

**COOPERATION AGREEMENT OF 29 MARCH 2017 BETWEEN THE FEDERAL STATE, THE REGIONS, THE COMMUNITIES, THE FRENCH COMMUNITY COMMISSION AND THE COMMON COMMUNITY COMMISSION ON THE EXERCISE OF THE POWERS GRANTED TO NATIONAL PARLIAMENTS UNDER THE TREATY ON EUROPEAN UNION, THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, AND THE PROTOCOLS APPENDED THERETO**

Having regard to the role of national parliaments in the smooth operation of the European Union, as laid down in the Treaty on European Union, the Treaty on the Functioning of the European Union, and Protocol (no. 1) on the role of the national parliaments in the European Union and Protocol (no. 2) on the application of the principles of subsidiarity and proportionality;

Having regard to declaration no. 51 of the Kingdom of Belgium on national parliaments, appended to the Final Act of the Intergovernmental Conference that adopted the Lisbon Treaty, signed on 13 December 2017, in which Belgium specified that, under its constitutional law, both the House of Representatives and the Senate of the Federal Parliament, together with the parliamentary meetings of the Communities and the Regions, act in accordance with the powers exercised by the Union as components of the national parliamentary system or as chambers of the national parliament;

Having regard to the need for cooperation between the federal legislative chambers, the parliament of the Communities and the Regions, the French Community Commission and the Common Community Commission with a view to adopting clear rules on the way in which the powers granted to national parliaments under the Treaty on European Union, the Treaty on the Functioning of the European Union, and the Protocol (no. 1) on the role of the national parliaments in the European Union and the Protocol (no. 2) on the application of the principles of subsidiarity and proportionality are exercised;

Having regard to the Cooperation Agreement of 7 July 2008 between the Federal legislative chambers, the Parliaments of the Communities and the Parliaments of the Regions on the exercise of the powers of national parliaments granted under the Lisbon Treaty amending the Treaty on European Union and the Treaty establishing the European Community, signed on 13 December 2007;

Having regard to the wish of the Conference of Presidents of the parliamentary assemblies of 12 May 2015 to review the Cooperation Agreement of 7 July 2008;

Having regard to Article 92*bis*(1) of the Special Act of 8 August 1980 on institutional reform;

Having regard to Articles 42, paragraph 1, and 63, paragraph 1, of the Special Act of 12 January 1989 on Brussels institutions;

Having regard to Article 55*bis* of the Act of 31 December 1983 on institutional reform for the German-language Community;

Having regard to Article 138 of the Constitution and the implementing decrees transferring powers to the French-language group of the Brussels-Capital Parliament;

The Parties:

- the Federal State, represented by the Chamber of Representatives and the Senate;
- the Flemish Community and the Flemish Region, represented by the Flemish Parliament;
- the French-language Community, represented by the Parliament of the French-language Community;
- the Walloon Region, represented by the Walloon Parliament;
- the Brussels-Capital Region, represented by the Brussels-Capital Parliament;
- the German-language Community, represented by the Parliament of the German-language Community;
- the French-language Community Commission, represented by the Assembly of the French-language Community Commission; and,
- the Common Community Commission, represented by the United Assembly of the Common Community Commission;

hereby agree as follows.

## **Chapter 1. General provisions**

### **Article 1 - Definitions**

For the purposes of this Cooperation Agreement, the following definitions apply.

1. The Subsidiarity Protocol: the Protocol (no. 2) on the application of the principles of subsidiarity and proportionality;
2. Parliament: the Chamber of Representatives, the Senate, the Flemish Parliament, the Parliament of the French-language Community, the Walloon Parliament, the Brussels-Capital Parliament, the Parliament of the German-language Community, the Assembly of the French-language Community Commission or the United Assembly of the Common Community Commission;
3. The Conference of Presidents of the parliamentary assemblies: the Presidents of the Parliaments;
4. The Secretariat of the Conference of Presidents of the parliamentary assemblies: the Secretariat of the assembly that is mutually designated at the start of each session of the Chamber by the assemblies;
5. Draft legislative act: each legislative act within the meaning of the Subsidiarity Protocol;
6. Reasoned subsidiarity opinion: opinions within the meaning of Article 6 of the Subsidiarity Protocol;
7. Vote: one of the two votes granted to each national parliament under Article 7 of the Subsidiarity Protocol;
8. Eight-week period: the eight-week period within the meaning of Article 6 of the Subsidiarity Protocol.

## **Article 2 - Confirmation of Declaration no. 51**

The Parliaments confirm Belgian Declaration no. 51 without reservation and shall apply it in a spirit of Federal loyalty.

## **Chapter 2. Transmission of information from the European Union institutions to the Parliaments**

### **Article 3 - Transmission of information**

Information from the European Union institutions to the Parliaments shall be transmitted through the e-mail address (*eurodoc@belgoparl.be*) that is managed by the Senate. The information shall be forwarded to the Parliaments immediately and simultaneously.

## **Chapter 3. Parliamentary subsidiarity checks**

### **Section 1. *A priori* subsidiarity checks**

#### **Article 4. Determination of the position of the Parliaments and reciprocal provision of information**

A Parliament that believes that a draft legislative act that falls within its remit breaches the principle of subsidiarity shall communicate its reasoned subsidiarity opinion to the Secretariat of the Conference of Presidents of the Parliamentary Assemblies by the seventh week of the eight-week period at the latest and inform the other Parliaments.

#### **Article 5 - Voting**

When a Parliament communicates a reasoned subsidiarity opinion on a draft legislative act and this relates to matters falling within the remit of other Parliaments, a single vote shall be cast.

When a Parliament communicates a reasoned subsidiarity opinion on a draft legislative act and this relates to matters that fall solely within the remit of that Parliament, two votes shall be cast.

When a Parliament communicates a reasoned subsidiarity opinion on a draft legislative act and this relates to matters falling within the remit of other Parliaments, the number of votes cast shall be calculated as follows:

On draft legislative acts on matters falling solely within the remit of the Federal Government, two votes shall be cast if both the Chamber of Representatives and the Senate submit a reasoned subsidiarity opinion;

On draft legislative acts on matters falling within the remit of the Federal Government and the Regions and/or the Communities, two votes shall be cast, if at least one reasoned subsidiarity opinion is submitted by the Federal Chamber and one by the Regional or Community Parliament;

On draft legislative acts on matters falling solely within the remit of the Regions and/or Communities, two votes shall be cast if two Parliaments from different language communities each submit a reasoned subsidiarity opinion (see appendix).

For the purposes of the application of this regulation, the Parliaments are divided into four language communities, notably the Flemish language community (Flemish Parliament), the French language community (French-language Community Parliament, Walloon Parliament, Assembly of the French-language Community Commission), the German-language community (the German-language Community Parliament) and the bilingual community (the Brussels-Capital Parliament and the United Assembly of the Common Community Commission).

#### **Article 6 - Communication of the Parliament opinions and votes to the European institutions**

On the penultimate working day of the eight-week period, the Secretariat of the Conference of Presidents of the Parliamentary Assemblies shall communicate the reasoned subsidiarity opinions and the number of votes cast to the Presidents of the European Parliament, Council and Commission of the European Union. If there are a number of opinions, those opinions shall be compiled into a single document indicating the identity and position of each Parliament.

Secretariat of the Conference of Presidents of the Parliamentary Assemblies shall transmit to the Parliaments a copy of the communications referred to in the first subparagraph.

#### **Section 2. *A posteriori* subsidiarity checks**

#### **Article 7 - Appeal to the European Union Court of Justice for breach of the principle of subsidiarity by a European legislative act**

In accordance with the regulations established by the special legislator, each Parliament may bring an appeal before the European Union Court of Justice, as laid down in Article 8 of the Subsidiarity Protocol, for breach of the principle of subsidiarity.

The Parliament intending to bring such an appeal shall inform the other Parliaments.

#### **Chapter 4. Simplified review of the Treaty**

#### **Article 8 – Remit check by the Council of State**

Within three months of receipt of an initiative seeking a simplified review of the Treaty, as laid down in Article 48(7), last subparagraph, of the Treaty on European Union and Article 48(7)(3) of the Treaty on the Functioning of the European Union, each Parliament may communicate a reasoned objection proposal to the other Parliaments.

In accordance with procedures laid down in the legislation on the Council of State, as consolidated on 12 January 1973, the reasoned objection shall be filed with the Legislation Section of the Council of State, which shall issue an opinion on the competence of the Parliament bringing the initiative.

## **Article 9 - Interparliamentary consultation**

Within seven days of receipt of the Council of State opinion, the Parliament bringing the initiative shall submit its reasoned objection and the Council of State opinion to the Conference of Presidents of the Parliamentary Assemblies.

The Conference of Presidents of the Parliamentary Assemblies shall discuss the objection and the opinion within thirty days.

## **Article 10 - Notification of an objection**

Following this discussion and, in any event, following expiry of the thirty day deadline laid down in Article 9, but within three working days of expiry of the deadline for notification of the objection, the Parliament behind the initiative may confirm its objection. Where this is the case, the objection to the simplified Treaty review initiative shall be communicated to the Secretariat of the Conference of Presidents of the Parliamentary Assemblies, the European Council or the Council of the European Union, as the case may be.

## **Chapter 5. Final provisions**

### **Article 11 - Repeal clause**

The Cooperation Agreement of the 7 July 2008 concluded between the Federal Legislative Chambers, the Parliaments of the Communities and the Parliaments of the Regions on the exercise of the powers of national parliaments granted under the Lisbon Treaty amending the Treaty on European Union and the Treaty establishing the European Community, signed in Lisbon on 13 December 2007, is repealed.

### **Article 12 - Entry into force**

This Cooperation Agreement shall come into force on the date on which it is approved by all the parties. Each Parliament shall inform the other Parliaments and Secretariat of the Conference of Presidents of the Parliamentary Assemblies immediately of its approval. The Secretariat of the Conference of Presidents of the Parliamentary Assemblies shall ensure the publication of this Cooperation Agreement in the Belgian State Gazette following its approval by all the parties hereto.

Done in nine originals - Signed in Brussels on 29 March 2017 by:

- the Federal State, represented by:

*The Chamber of Representatives,  
in the person of its President, Mr Siegfried Bracke,*

*and the Senate,  
in the person of its President, Ms Christine Defraigne,*

- the Flemish Community and the Flemish Region, represented by:

*the Flemish Parliament,  
in the person of its President, Mr Jan Peumans,*

- the French-language Community, represented by:

*the French-language Community Parliament,  
in the person of its President, Mr Philippe Courard,*

- the Walloon Region, represented by:

*the Walloon Parliament,  
in the person of its President, Mr André Antoine,*

- the Brussels-Capital Region, represented by:

*the Brussels-Capital Parliament,  
in the person of its President, Mr Charles Picqué,*

- the German-language Community, represented by:

*the German-language Community Parliament,  
in the person of its President, Mr Alexander Miesen,*

- the French-language Community Commission, represented by:

*the Assembly of the French-language Community Commission,  
in the person of its President, Ms Julie de Grootte,*

- the Common Community Commission, represented by:

*the United Assembly of the Common Community Commission,  
in the person of its President, Mr Charles Picqué,*

## Appendix:

	<b>Flemish Parliament</b>	<b>French-language Parliaments (PCF/PW/ACCF)</b>	<b>Brussels Parliaments (BP/VEGEGECO)</b>	<b>Parliament of the</b>
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				<b>German-language Community</b>
<b>Flemish Parliament</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>French-language Parliaments (PCF/PW/ACCF)</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>
<b>Brussels Parliaments (BP/VVGGC)</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>
<b>Parliament of the German-language Community</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>