



Draft outline of 44th COSAC biannual report on procedures and practices relevant to parliamentary scrutiny

Chapter 1: Simplification of EU legislation and fast-track procedures

The European Commission's work programme for 2025 has a significant focus on simplification of EU legislation. The work programme includes a series of so-called omnibus packages on sustainability, investment simplification, small mid-caps and other simplification proposals on chemical substances (REACH) and the Common agricultural policy. The aim of the simplification proposals is to ensure long-term European competitiveness by reducing administrative and regulatory burdens for European companies. The European Commission has invited the European Parliament and the Council to consider fast-tracking these files without reopening other parts of the legislation.

There exists no clear framework for the use of fast-tracking or urgent procedures in EU decision-making¹. However, in practice fast-tracking appears to imply that legislative proposals are agreed by the European Parliament and Council in one reading without the possibility to amend the Commission's proposal. At the same time deliberations in the Council take place at a point in time when the legislative proposals may not be available in all official EU languages². Fast-tracking proposals therefore risk impairing adequate national parliamentary scrutiny of governments in EU-decisions-making.

This chapter will examine whether and how EU national parliaments manage to scrutinize their governments when the Council adopts simplification proposals under fast-track procedures. The chapter will take a closer look at a selected number of simplification proposals that were adopted by the European Parliament and Council in the spring of 2025.

Addendum: Resources in national parliaments

According to the Draghi report EU national parliaments make only limited use of their treaty-based power to monitor the compliance of EU legislation with

¹ In October 2024 the European Parliament and the Commission committed themselves to define a clear mechanism for the use of the urgent/fast-track decision-making.

² Council rules of procedure make it possible in urgent cases to waive the normal language requirement in art. 14, that states that a proposal must be available in all official EU languages.



the principle of subsidiarity. Draghi therefore recommends that an EU-wide inquiry should be launched to analyze the reasons behind national parliaments' passive exercise of their scrutiny of the subsidiarity principle. Draghi suggests that initiatives should be taken to reinforce the role of national parliaments and Member States in upholding the principle of subsidiarity – and, in doing so, control the EU institutions' legislative activity. He suggests that this could include further supporting the administrative capacity of national parliaments.

This section will examine the current administrative capacity of national parliaments when it comes to assisting members of parliaments in scrutinizing EU legislative proposals.

Chapter 2: Transparency and access to documents

According to the EU Treaties, the EU institutions must conduct their work as openly as possible to promote good governance in the EU. Meetings of the European Parliament and the Council must be public when they are dealing with EU draft legislation, just as their legislative documents should, as a rule, be publicly accessible.

Transparency in EU-decision-making and timely access to EU documents and documents produced by governments about key EU legislative proposals is essential for national parliaments to carry out proper scrutiny and hold their governments to account in the field of European Affairs.

National parliaments receive EU legislative proposals directly from the European Commission, at the same time as the European Parliament and the Council. The Council transmits the agendas and the outcome of meetings, where the Council deliberates on draft legislative acts, to national parliaments³. In addition, national parliaments have access to a number of non-public Council documents through the Council's IT-platform "*Information Exchange Platform*" (ClxP)⁴. As of 1 January 2025, the Council decided that all so-

³ The European Parliament, Council and the Commission have improved the user-friendliness of their public registers to the public. The EU-institutions set up the first version of the EU Law Tracker in May 2024 to facilitate traceability of the various steps in the EU-legislative process.

⁴ Until 2024 national parliaments also had access to the Council's it-platform Delegates Portal, but the Council decided to suspend this access.



called CM-, ST and WK-documents for legislative proposal become publicly available in the Council's document register.

Most importantly perhaps, national parliaments receive various documents produced by their governments about key EU-legislative proposals and other important EU initiatives – such as explanatory memoranda and non-papers agreed with other member state governments. However, national parliament's access to such government documents varies greatly from member state to member state in accordance with the constitutional organization and practice of each member state.

This chapter will examine the status of EU national parliaments' access to information about EU-legislative activities via the EU-institutions and their respective governments. The focus will primarily be on whether national parliaments find the flow of EU information satisfactory or adequate. The chapter will aim to identify best practices in national parliaments regarding both access to relevant Council documents and to the different types of documents produced by their respective governments on EU legislative proposals and other key initiatives. Finally, the chapter will look at how access to EU-related documents in national parliaments has developed over time since the latest COSAC biannual report on the subject from April 2012.

Chapter 3: Should the political dialogue with the Commission include a green card?

Over time the role of national parliaments has increased within the European Union architecture. Most importantly, the Lisbon Treaty introduced the so-called early warning system in 2009, which enables national parliaments to object to an EU legislative proposal, if they consider it does not comply with the subsidiarity principle⁵.

Following the twin rejection of the Constitutional Treaty at referenda in France and the Netherlands in 2005 the Barroso I Commission launched the so-called political dialogue to strengthen the direct contact with national parliaments. Through this political dialogue national parliaments were given the opportunity to interact directly with the European Commission through written

⁵ If more than a third of national parliaments express concerns about a draft legislative act, the Commission is obliged to review its proposal. The Commission may decide to maintain, amend or withdraw the draft.



contributions (opinions) on any kind of official document prepared by the Commission⁶.

Over the years some parliaments have promoted the idea of enhancing the political dialogue with the Commission even further through **a so-called green card** as a means by which national parliaments can invite the Commission to table an EU legislative proposal within a particular policy field. If such a request is forwarded to the Commission, it is not obliged to act, but it should be obliged to respond adequately to the request and give its reasons for taking or not taking the proposed action. A green card mechanism would provide national parliaments with a right, which is similar to the one, held by both the European Parliament, the Council and 1 million European Citizens (The Citizens' initiative) today⁷.

This chapter will assess whether and how national parliaments would be interested in strengthening the political dialogue further with the European Commission through such a green card mechanism.

The draft outline is to be presented and agreed on at the COSAC chairpersons' meeting in Copenhagen on 4 July 2025

⁶ At COSAC in Copenhagen in April 2012 it was agreed with the European Commission that national parliaments should have the opportunity to submit written enquiries to the Commission on legislative proposals and consultation documents.

⁷ See TFEU art. 225, 241 and TEU art. 11.