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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Minutes of the meeting of the Presidential TROIKA of COSAC and minutes of the meeting of the LIV COSAC, held in Luxembourg, Grand Duchy of Luxembourg, on 29 November - 1 December 2015

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Delegations will find attached the minutes of the meeting of the Presidential TROIKA of COSAC (ANNEX I) as well as the minutes of the meeting of the LIV COSAC of 29 November - 1 December 2015 in Luxembourg (ANNEX II), drawn up by the COSAC Permanent Secretariat.'

**MINUTES OF THE MEETING OF THE PRESIDENTIAL TROIKA OF COSAC**  
**Luxembourg, Grand Duchy of Luxembourg, 29 November 2015**

**PRESENT AT THE MEETING**

CHAIR: Mr Marc ANGEL, Chair of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration, Luxembourg *Chambre des Députés*.

Mr Tuur ELZINGA, Chair of the Committee on European Affairs, Dutch *Eerste Kamer*, Mr Malik AZMANI, Chair of the European Affairs Committee, Dutch *Tweede Kamer*, Ms Nellija KLEINBERGA, Member of the European Affairs Committee, Latvian *Saeima*; Mr Ramón Luis VALCÁRCEL SISO, Vice-President, European Parliament, and Ms Danuta Maria HÜBNER, Chair of the Committee on Constitutional Affairs, European Parliament.

**AGENDA**

- 1. Adoption of the agenda of the Presidential Troika meeting of COSAC**
- 2. Approval of the draft programme of the LIV COSAC**
- 3. Presentation of the 24th Bi-annual Report of COSAC**
- 4. Debate on the draft contribution and on the draft conclusions of the LIV COSAC**
- 5. Co-financing and nomination of the Permanent Member of the COSAC Secretariat for 2016 and 2017**
- 6. Letters received by the Presidency**
- 7. Any other business**

**PROCEEDINGS**

**1. Adoption of the agenda of the Presidential Troika meeting of COSAC**

The meeting was chaired by Mr Marc ANGEL, Chair of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration, Luxembourg *Chambre des Députés*, who welcomed the delegations of the Presidential Troika of COSAC (hereinafter referred to as "the Troika").

In the absence of any objection, the agenda of the meeting of the Troika was adopted without amendment.

**2. Approval of the draft programme of the LIV COSAC**

Mr ANGEL gave a brief outline of the plenary agenda referring also to an informal lunch session on the current negotiations on EU reform ahead of the referendum on UK membership hosted at the request of the UK delegation.

In the absence of any objection, the draft programme of the meeting of the LIV COSAC was approved without amendment.

### **3. Presentation of the 24th Bi-annual Report of COSAC**

Mr ANGEL invited the Permanent Member of the COSAC Secretariat, Ms Christiana FRYDA, to give a short presentation of the 24th Bi-annual Report of COSAC which was based on Parliaments' replies to the related questionnaire circulated to delegations on 29 July 2015 with a deadline of 14 September 2015 for submitting replies.

Ms FRYDA briefly presented the report, providing details on its three chapters dealing with the future of parliamentary scrutiny of EU affairs, a European Agenda on Migration and enlargement policy.

The Chair reminded the participants that the Luxembourg Presidency had organised a meeting of the working group of COSAC on strengthening the political dialogue by introducing a "green card" and improving the reasoned opinion procedure ("yellow card") on 30 October 2015. In this context, he explained that the Presidency suggested including in the draft conclusions and contribution some elements based on the working group's discussions and on Parliaments' replies to the questionnaire, as well as that the future Dutch Presidency present a follow-up on these.

The Chair referred to the "Enlargement package" recently adopted by the European Commission, which, unlike previous reports, would cover four years. He expressed the wish that national Parliaments' Foreign Affairs Committees would hold a debate on this new format of the "Enlargement package".

### **4. Debate on the draft Contribution and Conclusions of the LIV COSAC**

The Chair reminded the participants that the draft conclusions and contribution had been circulated to delegations on 16 November 2015 with the deadline of 23 November 2015 for submitting amendments. The amendments received had been included in a table by the Presidency secretariat which would be adapted accordingly, and further amendments would be accepted until noon the following day.

Mr Malik AZMANI, Dutch *Tweede Kamer*, on behalf of the Dutch delegation, thanked the Presidency for its excellent work and expressed the Dutch Presidency's position that COSAC should focus on processes of parliamentary exchange. He added that, as incoming Presidency, the Dutch Presidency would not hamper discussions on substantial issues, but that the core of it would be the "yellow" and "green" card system.

The Chair submitted a table of amendments to the draft conclusions and contribution, which incorporated compromise proposals elaborated by the Presidency. Following a detailed examination of each amendment proposed on each paragraph and of each compromise amendment proposed by the Presidency, the Troika drafted a modified text of the conclusions and contribution to be presented to the Chairpersons of COSAC the following day.

## **5. Co-financing and nomination of the Permanent Member of the COSAC Secretariat for 2016 and 2017**

Mr ANGEL referred to Rule 9.5 of the Rules of Procedure of COSAC stipulating the terms of the co-financing agreement regarding the cost of seconding the Permanent Member of the COSAC Secretariat and of necessary technical costs for the Secretariat's office and the COSAC website. He then informed that the current agreement on co-financing was expiring at the end of 2015 and that a letter was sent by the Presidency on 20 July 2015 to the Secretaries General of COSAC Parliaments inviting Parliaments to sign a letter of intent for the next co-financing period of 2016-2017.

He announced that letters of intent had been received from 30 Chambers which exceeded the required minimum number of national Parliaments for the commitment to be valid. The next day he would ask for the remaining letters to be sent as soon as possible.

The Chair then proceeded with the nomination of the Permanent Member of the COSAC Secretariat for 2016-2017 recalling Rule 9.3 of the Rules of Procedure. He explained that the term of the current Permanent Member of the COSAC Secretariat, Ms Christiana FRYDA, was expiring at the end of 2015 and reminded that the Luxembourg *Chambre des Députés* received a letter on 9 July 2015 by the House of Representatives of Cyprus recommending the renewal of the term of office of Ms FRYDA. The Troika agreed and the nomination of Ms FRYDA was going to take place at the meeting of the Chairpersons the following day.

## **6. Letters received by the Presidency**

Mr ANGEL informed the members of the Troika about the following letters that the Presidency had received:

- A letter from Ms Iryna GERASHCHENKO, Chair of the Committee on European Integration Ukrainian *Verkhova Rada*, expressing interest in participating in the LIV COSAC meeting. In line with the Rules of Procedure of COSAC, after consultation with the Troika, an invitation letter was addressed to the Ukrainian Parliament.
- A letter from Lord BOSWELL of Aynho, Chair of the European Union Committee of the UK *House of Lords*, and Sir William CASH, Chair of the European Scrutiny Committee of the UK *House of Commons*, requesting assistance in facilitating an informal discussion in the margins of the LIV COSAC on the current negotiations on EU reform ahead of the referendum on UK membership.
- A letter from Mr Edmund WITTBRODT, former Chair of the EU Affairs Committee of the Polish *Senat*, on his decision not to run for re-election.
- A letter from Ms Tineke STRIK, former Chair of the Committee on European Affairs of the Dutch *Eerste Kamer*, about the end of her term.
- A letter from Ms Lolita ČIGĀNE about her inability to attend the LIV COSAC meeting and about the results of the informal interparliamentary meeting on the Audio-visual Media Service Directive, which had taken place in Riga on the 16 November 2015.

## **7. Any other business**

No other business.

**MINUTES OF THE MEETING OF THE LIV COSAC**  
**Luxembourg, Grand Duchy of Luxembourg, 29 November - 1 December 2015**

IN THE CHAIR: Mr Marc ANGEL, Chair of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration, Luxembourg *Chambre des Députés*.

**AGENDA:**

**1. Opening of the meeting**

- Welcome address by H.E. Mr Mars Di BARTOLOMEO, Speaker of the Luxembourg *Chambre des Députés*
- Introductory remarks by Mr Marc ANGEL, Chair of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration, Luxembourg *Chambre des Députés*

**2. Adoption of the agenda**

**3. Procedural issues and miscellaneous matters**

- 3.1 Information on the results of the Presidential Troika of COSAC
- 3.2 Presentation of the 24th Bi-annual Report of COSAC
- 3.3 Letters received by the Presidency
- 3.4 Procedural issues

**4. Session I - 'European Agenda on Migration'**

**4.1 Common asylum policy and legal migration policy**

Keynote speakers: Mr Gaston STRONCK, Director of the International Economic Relations and European Affairs, Ministry of Foreign and European Affairs of the Grand Duchy of Luxembourg, Ms Laura FERRARA, Member of the Civil Liberties, Justice and Home Affairs Committee of the European Parliament, Mr Jean-Pierre SCHEMBRI, European Asylum Support Office (EASO)

**4.2 Fight against irregular migration and securing Europe's external borders**

Keynote speakers: Mr Michele BORDO, Chair of the Committee on EU Policies of the Italian *Camera dei deputati*, Rear Admiral Hervé BLÉJEAN, Deputy Commander of EUNAVFOR MED

**5. Session II - 'A Digital Single Market Strategy for Europe'**

Keynote speakers: Mr Andrus ANSIP, Vice-President of the European Commission for the Digital Single Market, Mr Jean-Paul ZENS, Premier Conseiller de Gouvernement, Service des médias et des communications, Ministère d'Etat du Grand-Duché de Luxembourg, Mr Kalle PALLING, Chair of the European Affairs Committee of the Estonian *Riigikogu*, Ms Angelika MLINAR, Member of the European Parliament

**6. Meeting of the Chairpersons of COSAC**

- Appointment of the Permanent Member of the COSAC Secretariat for 2016 and 2017
- Debate on the draft Contribution and draft Conclusions of the LIV COSAC

**7. Session III - 'Enlargement policy'**

Keynote speakers: Mr Simon MORDUE, Director Strategy and Turkey, DG NEAR, European Commission, Mr Kamal Izidor SHAKER, Chair of the Committee on EU Affairs of the Slovenian *Državni zbor*, Mr Gunter KRICHBAUM, Chair of the Committee on EU Affairs of the German *Bundestag*

**8. Adoption of the Contribution and Conclusions of the LIV COSAC**

## **PROCEEDINGS**

### **1. Opening of the meeting**

Welcome address by H.E. Mr Mars Di BARTOLOMEO, Speaker of the Luxembourg *Chambre des Députés* and introductory remarks by Mr Marc ANGEL, Chair of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration, Luxembourg *Chambre des Députés*.

#### **1.1 Welcome address**

H.E. Mr Di BARTOLOMEO, Speaker of the Luxembourg *Chambre des Députés*, invited the plenary to observe a minute of silence in honour of the victims of the 13 November 2015 terrorist attack in Paris. He underlined that the Council Presidency of Luxembourg placed the European citizens as its first priority and underlined Europe's difficult task to stay faithful to its core values. Regarding the refugee crisis, he stressed that the work on refugee relocation was not yet finished and invited the EU to ensure best possible implementation for the relocation and resettlement mechanisms, as well as cooperation with the neighbouring countries of Syria.

While reflecting on the parliamentary dimension of the Luxembourg Presidency, H.E. Mr Di BARTOLOMEO informed about the interparliamentary conferences that had taken place in Luxembourg, specifically pointing out the Inter-Parliamentary Conference for the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) and the Interparliamentary Conference based on Article 13 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union. He also mentioned the Declaration signed by the Speakers of the Parliaments of Luxembourg, Italy, Germany and France, that asked for greater participation of national Parliaments in the EU decision-making process. In conclusion, H.E. Mr Di BARTOLOMEO noted the substantial progress in the discussion on the "yellow card" and the "green card" and wished for better EU integration taking better into account national Parliaments.

#### **1.2 Introductory remarks**

The Chair, Mr Marc ANGEL, welcomed the Chairs and Committee members recently elected, especially Mr Anastasios KOURAKIS, Chair of the European Affairs Committee of the Greek *Vouli ton Ellinon*, and Ms Regina BASTOS, Chair of the European Affairs Committee of the Portuguese *Assembleia da República*, attending COSAC for the first time.

### **2. Adoption of the agenda**

The Chair presented the draft agenda of the LIV COSAC, which was adopted without amendment.

### **3. Procedural issues and miscellaneous matters**

#### **3.1 Information on the results of the Presidential Troika of COSAC**

First, Mr ANGEL informed the Chairs that, after the Troika meeting the day before, a modified document incorporating proposed Troika amendments had been drafted, announcing that further amendments to the draft Contribution and Conclusions would be accepted until 12pm.

Then, he informed that the current agreement on co-financing was expiring at the end of 2015 and that a letter was sent by the Presidency on 20 July 2015 to the Secretaries General of COSAC Parliaments inviting them to sign a letter of intent for the next co-financing period of 2016-2017. He announced that letters of intent had been received from 30 Chambers which exceeded the required minimum number of national Parliaments for the commitment to be valid. He asked for the remaining letters to be sent as soon as possible.

### 3.2 Presentation of the 24th Bi-annual Report of COSAC

Mr ANGEL then gave the floor to the Permanent Member of the COSAC Secretariat, Ms Christiana FRYDA, to briefly present the 24th Bi-annual Report of COSAC, consisting of three chapters: 1) The future of parliamentary scrutiny of EU affairs, 2) A European agenda on migration, and 3) Enlargement policy.

### 3.3 Letters received by the Presidency

The Chair referred to the following letters received by the Presidency:

- A letter from Ms Iryna GERASHCHENKO, Chair of the Committee on European Integration Ukrainian *Verkhova Rada*, expressing interest in participating in the LIV COSAC meeting. In line with the Rules of Procedure of COSAC, after consultation with the Troika, an invitation letter was addressed to the Ukrainian Parliament.
- A letter from Ms Tineke STRIK, former Chair of the Committee on European Affairs of the Dutch *Eerste Kamer*, about the end of her term.
- A letter from Lord BOSWELL of Aynho, Chair of the European Union Committee of the UK *House of Lords*, and Sir William CASH, Chair of the European Scrutiny Committee of the UK *House of Commons*, requesting assistance in facilitating an informal discussion in the margins of the LIV COSAC on the current negotiations on EU reform ahead of the referendum on UK membership.
- A letter from Mr Edmund WITTBRODT, former Chair of the EU Affairs Committee of the Polish *Senat*, on his decision not to run for re-election.
- A letter from Ms Lolita ČIGĀNE, Chair of the EU Affairs Committee of the Latvian *Saeima* about her inability to attend the LIV COSAC meeting and about the results of the informal interparliamentary meeting on the Audio-visual Media Service Directive, which had taken place in Riga on the 16 November 2015.

### 3.4 Procedural issues

Commenting on a procedural point in relation to the "green" and "yellow card", Ms Anca Daniela BOAGIU, Romanian *Senat*, stressed the crucial need to grant national Parliaments enough time for discussions and opinion drafting.

Mr Igor KOLMAN, Croatian *Hrvatski sabor*, informed the plenary about the recent parliamentary elections in Croatia, expressing his gratitude for the cooperation during the last years and for the support expressed during Croatia's EU accession process.

## 4. Session I - 'European Agenda on Migration'

### 4.1 Common asylum policy and legal migration policy

Keynote speakers: Mr Gaston STRONCK, Director of the International Economic Relations and European Affairs, Ministry of Foreign and European Affairs of the Grand Duchy of Luxembourg, Ms Laura FERRARA, Member of the Civil Liberties, Justice and Home Affairs Committee of the European Parliament, Mr Jean-Pierre SCHEMBRI, European Asylum Support Office (EASO)

The first keynote speaker, Mr STRONCK thanked the European Parliament for its cooperation during the Luxembourg Presidency and stressed that it was very essential for national Parliaments to be involved in the development of the EU Migration policy. He highlighted the challenges EU was facing related to migration and, among others, described the difficult situation in Western Mediterranean and Balkan route, that had been worsened during the last month. He stressed the lack of reception capacity as the main problem. He underlined that it was crucial for EU to find a short term and long term solution. Effective coordination was the guarantee for successful improvement of the situation along the migration roots, he added.

He also highlighted the need for solidarity among EU Member States, as the decided measures were not sufficient and had not been implemented by all so far, specifically with regard to relocation and the personnel seconded to the EU agencies. He noted that EU's task was to protect those, who needed the protection and return those, whose situation was regular.

Mr STRONCK informed about the recent developments in the Council on this matter. He stressed the important role of the hotspots and their effective functioning in order to carry out the decisions that had been taken by the EU Member States; it was Members States' obligation to make the work of the hotspots effective. Mr STRONCK welcomed the work of the EU institutions and EU agencies, especially of FRONTEX, as well as the commitment by the Greek and Italian authorities.

He also stressed the importance of the management and securing of the EU external border, which was a priority and had to be improved during the next months. Mr STRONCK mentioned the European Commission's work on the Smart Borders package that was expected in the following two months. He underlined the recent EU Turkey summit, as, in his opinion, no solution was possible without Turkey's involvement. Furthermore, he mentioned the help provided also for Jordan and Lebanon to face up the crisis of Syrian refugees.

Finally, he mentioned that the EU was ready to improve international cooperation and, in that regard, he mentioned the Valetta Summit. Mr STRONCK also briefly described the work in progress in the JHA Council, specifically mentioning, the relocation issue and the discussion on Schengen and legal migration.

Closing his intervention, Mr STRONCK stressed the need for immediate measures to face up the extraordinary situation, as well as long term measures to measures, that had to be based on shared responsibility, mutual trust and solidarity.

The second keynote speaker, Ms FERRARA, stressed that the EU had to immediately adopt the necessary legislative instruments to face the crisis, showing that a real solidarity among Member States existed beyond the treaties.



She pointed out three key elements in solving the current migration crisis; first, there was a need for a direct response from the EU institutions and implementation of urgent joint actions from Member States to tackle the emergency of the refugees. Secondly, with regards to the medium-long term measures, coherent policy for refugees and economic migrants had to be developed, as the current system had reached its limits; in this respect, she welcomed the revision of the Dublin system announced by the European Commission for 2016. Finally, there was a need for fair shared responsibility and solidarity as laid down in Article 80 TFEU.

She informed about the current work of the European Parliament's LIBE Committee, namely its work on the structural changes for the Dublin mechanisms and on a joint list of the safe countries of origin. Ms FERRARA underlined the European Parliament's commitment to opt for a fast track procedure in order to show how important the issue of creating common rules in terms of migratory flows was for the European Parliament. From this point of view, she regretted the reluctance so far shown by the governments in adhering to a true European solidarity. In addition, she recalled its work on legal migration in the framework of the report on the Mediterranean. She added that only new legal ways of getting to Europe and better control and forecast of the flow of refugees and migrants were helpful to fight against the smuggling networks at their source. Ms FERRARA called for better cooperation and solidarity among all Member States inviting national Parliaments to ensure their respective governments' responsibility.

The final keynote speaker, Mr SCHEMBRI, gave an overall overview in relation to the latest figures on the asylum situation in the EU. He stressed that during the last month there had been 2.4 times more asylum seekers than that during the whole last year. He specifically mentioned the increased flow of unaccompanied minors. By the end of the October 2015, there had been 1 million applications for asylum, while in 2014 there had been six hundred thousand applications. The majority of the applications were addressed to Germany and the Scandinavian countries. He also listed the main countries of origin, namely Syria, the Western Balkans, Afghanistan and Iraq. Mr SCHEMBRI briefly described the work of the EASO and pointed out the difficulties that it had been facing; among others, a lack of human resources, and the need for mobile offices. In conclusion, he mentioned Luxembourg's positive integration example.

Thirty three members took the floor in the following debate.

Several speakers underlined the need for effective response to the root causes of emerging migration flows, as well as for implementing appropriate instruments in the cooperation with countries of origin and transit, among them, Ms BOAGIU, Mr Philippe MAHOUX, Belgian *Sénat*, Baroness Usha PRASHAR, UK *House of Lords*, Mr Pierre LEQUILLER, French *Assemblée nationale*, and Ms Isabel PIRES, Portuguese *Assembleia da República*.

Some speakers, including, among others, Mr Michele BORDO, Italian *Camera dei deputati*, Mr Mihai TARARACHE, Romanian *Camera Deputaţilor*, Mr Pierre LEQUILLER, French *Assemblée nationale*, stressed the need for a Common and Single Asylum policy. Mr BORDO also acknowledged the need to increase the funding for the most exposed countries. Mr TARARACHE called for the review of the Common Asylum policy, while Mr LEQUILLER stated that common asylum rules and return rules should be harmonised.

Several parliamentarians (e. g. Mr Stefan SCHENNACH, Austrian *Bundesrat*, Ms Isabel PIRES, Portuguese *Assembleia da República*, Mr Maximos CHARAKOPOULOS, Greek *Vouli ton Ellinon*, Mr Mihai TARARACHE, Romanian *Camera Deputaţilor*) expressed their concerns over equating refugees and terrorists arguing that actually refugees were victims, who had to run away from terrorism. Mr Aleksandar SENIC, Serbian *Narodna skupština*, stressed the specific situation of Serbia, but acknowledged the readiness of Serbia to cooperate with its European partners to combat terrorism.

Baroness Usha PRASHAR, UK *House of Lords*, stressed that it was a humanitarian crisis, and that a humanitarian approach and protection of human rights were important. She underlined that the majority of the people coming to the EU were refugees; therefore they needed international protection. Finally, she pointed out that it was important not to dilute the values of Europe. Also, Ms Marie GRANLUND from the Swedish *Riksdag* stressed the need for safeguarding human behaviour in all these actions.

Many speakers called for European solidarity to tackle the migration crisis. Mr Vitalino CANAS, Portuguese *Assembleia da República* and Mr Harry VAN BOMMEL, Dutch *Tweede Kamer* stressed the need for more solidarity in implementing the resettlement measures.

Mr Dominic HANNIGAN, Irish *Houses of the Oireachtas*, stated that Ireland welcomed the European Migration Agenda and recognised the importance of taking action by the EU to tackle migration. Ms Sylvia GRAHAM, Norwegian *Stortinget*, stressed the need for a safe country of origin list.

Ms Athina KYRIAKIDOU, Cyprus *Vouli ton Antiprosopon*, acknowledged that Europe was facing a new crisis and agreed with other speakers, that instead of building the walls, the real solutions should be implemented. In her opinion, the problem could be resolved by collective action. Ms Johanna KARIMÄKI, Finnish *Eduskunta*, also called for joint actions.

Ms Marietta KARAMANLI, French *Assemblée nationale*, and Mr Jean BIZET, French *Sénat*, underlined that questions regarding security and migration should be addressed with a more holistically approach and on European level.

Ms Danuta HÜBNER, European Parliament, pointed out that, while the issue of refugees and migrants was constantly presented as a test for the national leaders to show that they could act together according to their EU's obligations. In this context, she recalled the 37 infringement procedures that the European Commission had to activate before summer. Furthermore, Mrs HÜBNER, Ms Nadia GINETTI, Italian *Senato della Repubblica* and Mr Gediminas KIRKILAS, Lithuanian *Seimas*, stressed the need for a Blue card mechanism and a revision of the Dublin system.

Mr Manuel SARRAZIN, German *Bundestag*, also called for solidarity, while stating that the Dublin Regulation did not work and that a different system should be set up. He expressed his concerns about the unregistered people travelling around Europe. Mr Kalle PALLING, Estonian *Riigikogu*, had similar concerns, and expressed frustration regarding the refugees sent from Greece and Italy further to Germany without registration. He called for stronger hotspots to succeed in distributing the refugees to the Member States.

Mr Gunther KRICHBAUM, German *Bundestag*, said that solidarity was an interesting factor, when there were talks about the distribution of refugees, adding that it was not acceptable that countries like Slovakia, the Czech Republic, Hungary or Romania raised reservations regarding the Council's decision on the relocation mechanism. He called for a fair distribution and stressed Europe's obligations.

Commenting on solidarity and the relocation mechanism, a few other Parliamentarians expressed their opposition by stressing that the quota system had to be set up on a voluntary basis. Among others, Ms Olga NACHTMANNOVA, Slovak *Národná rada*, stressed the fact that the Slovak Parliament had issued a reasoned opinion on the measures adopted by the European Commission. Mr Johannes HÜBNER, Austrian *Nationalrat*, pointed out that he was against compulsory quotas, and that each country should decide for itself on the migration issues. He specified that this was not Austria's official position.

Sir William CASH, UK *House of Commons*, said it was a great mistake to impose compulsory quotas and underlined that the UK believed that the matter should be dealt within its source in the Middle East. He also stated that the Schengen agreement was the problem and that national borders all over Europe should be re-imposed. Mr Jaak MADISON, Estonian *Riigikogu*, emphasised that solidarity should also be referred to the fulfilment of the requirements of Schengen and that infringements of Schengen rules in Italy and Greece were not acceptable. In his opinion, the binding relocation mechanism, imposed on all 28 Member States was also not acceptable advocating for the sovereign rights of the state. Mr Francis ZAMMIT DIMECH, Maltese *Kamra tad-Deputati*, underlined that Europe was at a crossroads, where the choice had to be made between being an open society that respected Schengen and a society that was building walls. At the same time, Mr SCHENNACH stressed that all should be done to rescue Schengen. Ms Isabel PIRES, Portuguese *Assembleia da República*, underlined that Europe was not a fortress and borders should not be defended violently, but in the spirit of the Schengen agreement. Mr Pierre LEQUILLER expressed the view that Schengen should be completely reviewed.

Mr Maximos CHARAKOPOULOS, Greek *Vouli ton Ellinon*, stated that Greece was the frontline and had not seen the solidarity of the EU so far. He pointed out that pressure had to be put on Turkey to stop the traffickers and ensure that safe hotspots on Turkish soil be created, while transfer to Europe be done directly from Turkey using aircrafts and ships.

In his reply, Mr STRONCK pointed out that the discussions reflected the ones in the Council of Ministers. He noted that the activities should also be implemented at the national level.

Ms FERRARA expressed her frustration that several speakers refused the idea of binding quotas, and that many referred to the principle of subsidiarity and sovereignty of each Member State as something that should never be challenged. In this context, she quoted Article 78 of the TFUE concerning the development by the EU of a common policy on asylum, subsidiary protection and temporary protection. In her view, the debate about a Common Asylum policy was not the right place to invoke these principles. She acknowledged that managing migration flows was a challenge for the EU and pointed out that binding quotas should be imposed to enable solidarity.

In conclusion, she touched upon the reasons and causes of the emerging migration flows, among others citing economic, trade and energy policies, as well as the exploitation of natural resources and human workforce and trafficking of weapons. She called for consistency in the actions and for reviewing the policies in question.

Mr SCHEMBRI expressed his view that there had to be a move away from a "state of permanent crisis" to a "state of being more prepared". He stressed that preparation was key factor and agreed with many speakers that only by working together the success could be achieved.

#### **4.2 Fight against irregular migration and securing Europe's external borders**

Keynote speakers: Mr Michele BORDO, Chair of the Committee on EU Policies of the Italian *Camera dei deputati*, Rear Admiral Hervé BLÉJEAN, Deputy Commander of EUNAVFOR MED

Mr Michele BORDO said that the current explosion of migration and the crisis related to it arose from the fact that violent dictatorships forced people to seek refuge in the EU, which was perceived as a place of hope and peace. The EU could not close its borders and must try to contain the flows by tackling the problems at their root. He reminded that the majority of refugees were not in the EU but in the neighbouring countries, in particular in Turkey, where more than 2 million refugees were located already. He welcomed the strengthening of FRONTEX, but reminded that Member States needed to commit more, especially providing the vessels that secured EU borders. It was also essential to ensure exchanges of data and information among police bodies and security services which could also help avoiding new terrorist attacks, and reminded the necessity to solve the PNR issue. Decisions by individual Member States clashing with each other must be avoided. He stressed the need to take joint actions at European and International level, even at the cost of a small amount of sovereignty. The EU needed to ensure a shared evaluation of the risks, share the rescue and the provision of shelter for refugees and assure that the transit countries assumed their responsibilities. He underlined that it was necessary to work on institution building in the country of origin. Recalling that Europe was the biggest international donor, he suggested a Marshall Plan for the region. Though the Commission's Migration agenda was a step in the right direction, it was necessary to tackle some Member States' resistance to the relocation mechanisms well as the Reform of the Dublin system. The frontline countries could no longer face the flows alone. He stressed the need to strengthen EU cooperation and development policies with the Mediterranean, which could become a major source of security and growth for our countries.

The Rear Admiral Hervé BLÉJEAN, Deputy Commander of EUNAVFOR MED, referred to the shock provoked by a vessel's sinking in April 2015, which galvanised the EU into making efforts and, following which the European Council decided on 20 April to launch a 10 points action plan of which the mandate focused on combatting the criminal networks of smugglers and traffickers, but did not provide that the mission was a sea rescue mission. Nonetheless, the responsibility of searching and rescuing was duly undertaken. According to the data the Rear Admiral gave, 6000 people had been saved at sea.

Illustrating the assets made available by Luxembourg for the EUNAVFOR MED, he described the military and political command structure of the operation. He presented the four phases of the operation at the Libyan border of which the guiding principles were combatting criminal networks and avoiding loss of human lives, he explained that the operation was a policing mission that could not be carried out in Libyan waters without the consent of the Libyan authorities and without a UN Security Council resolution. Whereas the greater migratory flow was observed in the Eastern Balkan route, as far as the EUNAVFOR MED operation zone was concerned, over 140.000 people, were trying to reach the Italian coasts via Libya.

The Admiral indicated that there were no Libyans among the migrants which he explained by the fact that Libya was one of the 5 African countries with the highest ranking in Human Development Index (HDI). The Admiral underlined that the global and EU approach to the problem had to take the economic approach into serious consideration, with the aim of transforming an unhealthy economy into a healthy one. Furthermore, the Admiral indicated that the criminal networks had adapted and were no longer organising passages from Libya directly to Italy, but partly using "ghost ships". The Admiral highlighted the contacts between EUNAVFOR MED and other actors in the Mediterranean area, especially FRONTEX, but also EUROPOL, EUROJAST, and with the UN. He also mentioned the cooperation with NGOs, the meetings of the African Union and the Arab League. The neighbouring countries, although suspicious at the beginning, said the Admiral, were now fully supportive. An open forum with a rotating presidency was also created so as to have regular meetings of all the players involved. Its first meeting had taken place the previous week with 80 organisations and Member States represented. Their concerns related to the guiding principle of the operation, namely the institutional consolidation of Libya, the neutrality of the operation, and Libya's association with the operation. He explained that, if the adequate legal framework was reached, the UN Security Council resolution would extend the operation to territorial waters. This would have two further consequences: EUNAVFOR MED would be the only people operation in the territorial waters and it would be visible from the coasts. With over a third of the Libyan economy depending on the human trafficking, not everyone would see the operation with friendly eyes. Another issue to be considered, according to the Admiral, was the legal question of the jurisdiction under which people apprehended should be tried.

Finally, the Admiral summarised the results of the operation so far: 6000 refugees rescued, 43 suspect smugglers or traffickers arrested and 46 vessels no longer usable by the networks. He underlined the need to ensure that the operation be synchronised with a global comprehensive approach and to train the Libyan forces.

In the following debate 37 speakers took the floor.

On Schengen and Member States' sovereignty, Mr Richárd HÖRCSIK, Hungarian *Országgyűlés*, indicated that priority should be given to the establishment of impenetrable external borders to save the Schengen Treaty which was part of EU values. He underlined that Member States' sovereignty was crucial, and that was why the Hungarian Parliament had adopted a reasoned opinion. Mr MADISON stressed that each Member State should decide if it was ready to cede portions of its sovereignty. He stressed the fact that he would not be surprised if other Member States held referenda on their membership, after the UK referendum, stressing the need for a mandate from the people.

Several speakers referred to Schengen and the issue of security. Among them, Mr BIZET stressed that the French people needed an EU capable of protecting them. Referring to Schengen, he argued that it was ambitious on paper, but rather less functional than would be desirable. The EU, he continued, must establish an effective partnership with Turkey in order to reduce the flows of refugees. Both he and Mr Michael STÜBGEN, German *Bundestag*, pointed to the fact that the Dublin system did not work and the threat that this represented for the Schengen area's security, emphasising the need to revise the Dublin rules. Mr BIZET advocated for setting up a truly European Policy of defence and security. Ms BOAGIU emphasised that Schengen must exist because it was a conquest of EU citizens and underlined that security was also essential; Romania had been protecting the second longest external border of the EU and had made the second largest contribution to FRONTEX.

She emphasised that every Member State must protect the external borders of the EU in an honest way. Mr Jožef HORVAT, Slovenian *Državni zbor*, said it was worth investing in the protection of Schengen against the narrowing of the Schengen area or the exclusion of any of its members. He called on all EU member States to show solidarity as far as the migrants flow was concerned and expressed gratitude to all the countries helping Slovenia in coping with the situation. Mr Rafał TRZASKOWSKI, Polish *Sejm*, emphasised that the EU could not accept all refugees; the security of borders was a fundamental aspect. Ms Ingrid ANTCEVIC MARINOVIC, Croatian *Hrvatski sabor*, stressed that over the last months Croatia had been facing a huge flux of refugees, although only 10 applied for asylum. She explained that the EU must strengthen the monitoring of its external borders and ensure that the right conditions be in place for refugees' registration.

Ms Ana BIRCHALL, Romanian *Camera Deputaților*, emphasised that Romania had expressed its commitment to the principle of solidarity and responsibility and that the EU should find a solution to the root causes. She urged for implementation of the best cooperation instruments in the countries of origin and transit. She argued that the decision not to admit Romania into Schengen was unfair, taken that Romania had been acting as a *de facto* Schengen member since 2010. Justifying the vote of the *Camera Deputaților* against compulsory quotas and against the permanent relocation mechanism, she stressed that Romania believed that the solution could only be based on the respect of the principles of solidarity, voluntariness and consensus.

On return policy, Mr TRZASKOWSKI and Mr Arminas LYDEKAS, Lithuanian *Seimas*, said the EU must work on a strong and efficient return policy. Mr Bruno GOLLNISCH, European Parliament, said the problem was that there was not any return, which constituted an invitation to all those who wanted to look for a better future to come to Europe.

A number of speakers, among them Mr TRZASKOWSKI and Mr PALLING, mentioned the need for relocation of refugees, as well as for establishing strong and robust hotspots. Mr Václav HAMPL, Czech *Senát*, stressed that it was important to ensure the full functionality of hotspots, not only for immigrants' registration, but also for transmission of information on networks and smugglers for criminal investigation purposes. He considered it a scandal for the EU that the hotspots, financed by all, were still not operational.

Mr STÜBGEN said that the principle of first port of arrival in the context of the Dublin system, was never completely implemented neither by Italy nor Greece, and the European Commission had never demanded respect of the law.

Ms Ioanneta KAVVADIA, Greek *Vouli ton Ellinon*, said that, despite the economic crisis, Greece had not hesitated to open its borders to suffering people, and regretted that not the entire EU was making the same efforts to defend the EU founding values. Turkey, she said, had to introduce better management of the flux of migrants on its territory. She and Mr Yiannos LAMARIS, Cyprus *Vouli ton Antiprosopon*, stood against equating migrants with terrorists.

Ms Luz Elena SANIN, Spanish *Senado*, called for solidarity and international cooperation with the transit countries and insisted that Italy and Greece must be supported in facing and better organising refugees' arrival and reception. Ms Aideen HAYDEN, Irish *Oireachtas*, highlighted that Ireland, fully supportive of the EU approach to the crisis, was determined to assume responsibility and share the burden.

She expressed Ireland's support to Italy in the management of the operations at sea, inviting the EU not to limit its actions to the sole fight against smugglers, but to always consider the conflicts as a reason for fleeing and the pleas of those who could not escape.

Mr PALLING expressed the view that, if on one side the relocation system was one aspect of solidarity, on the other hand, offering assistance to Italy and Greece in dealing with the hotspots was another form of solidarity; the first thing was for them to request assistance. Mr Jan DOBRZYNSKI, Polish *Senat*, stated that the EU should support and help Member States facing significant pressure on their external borders only at the request of the Member States.

Some speakers underlined that constructing walls was not a solution. Among them, Ms Fabiola ANITORI, Italian *Senato della Repubblica*, recalling the example of Italy for the *Mare Nostrum* operation and stressing the need to overcome the Dublin system, rejected the idea of constructing borders for protection. Mr Duarte MARQUES, Portuguese *Assembleia da República*, underlined that the arrival of so many refugees in the EU should be a task for everyone, emphasising that it was not through new walls that the EU borders could be strengthened and that xenophobia would not guarantee the future of the EU.

Tackling the roots of the problem as a means to overcoming the crisis was emphasised by a number of speakers (e. g. Mr Veli YÜKSEL, Belgian *Chambre des Représentants*, Mr TRZASKOWSKI, Mr LAMARIS). Among these, Mr Anastasios KOURAKIS, Greek *Vouli ton Ellinon*, rejecting the distinction between legal, illegal and economic migrant, said the question was not just to stop the wars in these countries, but to stop the exploitation of them. Mr Salvatore PARNIS, Maltese *Kamra-tad-Deputati*, invited COSAC to consider that irregular migration was related to wars that people strived to escape, although the aspect of terrorism rendered it obligatory to examine who entered the EU. He reminded that the Valletta Summit on development highlighted that the EU Agenda on Migration could not effectively be implemented without cooperation with the third countries of the region. Mr Ossur SKARPHEDINSSON, Icelandic *Alþingi*, said the refugees' crisis was a Syrian crisis and invited the EU to impose an arm embargo on the region and to strive for a political solution to the Syrian crisis leading to an inclusive government that included the Sunnis. Ms Marit MAIJ, Dutch *Tweede Kamer*, mentioned the Dutch Parliament's support to measures preventing refugees from leaving the countries where they temporarily were present and providing a better perspective for the future. She invited the EU to stop people leaving their countries and improve their life there. The fight against smugglers was a key issue for EU policy, some said, stressing that there should be a more human way for the refugees to reach those countries (Ms Marinka LEVIČAR, Slovenian *Državni zbor*).

Mr Giovanni MAURO, Italian *Senato della Repubblica*, stated that the Barcelona process had failed in its mandate to create cooperation in the Mediterranean, which would have saved the EU from what was going through at that moment. He indicated that the EU needed specific tools that could grant the countries of northern Africa the capacity to grow together, identifying the needs of these countries and of the EU.

Mr Yves POZZO DI BORGO, French *Sénat*, invited not to use the definition of Islamic State, but the DAECH acronym and explained France's decision to invoke Article 42 of the Lisbon Treaty and urged for speeding up the construction of an EU defence policy not based on NATO capacities and for rethinking the EU's foreign policy. Ms Marietta KARAMANLI, French *Assemblée Nationale*, emphasised her Committee's call for greater harmonisation of legislation in combatting terrorism and expressed support for the European Commission's approach on combatting fire arms trafficking, PNR, EU borders guards and related initiatives.

Sir CASH welcomed the last contribution for highlighting the root causes of the present problems. He expressed the view that there was legal uncertainty as far as the definition in international law and human rights law of "refugee", "migrant" and "asylum seeker". He accused the human rights industry of having transcended the reality of the problem.

Ms Gurguli MAGRADZE, Georgian Parliament, indicated Georgia's commitment to the European choice and to European integration in spite of a very difficult regional situation. She underlined the importance of the visa liberalisation issue and asked for solidarity with Georgia. She underlined that the agreements ratified by Georgia both with Turkey and Israel demonstrated the country's responsibility concerning visa free regimes agreements.

Mr Carl SCHLYTER, Swedish *Riksdag*, expressed his surprise that there was no mention of climate change and the risk of millions or billions of refugees flow that it could provoke before 2050, of renewable policies that could contribute to security, and of fair trade that could help development in third countries. A safe border, he added, was not necessarily a closed border. Human rights, he said, must be dealt with precisely at times of crisis. Europe must show commitment to its funding principles.

Baroness Usha PRASHAR, UK *House of Lords*, informed that the Committee on EU Affairs of the UK *House of Lords* had considered in detail some aspects of human smuggling. She expressed the need to properly resource FRONTEX, EUROPOL and EUROJUST if the ambitions contained in the Action Plan ought to be realised. She stressed also that their accountability must be taken into consideration. She underlined the safe and legal routes of entrance to the EU as an effective way of combatting migrants' smuggling and noted that the Action Plan did not pay enough attention to this.

Mr Pierre LEQUILLER, French *Assemblée Nationale*, addressed the Admiral and referred to the Spanish experience of co-development with Senegal and Mauritania. In that framework, the Guardia Civil had authority to monitor the costs of the two countries. He asked whether that experience would be of help to the EU operation in the Mediterranean.

In his reply, Mr BORDO found it unacceptable to put migration and terrorism at the same level. Those who fled from wars and terror did not come to Europe to spread death and destruction, but because they could no longer stay where they were born. He stressed that shutting the borders would not make countries safer, as the cause of terrorism did not lie there. The migration phenomenon was structural and needed a comprehensive approach. A structural response was needed from the EU as a whole. We could not believe in the EU only when it suited us. Agreeing on the creation of hotspots, meant agreeing also on the relocation; otherwise, the frontline countries must continue to carry the burden of the refugees alone.



He acknowledged that nobody wanted to undermine national sovereignty; however, the EU was at a crossroads and a comprehensive shared solution should be offered to third countries. The EU, he stressed, could not just build walls, but should bring these down.

Admiral BLÉJEAN replied that the model of cooperation put in place between Spain, Senegal and Mauritania was indeed an inspiration for the current problem. He assured that the operation would not be interrupted because of winter. He appealed to all Member States to help regenerating the troops. He admitted that terrorism was a present threat to the operation and that terrorists could use the migrants flow to reach their destination; however, he emphasised that it would be too risky for them to use this route.

## **5. Session II - 'A Digital Single Market Strategy for Europe'.**

Keynote speakers: Mr Andrus ANSIP, Vice-President of the European Commission for the Digital Single Market, Mr Jean-Paul ZENS, Premier Conseiller de Gouvernement, Service des médias et des communications, Ministère d'Etat du Grand-Duché de Luxembourg, Mr Kalle PALLING, Chair of the European Affairs Committee of the Estonian *Riigikogu*, Ms Angelika MLINAR, Member of the European Parliament.

Mr ANSIP started by pointing out the relevance for the European Commission to further strengthen the commitment on a political dialogue with the national Parliaments on EU decision making. On the topic of the digital market he stated that the goal was to make sure that the best of the online world was available in Europe for its people and businesses in the safest and most open environment.

The Digital Single Market (DSM) strategy, he added, had opened up all areas of the digital economy facilitating the identification of what needed to be changed and modernised. It was about reforming consumer rules, VAT, telecom rules, geo-blocking, data and even parcel delivery. He further explained that the Commission would publish in December proposals on the outdated copyright rules, with the aim to widen cross border access to online cultural content, as well as to offer incentives and reward those who created, and a proposal on e-commerce. Besides these, Mr ANSIP referred to the eleven consultations that were opened on different aspects in relation to the DSM including telecoms reform, geo-blocking and platforms. He indicated that, if on the one hand, they were offering opportunities in terms of information and in economic terms, they, on the other hand, raised concern as far as protection of personal data. Commissioner ANSIP stated that a lot remained to be done for Europe to remain a competitive in the telecoms sector. The strategy would look to the future and at data in all its aspects. The following year would see a free flow of data initiative, as well as a cloud initiative. Mr ANSIP concluded by stressing the importance of hearing the opinion, contribution and participation of governments and national Parliaments, as Member States were needed to make the DSM a success.

Mr ZENS highlighted the importance of the Digital Single Market initiative. The Luxembourg Presidency had welcomed and supported it from day one, as it acknowledged its strategic relevance. Luxembourg, at the fore front of cross border information technology, helped to lay the foundations for the DSM.

In Mr ZENS' opinion, the potential for wider cross border market for many companies and start-ups was very important. He said he heard too often that Europe should start produce its own tech champions; they were there already. Mr ZENS stressed the importance of parliamentarians' role, as it was both national and European policy that determined the success for companies. New proposals should not place additional burdens on entrepreneurs, start-ups and SMEs. Divergent regulations did not help companies and consumers.

Mr ZENS referred to the Council in June, which gave guidelines on which the Luxembourg Presidency continued the discussion in the Council to build support for the objectives of the DSM and to create a fully functioning market. Many events already having taken place and under preparation under the Luxembourg Presidency fed into the European Commission's ongoing work addressing digital transformation in a horizontal fashion. A major focus had been put on the area of digital skills. On the current legislative proposals on the table, Mr ZENS explained that the data protection directive was a key priority; trust of citizens and company in data fluxes was needed and the framework needed to be modernised. The goal of the Luxembourg Presidency was to reach an agreement on the reform before the end of the year.

In his concluding remarks, Mr ZENS mentioned that the challenge was that more often than not entrepreneurs were not staying in Europe because there was no domestic market that was not fragmented. It was in our hands, he added, to smarten barriers, cross border activities and to allow our companies to compete even with the biggest of this world. The aim was to move Europe forward; the online internal market on the four freedoms should be a reality.

Mr PALLING focused on the positive outcome of DSM and explained the Estonian experience of complex governmental reforms. He mentioned that, since Estonia regained independence, the country's GDP had risen some seven times. A third of that may have been due to minimising transaction costs and inefficiency in the society through IT solutions and building the IT-literacy and awareness in society.

Mr PALLING elaborated on the e-infrastructure, which was based on parallel initiatives. First, non-duplicating IT-solutions were used where ministries operated and shared data, the so-called once only law or principle. Secondly, the government data model was described on a legislative level. Opening up data enabled public and private sector to make better decisions, be more efficient and innovative. Technological and legal safeguards were applied to prevent abuse. Thirdly, building the infrastructure relied on a unique collaboration and coordination between the public and private sectors. E-Transformation was a social and behavioural change, Mr PALLING pointed out. Changes needed involvement of both the public and the private sector. He shared his belief that geographical borders were becoming increasingly irrelevant as information did not know borders. An integrated, holistic approach was needed for success.

Mr PALLING concluded that Europe was facing a declining population and unsustainable social welfare costs. Government size and efficiency was at the heart of the next economic growth wave and much could be learned from the private sector. A solution for the EU would be good governance, smart country infrastructure and a seamless society where everything worked.

Ms MLINAR opened her speech commending COSAC for having pointed to real important issues, like migration or the digital market, and she underlined that both issues dealt with movement. Then she explained that the European Parliament was currently working on an own initiative report on the DSM corresponding to the European Commission's communication published in May. The report was drafted jointly by the European Parliament's ITRE and IMCO Committees which worked intensively to reach broad agreement; the report should be voted before the end of the year. Ms MLINAR stressed that the completion of the single market was of big importance for the European Parliament; a key element here, she underlined, was to make Europe a leader in the digital economy. One of the biggest challenges and goals was to remove the barriers in the digital sphere that currently existed and to be more successful.

Ms MLINAR pointed out that consumer rights should be better aligned to the digital era. Amongst others, it was also needed to regulate internet platforms and e-commerce in a different way and to ensure access to legal digital content by lifting geo-blocking. She then indicated the creation of a more compatible public eco-system for businesses and industries as an important point and the development of a functioning e-government. She stressed that a regulatory framework to increase investments in better and fast communication networks was needed.

A plan for the adoption of digital technologies across the whole economy was particularly important with the rise of the role of big data (on which the ITRE committee adopted a non-binding resolution), the internet of things and cloud computing. A data driven economy should be at the core of a DSM economy, but at the same time data protection and security are important.

Finally, Ms MLINAR mentioned that the strategy was a huge opportunity for Europe, but that implementation had to adapt to new technologies. Obstacles should be removed; no new ones should be created. For that purpose she noted that a good cooperation between the EU institutions and the national level was necessary.

Eighteen parliamentarians took the floor during the debate.

Mr BIZET pointed out that the EU could not just consume, it should also produce. Therefore, the cultural diversity needed to be facilitated and governance needed to be reformed. Furthermore, he stressed the dominant position of internet platforms, which could impose views on SMEs. A fair competition was needed. He mentioned that the DSM was based on two main axes, that of access to services and the right infrastructure. He concluded mentioning the protection of consumer rights; a right balance must be found between consumers' and creators' rights, as well as between introducing innovation and being precautionous.

Mr MAHOUX concentrated on the need to emphasise the digital divide, to pay particular attention to people's privacy when developing the digital agenda, as well as to the prevention of possible abuse in relation to all developments in the digital domain. Mr Fidas SARIKAS, Cyprus *Vouli ton Antiprosopon*, pointed out that the international situation was very fluid and urged for taking steps. The DSM strategy would give an impulse and the single market needed to be created as it would have many benefits. The balance between legal certainty and security was important in this respect. Ms Maria PLASS, Swedish *Riksdag*, added that it was important, in order to use the digital internal market, to overcome different hurdles in the EU.

Mr Derek KEATING, Irish *Houses of the Oireachtas*, commented that the DSM strategy reflected the changing nature of business. The full potential of the digital economy for business and consumers across the EU had to be fully realised. He mentioned the technology investment in Ireland and welcomed the aim of the European Commission to make better access possible. European SME trading online was currently low; future EU action should aim at assisting SME in digital commerce.

Mr Carl SCHLYTER, Swedish *Riksdag*, and Mr Mats LÖFSTRÖM, Finnish *Eduskunta*, focussed on the topic of geo-blocking and on not being able to access online contents. Agreeing with the keynote speakers in the panel, Mr SCHLYTER reiterated that both should be stopped. On copyright he asked for more challenging reforms, so that companies could develop and innovate.

Mr Dorin Silviu PETREA, Romanian *Camera Deputaţilor*, expressed the view that, as the economy stagnated on the long term, the strategy could help all sectors of the economy to grow. It would enable us to build a sustainable society. A third industrial revolution could be possible, although the effects on society needed special attention. He concluded by drawing attention of the competitiveness of Europe compared to other continents.

Mr Malik AZMANI, Dutch *Tweede Kamer*, explained that the DSM was one of the key priorities for the House of Representatives; with regard to the EU agreement on roaming and net neutrality, the House favoured stronger legislation. He asked Mr ANSIP to reflect on a proposal of the Benelux to have stricter rules within those three countries, as presented by the Benelux Parliaments.

Mr Larry WHITTY, United Kingdom *House of Lords*, agreed with Mr ANSIP's view that the DSM would give the EU great benefits. He mentioned that the *House of Lords* would present a report in March next year on digital platforms which would examine the role of digital platforms and their dominant position. The majority of them were not EU-based, and this had an effect on competition policy, consumer protection and data user protection.

Mr António COSTA SILVA, Portuguese *Assembleia da República*, urged Europe to get into the digital revolution; companies and citizens must be able to take full advantage of it. More companies could be created resulting in growth and jobs, also for younger people. The need to spread the use of technical knowledge and to create electronic marketplaces was noted. Mr Piotr WACH, Polish *Senat*, mentioned that education and training for a responsible use of the common digital space and technical tools were necessary.

Ms HÜBNER agreed with many previous interventions. Besides that, she pointed out that the transatlantic aspect of the digital economy was interesting and that the European challenge was to grow much faster than the US. A lot of investment, also in skills, was needed as European competitiveness could not be taken for granted. According to her, it was important to secure data, and to ensure joint solutions, as digital sovereignty did no longer exist.

Mr Semerak OSTAP, Ukraine *Verkhovna Rada*, considered the DSM strategy a starting point for deepening the cooperation between Ukraine and the EU, arguing that there were mutual benefits for both the EU and its European partners. He focused on the implementation of the establishment of a common commercial area of mobile services and expressed the view that a single tariff on roaming would have a positive effect on several aspects.

Mr Eurico BRILHANTE DIAS, Portuguese *Assembleia da República*, mentioned that a DSM could reduce fragmentations and transactions costs, and that this had a positive effect on the European economy, growth and jobs. He noted that in the debate so far the physical aspect and the transport of goods to many parts of the periphery of the single market were not mentioned. There are now excessive costs for transports in the peripheral area, it limits the creation of qualified jobs and establishment of enterprises in that area.

Mr Philip CORDERY, French *Assemblée nationale*, welcomed the proposals mentioned, stressing, amongst others, that the DSM must deliver growth inside the EU and European champions. On the issue of taxation, he proposed that a way must be found to also tax the digital economy and to make sure that also the big internet platforms would pay a contribution.

Mr HORVAT stressed that harmonised rules and simpler rules were needed for users and entrepreneurs. General conditions of sale should be universal and diversity of language should be protected, not everything could be solely in English. He wished this project did not fail; the time had come to act and have concrete actions.

Mr Kęstutis MASIULIS, Lithuanian *Seimas*, explained that Lithuania, like Estonia, had made remarkable progress on E-services and E-communication. Reliability of information was important and propaganda, e.g. as it was being spread by Russia, should be prevented.

In reaction to the interventions, the keynote speakers acknowledged a broad consensus amongst the Parliaments on several aspects of the DSM strategy. Mr ANSIP observed that currently there was a physical internal market; a digital internal market did not exist yet. By that point, there were 28 different regulations on consumer protection and contracts, difficult to understand for small businesses. Therefore, he reiterated that the following week two proposals would be presented; one for harmonising contract rules for online sales and one on the portability of content. At the same time, he said, piracy needed to be tackled. A full DSM needed to be created. A safe and free flow of data was needed, also between the EU Member States and third countries. He underlined the need for transparency in achieving changes and for joint action in creating the DSM.

Mr PALLING added that sometimes the private sector offered services that were to the benefit of the consumer, and that the government should follow these best examples. The governments could and should be trusted when it came to data protection.

Finally, Ms MLINAR concluded that the DSM should be created, but urged to consider, at the same time, that many people felt that they were losing out on the digitalisation.

## **6. Meeting of the Chairpersons of COSAC**

### **6.1 Appointment of the Permanent Member of the COSAC Secretariat for 2016 and 2017**

The Chair reminded the participants that the term of office of the current Permanent Member of the COSAC Secretariat, Ms Christiana FRYDA, would expire by the end of the year. He stated that the Luxembourg *Chambre des Députés* had received a letter from the Cyprus *Vouli ton Antiprosopon* in July 2015 in which it recommended the renewal of the term of office of Ms FRYDA for 2016 and 2017. In this context, he reminded that the COSAC Chairpersons in July agreed and decided that there was no need to invite Parliaments to nominate candidates for the post.

In line with the proposal of the Troika, the Chairpersons agreed on Ms FRYDA's reappointment for the period from 1 January 2016 to 31 December 2017.

The Chair thanked Ms FRYDA for her excellent work so far and the Cyprus *Vouli ton Antiprosopon* for seconding her to the COSAC Secretariat.

## **6.2 Debate on the draft Contribution and draft Conclusions of the LIV COSAC**

The Chair informed that the Luxembourg Presidency had submitted the draft conclusions and contribution to delegations on 16 November 2015. Since then, the Presidency had received amendments from national Parliaments and the European Parliament on both documents. He further informed the Chairs that, following an analysis of the texts at the Troika meeting the day before, they had received a modified document, as well as the complete list of the amendments tabled both before the meeting and until the deadline of noon of that day. Following an animated debate and voting in cases of controversy, an amended text of the draft contribution and conclusions of the LIV COSAC was agreed.

## **7. Session III - 'Enlargement policy'**

Keynote speakers: Mr Simon MORDUE, Director Strategy and Turkey, DG NEAR, European Commission, Mr Kamal Izidor SHAKER, Chair of the Committee on EU Affairs of the Slovenian *Državni zbor*, Mr Gunter KRICHBAUM, Chair of the Committee on EU Affairs of the German *Bundestag*.

The Chair briefly introduced the subject recalling the announcement by the European Commission that no enlargement would take place within the current Commission's mandate, but that did not mean that the process leading to future enlargements would stop. Parliaments would analyse in the following weeks the enlargement package they had just received by the Commission.

Mr Simon MORDUE, Director «Strategy and Turkey», DG NEAR, European Commission, started by referring to the intense debate of the past week about the refugees crisis, which demonstrated the importance of the dialogue with neighbouring countries. This was equally important in the framework of the enlargement process, which could bring about the reforms in the bordering countries in the south-east of Europe that were needed for addressing the current problems. Unlike previous years, this year the European Commission opted for an overarching strategy that would set the approach of the Commission for its entire mandate. Every year there would be intermediate reports, within the frame set up the overarching package. According to Mr MORDUE, the European Commission this year had tried to further strengthen the base for its assessments of progresses in each candidate country with a lot of more emphasis on the level of preparedness for the partner countries. The new methodological approach intended to test how ready each candidate was to take up the obligations of membership.

Mr MORDUE then explained that the second objective of the new approach was to offer a clearer guidance to the candidates about what reforms were expected from them over the following 12 to 18 months. He mentioned that one of the efforts in the present package was a deeper harmonisation of the reports with a clearer indication for each country on where it stood on each key area of negotiations.

The aim was to stress the fundamental reforms that were needed concerning the backbone of enlargement, that is the Rule of Law, including judicial reform, tackling organised crime, fight against corruption, fundamental rights, fighting discrimination notably against LGBTI and Roma and the functioning of democratic institutions, in other words to the foundations of the institutional building. Another focus of the new reporting method highlighted was the economic development and the competitiveness of the partner countries and the structural reforms needed by each country in order to integrate the internal market in a competitive way. Mr MORDUE also stressed the importance of regional cooperation and the importance of progress not only on reconciliation, but also on the connectivity agenda, the transport networks and on overcoming still lingering bilateral disputes.

On the refugees' crisis, Mr MORDUE indicated how Turkey was a key actor of any solution to the crisis. The issue also was a horizontal question through all reports. He gave some detail both regarding candidate and potentially candidate countries (Montenegro, Serbia, FYROM, Albania, Bosnia Herzegovina, Kosovo<sup>1</sup> and Turkey), giving evidence to the fact that the dynamic of the process of enlargement and the stimulus to reforms through negotiations had not been lost.

In his conclusions, Mr MORDUE stressed that the future years would be very busy as far as the negotiations leading to enlargement were concerned. The Commission had highlighted what needed to be done and a lot depended on the readiness of the countries to adopt reforms. The EU stood ready to support the process of integration and reforms.

Mr KRICHBAUM started by saying that the history of enlargement of the EU was a success story for which the EU was envied. He stressed that what made the EU so attractive was precisely that it was a community of values more than a simple economic space. Such attractiveness was also an explanation of the Peace Nobel Prize awarded to the EU. He then went on recalling the importance of the conclusions of the Thessaloniki European Council where it was stated that all countries of the Western Balkans had a European perspective. Reviewing the situation of FYROM, Mr KRICHBAUM underlined that, on one hand, there were Slovenia and Croatia, already established EU Member States, on another hand, Montenegro, with which over 20 chapters of negotiations already opened. He put emphasis on the quality of the negotiations rather than on the number of opening chapters. On this point, he advocated for an inversion in the negotiations, whereby the most controversial and difficult chapters would be the first to be opened as in the case of Serbia. He announced that the EU Committee of the *Bundestag* had recently given the green light to the opening of chapters 35 and 34 and he expected that in the first months of 2016 chapters 23 and 24 would also be opened.

Mr KRICHBAUM underlined it was important to give the message to all candidates that it was essential to carry out the needed reforms upright; realising them at the start would boost the entire process. He emphasised that these reforms were in the interest of the candidate countries themselves. Ownership, he said, was the key point probably still missing.

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<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Referring to the name dispute that had provoked the stagnation of negotiations with another candidate country, he stressed that it was unacceptable that bilateral disputes were blackmailing and blocking the EU enlargement process. Arguing that disputes such as these stood opposite of the EU spirit, he appealed for the activation of appropriate arbitration courts and processes for the settlement of the dispute.

He considered that not having enlargement in the following years was generally interpreted as a way of giving oxygen to the EU, but he noted that he could not see among the candidates any one which could realistically accede in the following five years, because the reforms needed were so substantial that it was impossible to see how the process could be faster.

He quoted Croatia as an example of preparedness not only from the point of view of Rule of Law, but also from the competitiveness point of view.

Mr KRICHBAUM said that the last enlargement of 2007 where a compromise had been made concerning the Rule of Law turned out to be a mistake. Despite a verification mechanism established with Bulgaria and Romania on the Rule of Law, he said, up until then the question of fight against corruption and organised crime was still on the agenda.

Finally, he addressed the point of the dividing line between enlargement and neighbourhood policy. The EU did not want sudden breaks in institutional stability at the borders, and that was the reason behind the neighbourhood policy, although the two things should not be mixed. The Partnership and Cooperation Agreements (PAC) agreements were not the same as the Association and Stabilisation agreements.

Mr Kamal Izidor SHAKER, Chairman of the Committee on EU Affairs of the Slovenian *Državni zbor*, quoted the then President Romano PRODI at the moment of the accession of Slovenia to the EU. He stressed that while the first years of the century were years of optimism and ambitions, shortly after the 2007 enlargement, rumours about the enlargement “fatigue” started to appear. He observed this “fatigue” in the statement made by President JUNCKER. Mr SHAKER advocated that the enlargement policy was the most successful foreign policy of the EU. The current crises that the EU was facing were making it less attractive than it used to be, according to him. He stressed that probably the previous enlargement had been successful due to the fact that the criteria accession had been clearer. From this point of view, he indicated two important points: progress must be clear inside the candidate country, and the EU must help the candidate to realise reforms and progresses. Looking back to Slovenia’s accession negotiations, he noted the stimulus in terms of political, economic, social and other reforms that the negotiations had provided. Without the perspective of membership, the transition and consolidation of democratic institutions and of an open economy would have stalled or even stopped. The EU was, according to him, the light at the end of the tunnel.

He continued stressing that considering this year’s strategy paper by the Commission not much had changed. The challenges that candidates and Member States had to deal with remained more or less the same. Referring to the important impact that enlargement had on the economic and political structure of the EU, Mr SHAKER quoted former Commissioner FÜLHE according to whom enlargement was in the DNA of the EU and was the strongest instrument for transformation.



Referring to the migration issue, it influenced the enlargement question especially taking into consideration the difficulties that faced Turkey or Serbia. In this regard, he pledged for an enhanced cooperation with these countries as that was crucial in terms of the humanitarian situation and in terms of security. That could also justify some shifts towards some candidate countries, but it was important that both the EU and the candidates remained committed to their principles of democracy and rule of law to maintain the credibility of the enlargement process.

Referring to the way the negotiations were addressed in the Slovenian Parliament, he informed COSAC that his committee had scrutinised 32 negotiations chapters while the Committee on Foreign Affairs, 3.

He concluded referring to Robert SCHUMAN's wish that Europe cease to be a geographical group of countries and become a community sharing the same defensive and constructive efforts. In this perspective, Mr SHAKER considered enlargement as an essential part of the construction of the EU.

Twenty-four parliamentarians took the floor during the debate.

Many of them focussed on the effects of the enlargement process. Among them, Mr HÖRCSIK, Mr TESSELY, Ms BIRCHALL, Mr VESTLUND and Mr PRODRMOU pointed out that the enlargement policy had proved to be a success for the EU. It had a positive effect on economic growth, social reforms and on stability and prosperity in all countries involved. It also contributed to consolidating democratic institutions, economic developments and regional and European cooperation. Mr KOLMAN added that besides the success and although the process of internal EU consolidation was a priority, the enlargement process should be as important, as it contributed to further stabilisation in the continent.

The process of enlargement was also addressed during the debate. The quality of the process played an important role, as explained by some speakers. The principle that all countries joining the EU should fulfil the criteria and that every country should be assessed on its merits was mentioned by, amongst others, Mr HÖRCSIK, Lord BOSWELL, Mr LUYKX, Mr CHARAKOPOULOS and Mr KIRKILAS. Mr SUTOUR, French *Sénat*, added that integration also presupposed that a candidate country had properly assessed the political dimension and the related values. Countries could not, under the pretext that their religion was different, claim that different rules applied to them, said Mr CORDERY.

Mr BIZET pointed out that in the process of enlargement it was important to address matters of rule of law, combatting corruption and organised crime at the earliest stage possible. At the same time, he questioned the EU capacity to absorb new Member States. This was also pointed out by Sir CASH, who stressed that the debate needed a tone of realism. It was about real governance and practicalities, too many countries could lead to overload and contradictions.

Mr VESTLUND asked not only to look at the integration process until enlargement, but also afterwards. He stressed that it was clear that those values should always be adhered to, also after becoming a member, noting that this was not always the case.

Ms JASAVIC explained that Montenegro had made a lot of progress with respect to the different policy areas linked to enlargement, and that she was fully aware of the obligations imposed. Mr SENIC mentioned that enlargement was a priority for all countries in the region, and pointed out that the institutions in Serbia had done a lot of work already.

Different views were expressed on the timeframe for the current negotiations. Some parliamentarians, as Ms BIRCHALL and Mr CANAS, called for a clear perspective to the candidate countries in the interest of all parties. Mr CORDERY stated that, although negotiations must be continued, the Union was not really ready to have further enlargement at that stage. On this topic, Mr BARCHMANN, German *Bundestag*, noted a contradiction. Progress should be made on the ongoing negotiations, but enlargement could only take place after 2019. In his opinion, this could cause fatigue amongst all parties involved. Both Lord BOSWELL and Mr KOURAKIS made the remark that the candidate countries should be encouraged to make progress, but Member States should respect their commitment. It was important to avoid the suspicion that Member States were only acting to suit their own interests.

The European Partnership was also mentioned in relation to the enlargement process. Mr BIZET warned that this should not be confused with the question of accession, while Ms BIRCHALL, Mr BARCHMANN, Mr KIRKILAS and Mr DOLIDZE, Parliament of Georgia, pointed out the importance and effects of the European Partnership and neighbourhood policy.

A few members, among them Mr HÖRCSIK, Mr SUTOUR and Mr CANAS, referred to the negotiations with Serbia and the progress being made also in relation to the current migration crisis. Mr HÖRCSIK also reflected on the speeding up of the talks with Turkey, pointing out that it was a joint interest to do so. Ms KAVVADIA stated that Greece had always been in favour of Turkish membership of the EU, and that the pre-condition here was the will to move forward and to make progress on both sides.

On the negotiations with Turkey, Mr GOLLNISCH noted hypocrisy, stating that the country was not European and that those who were interested in Turkey's accession had, in his opinion, the most doubt about it. He considered that Turkey could gain a partnership, but could not be considered purely European.

Mr LUYKX stressed that on the relation with Turkey, the EU should stick to the core EU values. He expressed that by waving the EU membership to Turkey, the EU was undermining the democratic fundamentals of Europe. Mr SUTOUR observed that there were reasons for concern as the Union could not accept a *laissez-faire* approach. Mr CHARAKOPOULOS and Mr KOURAKIS reminded that Turkey was not recognising the Republic of Cyprus; the first referred, among others, to the talks about opening frozen chapters regardless of this fact, while the latter underlined the need for the country to comply with all conditions and prerequisites.

Mr POZZO DI BORGO, supported by Sir CASH, noted the absence of the relevant European Commissioner at this session and called upon the Presidency and the Troika to do as much as possible to get the Commissioners to attend the COSAC plenary session.

In reaction to the interventions, Mr MORDUE mentioned that efforts to predict "who was next" were doomed to failure. Enlargement should not be any more like an automatic fast forward motion, especially if the EU wanted to keep the perspective of enlargement for the countries in the Western Balkans open.

One of the key reasons is that it was a merit based approach. He stressed that the 2004 enlargement had been one of the biggest contributions to growth and prosperity in Europe. Mr MORDUE mentioned that Turkey was a key strategic partner. The idea that Turkey was not European should, in his opinion, no longer be addressed, as it had been settled when it became a member of the Council of Europe; however, this did not mean that reforms were not needed. For the EU, the best instrument to have reforms in countries was a merit based approach and an open ended accession process, which, he noted, was also an intergovernmental process where all 28 Member States had to be included to take further steps. Commenting on the European partnerships countries and the recent association agreements, Mr MORDUE pointed out that they were very ambitious and that it was important to support partners in the implementation of the agreements.

Mr SHAKER stated that Europe was being put to the test and that the EU had to choose whether to unite at this point or not. He reiterated that enlargement was the most important political tool.

In his reply, Mr KRICHBAUM pointed out that deepening may be more important as there would not be any enlargement the next five years. He expressed the view that need for reform was present in all Member States, not only the new ones. He underlined that enlargement was possible for the candidate countries provided they accepted the European. He added that, since accession was voluntary, a country's different choice should be accepted. However, he said that a country that wanted to join the EU, particularly Turkey, had to be prepared to share certain values. He expressed the view that the idea that Turkey was being rewarded because it protected EU borders should be avoided. The protection of the borders of the Union was a task for the EU itself. From this point of view, he stressed that there were problems, that there was not enough solidarity. In conclusion, he pointed out that Europe, not Member States alone, had to stand together to face the current challenges.

## **8. Adoption of the Contribution and Conclusions of the LIV COSAC**

Mr ANGEL presented the final draft of the contribution and conclusions of the LIV COSAC informing the plenary that the documents had been amended during a long and lively debate at the Chairpersons' meeting held the previous evening. He recalled that a number of Parliaments had expressed reservations regarding paragraph 1.5 of the draft contribution as adopted by the Chairpersons. In an effort to overcome those Parliaments' reservations and to facilitate adoption of the contribution based on consensus, which was the guiding principle of voting by COSAC, he presented a compromise proposal on paragraph 1.5 elaborated by the Presidency and distributed to the delegations.

After a discussion, the compromise proposal on paragraph 1.5 was accepted and the final draft of the contribution was adopted by broad consensus. Mr BIZET declared that the French *Sénat* would not support the Contribution of the LIV COSAC.

The final draft of the Conclusions, as proposed by the Chairpersons, was adopted without amendment.

Mr Tuur ELZINGA, Dutch *Eerste Kamer*, invited delegations to the next meetings of COSAC which would be held in the Hall of Knights in the Dutch Parliament and which would focus on enhancing parliamentary interaction and sharing of best practices.

He announced that the LV COSAC was going to be held on 7-8 February 2016 and the LV on 12-14 June 2016. He underlined the innovativeness of the Dutch Presidency, explaining that a special *app* would be designed for COSAC, allowing delegates to interact before, during and after the meetings. Finally, Mr Malik AZMANI, Dutch *Tweede Kamer*, introduced a video on the parliamentary dimension of the Dutch Presidency.