

Folketingets Europaudvalg

Christiansborg, den 21. maj 2003

Til

udvalgets medlemmer og stedfortrædere

**Rapport fra den ungarske nationalforsamling
om de europæiske parlamenter og Konventet**

Vedlagt fordeles til medlemmernes orientering en rapport udarbejdet af Dr. Katalin Szili, formand for den ungarske Nationalforsamling, med titlen "European Parliaments and the Convention on the future of Europe".

Rapporten er udarbejdet til brug ved konferencen for Parlamentsformænd i Athen den 23.-24. maj 2003.

Med venlig hilsen

Christian Dubois



PRESIDENT OF THE
HUNGARIAN NATIONAL ASSEMBLY

The European Parliaments and the Convention on the future of Europe

**Report prepared by
Dr. Katalin Szili President of the Hungarian National Assembly
for the conference of the Presidents of European Parliaments**

Athens, 23-24 May 2003

Introduction

One year ago in Madrid, we reviewed the role of national parliaments in relation to the future of Europe. The Convention had been underway only for a few months then, and two working groups of the Convention particularly important from the aspect of the national parliaments, namely, the Working Group on the role of national parliaments and the Working Group on the principle of subsidiarity had just started to operate. One year has passed since our meeting in Madrid; a year when perhaps the most thorough deliberation was devoted to the place and tasks of national parliaments within the European institutional system in the history of European integration. So many ideas and proposals have never been put forward for enhancing the efficiency of the role assumed by parliaments as in this one year. One year after Madrid, we are now only a few weeks from the closing of the Convention on the future of Europe. The Convention has less than a month for adopting and submitting its proposal for the EU's new Constitutional Treaty to the Inter-governmental Conference, in which it must also make a proposal for the operation of the parliamentary dimension of the European Union. The hour

the Convention.

The Laeken Declaration had formulated the questions that have oriented the work concerning the role of national parliaments in the Convention. The Laeken Declaration reflected the consensus that it was necessary to reconsider and reinforce the role of national parliaments in order to make the European Union more democratic, more transparent, and more efficient. Based on this consideration and following Laeken, the Convention has to furnish an answer to the following questions:

- Should the national parliaments be represented in a new institution alongside the Council and the European Parliament?
- Should they have a role in areas of European action in which the European Parliament has no competence?
- Should they focus on the division of competence between Union and Member States, for example through preliminary checking of compliance with the principle of subsidiarity?

These questions have been discussed thoroughly in the Convention last year. The Working Groups on the role of national parliaments and the principle of subsidiarity reviewed the relevant problems and proposals in detail, pointed out the issues where there is indeed a great need for change, and reflected them also in the final reports of the working groups. The plenary session of the Convention has also discussed the reports and added further useful thoughts to the statements included in them. Based on the results of the working groups, the Presidium of the Convention could submit to the Convention the two draft protocols concerning national parliaments, and the discussion of these drafts has taken place at the meeting of the Convention in March. The role of national parliaments is also concerned by the fact that the debate of institutional questions has started in the Convention. Profound thinking concerning the role of national parliaments has also started outside the Convention. On the one hand, detailed discussion has started and was completed on this in individual national parliaments, what resulted also in the adoption of official positions and resolutions in certain cases. On the other hand, a comprehensive exchange of views on this subject has taken place among national parliaments, particularly in COSAC. Tangible results have been achieved in this latter

- Fejl! Ukendt argument for parameter. -

forum in January in Copenhagen with the adoption of the Copenhagen Parliamentary Guidelines, and then with the modification of the rules of procedure of COSAC in Athens in May.

So a number of proposals have been devised in answer to the questions of Laeken last year, what allows the Convention to come to the conclusion that it should be possible to realise the

basic objective enjoying everyone's support: that is, to increase the democratic legitimacy of the Union by involving national parliaments more intensively, and to make the Union more transparent and more understandable for our citizens.

As a result of the Convention, we may pronounce that we have explored the questions we must answer. We know the questions we shall decide upon. For the most part, we are also familiar with each others' proposals and ideas. Now we are only facing the most difficult task: for each question, we must select the resolution concept that is acceptable for all of us, and which meets the emerging challenge.

Based on the above, in my report, I wish to sum up the proposals that we have before us, and I wish to point out in which direction we could still move forward in my view, and how we could arrive at specific decisions from the proposals we are considering.

But before analysing the specific points, I consider it very important to draw attention to the fact that the Constitutional Treaty to be elaborated by the Convention and to be adopted at the Inter-governmental Conference will be able to provide an answer for only a part of the measures to be taken concerning the role of national parliaments. The Constitutional Treaty will be able to decide upon only a part of the tasks to be executed. In order that national parliaments can assume a more efficient role, individual Member States shall resolve a number of questions themselves on national level in areas and in institutional and procedural questions where the EU, and thus the Constitutional Treaty can have no competence. Here I allude basically to the relations of national parliaments and their governments, which is a question where we may – or even must – adopt principles on the level of EU even as part of the Constitutional Treaty, but the development of the national models will remain a national competence.

- Fejl! Ukendt argument for parameter. -

Does the establishment of new institutions provide a solution?

In this respect, we came to the following conclusion in the chairman's summary adopted at our Madrid meeting last year:

„With a view to strengthening European democracy, the Presidents deemed it important to strengthen the participation of national Parliament, rather than by the creation of new bodies, by means of new procedures. In spite of the fact that some of the Presidents do not totally reject the possibility of a second Chamber in the European Parliament, most of the partici-

pants prefer to avoid complicating the European Union institutional structure.”

Considering the debate going on in the Convention, I believe that our conclusion drawn in Madrid has remained in effect up to this day. The majority of those who took the floor in the Convention rejected the necessity of establishing a new institution, although some still advocate the creation of a body called Congress or Congress of the Peoples of Europe (even this standpoint is reflected also in the proposal submitted by the Presidium of the Convention) that would consist of members of national parliaments and the European Parliament and would convene at least once a year. However, on account of the debates held on the subject we may as well state that according to the majority, the establishment of such a body would be no remedy to our main problem, namely that our citizens should see the European Union as being more transparent, more democratic and having greater legitimacy. The criterion of transparency cannot be ensured by a body meeting once a year, moreover, this principle would rather be infringed by the creation of another institution; this would make the institutional system that has not been too simple already, even more complicated. The new body would not involve greater democracy either, since it would not be vested with decision-making competence, thus, it would not represent a greater counterpoise against the influence of institutions not elected directly. Legitimacy would not be enhanced either, as another institution of indirect constitution would be created, although the direct election of the European Parliament was introduced almost 25 years ago with the purpose of reducing the number of such institutions. Altogether, I believe that it is incorrect to think that the establishment of an institution regrouping national parliaments would provide an answer to the problem of democratic deficit. It is incorrect, because the problems of insufficient democracy and transparency do not

- Fejl! Ukendt argument for parameter. -

emerge on Union level basically. On the level of the Union, I can see a significant problem of transparency only at one point: in the Council, because being a legislative body, its meetings are not public. However, this problem is easy to resolve; and the Member States have already given evidence of their intention to make significant progress at the Seville Summit in this respect. In my view, the Constitutional Treaty may express that in its capacity of legislative body the Council should act in public. With this, I believe, the requirements of transparency could be satisfied on the level of the Union, as the other legislative body, the European Parliament acts in public yet, and official documents are available to anyone.

In my opinion, the democratic deficit appears rather on national level, and the establishment of new institutions does not provide an answer to that. The main challenge is that while citi-

zens have increasing expectations towards the European Union, in the meantime their trust in the institutions of the Union decreases, because citizens are unclear as to which decisions are the responsibility of the European Union, which results can be attributed to Europe, and what the responsibilities of the specific institutions are at all. Identification with the EU is impeded by the fact that citizens are generally unclear as to the division of competence between Member States and the institutions of the Union, what the governments of Member States regularly use to blame Brussels for less popular decisions. The democratic deficit comes primarily from the fact that decision-making is concentrated in the hands of Community institutions on a supranational level, while political debate still takes place on national or local level (and I think that for a good while this cannot be changed or perhaps it is not worth changing it). Decisions are increasingly made on Community level, while communication and social debates concerning the decisions take place on national level, and electors continue to turn to their local representatives with their questions. So, the questions of power and legitimacy are separated to a certain degree. This can be altered only by conducting the debates on European decision-making concerning the society or its certain groups on the scene of the social debate, that is, in the national political arena, in its primary forums, in the national parliaments. We have to discuss on national level among others the challenges facing the Union, the political and legislative programmes for the next period (e.g. the programme of the Council Presidency and the Commission's legislative programme), we must pay increased attention to the questions of Community legislation concerning our citizens, we have to review the various interests, and

- Fejl! Ukendt argument for parameter. -

we have to visualize the national and Community standpoints. This is how we can give perhaps the best answer to resolve the issue of democratic deficit. This is proven by the positive practices characteristic to certain Member States. The problem of democratic deficit can be heard less often where the national debates on the main European decision-making issues are conducted in public in the parliament. So the answer should be sought for the most part in the national procedures. Therefore, the establishment of a new institution is not expected to reduce democratic deficit and reinforce legitimacy.

Moreover, a new institution created from representatives of the national parliaments would, to a certain degree, reinforce the misconception that the European Parliament and the national parliaments are rivals somehow. It would be a mistake to provide a breeding-ground for this idea. We must emphasise that national parliaments and the European Parliament do not develop to each other's detriment. The reinforcement of the parliaments is not a zero-sum game. The role of national parliaments in the EU diminished so far not because the European Par-

liament gained strength by receiving authorities of co-legislator. National parliaments became weaker versus their own governments, as the Council is the main legislative body in Community legislation. And the Council consists of the national governments. One of the most important questions of power related to the EU membership is that the previously sovereign legislating national parliaments cede some of the legislation to the Community of the Member States where individual countries are represented by their national governments. A shift in sovereignty takes place with the national parliaments being the institutional losers and the governments being the winners of the change. The powers shifted away from national parliaments do not end up primarily at the European Parliament. The reinforcement of the EP is rather compensation in terms of democratic legitimacy in this regard. The reinforcement of the powers of the European Parliament does not take any power away from national parliaments or even from the national governments sitting in the Council, since by virtue of the co-legislative role of the European Parliament, it appears as a decision-maker beside the governments of the Member States, as an institution having the right of veto, and that needs to be consulted, but that acts as a co-decision-maker. The increasing influence of the European Parliament brings about the reinforcement of parliamentary type control altogether. The European Parliament and the national parliaments may therefore gain strength side by side, thus

- Fejl! Ukendt argument for parameter. -

ensuring greater legitimacy to the Union. But while in the case of former amendments of the Treaty – primarily with the introduction and roll-out of the co-decision procedure – great emphasis was laid on the reinforcement by the European Parliament, and less attention was given to national parliaments. With the adoption of the Constitutional Treaty now we have an opportunity for reinforcing the parliamentary dimension of the EU in parallel, on the one hand by making the co-legislator role of the EP, that is, the co-decision procedure general (which is an extremely important step in my view), and on the other hand by introducing new procedures affecting the relations of the institutions of the Union and the national parliaments, and of the national parliaments and their governments (see under next point) ensuring that national parliaments providing the primary grounds for national debates receive a greater opportunity to expound and enforce their standpoints. To achieve this, national parliaments must gain strength primarily as opposed to their governments, exercising stricter control over the position represented by their governments in the Council.

The inclusion of national parliaments and the European Parliament in one body might disrupt the logical unity which ensures a fine balance of interests in the European Union today, an institutional balance between the Commission representing the Community, the Council acting for the states and the European Parliament standing for the citizens. In today's system,

clear and separable roles have evolved based on this fundamental assumption. If we accept that the European Union is a system *sui generis* (and we do not want to compare it to states or international organisations at any price), then it is easier to adopt the fact that national parliaments and the European Parliament have different roles and responsibilities within this institutional balance. The responsibility of the European Parliament is to provide on the level of the Union an opportunity for the interests of the citizens to connect directly into Community decision-making. On the other hand, the responsibility of national parliaments is to provide legitimacy for the national positions represented by their governments whereby the decision of the Council is made. Therefore, the EP and the national parliaments fulfil different legitimacy tasks that should not be confused, as these are complementary roles reinforcing each other. Consequently, in my opinion not a common institution, just more efficient and ongoing consultation is required between the European Parliament and the national parliaments.

- Fejl! Ukendt argument for parameter. -

The only benefit of establishing a Congress would be that it would create closer relations between members of the European Parliament and members of the national parliaments. However, that can be realised in a different way, namely by reforming, expanding and reinforcing COSAC, which process has already started and is simply waiting for being accelerated and for greater impetus. Moreover, with COSAC, a regularly meeting, much more living organisation could be created, which would ensure a forum necessary for the exchange of views between parliaments.

At the same time, significant need may arise in terms of the institutional involvement of national parliaments for the establishment of a single body not operating constantly, and that, in relation to the development of the Union. The establishment of the Convention lived up to the expectations, and allowed preparatory work related to the transformation of the Union to be done in a much wider, more democratic framework. Therefore it seems to be wise to consider that the "Convention model" should be included in the Constitutional Treaty. This would mean that in the future the Constitutional Treaty could be amended only after having the proposal of an ad hoc committee to be set up by the European Council and consisting of members of national parliaments and members of the European Parliament, delegates of the governments of the Member States and representatives of the European Commission.

- Fejl! Ukendt argument for parameter. -

New procedures instead of new institutions

Under the previous point I intended to point out that it is probably not the establishment of new institutions that is an answer to our main problems, but new procedures are rather required between the institutions of the Union and the national parliaments, and on the other hand between the national parliaments and their governments. In this regard, I feel that the work completed in the Convention brought about very significant progress, and many questions could be clarified in detail. Two Working Groups of the Convention, the Working Group on the role of national parliaments and the Working Group on the principle of subsidiarity have investigated the problem thoroughly, and the proposals submitted by the Presidium of the Convention also seek an answer to the main questions in the right direction. In the remaining month, we should endeavour to supplement and modify these proposals to provide an appropriate basis in the long term for a more efficient involvement of and more intensive role played by national parliaments. We must consider two important aspects in this regard. First, proposals enjoying comprehensive consensus have been developed outside the Convention, primarily in the scope of COSAC, which should be reflected in the Constitutional Treaty. On the other hand, we must keep in mind that it is not sufficient simply to create a good framework in the Constitutional Treaty; national procedures must be developed likewise, so that they serve our common interests and are consistent with the spirit of the principles to be set forth in the Constitutional Treaty.

On the basis of the work completed so far it can be stated that smoothly working procedural systems must be developed in three areas whereby we can meet our objective, namely that national parliaments should ensure improved transparency, greater legitimacy and more de-

mocracy in the decision-making process of the Union. We need new procedures first in the relations of the institutions of the Union and the national parliaments, second in the relations of national parliaments and their governments, and third in inter-parliamentary cooperation. I intend to summarise these items below.

- Fejl! Ukendt argument for parameter. -

a) Procedures regulating the relations of the institutions of the Union and national parliaments

Under this point, I will review the relations of national parliaments and the institutions of the Union, except for the direct connections with the European Parliament which will be dealt with under inter-parliamentary cooperation.

We are talking about two practical procedures in this regard. One of them must provide information for the national parliaments and ensure that they are supplied with the information necessary for their more efficient participation in the decision-making process, while the other must ensure that national parliaments be able to exercise the highest control over the enforcement of the principle of subsidiarity.

As regards the supply of parliaments with information, I believe that the Working Group of the Convention on the role of national parliaments completed a very thorough work to investigate the main questions. The Draft Protocol on the role of national parliaments submitted by the Presidium of the Convention reflected these proposals under a number of points. I think that we can agree with all the points of the draft protocol concerning the obligation to provide information and the operating procedures of the Council, the Commission, and the Court of Auditor. However further specification may be required. For instance, certain proposals of Working Group IV of the Convention have been omitted from the draft, and a number of other amendments would be worth including in the protocol. So my opinion is that the protocol should be made more accurate, should be supplemented and extended with the following points:

- Council agendas and outcomes should be communicated to national parliaments upon their establishment.
- Records of Council proceedings (or official record of the legislative proceedings)

should be sent within 10 days to the European Parliament and the national parliaments, parallel to the transmission to governments.

- Fejl! Ukendt argument for parameter. -

- Council Working Groups and Coreper should not acknowledge preliminary agreements on proposals covered by the six-week period, with exceptions on the grounds of urgency as set out in the Protocol.
- The Council's rules of procedure should provide for a clear week to elapse between a legislative item being considered at Coreper and the Council.
- A debate should be held simultaneously in all the national parliaments regarding the Commission's annual work programme.

In addition, I would consider it important to express in some section of the Constitutional Treaty (of course, not in the protocol on national parliaments) that the Council should act in public in all cases where it exercises its legislative functions.

Of the procedures regulating the relations of the institutions of the Union and national parliaments, the other extremely important question is that of the parliamentary control of the enforcement of subsidiarity. In this respect, the early warning system developed by the Convention's Working Group on the principle of subsidiarity would represent significant steps forward for the national parliaments. Therefore, national parliaments shall support the Draft Protocol on the application of the principle of subsidiarity and proportionality submitted by the Presidium of the Convention. The draft is well-balanced and provides a good synthesis of the positions expounded in the Convention. At the same time, there are still a few points that are subject to debate, but a solution is being outlined for them as well. Several of these concern national parliaments, such as the concept of national parliaments with regard to bicameral parliaments, the threshold for early warning, and the right to turn to the European Court of Justice.

It seems that the proposal that enjoyed the support of the majority at the plenary meeting of the Convention in March would provide a good solution for managing the concept of national parliaments and the problem of bicameral parliaments. Under that proposal when the threshold was calculated, reasoned opinions expressed by unicameral parliaments would be given two votes as opposed to one for opinions issued by each chamber of a bicameral parliament.

- Fejl! Ukendt argument for parameter. -

As far as the threshold is concerned, one third is an acceptable proportion in my view, as in fact, it can be considered a compromise, as there are some who want a higher, while others a lower proportion. There is a further question related to the threshold whereby some suggest that, beside the former warning called yellow card, another threshold, a kind of a red card be introduced, which would force the Commission's initiative to halt under a majority of two-thirds. However, I think that it is unnecessary to determine such a threshold explicitly, since if the Commission indeed received a negative feedback from two-thirds of the national parliaments, it is guaranteed that it would modify its proposal without such a red card.

It is also an important question how national parliaments are allowed to turn to the European Court of Justice. According to the protocol, Member States are allowed to do that where appropriate at the request of their national parliaments in accordance with their respective constitutional rules. Some challenge this and say that national parliaments should be allowed to turn directly to the Court of Justice. I believe, however, that in practice this could not be accomplished in the case of a number of parliaments, therefore national constitutional provisions should rather be clarified to specify in which form national parliaments would appear on behalf of the Member States in such cases.

Furthermore, it is a matter of principle from the aspect of the national parliaments that the Commission should send the annual report scrutinizing the application of Article 7(3) of the Constitution, to be prepared by the Commission, as mentioned in point 9 of the Draft Protocol on subsidiarity, directly to the national parliaments as well (simultaneously with sending it to the European Council, the Council, and the European Parliament).

b) Procedures regulating the relations of national parliaments and their governments

This point covers in essence the process of scrutiny, the procedure of the national parliaments to check and influence the standpoint and negotiating position of their respective governments in the Council, the preliminary control of Community legislation. As a matter of course, the elaboration of this procedure is the internal affair of each Member State. But, as I already pointed out, since we are talking about perhaps the most important question concerning the

- Fejl! Ukendt argument for parameter. -

reduction of the democratic deficit – what is decisive from the point of view of the operation and legitimacy of the Union and its acceptance by the citizens – in my view it is necessary to formulate certain minimum requirements, principles on the level of the Union. Practically, this was accomplished with the adoption of the Copenhagen Parliamentary Guidelines, at the same time it is worth considering that, giving greater weight to these guidelines, reference should be made to them in the Protocol on the national parliaments to be attached to the Constitutional Treaty. I do not necessarily think that these guidelines should be included in the protocol. That would not be expedient if only because we could consider them principles which can be adapted constantly to the practice and experiences or even modified from time to time. At the same time, it could be a solution to pronounce in the protocol – we would thereby give greater legitimacy to the guidelines – that national parliaments would jointly adopt a code of conduct or guidelines to regulate the relations between governments and parliaments regarding EU affairs.

In my opinion, the Copenhagen Guidelines adopted by the COSAC can be valued as very important steps made towards our parliaments fulfilling an increasingly efficient and, for our citizens, more transparent role in making Community decision-making clearer. I would find it important to make some kind of a reference to these in the Constitutional Treaty because in effect this would provide clearer guidance also to the governments as to the observance of the guidelines. I have to add that the guidelines will have any worth if the commitment to apply them exists on the national level. Of course, the models to be developed on national level shall in any case be aligned to the national constitutional framework and the domestic practice. At the same time, it is necessary that national parliaments regularly exchange their views (primarily on the level of COSAC and the Presidents' Conference) on the operation and results of the various national models, thus contributing to the improvement of these models and of the guidelines developed jointly. Therefore I suggest that we exchange our views regularly in the future concerning our practices, potentially even by reviewing the national implementation of a specific guideline on each occasion, thus sharing our experiences.

c) The issues of inter-parliamentary cooperation

As I already pointed out, the majority of those who took the floor in the Convention rejected the necessity of establishing new institutions; I myself also adopt the standpoint that in the current situation it is probably not the establishment of new institutions that is an answer to our problems. I think that this is also true for inter-parliamentary cooperation. I believe that the forms of cooperation established still have a lot of reserves for us for exchanging our views concerning Community decision-making, discussing our experiences, and for improving coordination between our parliaments. Instead of elaborating new forms, we rather need to use existing ones more efficiently, transform them according to our purposes, and we need to define our objectives with realism in this respect. We have to consider structures of cooperation that we will be able to operate and fill with content. Members of both the national parliaments and the European Parliament are busy, their travel and meeting plans can hardly be extended, therefore we must plan our cooperation rationally, as it is impossible to increase the number of meetings and sessions beyond a certain point. Considering the above, I will examine the following three questions in more detail in my report in connection with the cooperation between parliaments: the transformation of existing institutions, relations between members of national parliaments and of the European Parliament, and certain administrative issues.

Of existing institutions, we usually speak the most about COSAC. I agree with the finding of the Working Group IV of the Convention that it is necessary to clarify the mandate of COSAC making its activity more efficient and more focused and reinforcing its inter-parliamentary consultative mechanisms. I think that very important steps have been taken with the modification of the rules of procedure of COSAC in Athens, thus with the adoption of decision-making by majority and the establishment of a permanent secretariat. This will assist the body in remaining operational even with 25 Member States. It will be possible to ensure continuity through the permanent secretariat.

In my view, COSAC could be extended with members from parliamentary committees other than the committees on European affairs. Some of the other specialised committees have also

been holding meetings lately, for instance several such meetings will take place in this half-year on the initiative of the Greek Parliament. These could be integrated into COSAC, and the permanent secretariat could organise these meetings more easily. A priori more technical policy questions could be included in the agenda of the COSAC (e.g. CAP reform), and it would be good if the representatives of both the responsible specialised committees and the committees on European affairs were present at these meetings. We should consider holding two COSAC meetings each half-year (or more as required) longer than they are now (of even 3 whole days), with one of them focusing on the main policy questions of the half-year, while the other on the major strategic issues of the half-year, and in this manner a definite number of representatives of the specialised committees concerned would be invited to them. Of course, ad-hoc inter-parliamentary conferences could be held on specific topics as required, but the parallel treatment of topics could be more easily avoided in this manner. Beside specialised committees, the presidents of parliaments could also be involved in the work of COSAC, so presidents of parliaments could attend meetings dealing with strategic policy questions, and in such cases, they may even preside over these meetings. Of course, in this case there would be no need for a separate meeting for the presidents. In the context of these changes I would also agree to changing the name of COSAC; it could be renamed for instance to 'Conference of National Parliaments' expressing its more comprehensive nature, while the name conference would still reflect its character of informal, non-institutionalized discussion forum. Consequently, COSAC would obviously be a coordination forum of the national parliaments, but of course, the European Parliament would continue to take part in all aspects of its work, with consultative rights. The reinforced role of COSAC should also be reflected in the Protocol on National Parliaments attached to the Constitutional Treaty. In my view, this could pronounce that the European Parliament, the Council, and the Commission shall be informed of COSAC contributions and that they shall respond within three months. In addition, the protocol should also be supplemented with a paragraph expressing that COSAC may promote exchange of information and best practice.

As far as the development of relations between members of the national parliaments and members of the European Parliament is concerned, in my view the main task is that we should provide an increasing amount of information for each other on our activities and ideas. To this

- Fejl! Ukendt argument for parameter. -

end, the most important is to exploit the procedural possibilities available to us. The practice existing in some Member States whereby Members of the European Parliament may attend

and speak at committee meetings of the national parliaments, especially the committees on European affairs, should be propagated widely. The European Parliament could mutually ensure that a definite number of representatives from each national parliament, let us say, two representatives from each parliamentary committee, would be allowed to attend and, if required, speak at meetings of the counterpart committees of the European Parliament. We may even introduce a system whereby two MPs (1 from the government and 1 from opposition side) would be appointed from each parliamentary committee of every Member State, who would be permanently in charge of liaising with the EP and between the committees. All this would result also that integration affairs would not be dealt with exclusively by a limited number of representatives sitting in the committees on European affairs, but – through the involvement of the specialised committees – members of parliaments would be involved more deeply and more widely in Community decision-making what would also improve the publicity of Community affairs.

From the aspect of parliamentary cooperation, it is an important technical question that it is very difficult to find dates for the various meetings and sessions that are suitable for all parliaments as the system of our sessions vary greatly. We often have to face that our representatives cannot attend important European meetings because of their obligations to vote at home. Although I can see little chance of transforming our traditional order of sessions; however, I suggest that we consider reserving fixed dates – days or weeks – every half-year for the meetings of national parliaments, when we could also hold the meetings of COSAC, which could in this way always be attended by everyone.

As far as administrative questions are concerned, there are a couple questions that have been on the agenda for a longer while and which are particularly in the focus of attention now that the role of national parliaments is transferred on a new basis. I would like to highlight two points out of them. One is the question of establishing a permanent representation, and the other is the operation of electronic exchange of information.

- Fejl! Ukendt argument for parameter. -

Having studied the operation of a number of Member States, I think that we can affirm that it is of great avail to the parliaments if they have an independent source of information in Brussels gathering the necessary information based on the specific needs of the parliaments and providing information for the MPs on a regular basis. Such offices allow the parliaments to use their own channels in addition to the channels of other institutions including government

bodies and EU institutions. The fact that the European Parliament provides premises for this in its own building is a very good opportunity. It would therefore seem expedient if it became a general practice among parliaments to have such an office in Brussels. In the Hungarian National Assembly, we have decided that we intend to establish a permanent representation in the building of the European Parliament to assist our parliament in getting first hand information.

As regards the electronic exchange of information, I wish to point out that the hour has come for us to establish an information network truly useful in everyday work. We have already taken the first steps to this end, and since we could create an enormous amount of energy in other areas by establishing fast information flow, I think that we must pay greater attention to informing each other in this way.

- Fejl! Ukendt argument for parameter. -

Concluding remarks

The Nice Declaration and the Laeken Declaration pointed out that it was necessary to reconsider and reinforce the role of national parliaments in order to make the European Union more democratic, more transparent, and more efficient. In connection with the work of the Convention, the greatest attention ever has been paid to the role played by national parliaments in the decision-making of the European Union. A number of proposals have been devised as a result of the deliberation started concerning the role of parliaments, what allows the Convention to

come a conclusion completing the objective enjoying everyone's support: that is, to increase the democratic legitimacy of the Union by involving national parliaments more intensively, and to make the Union more transparent and more understandable for our citizens.

In my report, I pointed out that as a result of the discussions held in the Convention it can be affirmed that probably not the establishment of new institutions, but the development of new procedures and the transformation of existing procedures would offer the best solution for reinforcing the role of national parliaments. The current balance of institutions should not be disrupted, but needs rather to be operated more efficiently, and the current institutional system holds significant reserves for this. It is partly the responsibility of the Convention and the Intergovernmental Conference to develop these procedures and insert them in the Constitutional Treaty. The Constitutional Treaty must ensure the procedures, primarily in the context of the relations between the EU institutions and the national parliaments, which provide the preconditions for national parliaments to be able to influence and shape decisions of the Union. At the same time, there are several issues where the solution is independent of the Constitutional Treaty and its implementation is a question of political intention. Some of them relate to the national models regulating the relations of national parliaments and their governments, while others to the interparliamentary relations. At the same time, it must be underlined that the nature of the national models is of key importance to reduce the democratic deficit. The problem of democratic deficit can be heard less often where the debates on the main European decision-making issues are conducted in public in the national parliament. Therefore, we have to keep in mind increasingly that although the framework ensuring the involvement of national parliaments must be expected from the Constitutional Treaty, the actual role that we can se-

- Fejl! Ukendt argument for parameter. -

cure for our parliaments by this framework depends basically on us; it is a function of a national decision. My report summarises the procedural issues and the most important proposals and tasks formulated in connection with them so far, that we shall resolve either within or independent of the Constitutional Treaty.

Based on the work of the Convention we may as well state that after the closing of the Convention and the Intergovernmental Conference, as a consequence of the adoption of the Constitutional Treaty, national parliaments will be given a greater than ever opportunity to participate in the development of EU decisions. Not only the influence exercised over Community legislation by national parliaments through their governments will increase, but being the main guardians of the prevalence of the principle of subsidiarity, they will also have a direct say in the control of this principle. It has a symbolic importance that these two roles of the

national parliaments should appear not only in the two protocols attached, but also in the Constitutional Treaty. The Constitutional Treaty should include an article on the role of national parliaments and another on the control of the principle of subsidiarity, while the two protocols should include the specific procedural questions related to them in detail.

The Convention is expected to complete work in June and draft the Constitutional Treaty. Then the Intergovernmental Conference is expected to begin in the second half of the year. In this respect, I consider it very important that the latter should start only after the referenda on accession have been completed in the accession countries. Thus, IGC could begin in October at the earliest. This would also ensure a reflection period when the national parliaments could discuss the results of the Convention, thus the governments could represent their countries at the Intergovernmental Conference knowing the refined position of their parliament. It would be difficult to set a deadline for closing the IGC now. Naturally, it would be ideal if the Convention could resolve the most possible points of issue, and few questions would remain for the IGC. One thing is certain, however, namely that old and new Member States shall be equal in every respect at the Intergovernmental Conference. Since all the 25 Member States shall ratify the Constitutional Treaty to put it in force, the ten accession countries shall have the same rights – including the voting right – as the Fifteen. An important condition of equality taken in the legal sense is that, irrespective of when we will close the Intergovernmental

- Fejl! Ukendt argument for parameter. -

Conference (in the optimum case this may happen quickly), the Constitutional Treaty shall be signed with the participation of all the 25 countries after 1 May 2004. Consequently, the decision on the final approval shall also be made with the participation of 25 equal states. After it is signed, the national parliaments shall make every effort so that ratification is completed in a short time and the Constitutional Treaty of the 25-force Union comes into force as soon as possible.

(Løbenr. 20357)