

Contribution of the LIV COSAC Luxembourg, 30 November – 1 December 2015

COSAC strongly condemns the barbaric attacks perpetrated on 13 November 2015 in Paris and shares the grief of the families of the victims and of the French people. COSAC calls for a united Europe in the fight against terrorism.

COSAC reminds national Parliaments that their enhanced role in the decision-making at EU level, should include supporting the EU institutions in their swift action against terror.

1. European Agenda on Migration

1.1. COSAC reaffirms the importance of providing an urgent solution based on solidarity and fair sharing of responsibility, as stated in Article 80 of the Treaty on the Functioning of the European Union (TFEU) to the tragic humanitarian situation of the refugee crisis and of offering assistance to partner countries to address the root causes of migration. COSAC welcomes the increased funding for the most affected Member States and for Frontex, EASO and Europol.

1.2. COSAC considers that the adoption of an effective, humanitarian and safe European migration policy has become one of the most urgent objectives of the European Union and supports the Member States to continue working on the implementation of the European agenda presented by the European Commission.

1.3. COSAC underlines that in the European Union, an area of open borders and freedom of movement, Member States need to have a joint approach to guarantee high standards of protection for refugees by establishing a renewed Common European Asylum System and a more effective EU return policy, making full use among others of the common Return Handbook and an EU Action Plan on Return.

1.4. COSAC recognises the need to exercise solidarity in relation with Member States facing an unprecedented flow of refugees and migrants and welcomes in this context the operational measures taken by the European Commission and the Member States allowing first relocations of asylum seekers to take place, and the resettlement of migrants from third countries to EU Member States. Furthermore, COSAC reminds that coordination is needed with the countries in the European Economic Area and Switzerland, so that the resources, experience and opportunities may be more efficiently used; COSAC calls on Member States, to step up their efforts and fulfil at a faster pace their commitment according to their binding share.

1.5. COSAC acknowledges that a majority of Parliaments welcomes the European Commission's proposal for a permanent relocation mechanism of refugees; looks forward to the proposal for a permanent resettlement scheme and to the reform of the Dublin Regulation. At the same time, COSAC acknowledges several Parliaments' reservations regarding these measures proposed by the European Commission.

1.6. COSAC asks the competent European Agencies (Frontex, EASO and FRA) to cooperate and work together to submit a report on the current operation of the Dublin Regulation, and to evaluate the possible impact of alternative proposals of reform.

1.7. COSAC is concerned about, the increased irregular migration and human smuggling and trafficking into the EU and the significant number of migrants entering the EU from and through the Central and Eastern Mediterranean and the Balkans and sees a clear need to enforce the fight against irregular migration, human smuggling and trafficking, as well as to focus on addressing the root causes of migration the problems in the countries of origin and to have better cooperation with countries of origin and transit countries. In this context, COSAC strongly supports the agreement on an EU-Turkey joint action plan to address the migratory flows towards the EU COSAC underlines the importance of the support to Jordan and Lebanon.

1.8. COSAC recommends the urgent collection of information and the distinct analysis on the minors in the migration flow, especially unaccompanied minors; a communication dedicated to this topic and a plan of urgent measures, possibly in cooperation with the United Nations Children's Fund (UNICEF), and the United Nations High Commissioner for Refugees (UNHCR) are recommended.

1.9. COSAC welcomes the 17-point plan of action, agreed on 25 October 2015 at the Meeting on the Eastern Mediterranean / Western Balkans migration route, to improve cooperation between countries along the Western Balkans migration route to tackle the refugee crisis in the region.

1.10. COSAC supports the Action Plan decided at the EU-Africa Summit held in Valletta on 11-12 November 2015, which is a true effort to strengthen cooperation in the area of migration and address the current challenges and opportunities.

1.11. COSAC takes note of the inter-related issues of migration and development and welcomes the decision of the EU to strengthen development cooperation with third countries to address the common challenges. 1.12. COSAC stresses the need to open legal channels for migration, in order to decrease the attempt of people who risk their lives trying to enter the EU in an illegal way and to meet the increasing demand for skills and talents in the EU. COSAC looks forward to the European Commission's proposal to revise the Blue Card in March 2016.

1.13. COSAC considers that the EU needs a better protection and management of its external borders, both the southern and the eastern borders, by strengthening controls, including through additional resources for Frontex, EASO and Europol, and with personnel and equipment from Member States; COSAC stresses that the free movement of people within the Schengen area is one of the biggest achievements of European integration and that border security must not affect the application of the Schengen acquis, a re-introduction of border controls never being more than a shortterm measure.

1.14. COSAC looks forward to the European Commission's revised proposal on Smart Borders by the beginning of 2016.

1.15. COSAC stresses that the EU must continue working closely with key international organisations such as the UNHCR, the United Nations Development Programme and, the International Organisation for Migration (IOM) and the International Red Cross and Red Crescent Movement to help tackling the refugee crisis at a global level.

2. A Digital Single Market Strategy for Europe

2.1. COSAC considers that the EU has to play a more prominent role in the global digital revolution in order to better exploit the significant growth potential it bears for the continent and deplores the lack of integration in this field, which undermines the access of EU consumers to online goods and services at competitive prices, and which impairs the development of digital cross-border networks and services.

2.2. COSAC welcomes the European Commission's communication on a Digital Single Market Strategy for Europe, which follows-up the commitment towards a Connected Digital Single Market of the European Commission's President, and looks forward to the European Commission's proposals for implementation of the Digital Single Market, especially on cross-border contract rules, geo-blocking, VAT for cross-border e-commerce and the reform of copyright regime.

2.3. COSAC welcomes the agreement on the regulation on a European single market for electronic communications, which marks a significant step towards the implementation of the Digital Single Market by allowing for the abolition of roaming charges by mid-2017 and protecting the open internet.

2.4. COSAC looks forward to the swift conclusion of the Network and Information Security Directive (NIS Directive) which aspires to ensure the highest level of trust and security across the EU.

2.5. Beyond the technical and economic aspects of the Digital Single Market, COSAC calls on the European Commission to formulate suggestions in its forthcoming New Skills Agenda for Europe on how to improve e-skills so that the digital revolution can better favour employment and in this context asserts the importance of the European Social Fund and the Grand Coalition for Digital Jobs, in particular regarding employee training.

2.6. COSAC acknowledges the necessity of tax systems in the EU to adapt to the challenges raised by the digital economy. The forthcoming European Commission's "Action Plan on VAT" will attempt, inter alia, to improve the European Union's resilience to the VAT fraud through the electronic commerce.

2.7. COSAC insists that, in digital development, the rules on the protection of privacy are observed. 1 December 2015 4

3. European Enlargement policy

3.1. COSAC emphasises the historic success of the EU enlargement process, whose objective is to reunite the European continent and to ensure the rule of law, freedom, stability, security, prosperity and the respect of fundamental rights.

3.2. COSAC takes note of the political guidelines of the President of the European Commission, which exclude further enlargement during the current European Commission's mandate and supports the efforts of the European Commission in continuing EU accession negotiations and assisting pre-accession countries in implementing reforms; welcomes the European Commission's 2015 enlargement package.

3.3. COSAC reminds the success of the European enlargement and stresses that it is vital to support the European integration process of the countries already engaged on this path, taking note that it has already substantially contributed to their democratization, institutional modernization as well as vast economic reforms.

3.4. COSAC underlines that existing conditionality is an absolute requirement of accession negotiations and that the European Commission should thoroughly assess the compliance of candidate countries with the Copenhagen criteria, especially in the fields of rule of law, fundamental rights and public administration reform.

3.5. COSAC recalls the European perspective of the Western Balkans and welcomes the progress made in accession negotiations and the Stabilisation and Association Process. COSAC underlines that the principle of countries being assessed on their own merits based on their progress in accession negotiations should remain a crucial foundation for the success of the enlargement process; and underscores the necessity to proceed promptly with the European integration process for those countries, which have proven their readiness and have defined the European orientation as their policy goal.

3.6. While COSAC welcomes the resumption of accession negotiations with Turkey, it recalls that, in accordance with Article 49 TEU, any European State which respects the values referred to in Article 2 and is committed to promoting them, may apply to become a member of the EU. To this end, COSAC underlines that Turkey must fulfil all its obligations emanating from its accession process, including its obligation to ensure full and non-discriminatory implementation of the Additional Protocol to the Association Agreement and to normalize its relations with all EU Member States and takes note of the European Council Conclusions of 15 October 2015.

3.7. Recalling contributions adopted in Rome in December 2014 and in Riga in June 2015, COSAC reiterates its strong commitment to both Eastern and Mediterranean Dimensions of the European Neighbourhood Policy.

4. Improving the “yellow card” procedure

4.1. COSAC reiterates that the «yellow card » procedure needs improvement without Treaty change.

4.2. COSAC informs the European Commission that a vast majority of Parliaments whose views are presented in the 24th Bi-annual Report consider that the mid-December to New Year break should be excluded from the 8-week deadline provided by the treaties for a subsidiarity check and that a majority also stated that the recess periods in the EU institutions should be excluded as well. These periods should be announced annually by the European Commission.

4.3. COSAC invites the European Commission to consider excluding these periods from the 8-week deadline and invites the future Dutch Troika to present a follow-up on this matter to COSAC.

4.4. COSAC furthermore reiterates its call upon the European Commission to strengthen efforts to ensure better quality and more timely responses to reasoned opinions.

5. Introducing « green cards » (enhanced political dialogue)

5.1. COSAC notes a wide support concerning the scope of the « green card » as a nonbinding form of enhanced and coordinated political dialogue, as well as a clear willingness of chambers whose views are presented in the 24th Bi-annual Report to proceed in a flexible way concerning procedural issues in the framework of the political dialogue, without undermining the Commission's right of legislative initiative and in full respect of the current Treaties' provisions and of the inter-institutional balance of powers.

5.2. COSAC notes a support in favour of a «green card» that could suggest introducing new EU legislation, as well as amending and repealing existing EU legislation.

5.3. COSAC supports the idea of introducing a minimum threshold, a deadline and a timeframe for participation in a « green card ». This minimum threshold should always be the same and, in case it is not reached, the text can be sent to the European Commission as a joint text by participating Parliaments/Chambers without considering it as a « green card».

5.4. COSAC encourages national parliaments whenever appropriate to work closely together in a « green card», so that the initiative goes beyond a regular political dialogue conducted by a single Parliament / Chamber and gains political momentum at the European level due to the coordinated action and cooperation.

5.5. COSAC recognises the possibility to introduce amendments to the initial text following a deadline decided by the initiating Parliament/Chamber and supports the idea of allowing, signing-in ex post and withdrawal from a «green card » at any stage.

5.6. COSAC underlines that the means of consulting interested Parliaments/Chambers should be left to the initiating Parliament's/Chamber's choice.

5.7. COSAC invites the future Dutch Troika to present a follow-up on this matter to COSAC.