

Proposed contribution by COSAC to the Convention on the Future of Europe on the role of national parliaments

The European Scrutiny Committee of the House of Commons would like COSAC to emphasise the following points in a contribution to the Convention:

- National parliaments could play an important role in bridging the gap between EU institutions and citizens, given that they have a closer relationship with citizens than any EU institution, and could thereby increase the EU's legitimacy, but they can only do so if they acquire real influence in EU decision-making;
- National parliaments' main role is to monitor and influence the activities of their own Ministers in the Council, but their ability to do so is determined partly by the way in which the EU itself conducts business (e.g. the Council normally meeting in private and proposals being agreed without sufficient time for parliamentary scrutiny);
- While a new EU institution involving national parliaments would be undesirable, national parliaments would be assisted in the tasks they carry out individually if there were greater co-operation and sharing of information between parliaments, and this could be achieved (at least in part) through COSAC if it is reformed.

The Committee would like COSAC to emphasise the importance of the Convention agreeing specific proposals in the following areas:

- The Council to meet in public when legislating;
- New procedures in the Council to prevent Presidencies rushing through proposals without allowing time for scrutiny, including giving national parliament scrutiny reserves a more formal status in the Council and adopting COSAC's proposal of a two-week period between COREPER and the Council agreeing a text;
- A procedure for early warnings on subsidiarity which, if a certain proportion of national parliaments or Chambers are objecting, have more serious consequences than merely re-examination of a proposal by the Commission;
- Arrangements for members of EU parliaments to meet, share views and question those responsible for devising and implementing EU policies, such as the Commission, in order to inform the examination of EU matters in national parliaments but not to involve national parliaments in decision-making at EU level; how this is done (e.g. through COSAC, the existing co-operation

organised by the EP or a Congress) is less important than that the opportunity is available;

- New procedures for co-decision and conciliation which would make the process more open and increase the ability of national parliaments to scrutinise proposals.

16 January 2003

Comments by the House of Lords European Union Committee

We endorse the views of our colleagues in the Commons. In addition we make the following points following our own recent review of scrutiny (which is available at www.parliament.uk and which is being circulated in hard copy to COSAC chairmen):

- National parliaments need to consider carefully how best to monitor the implementation of EU law. In many cases, including that of the House of Lords, this may be better left to a separate specialist committee rather than being performed by the European Scrutiny Committee if the function of that committee is to consider EU proposals during their passage through the EU legislative process
- National parliaments also need to take seriously their duty of scrutinising EU activity at a strategic level, in particular by way of scrutiny of the Commission's Annual Work Programme, the Council's strategic agenda and the EC budget.

Arrangements for scrutiny of EU parliaments... requesting those responsible for developing and implementing EU policies, such as the Commission, in order to inform the examination of EU matters in national parliaments but not to involve national parliaments in decision-making at the EU level.

Discussion paper on the role of the national parliaments in the future EU Treaty

Contribution to the work of the Convention

The role of the national parliaments and interparliamentary co-operation in the EU of the future is being discussed in the Convention which is preparing the intergovernmental conference that will be held in 2004. It is expected that the Convention will have completed its work by the middle of 2003. *The following is the European Affairs Committee's discussion paper for the meeting of COSAC's chairpersons on 28 January 2003*, at which member states have been asked to provide proposals to the Convention on the future role of the national parliaments. *The discussion paper contains the presupposition that a reform of COSAC will be carried out*, and that the reform will constitute an important element in the future role of the national parliaments in the EU's architecture.

The discussion paper follows *two general lines*: *The first line* is concerned with the incorporation of a reform of COSAC into the new Treaty, while *the second line* concerns the need for a further inclusion of the national parliaments in European policy.

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There is a need to strengthen democracy in the EU

The national parliaments should play a more active, prominent role in European policy with respect to the democratic legitimacy of the EU. In this connection it can be noted that there will be approximately 10,000 national parliamentarians and approximately 700 European parliamentarians with ties to the populations of the countries at European level in an enlarged EU.

Today there is a heightened popular demand for greater democracy, more openness and more transparency in the EU. This popular demand is to a considerable extent due to the fact that more and more decisions at EU level have consequences for the individual citizen's everyday life. This heightens the need of the individual citizen to be able to understand the purpose of and the underlying decision-making process for a decision on the part of the EU. It follows that there is a natural desire for joint influence on, participation in and information on the debate that is a normal part of any democratically based decision.

As a consequence of the increasing influence of decisions made by the EU on citizens' everyday lives, EU policy has to an increasing extent become a question of domestic policy.

A better "anchoring" in and co-ownership of the EU's decisions in the member states is therefore an issue of great importance. *Greater integration of European policy in the work of the national parliaments is a precondition for the democratic legitimacy of the EU, as well as a precondition for bringing the EU closer to citizens.*

This is not a question of competition between the national parliaments and the European Parliament. Each party plays a separate and important role, just as the parties agree on the common objective of bringing the EU closer to citizens and thereby contributing to an enhancement of the Union's democratic legitimacy.

How can democracy in the EU be strengthened without creating new institutions?

The EU can first and foremost be made more democratic by:

- strengthening the national parliaments in the role they play in European policy at a national level, and further by directly incorporating the national parliaments into the EU's decision-making procedures by establishing an "Early Warning" mechanism, for example, where the national parliaments would have the opportunity to make a direct contribution to the EU's decision-making process,
- strengthening the role of the European Parliament as a joint legislator, and by
- strengthening interparliamentary co-operation between the national parliaments and the European Parliament at all levels, including the national parliaments and the EU's institutions entering into agreements.

On this basis it can be ascertained that the national parliaments play a decisive role in connection with strengthening democracy in the EU. It is therefore important that the Convention takes this into account in its work on the new Treaty, and leaves room to strengthen the role of the national parliaments as a link between the EU and citizens at national level. The need for the national parliaments to have an insight into the EU policies of their respective governments will be particularly significant in connection with the governments of the member states moving from a position in which they have legislative power at national level to one in which they have legislative power in the Council.

Concrete proposals to the Convention

At a more concrete level it is proposed that COSAC's contribution to the Convention regarding a strengthening of the role of the national parliaments in the EU should follow two lines:

- I. Incorporating the reform of COSAC into the new Treaty.
- II. Clarifying COSAC's stance on a more comprehensive incorporation of the national parliaments into the EU's decision-making procedures and in EU policy, including
 - a clarification of COSAC's stance on the proposals that the Convention's working groups I (on the principle of subsidiarity) and IV (the role of the national parliaments) have presented,
 - a clarification of COSAC's stance on the proposal for a Congress,
 - and finally, a clarification of COSAC's stance on other ways of strengthening the role of the national parliaments in EU policy.

I. Proposal to incorporate the COSAC reform into a new Treaty

It is proposed that the COSAC reform should be incorporated into the new Treaty.

In connection with the reform COSAC has adopted a number of principles (minimum standards) for the national parliaments' treatment of EU issues ("Copenhagen Parliamentary Guidelines"), and COSAC can now adopt contributions by a majority as opposed to formerly where unanimity was required. Over and above this a working group under COSAC has recommended the establishment of a smaller, technical secretariat for COSAC in order to enhance the efficiency of COSAC.

It is therefore proposed that:

- The role of the national parliaments in relation to ensuring democracy in Europe should be mentioned in the *preamble to the new Treaty or be inserted into it in some other way*. (A similar proposal has been presented by the Convention's working group IV on the role of the national parliament, as the working group wishes that a new Treaty should emphasise the importance of the national parliaments for EU policy.)
- A new protocol be drawn up as a replacement for the existing Protocol 9 so that *"The Copenhagen Parliamentary Guidelines"* and other relevant elements from the reform can be incorporated.
- Some of the elements in *the operational agreements* which, as part of the reform of COSAC might be entered into between COSAC on behalf of the

national parliaments and the EU's institutions, should be transferred to the Treaty/Protocol, and that these will subsequently constitute a minimum framework for relations between the national parliaments and the EU's institutions. This could, for example, take the form of certain deadlines or an element in an agreement to the effect that the Council would place COSAC's contribution on its agenda by way of orientation. (In concrete terms this item could be introduced by an amendment of the Protocol combined with an amendment of the Council's standing orders).

- COSAC must have a new name. Names such as "Forum of Parliaments" and "The European Interparliamentary Conference" have been mentioned in the COSAC working group. A new name would necessarily imply amendments to the Treaty (protocols) in relevant places.

II. Further integration of the role of the national parliaments in a new Treaty

The Convention's working groups have presented a series of proposals for strengthening the role of the national parliaments in concrete areas. In view of its role as a body for co-operation for the European affairs committees of the national parliaments COSAC should have a clear stance on these proposals.

This concerns, for example, an evaluation of the *subsidiarity and proportionality principles* ("the early-warning mechanism"). It is proposed that it be established and made clear in the Treaty which role the national parliaments should play in relation to an evaluation of the subsidiarity and proportionality principles. The existing Protocol no. 30 in the EU Treaty regarding the use of the subsidiarity and proportionality principles, and Protocol no. 9 on the role of the national parliaments, should be adapted in accordance with this.

This also concerns the issue of strengthening the dialogue between the Commission and COSAC regarding the *Commission's legislative and working plan*. A strengthening of this type could be brought about by establishing a framework for this in the Treaty (Protocol).

COSAC should also consider how the national parliaments can be included in the use of the *open co-ordination method* as a regulatory method in the EU. It is necessary to include the national level in order for the method to have its full effect.

The *sector committees* of the national parliaments should to a far greater degree than is the case today be included in European policy, both in the individual parliament and in COSAC. COSAC should therefore support the proposal from the Convention's working group IV to the effect that COSAC in future can

constitute a platform for interparliamentary co-operation, also between the sector committees of the national parliaments.

In this connection consideration should be given to how the national parliaments can play a more active role with regard to the necessary parliamentary control of *EUROPOL* and *Joint Foreign Policy and Security Policy*.

If the existing system with a rotating Presidency of the Council should be changed it will be necessary for COSAC to adapt its leadership structure. It is proposed that COSAC should retain a troika-type structure and in addition elect its chairperson for a period of six months, as at present, or one year, or longer. The Presidency could alternate between three groups of countries – small countries, medium-sized countries, and big countries – in accordance with criteria based on equality between countries. The Presidency would therefore comprise a representative from each of these groups, and a representative from the European Parliament.

The president of the European Convention, M. Valéry Giscard d'Estaing, has presented a proposal regarding the creation of a "European Congress". For the present there are no particularly concrete proposals for the constitution of a Congress. Where Denmark is concerned we wish to support a strengthening of parliamentarianism and democracy in the EU. We oppose the creation of new EU institutions, including the establishment of bodies that, with the participation of the national parliaments, would imply a risk of duplicating work in relation to COSAC's tasks.