

NOTES OF THE EUROPEAN CONVENTION, Friday 7 June 2002 (9:30 - 13:00)

Ben Crum (CEPS, 10 June 2002)

Main topic:

THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN ARCHITECTURE

In concluding this debate, VGE characterised the proposals put forward as 'too modest'. As he considers more engagement of the national parliaments crucial to intensifying the 'democratic circulation' within the EU, he had expected suggestions to go beyond the tinkering approaches now proposed.

Two remarks may have been distinctive enough to meet VGE's expectations. First, John Bruton's (Ir.) insistence that further engagement of national parliaments was needed to bring about a structural transformation of EU politics from a diplomatic method to a democratic method. Secondly, the reference of a Greek representative to the importance of the fostering of European political parties, advocating 'a statute for European political parties'.

No enforced harmonisation of parliamentary procedures

For the rest the Convention was most outspoken on what it did *not* want to do. It was widely recognised that regulating parliamentary procedures is an exclusive competence of the nation-states and that European institutions should not interfere with that. However, most conventioners agreed that generally parliamentary powers of scrutiny over EU affairs needed to be strengthened. The Praesidium proposal to encourage the exchange of best practices was generally supported. Some considered it desirable that harmonisation of EU-related procedures would be stimulated.

Due recognition was given to the fact that the popular legitimacy of national parliaments is superior by far to any other national or European institution. However, it was also pointed out that the involvement of NMP's with European affairs often leaves much to be desired; there is a tendency to be 'inward-looking'. Many national politicians have little knowledge of what powers they do actually have already and how they might best exploit them.

In general the Scandinavian model of strict mandates was referred to as exemplary and optimising NMP's powers. Notably East-European candidate countries appear to copy these procedures (Slovenia, Lithuania). However it was also pointed out that too specific mandates threaten to endanger effective decision-making within the Council (Borell). However, to this objection Scandinavians retorted that a strong mandate does not so much restrict the government as rather providing it with a strong political back-up and increasing trust between government and parliament.

No separate chamber

An overwhelming majority of the convention dismissed the suggestion to establish a separate chamber at the EU level for NMP's. Notable exceptions were, however, representatives from the federal states of Germany and Austria who emphatically pleaded to retain this option within the debate. Main consideration against a separate chamber was that another institution would mainly increase the complexity of EU decision-making. Improvements are mainly to be sought in better exploiting the relation between the existing institutions.

A number of conventioners recognised that improving NMP's scrutiny powers requires above all reforms of the way the Council works. Increasing the transparency of the Council's legislative actions would thus need to be a first priority. Improvements would also be necessary in the organisation of the Council meetings and the priorities set.

Possible new NMP-instruments

National parliament's powers with regard to EU decision-making might be increased by giving them the right to put questions before the Council directly and as a whole, instead of only before their own government. Commissioner Barnier suggested that commissioners should develop more direct contacts with national parliaments. John Bruton (Ir.) added the introduction of the NMP's right to question commissioners. It was even suggested that NMP's should be involved in the process of appointing commissioners. More generally a conventioneer advocated a better and more direct stream of information from the EU institutions to the national parliaments. Jens-Peter Bonde argued that national parliaments should be given the right to veto EU legislation that touches upon 'vital national interests'. Finally the suggestion was made to grant NMP's a right of legislative initiative within the EU.

Another suggestion made (Barnier) was to add some NMP's as delegates to the Council of Ministers. Some even advocated the transformation of the Council into a legislative Chamber of States. However, Hanja Maij-Weggen observed that this would dilute the distinction between governmental and parliamentary controlling responsibilities. On the other hand it was argued (Vanhanen Fi) that opening a potential split between two diverse national delegations (a governmental and a parliamentarian one) would be undesirable and confusing.

Many agreed that interparliamentary relations among the national parliaments and with the EP needed to be intensified. The installation of joint committees of MEP's and NMP's was proposed. Many members underlined the important role of COSAC. However, it was also widely observed that right now COSAC does not really live up to its promise. A strengthening of COSAC (more meetings, a stronger secretariat) was therefore suggested. Moreover the introduction of majority decision-making within COSAC was suggested (Fr. rep.) to equip it better to reach decisions swiftly and effectively.

One representative (UK, Heathcot-Amory?) suggested the establishment of a distinct 'interparliamentary pillar' requiring legislation to be ratified by all national parliaments. The suggestion was also made to involve the parliamentary assembly of the Council of Europe in which NMP's are represented in EU decision-making.

Some pointed out that the Convention method ensured excellent representation of NMP's and therefore advocated using it more often (Meyer, D) or even keeping it in place as a permanent Congress. Possible tasks of such a Congress (cf. Jospin) would be to elect the Commission president and to adopt a yearly EU legislative program.

Subsidiarity

Subsidiarity requires procedural checks, but eventually also needs to be seen as a substantial, political issue. Thus quite a number of representatives submitted that subsidiarity as a procedural question was first and foremost to be left to the ECJ (Gr. rep.). However, others stressed the importance of monitoring subsidiarity not only ex post but also ex ante as legislation is being prepared. Such monitoring would have to start from the drafting work of the Commission onwards. Also within the Council special procedural and organisational provisions might be made to secure the compliance with subsidiarity. Generally it was agreed that NMP's have a specific role in monitoring EU legislation on its conformation with the subsidiarity principle. Ali Tekin (TK) suggested that COSAC might adopt a formal role in this. A Maltese MEP argued that strengthening the observance of subsidiarity within the EU would have to start from a deeper and more substantial inscription of the principle within the Treaty texts/ constitution.

Question (v) of the Praesidium suggesting compulsory consultation of national parliaments when new EU competences are added was generally underlined. However, this appears mainly to be

deemed appropriate in the context of Treaty revision. More creeping expansion (e.g. in accordance with Article 308 TEC) was little addressed.

The debate is to continue in the working group 'National Parliaments' chaired by Gisela Stuart (UK).

Preceding minor agenda points:

A. Question time

Italian delegate (Dini?) suggests the desirability of the Convention to persist over the IGC and to respond to its results. VGE replies cautiously that this is to be considered as the Convention produces its report, but he deems it obvious that the Convention will have to see through the finishing of its own work.

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B. Composition of Working groups

- Six working groups have been installed. They operate under the responsibility of their chair(wo)man and are to meet 5-9 times starting this afternoon (7 June) until late September. Final reports depend on progress being made and conclusions reached but are expected to be available at the latest for the October session.
- Depending on the future debates new working parties will be formed. For now the VGE foresees future working groups on:
 - 'Security and justice' to be installed in the next meeting (late June)
 - Specific aspects of CFSP, like 'CFSP-coordination between Council and Commission'; 'CFSP-instruments needed' - CFSP as a whole is however reserved for plenary discussion
 - 'Simplification of the Treaties', probably emerging out of the current WP on 'legal personality'.