EU trade policy issues, including the outcome of the first anniversary of the CETA agreement, by June 2019. The Romanian *Senat* declared it was preparing to ratify it, the Austrian *Nationalrat* and *Bundesrat* said they had organised debates when ratifying this agreement, while the Irish *Houses of the Oireachtas* noted that CETA remained open for scrutiny, even though no discussion on its first anniversary had

yet taken place. As for the Maltese *Kamra tad-Deputati*, CETA-related debates were organised within the Foreign and European Affairs Committee, before its ratification.

Asked whether they had discussed at least one of the trade agreements with Australia, Chile, Israel, Japan, Mexico or South Korea, five out of the 38 responding Parliaments/Chambers said they had analysed all of them (Bulgarian *Narodno sabranie*, German *Bundestag*, Hungarian *Országgyűlés*, Latvian *Saeima* and Luxembourg *Chambre des Députés*). Twenty-four mentioned having discussed only some of them, while nine respondents had not examined any. Among those who mentioned not having examined any of these agreements, the Maltese *Kamra tad-Deputati* pointed out that such examinations would however take place as soon as the Government tabled its positions.

### International Trade Agreements



Twenty-two Parliaments/Chambers said they had debated the EU-Australia trade agreement, with the Croatian *Hrvatski sabor*, the Finnish *Eduskunta*, the Hungarian *Országgyűlés*, the Slovenian *Državni svet* and the Slovenian *Državni zbor* having analysed it at both committee and plenary levels.

The Austrian *Nationalrat* and *Bundesrat*, the Belgian *Chambre des représentants*, the Bulgarian *Narodno sabranie*, the Danish *Folketing*, the Dutch *Eerste Kamer*, the Estonian *Riigikogu*, the German *Bundestag*, the Irish *Houses of the Oireachtas*, the Italian *Senato della Repubblica*, the Luxembourg *Chambre des Députés*, the Romanian *Senat* and the European Parliament discussed it only at committee level. The Greek *Vouli ton Ellinon* discussed this agreement at committee level in a meeting chaired by the Speaker himself.

Bilateral consultations with Australia were undertaken by the Slovenian *Državni zbor* and the Slovak *Národná rada*, with the latter having organised a roundtable session between the Australian Ambassador to the Slovak Republic and the Chairs of its Economic, Foreign and European Affairs committees. The French *Sénat* analysed this agreement as well.

Twenty-one Parliaments/Chambers said they had analysed the EU-Japan partnership, with the Hungarian *Országgyűlés* and the European Parliament having examined it at both committee and plenary levels.

The Austrian *Nationalrat* and *Bundesrat*, the Belgian *Chambre des représentants*, the Bulgarian *Narodno sabranie*, the Danish *Folketing*, the Dutch *Eerste Kamer*, the Dutch *Tweede Kamer*, the Estonian *Riigikogu*, the Finnish *Eduskunta*, the German *Bundestag*, the Greek *Vouli ton Ellinon*, the Irish *Houses of the Oireachtas*, the Italian *Senato della Repubblica*, the Luxembourg *Chambre des Députés*, the Portuguese *Assembleia da República*, the Spanish *Cortes Generales* and the UK *House of Commons* discussed it only at committee level. Moreover, the relevant committees of the Greek *Vouli ton Ellinon* and Slovak *Národná rada* asked for a rapid entry into force of this partnership, while the European Parliament monitored the whole negotiation process, especially at the level of its INTA committee. The European Parliament also stated that it had discussed the potential impact of this partnership at regular intervals.

Nine Parliaments/Chambers declared having scrutinised the EU-Chile trade agreement, with the Hungarian *Országgyűlés* having analysed it at both committee and plenary levels.

The Bulgarian *Narodno sabranie*, the Danish *Folketing*, the Estonian *Riigikogu*, the Finnish *Eduskunta*, the German *Bundestag*, the Italian *Senato della Repubblica* and the Luxembourg *Chambre des Députés* organised debates on this trade agreement only at committee level.

Fifteen Parliaments/Chambers mentioned having analysed the EU-Mexico trade agreement and the Hungarian *Országgyűlés* was the only one who did so at both committee and plenary levels.

The Austrian *Nationalrat* and *Bundesrat*, the Bulgarian *Narodno sabranie*, the Czech *Poslanecká sněmovna*, the Danish *Folketing*, the Dutch *Eerste Kamer*, the Dutch *Tweede Kamer*, the Estonian *Riigikogu*, the German *Bundestag*, the Greek *Vouli ton Ellinon*, the Italian *Senato della Repubblica*, the Luxembourg *Chambre des Députés* and the European Parliament discussed it only at committee level.

Thirteen Parliaments/Chambers said they had debated the EU-South Korea trade agreement, with the Hungarian *Országgyűlés* and the European Parliament having analysed it at both committee and plenary levels. In addition, the Romanian *Camera Deputaţilor* had discussed it at committee level, though it was also planning to put it on its plenary agenda.

The Belgian *Chambre des représentants*, the Bulgarian *Narodno sabranie*, the Danish *Folketing*, the Dutch *Tweede Kamer*, the French *Sénat*, the German *Bundestag*, the Italian *Senato della Repubblica*, the Luxembourg *Chambre des Députés*, the Polish *Sejm* and the European Parliament discussed this trade agreement only at committee level. The latter mentioned that such debates were organised in the context of an implementation report.

As regards the trade relation between the EU and Israel, only the Bulgarian *Narodno sabranie*, the German *Bundestag*, the Hungarian *Országgyűlés*, the Latvian *Saeima* and the Luxembourg *Chambre des Députés* had discussed it. The Hungarian *Országgyűlés* organised such discussions at both committee and plenary levels.

On a general note, the Latvian *Saeima* declared having discussed all these agreements either at committee and plenary level, or in bilateral meetings, while the Lithuanian *Seimas* reported having organised only broad discussions, at committee level, about all the ongoing EU trade negotiations. The UK *House of Lords* stated that its relevant committees generally analysed all signed EU trade agreements and the Maltese *Kamra tad-Deputati* said it held debates in its Foreign and European Affairs Committee, prior to any trade agreement ratification.

The responding Parliaments/Chambers showed interest not only in the above-mentioned trade agreements, but also in developing relations with other countries or regions of the world. In this respect, the French *Sénat* indicated having made several proposals for European resolutions as regards Mercosur and having carried out extensive analysis on a trade agreement with New Zealand. The Greek *Vouli ton Ellinon* mentioned that particular attention was paid at committee level to Singapore, Vietnam and Mercosur, while the Italian *Senato della Repubblica* organised hearings on the trade relations with New Zealand, Singapore, Vietnam and the Mercosur area. The European Parliament also held debates on the EU's trade relations with New Zealand.

Asked if they had scrutinised the *Communication on a new Africa-Europe Alliance for Sustainable Investment and Jobs* (COM (2018) 643),<sup>1</sup> 13 out of the 38 responding Parliaments/Chambers answered positively. The vast majority (24 respondents) had not scrutinised this Communication and one respondent declared intending to do so in the future. Among those who answered, the European Parliament specifically stated that the scrutiny was carried out by its DEVE committee, notably by means of exchanges of views.

When asked if they had analysed the Joint Communication *Connecting Europe and Asia – Building blocks for an EU Strategy* (JOIN (2018) 31),<sup>2</sup> only nine out of the 38 responding Parliaments/Chambers answered positively, with the vast majority (26 respondents) not having scrutinised it, and three Parliaments/Chambers indicating their intention to do so in the future.

Nineteen out of 39 Parliaments/Chambers had scrutinised the Free Trade Agreement with Singapore (COM (2018) 194),<sup>3</sup> while 15 had not. Five indicated their intention to do so in the future. Among those who answered, the European Parliament mentioned that its INTA committee had organised exchanges of views and tabled its consent in a special resolution, while the Irish *Houses of the Oireachtas* mentioned that this agreement was under scrutiny.

## ii. Protection of the Single Market

The vast majority of Parliaments/Chambers (33 out of 39) had not assessed the implementation of EU Regulation 2018/825,<sup>4</sup> amending the rules on protection against dumped imports from non-EU countries and on protection against subsidised imports from non-EU countries. Only five respondents declared having assessed the implementation of this Regulation, with the remaining respondent stating its intention to do so in the future.

Asked to elaborate, the French *Sénat* indicated having proposed hearings and European resolutions for modernising the EU trade defence instruments, while the Dutch *Tweede Kamer* focussed on this Regulation's consequences on Small and Medium Enterprises (SMEs) and on the steel sector. The European Parliament mentioned that its INTA committee regularly organised exchanges of views on trade defence instruments. In this respect, the European Parliament acknowledged that the European

<sup>1</sup> [Communication from the Commission to the European Parliament, the European Council and the Council – Communication on a new Africa-Europe Alliance for Sustainable Investment and Jobs \(COM \(2018\) 643\)](#)

<sup>2</sup> [Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank - Connecting Europe and Asia \(JOIN \(2018\) 31\)](#)

<sup>3</sup> [Proposal for a Council Decision on the conclusion of the Investment Protection Agreement between the European Union and its Member States of the one part, and the Republic of Singapore, of the other part \(COM \(2018\) 194\)](#)

<sup>4</sup> [Regulation \(EU\) 2018/825 of the European Parliament and of the Council of 30 May 2018 amending Regulation \(EU\) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation \(EU\) 2016/1037 on protection against subsidised imports from countries not members of the European Union](#)

Commission provided not only the annual implementation report of this Regulation, but also each specific implementing act relating to anti-dumping and anti-subsidy measures. The European Parliament furthermore indicated that a report was to be adopted once the rules would be fully implemented. Similarly, the Maltese *Kamra tad-Deputati* noted that, in the absence of specific reports from the European Commission, it could not assess implementation of this Regulation.

The UK *House of Commons* had also scrutinised this Regulation at committee level, but only when it was still a draft and not since its entry into force.

### iii. Values to defend and promote when negotiation new trade agreements

Parliaments/Chambers were also asked about the specific values and principles that the European Commission should defend and promote when identifying new trade partners for the EU and when negotiating trade agreements with them.

Out of the 38 respondents, 27 stated that the European Commission should defend and promote human rights, 26 of them pleaded for the promotion of social standards, 27 for the environment, while 26 Parliaments/Chambers referred to other values, which differed from one respondent to another, or even from one political party to another. The French *Sénat* indicated data protection as an important value to protect and promote. Democracy, rule of law and the capacity of states to legislate were also highlighted (Belgian *Sénat*, German *Bundesrat*, Slovenian *Državni zbor* and European Parliament), along with equality and human dignity (European Parliament), diversity (Greek *Vouli ton Ellinon*), sustainability (German *Bundesrat*, Polish *Sejm* and European Parliament), multilateralism and horizontal approach, particularly in the context of Latin America (European Parliament), and security (Lithuanian *Seimas*).

Parliaments/Chambers also referred to health and food safety (Cyprus *Vouli ton Antiprosopon*, Italian *Senato della Repubblica* and Swedish *Riksdag*), animal welfare (Swedish *Riksdag*), or to geographical indications and traditional specialities (Italian *Senato della Repubblica*).

From an economic perspective, some respondents mentioned that the EU should particularly pay attention to innovation (Portuguese *Assembleia da República*), protection of SMEs and the European economy's competitiveness (Belgian *Chambre des représentants* and Polish *Sejm*), or to the mutual opening of markets and fair trade (Polish *Sejm* and Swedish *Riksdag*). Furthermore, some Parliaments/Chambers pointed out that the various dispute settlement agreements needed to be in full compliance with the rule of law (Belgian *Sénat* and German *Bundesrat*).

On a broader note, the Finnish *Eduskunta* stated that Article 6 of the Treaty on European Union should apply to all EU policies and the German *Bundestag* pleaded for the establishment a common level playing field. The Austrian *Nationalrat* and *Bundesrat* indicated that the new trade agreements should correspond to all European standards and that prioritising such standards might be difficult to carry out, especially when not knowing the concrete circumstances. Similarly, the European Parliament reaffirmed that there could be no “cherry-picking” of values and that the choice of trade partners should first take into account the European interests. Furthermore, the European Parliament pointed out that the new-generation agreements included many value-protection clauses, which therefore needed to be comprehensively and entirely implemented. In addition, the Swedish *Riksdag* declared its support for free trade, as it generally leads to greater welfare for all countries, from the poorest to



the more developed, while the Romanian *Camera Deputaţilor* stated that Member States should review and observe the nature of all trade agreements.

As general and final remarks, the Belgian *Sénat* specified that, in Belgium, most of the international trade agreements fall under the competence of regional Parliaments.

## Section B

### **Future commercial relations with the United States of America (USA) and the United Kingdom (UK)**

When asked about their support to resume negotiations on the Transatlantic Trade and Investment Partnership (TTIP), two thirds of the respondents (25 out of 39) expressed no opinion. A quarter of the respondents (9 out of 39) supported the idea of resuming TTIP negotiations, although more than half of these respondents indicated that this should be done under certain conditions, and the rest (5 out of 39 respondents) answered negatively.

The European Parliament stated that the TTIP negotiations had clearly shown that, at this stage, the political and economic conditions for a comprehensive trade agreement between the EU and the USA were not met, because of the complexity and different trade approaches and rules of the two parties.

On the assumption that negotiations would be conducted in good faith, the Slovak *Národná rada* was of the view that both sides should act as equal partners, and that EU strategic priorities, interests and standards, as well as the sovereignty of the EU Member States, should be fully respected.

Without expressing an official opinion on the issue, the Greek *Vouli ton Ellinon* noted however that its Special Committee on Content and Procedures had expressed concerns regarding the challenges that the TTIP could bring to the EU's institutional structure due to the lower standards that are applied in various fields (environment protection, food security, consumers' protection, social and labour rights) in the USA.

In the absence of a formal comprehensive agreement, the Romanian *Camera Deputaţilor* was of the view that transatlantic business relations should not be discouraged, while the Romanian *Senat* asked for measures in order to protect the European industry.

The Czech *Senat*, the Estonian *Riigikogu*, and the Finnish *Eduskunta* broadly supported the TTIP negotiations.

When asked what specific areas the EU should focus on in case of resuming the TTIP negotiations, opinions converged to a certain degree, and the following were mentioned:

- the importance of preserving the EU social and environmental standards, as well as the current EU standards in the field of food quality, protection of health, environment, labour and consumers (Belgian *Sénat*, Czech *Senát*, Greek *Vouli ton Ellinon*, Romanian *Senat*, Slovak *Národná rada*);
- the exclusion of public services from the scope of the agreement (Czech *Senát*);
- the conformity assessment and the elimination of the tariffs for industrial goods (Estonian *Riigikogu*);

- the market access and, in particular, public procurement rules (Finnish *Eduskunta*, Portuguese *Assembleia da República*);
- the protection of geographical indications and food security (Greek *Vouli ton Ellinon*);
- the energy, tariffs reduction and regulatory corporation (Portuguese *Assembleia da República*);
- the production of goods and services, finance, and industry (Romanian *Senat*);
- the wages, public expenditures, economic and political sovereignty (Slovak *Národná rada*).

The Comprehensive Economic and Trade Agreement between the EU and Canada (CETA) was regarded as a valuable EU trade model and experience by several Parliaments/Chambers, including the Austrian *Nationalrat* and *Bundesrat*, the Latvian *Saeima*, the Portuguese *Assembleia da República*, the Romanian *Camera Deputaţilor* and the Slovak *Národná rada*. The Finnish *Eduskunta* stressed that, while CETA was innovative, it should not prejudge what might be feasible in future negotiations with the USA.

A vast majority of respondents were in favour of free trade between the EU and the United Kingdom (UK) in a future relationship, if Brexit occurs: 27 out of 37 respondents were in favour (16 answered positively, and a further 11 answered likewise but under certain conditions), while 10 expressed no opinion. None were against it.

The conditions specified by Parliaments/Chambers varied:

- the Belgian *Sénat* stressed the establishment of strict rules following the EU-Norway model;
- the Bulgarian *Narodno sabranie* referred to linking trade and security, matching the economic and strategic importance of both the UK and the EU, guaranteeing the integrity of the Single Market, and with full reciprocity of the citizens' rights;
- the European Parliament stated that such relationship should contain rules inherent to trade arrangements, such as on level playing field, trade and sustainable development, including labour and environment rules, etc.;
- the Finnish *Eduskunta* pointed to the preservation of the EU27 unity, to the integrity of the internal market and the customs union;
- the German *Bundestag* mentioned the need to ensure a level playing field and fair competition (state aid, competition, taxation, employment, environmental and climate standards, social security);
- according to the Polish *Sejm*, the ideal solution would be to preserve the *status quo* – *i.e.* the current framework for conducting economic exchange within the Single Market and the customs union;
- the Portuguese *Assembleia da República* noted the importance of assuring a level playing field (to avoid social and tax dumping), regulatory corporation, no or lower tariffs, and access to public procurement;

- the Slovak *Národná rada* underlined the respect of the sovereignty of the EU Member States as well as their strategic priorities, interest and standards.

As a general note in relation to this chapter, the Belgian *Sénat* remarked that, in Belgium, the Regions were responsible for international trade.

## CHAPTER 2

# THE EUROPEAN EDUCATION AREA AS A DRIVING FACTOR FOR RESHAPING AND STRENGTHENING THE SINGLE MARKET

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THE SECOND CHAPTER OF THE 31<sup>ST</sup> BI-ANNUAL REPORT analyses national education policies and legislation, as well as the European Education Area.

Section A explores the European education in the context of the digital era.

Section B focuses on the future of education in conjunction with the European Education Area.

### Section A

#### **Rethinking European education in the digital era**

Asked whether their Parliament/Chamber had assessed their respective national education policies with regard to the evolution of the EU labour market in the digital era, the majority of respondents answered positively, with most having assessed it during debates (14 out of 38), and a fewer number in reports (7 out of 38) and resolutions (4 out of 38). Nevertheless, a number of respondents (16 out of 38) said that they had not assessed it.

When it came to expressing views on further harmonization of national education policies, respondents were divided in opinion. Nine Parliaments/Chambers considered that national education policies needed to be further harmonized at the European level in order to obtain a comparable level of digital skills all across the EU, while another nine did not. The vast majority of Parliaments/Chambers (20 out of 38), however, had no opinion to express on the matter and one did not provide any answer.

Similarly, the vast majority of respondents (21 out of 37) expressed no opinion on whether their respective national education policy prepared people for digital entrepreneurship. Thirteen thought it did, whereas three respondents stated it did not. Two Parliaments/Chambers skipped this question.

With regard to whether any technical aspects of the digital education (such as artificial intelligence, augmented/virtual reality) had been subject to recent legislative action in their respective Parliament/Chamber, the vast majority of respondents responded negatively (27 out of 37), with only 10 Parliaments/Chambers reporting legislative actions in this regard.

Once again, the majority of Parliaments/Chambers (20 out of 38) responded negatively when asked whether the methodology aspects (such as redesigned learning space, personalized learning, curriculum) had been subject to legislative action in their respective Parliament/Chamber. Eleven replied positively, whereas a small number of respondents (7 out of 37) reported other actions had been taken.

Amongst these, the Finnish *Eduskunta* reported that there were legislative dispositions concerning personalised learning in elementary and upper secondary education, while a ministerial decree provided for personalized learning in vocational training, adding that curricula were ministerial

decrees subject to parliamentary oversight, but not to legislation. In the Polish *Senat*, the Committee on Science, Education and Sport debated such topics during its sittings dealing with national legislation, whereas the Committee on Education and Science of the Lithuanian *Seimas* actively scrutinised them, even though they fell within the remit of the Ministry of Education, Science and Sport and municipalities. Similarly, the German *Bundestag* reported that certain measures, such as the digitalisation of schools, would have to be discussed with the Federal States, while the Maltese *Kamra tad-Deputati* stressed that, although its content was not subject to legislative action, the national curriculum framework was required by law in accordance with the Education Act. The Belgian *Sénat* mentioned that this matter was part of an information report, in progress, on artificial intelligence and the Dutch *Tweede Kamer* indicated it was awaiting a proposal regarding the curriculum and digitalisation. The Committee of Cultural Affairs of the French *Assemblée nationale* had already published a report in October 2018 on schools in the digital society.

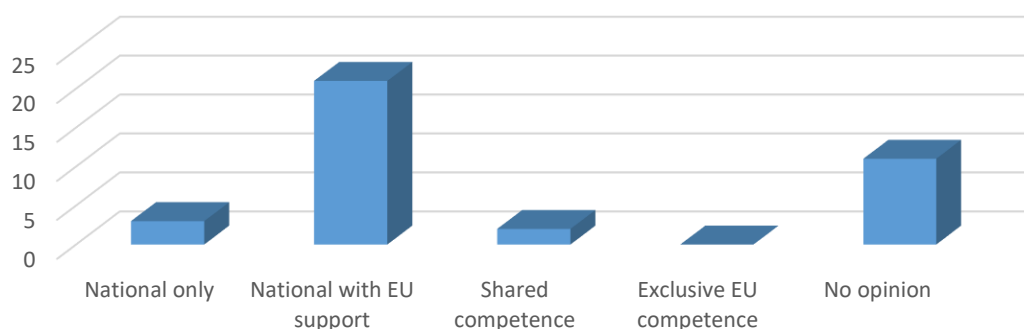
Asked whether there were any obstacles in their national education legislations that prevented them from being flexible and adapting to the rapid evolution of the digital society, the majority of the responding Parliaments/Chambers (21 out of 38) expressed no opinion, whereas a good number of them responded negatively (12 out of 38). Only five Parliaments/Chambers identified obstacles in this regard, with the Italian *Senato della Repubblica* specifically referring to limitations in financial resources and to the slowness in administrative and legislative decision-making process. The Finnish *Eduskunta* stated that a report on these obstacles was being scrutinised by its Education and Culture Committee. The Lithuanian *Seimas* identified three main obstacles to a swift and flexible response to the evolution of the digital society: the long period of deliberations on new legislation with all the stakeholders; the lengthy adoption of new legislation at the parliamentary, governmental and ministerial levels; as well as the low level of funding. The Portuguese *Assembleia da República* reported that the Education Act was designed to ensure application and maximum possible use of the information technology systems, by any teacher, while the European Parliament stated it had always supported the idea of modernising the EU Education and Vocational Education Training (VET) systems, adding that such modernisation presented both opportunities and threats for the society of tomorrow, as citizens needed specific skills and access to be able to take part in society and work actively and meaningfully.

## Section B

### European Education Area and the future education policies

When asked about their Parliament's/Chamber's position on the most appropriate level of responsibility for the future education policies, the majority of respondents (21 out of 37) named the national level with EU support as the most suitable one. The Finnish *Eduskunta*, the German *Bundesrat* and the German *Bundestag* indicated an exclusive national level of responsibility as the most appropriated one whereas the Italian *Senato della Repubblica* and the Romanian *Camera Deputaţilor* voted for shared competence in this matter. The remaining 11 Parliaments/Chambers did not state any specific opinion.

### What is the position of your Parliament/Chamber on the most appropriate level of responsibility for the future education policies?



The German *Bundesrat* added that the German constitution provided for exclusive national competence in this matter. The Cyprus *Vouli ton Antiprosopon* pointed out the importance of education and the fact that the EU's support in that regard had been stressed at different meetings of the Committee on Educational Affairs and Culture. The Belgian *Chambre des représentants* stated that in Belgium education was the responsibility of the federated entities. The Polish *Sejm* underlined that Poland was open to ideas of proven forms of cooperation, provided they would not lead to the unification of school curricula, and that autonomy in accordance with the principle of subsidiarity and proportionality would be preserved. It also stressed that the division of competences between the EU and the Member States should be respected. The Hungarian *Országgyűlés* emphasised that according to the Treaties, the Member States had primary competence in the field of education and that the Union was entitled to support, coordinate or supplement the actions of the Member States.

Asked whether their Parliament/Chamber had scrutinised the Communication *Building a stronger Europe: the role of youth, education and culture policies* (COM (2018) 268)<sup>5</sup>, over half of the respondents (22 out of 38) answered negatively, whereas 12 answered positively. The French *Sénat*, the German *Bundestag*, the Greek *Vouli ton Ellinon* and the Maltese *Kamra tad-Deputati* stated that they had not scrutinised the Communication yet, but intended to do so in the future.

Parliaments/Chambers were also asked whether they had scrutinised the Communication *Engaging, Connecting and Empowering young people: a new EU Youth Strategy* (COM (2018) 269).<sup>6</sup> Slightly over half of the respondents (20 out of 38) answered negatively, whereas 15 answered positively. Even though the French *Sénat*, the German *Bundestag* and the Greek *Vouli ton Ellinon* had not scrutinised the document, they noted their intention to do so in the future.

The German *Bundestag* noted that, at national level, the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* supported the strategic framework for European cooperation in education and training (ET 2020) by exchanging experiences within the EU and research on educational concepts such as peer learning activities. Additionally, the Federal States

<sup>5</sup> [Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - Building a stronger Europe: the role of youth, education and culture policies \(COM \(2018\) 268\)](#)

<sup>6</sup> [Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - Engaging, Connecting and Empowering young people: a new EU Youth Strategy \(COM \(2018\) 269\)](#)

participated in EU working groups, expert groups and peer learning measures to implement the ET 2020.

When asked whether they had identified obstacles to the mutual recognition of diplomas, 10 out of 37 Parliaments/Chambers answered positively whereas eight answered negatively. The majority of respondents (19 out of 37) did not state any specific opinion.

The Irish *Houses of the Oireachtas* added that the Qualifications and Quality Assurance Act 2012 was currently being debated.

The German *Bundesrat* explained that historically based differences in the education systems had led to different diplomas and, for this reason, believed that automated mutual recognition of university diploma would only be possible through guaranteed harmonization of educational systems for comparable diploma. The German *Bundesrat* further pointed out that this would be in contradiction with Articles 165 and 166 of the Treaty on the Functioning of the European Union. The Estonian *Riigikogu* stated that mutual recognition of diplomas presupposed that Member States were certain about the quality of education that was offered by the others.

The Czech *Sénat* argued that existing administrative cooperation tools, such as the Internal Market Information system (IMI), should be better used in the process of recognition of qualifications among the Member States authorities.

The Polish *Sejm* pointed out that automatic recognition of secondary education certificates in the EU required the dissemination of more precise information about the issued documents and about the entitlements resulting from them and, together with the German *Bundestag*, further stated that possible national qualification frameworks would be a tool supporting the recognition of foreign qualifications. The German *Bundestag* also added that the German recognition law secured the national recognition of professional qualification from outside of Germany.

The Italian *Senato della Repubblica* named real or apparent differences in education programmes between Member States as the main obstacle. The Austrian *Nationalrat* and *Bundesrat* stated that VET high school diplomas in particular were still facing obstacles in terms of mutual recognition.

The European Parliament claimed that it had called on Member States in several resolutions to increase transnational cooperation in mutually recognizing higher education and upper secondary qualification as well as to make use of new technologies in order to increase efficiency and transparency. In addition, it had asked Member States to put mechanisms in place, facilitating the automatic mutual recognition of diplomas by 2025 in line with the objectives of the European Education Area.

While noting the impact on worker's mobility in relation to the procedure for the recognition of professional qualifications, the French *Assemblée nationale* stated that, in April 2013, its European Affairs Committee had published a report on the proposed Directive by the European Parliament and the Council amending the Directive on the recognition of professional qualifications.

Seventeen out of 36 respondents were of the opinion the European Education Area (EEA) contributed to a stronger and more competitive Union. The remaining 19 did not state a concrete opinion.

The German *Bundesrat* indicated that the EEA would lead to strengthened personal, social and intercultural competences and languages skills. The Bulgarian *Narodno sabranie* and the Latvian *Saeima*

added that the EEA would help in harnessing the full potential of education and culture as drivers for job creation, economic growth and social fairness. The Austrian *Nationalrat* and *Bundesrat*, the Cyprus *Vouli ton Antiprosopon*, the Estonian *Riigikogu*, the Italian *Senato della Repubblica*, the Latvian *Saeima*, and the European Parliament stated that by creating European university networks, innovation, development, learning mobility and educational opportunities as well as competitiveness would be enhanced. The Romanian *Camera Deputaţilor* pointed out that by supporting relations at citizen's level and curricula harmonization, European and global economic chains could be established, and other international markets accessed. The Polish *Sejm* welcomed cross-border opportunities for learning, studying and training, and noted that the creation of the European Education Area created a possibility for the widest possible use of these opportunities. Nevertheless, it underscored the importance of respecting and preserving the division of competences between the EU and its Member States (a sentiment echoed by the Hungarian *Országgyűlés*) and the autonomy of the latter's universities. The Portuguese *Assembleia da República* emphasised that there was also the matter of opening opportunities for all and thereby reinforcing European values. The Romanian *Senat* added that sharing common values was the best way to fight threats to the European project. The German *Bundestag* stressed that a future-oriented education policy must integrate European and international developments. The European Parliament declared that the EEA would foster cooperation, mutual recognition of diplomas and qualification and increased mobility and growth, thereby creating a more innovative and appealing space for learning and research. The Slovak *Národná rada* underlined that education could be an important part of the solution in tackling the challenges of an ageing workforce, continued digitalization, future needs for skills and the need to promote critical thinking as well as the cohesion of society.

When asked to list the main policy areas that needed special attention in order to make the EU the world leader in terms of education and skills, and to transform the Single Market into an area where the most innovative companies and start-ups meet the best qualified workforce, the responding Parliaments/Chambers mentioned the following:

- education and training (Austrian *Nationalrat* and *Bundesrat*, Bulgarian *Narodno sabranie*, Cyprus *Vouli ton Antiprosopon*, Estonian *Riigikogu*, German *Bundestag*, Latvian *Saeima*, Slovak *Národná rada*, Slovenian *Državni zbor*);
- professional education (Bulgarian *Narodno sabranie*, French *Sénat*);
- lifelong learning (French *Sénat*, German *Bundestag*, Hungarian *Országgyűlés*, Lithuanian *Seimas*, Luxembourg *Chambre des Députés*, Polish *Sejm*, Romanian *Camera Deputaţilor*, Slovenian *Državni svet*);
- acquisition of digital skills (Lithuanian *Seimas*, Polish *Sejm*, Slovenian *Državni svet*, European Parliament);
- common education and mutual recognition of diploma (Hungarian *Országgyűlés*, Italian *Senato della Repubblica*, Latvian *Saeima*, Romanian *Senat*, Slovak *Národná rada*, European Parliament);
- promotion of equity and social cohesion (German *Bundestag*);
- linguistic competences and training (Luxembourg *Chambre des Députés*, Polish *Sejm*, Romanian *Camera Deputaţilor*, Slovak *Národná rada*, Swedish *Riksdag*);



- mobility (Swedish *Riksdag*, European Parliament);
- development of research and innovation (German *Bundestag*, Latvian *Saeima*, Lithuanian *Seimas*, Portuguese *Assembleia da República*).

The Estonian *Riigikogu* also mentioned the importance to enhance cooperation between companies and education institutions to decrease skills mismatch and improve internship opportunities as well as to enhance Research & Development policies and stronger connection between the public research system and the private sector. The Swedish *Riksdag* underlined that, even though cooperation between the Member States was important, education was a national competence. The Romanian *Camera Deputaților* mentioned investment in human capital, the encouragement of private investments in innovation and the simplification of market rules to allow better access of small businesses, start-ups and innovation-related business, resulting in increased demand for high quality education.

As general and final remarks, the Belgian *Sénat* and the Belgian *Chambre des représentants* pointed out that, in Belgium, education was the responsibility of the federated entities.

## CHAPTER 3

# ECONOMY BASED ON INNOVATION, TECHNOLOGICAL PROGRESS AND SOCIAL IMPACT; THE ROLE OF PARLIAMENTS IN FOSTERING THE “NEW ECONOMY” OF THE EU

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THE THIRD CHAPTER OF THE 31<sup>ST</sup> BI-ANNUAL REPORT seeks to investigate the way Parliaments/Chambers deal with technological progress.

Section A explores Parliaments’/Chambers’ legislative role and opinions *vis-à-vis* technological progress.

Section B analyses the existing relationship between the ongoing general and subsidiarity scrutiny performed by national Parliaments and technology, with particular emphasis on the use of digital platforms.

### Section A

#### Adapting Law-making to Technological Progress

##### i. Relationship between existing legislation and technological progress

The vast majority of Parliaments/Chambers (28 out of 39) did not have any specialised committees with an exclusive mandate on new technologies; only eleven respondents noted having such committees.

Asked whether they had assessed the development of new technologies and related new economic business models (patterns) with regard to the current legislation and law-making process, 17 out of the 39 responding Parliaments/Chambers answered positively. Eleven respondents answered negatively and the remaining 11 expressed no opinion on the matter. Among those who answered positively, the Belgian *Chambre des représentants* declared having assessed these issues in a specific resolution on autonomous vehicles.

Parliaments/Chambers were also asked whether they considered that the EU legislation encouraged new-technology start-ups and innovative companies. Seventeen out of the 39 respondents provided positive answers, with the German *Bundestag* recalling the example of VentureEU, while the remaining 22 respondents expressed no opinion.

##### ii. Current protection offered by the existing legislation

Asked whether the EU legislation protected European citizens from intrusive new technologies and whether parliamentary work matched citizens' expectations to benefit from technological progress, nine out of 38 respondents provided positive answers and three replied negatively. The vast majority (26 respondents) expressed no opinion on this matter.

Among those who explained their answers, six Parliaments/Chambers (the Belgian *Sénat*, the Cyprus *Vouli ton Antiprosopon*, the Estonian *Riigikogu*, the French *Sénat*, the UK *House of Commons* and

the UK *House of Lords*) explicitly referred to the General Data Protection Regulation (GDPR) and highlighted its capacity to protect European citizens from intrusive new technologies. Others pointed out additional EU tools that ensured a high level of protection, such as the Platform-to-Business Regulation (UK *House of Lords*), the proposal for ePrivacy Regulation (UK *House of Lords* and Maltese *Kamra tad-Deputati*), the Consumer Rights Directive, the Digital Content Directive, the Online Sales of Goods Directive, the Proportionality Test Directive and the e-Commerce Directive (European Parliament). The French *Assemblée nationale*, on the other hand, referred to national legislation.

The Cyprus *Vouli ton Antiprosopon* pointed out that, as technologies evolved, current legislation was not sufficient and uncertainties still existed. Referring to the GDPR, the Estonian *Riigikogu* stressed the need to move forward with a more horizontal approach, the Belgian *Sénat* underlined that a lot remained to be done, especially in terms of establishing ethical principles or rules on civil liability, while the French *Sénat*, the UK *House of Commons* and the UK *House of Lords* stressed the need to update and adequately enforce the data protection framework.

Referring to the Platform-to-Business Regulation, the UK *House of Lords* questioned whether additional, more specific measures would be needed in order to increase transparency of the vertically integrated platforms. Similarly, as regards the proposal for ePrivacy Regulation, the UK *House of Lords* questioned some of its measures, such as the cookie consent, and stressed the need to include review mechanisms that allow for adjustments when new technologies emerged.

On a general note, the European Parliament stressed the need to legislate in the field of robotics and to initiate, at both EU and national level, public dialogues on the consequences of ever-increasing technological progress. The Romanian *Camera Deputaţilor* supported the view that responsibilities were shared between the European institutions and the Member States, while the Slovak *Národná rada* focused on the effective use of technological progress, especially in administration, healthcare, security, education and in improving working conditions.

Asked whether they had assessed the impact of technological progress on the labour market, job creation and social protection standards, 19 out of the 39 responding Parliaments/Chambers answered positively. Eight respondents had not carried out such an assessment and the remaining 12 expressed no opinion.

Several Parliaments/Chambers had carried out this assessment at committee level, by means of debates (Dutch *Tweede Kamer*, Hungarian *Országgyűlés* and Spanish *Congreso de los Diputados*), inquiries (Dutch *Eerste Kamer*, Italian *Camera dei deputati*, UK *House of Commons* and UK *House of Lords*), special reports (Belgian *Sénat*, Estonian *Riigikogu*, French *Sénat*, French *Assemblée nationale* and UK *House of Lords*) as well as working groups and public hearings (European Parliament). The Luxembourg *Chambre des Députés* declared that a report on this matter was in progress, while the Austrian *Nationalrat and Bundesrat* recalled the debates held during the Interparliamentary Conference on Stability, Economic Coordination and Governance, organised in the framework of the Austrian presidency's parliamentary dimension. Some other Parliaments/Chambers discussed this matter at plenary level (Hungarian *Országgyűlés*) and declared having adopted specific resolutions in this respect (Belgian *Chambre des représentants* and Czech *Senát*).

The Finnish *Eduskunta* noted its intention to adopt a resolution on the topic as soon as it receives governmental reports on the work transformations resulting from the technological progress and on the appropriate solutions to such transformations. The Lithuanian *Seimas* pointed out that its revised Labour Code provided for new types of employment contract and reinforced the right to teleworking. The Czech *Senát* referred to its resolution on the White Paper on the Future of Europe, whereby it had stated that, with regard to the quality of life in a broad sense, the EU should focus on social adaptation brought about by technological developments. The Cyprus *Vouli ton Antiprosopon* had organised two conferences on the 4<sup>th</sup> Industrial Revolution. The Maltese *Kamra tad-Deputati* noted that the topic had been dealt with whilst debating a number of sectors and new legislation. The Slovak *Národná rada* pointed out that new technologies and procedures had a huge potential to shift working conditions and social standards at the qualitatively higher level.

### iii. Opportunity to involve all relevant stakeholders in shaping the new legislation

Five out of the 39 responding Parliaments/Chambers thought public consultations met the regulatory needs of the technological progress answered positively, whereas two thought they did not. The vast majority (32 respondents) expressed no opinion.

Elaborating on their answers, the Bulgarian *Narodno sabranie*, Maltese *Kamra tad-Deputati* and Polish *Senat* recalled that public consultations were part of the legislative process. The Belgian *Sénat* underlined that regulating the technological progress required more human and material resources, while the Estonian *Riigikogu* pointed out that citizens and the private sector should be more engaged in analysing the regulatory needs of technological progress.

Similarly, the Romanian *Camera Deputaţilor* highlighted the need to consult all relevant stakeholders, including children and young people, as well as both public and business sectors, since they all had specific expectations in shaping new legislation.

## Section B

### Adapting Subsidiarity and Proportionality Check to Technological Progress and Disruptive Technologies

#### i. New technologies and technological progress

Asked if subsidiarity was relevant when regulating new technologies, new economic models and technological progress at the EU level, 30 respondents out of 39 answered positively. Out of the remaining nine respondents, seven preferred not to express an opinion and two answered negatively.

The vast majority of respondents were of the view that the subsidiarity principle, as a fundamental principle of the EU, was relevant to all EU regulation and should be applied consistently in those areas that do not fall within the exclusive competence of the EU. Some respondents were of the opinion that, when regulating technological progress, considering multiple levels of governance was important. The Italian *Senato della Repubblica*, for example, said that a common general policy on innovation and new economic models should be established at the EU level while leaving it up to the Member States to set the pace and specific direction of the technological development. Similarly, some Parliaments/Chambers such as the Cyprus *Vouli ton Antiprosopon* and the UK *House of Commons* identified benefits for regulating technological progress at both EU and national level, allowing national and regional specificities to be taken into account while avoiding fragmentation

among the EU Member States. The Slovenian *Državni zbor* stated that a more comprehensive approach to technological progress should be developed.

When asked whether technological progress should be regulated only at national level or whether it should be considered a shared or an exclusive EU competence, the majority of respondents (20 out of 38) preferred not to express an opinion. Out of the 38 respondents, 16 considered a shared competence as the appropriate approach to regulating technological progress while two said the area should fall within the exclusive EU competence. The Finnish *Eduskunta*, the Slovak *Národná rada* and the European Parliament pointed out that the matter had been adequately addressed in the Treaties, with the Finnish *Eduskunta* referring to Article 173 TFEU, which provides that the Union and the Member States shall ensure that the conditions necessary for the competitiveness of the Union's industry exist fostering better exploitation of the industrial potential of policies of innovation, research and technological development. Similarly, the Bulgarian *Narodno sabranie* noted that in order to ensure the technological competitiveness of the EU, joint efforts at both national and EU level were needed. The UK *House of Lords* expressed its belief that given the complex and pervasive nature of new technologies, any legislative initiative in the said field would likely have implications for other areas of national competence requiring that national specificities and feedback from national stakeholders should be duly taken into account in the law-making process. The Latvian *Saeima* stated that new technologies should be regulated internationally and then fall under EU shared competence.

Respondents were also asked if there were any policy areas that needed to be treated only at EU level or only at national level. A number of Parliaments/Chambers chose not to express a formal opinion on the matter. The French *Sénat* and the Finnish *Eduskunta* pointed out that EU action should always be justified on the grounds of the added value it brought in relation to action taken by Member States. In a similar vein, the Maltese *Kamra tad-Deputati* considered it important that EU legislation be sensible to the needs of EU citizens which sometimes varied from one Member State to another. Five out of the 32 responding Parliaments/Chambers said the issue had to be evaluated on a case by case basis (Bulgarian *Narodno sabranie*, Dutch *Tweede Kamer*, Estonian *Riigikogu*, Romanian *Camera Deputaților* and Slovenian *Državni zbor*). The Dutch *Tweede Kamer* also noted that it had previously taken a critical stance regarding possible EU actions in the fields of education and social affairs. The German *Bundestag* considered school education and vocational training to be the primary responsibility of the national authorities. Taxation was also identified to be within the competence of the national authorities by the Belgian *Chambre des représentants*. Two Parliaments/Chambers identified policies that should fall under exclusive EU competence. The Luxembourg *Chambre des Députés* said geo-blocking should be addressed at the EU level while the UK *House of Commons* stated that the European Commission needed to retain exclusive competence in competition enforcement in order to guarantee independence from political pressures. The Portuguese *Assembleia da República* said it agreed with the matters already determined and set out in the Treaties.

## ii. Use of digital platforms in relation to general and subsidiarity scrutiny

Parliaments/Chambers were also called to reflect on subsidiarity and proportionality checks.

Asked whether they used digital platforms in general to communicate important EU related issues, nearly all responding Parliaments/Chambers affirmed this (35 out of 37 Parliaments/Chambers).

Thirty-seven out of the responding 38 Parliaments/Chambers said they used IPEX to exchange information on subsidiarity scrutiny.

Asked at what stage Parliaments/Chambers uploaded information on the dossiers/dossier page of proposals that were subject to their subsidiarity checks, 16 respondents said they uploaded information only after the final decision had been taken (Belgian *Sénat*, Bulgarian *Narodno sobranie*, Czech *Poslanecká sněmovna*, Dutch *Tweede Kamer*, Estonian *Riigikogu*, French *Assemblée nationale*, French *Sénat*, German *Bundestag*, Hungarian *Országgyűlés*, Irish *Houses of Oireachtas*, Luxembourg *Chambre des Députés*, Maltese *Kamra tad-Deputati*, Polish *Senat*, Portuguese *Assembleia da República*, Slovenian *Državni zbor*, UK *House of Commons*). Five respondents said they uploaded information about their procedure at the beginning and after the final decision (Austrian *Nationalrat* and *Bundesrat*, Danish *Folketing*, Greek *Vouli ton Ellinon*, Latvian *Saeima*, Slovak *Národná rada*) and another five Parliaments/Chambers said they uploaded the relevant information only once, at the start of the scrutiny process (Croatian *Hrvatski sabor*, Cyprus *Vouli ton Antiprosopon*, Romanian *Senat*, Spanish *Cortes Generales*, UK *House of Lords*). Six respondents said they shared information at all three stages (Czech *Senát*, German *Bundesrat*, Italian *Camera dei deputati*, Lithuanian *Senate*, Romanian *Camera Deputaților*, Swedish *Riksdag*). The Slovenian *Državni svet* said it does not upload any documents and the Finnish *Eduskunta* noted that it had an automatized upload on IPEX in relation to dossiers, irrespective of any subsidiarity procedure in place.

Nineteen out of 38 respondents deemed the start of the subsidiarity scrutiny process as the earliest possible stage for uploading information. The Dutch *Eerste Kamer* noted that it compiled a selection of subsidiarity checks in the yearly priority list, whereas some Parliaments/Chambers noted that they also informally shared information in advance.

Half the responding Parliaments/Chambers (19 out of 38) answered positively when asked whether they contacted IPEX correspondents from other national Parliaments in order to get information on the scrutiny status of European draft proposals.

When it came to the question of the availability of draft opinions on subsidiarity scrutiny, 27 out of 36 respondents said they would find this useful; the question concerning the availability of draft opinions on general scrutiny showed almost the same results (24 out of 37 found it useful).

As far as general scrutiny is concerned, 33 out of 38 Parliaments/Chambers said they used IPEX to upload this information, four less than for subsidiarity scrutiny.

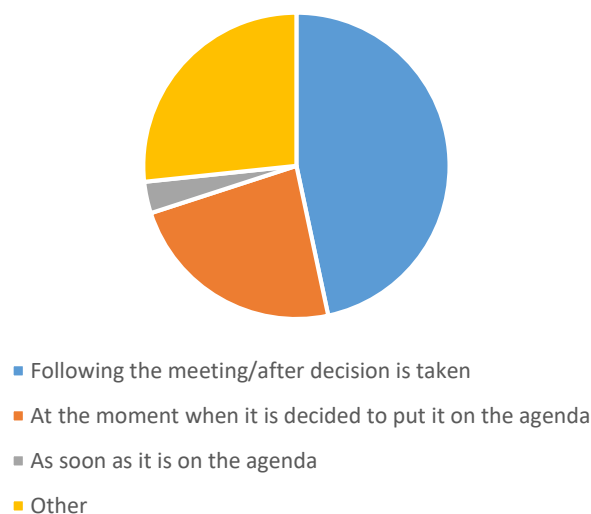
The symbols used by IPEX to describe the scrutiny stage were assessed as clear and useful by the majority of respondents (26 out of 37). Seven Parliaments/Chambers were of the opinion that they were not clear enough, and a further two described them as difficult to understand. Amongst the suggestions, the Romanian *Camera Deputaților* proposed the introduction of a symbol relating the Green Card.

Asked about the moment of uploading the general scrutiny information, 36 respondents presented their different handling of the matter. Most of the Parliaments/Chambers confirmed that they uploaded information after the relevant decision was taken.

- After the meeting/decision taken: Bulgarian *Chambre des représentants*, Czech *Poslanecká sněmovna*, French *Sénat*, Irish *Houses of Oireachtas*, German *Bundesrat*, Greek *Vouli ton Ellinon*, Estonian *Riigikogu*, Hungarian *Országgyűlés*, Italian *Senato della repubblica*, Maltese *Kamra tad-Deputati*, Romanian *Camera Deputaților*, Portuguese *Assembleia da República*, Slovak *Národná rada*, Slovenian *Državni zbor*;

- Decision taken to put it on the agenda: Dutch *Eerste Kamer*, Dutch *Tweede Kamer*, German *Bundestag*, Polish *Sejm*, Polish *Senate*, Spanish *Cortes Generales*, Swedish *Riksdag*;
- As soon as it is on the agenda: Belgian *Sénat*;
- Other: automatically (Finnish *Eduskunta*) or at the beginning (Croatian *Hrvatski sabor*, Czech *Senát*, Lithuanian *Seimas*, Romanian *Senat*). The Danish *Folketing* does not upload information on general scrutiny and the Latvian *Saeima* uploads information on general scrutiny only in relation to subsidiarity control. The French *Assemblée nationale* makes available information in general and during the subsidiarity control.

#### Stage during the general scrutiny at which Parliament/Chamber starts uploading information into IPEX



Some Parliaments/Chambers commented on further ideas and developments and suggested to highlight those proposals on which a greater number of Parliaments have issued an opinion (Swedish *Riksdag*) or to provide all the priorities of the national Parliaments according to the priority list (Dutch *Eerste Kamer*). The Swedish *Riksdag* also noted that its Committee on the Constitution has underlined the value of greater cooperation between national Parliaments, not only at political level but also to consider ways of strengthening cooperation to reach a threshold for a Yellow Card. The Swedish *Riksdag* and the Czech *Senát* emphasized the importance of translations and the Hungarian *Országgyűlés* noted the differences of scrutiny systems in the national Parliaments.

The European Parliament quoted its resolution of 19 April 2018, stating that it sees the potential for developing IPEX as the main channel for communication and systematic sharing of information, both for a timely flagging of subsidiarity concerns and for the enhancement of political dialogue.

The majority of Parliaments/Chambers (24 out of 37 respondents) considered it useful to find on the national scrutiny pages of a certain dossier the draft opinions of the specialized committees relating to general scrutiny. Thirteen did not. An even bigger majority (27 out of 36 respondents) thought it useful to find on the national scrutiny pages of a certain dossier the draft opinions of the specialised committees relating to subsidiarity scrutiny.





31<sup>st</sup>

Bi-annual Report

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