

AMENDMENT FORM

Suggestion for amendments of the Protocol on the Role of National Parliaments in the European Union

By Mr. Vytenis Andriukaitis, Mr. Algirdas Gricius, Mr. Gintautas Šivickas

Status : Member, Member, Alternate.

DRAFT

[PROTOCOL] ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

RECALLING that the way in which individual national parliaments scrutinise their own governments in relation to the activities of the Union is a matter for the particular constitutional organisation and practice of each Member State.

CONSIDERING, however, that greater involvement of national parliaments in the activities of the European Union is essential, particularly in ensuring the scrutiny of governments' actions in the Council and monitoring respect for the principles of subsidiarity and proportionality, and that increasing the role and influence of national parliaments in the European Union would be a means of promoting democracy and accountability in the Union and helping to bring citizens and the Union closer together,

DESIRING, therefore, to ensure that national parliaments have the opportunity to obtain information and to express their views on legislative and other proposals before decisions are made,

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

I. I. Information for Member States' national parliaments

1. All Commission consultation documents (green and white papers and communications) shall be forwarded directly by the Commission to Member States' national parliaments **upon publication.**

2. The Commission shall send all its proposals for legislation directly to Member States' national parliaments at the same time as to the European Parliament and to the Council.

[paragraph 3 in Praesidium draft moved and amended (see para 10)]

3. A six-week period shall elapse between a legislative proposal being made available by the Commission to the European Parliament, the Council and the Member States' national parliaments in their languages and the date when it is placed on a Council agenda for adoption or for adoption of a position under the legislative procedure set out in Article [X in Part II of the Treaty establishing a constitution for Europe], subject to exceptions on grounds of extreme urgency, the reasons for which shall be stated in the act or common position. **During that six-week period, no formal or informal agreement on the proposal, preliminary or otherwise, shall be reached.**

4. **Unless the Council adopts the Commission's legislative proposal without amendment, ten clear days shall elapse between consideration of the item by COREPER and the Council adopting a common position, subject to exceptions on grounds of extreme urgency, the reasons for which shall be stated in the act or common position. The Council shall keep and publish a record of the observance of this provision.**

5. **When a legislative proposal is placed on a Council agenda for decision, the agenda shall indicate whether there are any national parliament scrutiny reserves outstanding, and if agreement is reached despite such a scrutiny reserve, the Council shall state its reasons for having proceeded.**

6. The agendas for and the outcome of Council meetings, **including a record of the debate in the case of Council meetings held in public**, shall be transmitted directly to Member States' national parliaments **at the same time as they are transmitted to governments.**

7. The Commission shall send Member States' national parliaments, for information, any instrument of legislative planning or policy strategy that it submits to the European Parliament and to the Council, at the same time as to those institutions.

8. The Court of Auditors shall send its annual report to the Member States' national parliaments, for information, at the same time as to the European Parliament and to the Council.

9. The Commission shall respond promptly to requests for information and questions from national parliaments or their committees about its proposals.

II. SUBSIDIARITY AND PROPORTIONALITY

10. If Member States' national parliaments send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion under paragraph [5] of the Protocol on the application of the principles of subsidiarity and proportionality, or issue reasoned opinions under paragraph [7] of that Protocol, the European Parliament, the Council and the Commission shall act in accordance with the provisions of that Protocol.

[para 8 of Praesidium's draft moved and amended (see para 13)]

III. CONFERENCE OF EUROPEAN AFFAIRS COMMITTEES

11. The Conference of European Affairs Committees, hereinafter referred to as COSAC, established in Paris on 16 and 17 November 1989, may examine any legislative proposal or initiative, notably in relation to the establishment of an area of freedom, security and justice, the application of the principles of subsidiarity and proportionality or questions regarding the rights and freedoms of individuals, on its own initiative, or on the basis of draft legal texts which representatives of the governments of the Member States may decide by common accord to forward to it, and may submit any contribution it deems appropriate on the legislative or other activities of the Union for the attention of the institutions of the Union. Such contributions shall in no way bind national parliaments or prejudice their position.

12. COSAC shall inform the European Parliament, the Council and the Commission of any of its contributions made under this Protocol. Each institution of the Union shall reply to any COSAC contribution addressed to it relating to its areas of responsibility within three months.

13. The European Parliament shall consult COSAC and invite it to co-operate with it as regards the promotion of inter-parliamentary co-operation within the European Union.

14. COSAC may, inter alia, promote the exchange of information and best practice between parliaments of the Union, including their sectoral committees, and may convene ad hoc interparliamentary conferences.

Explanation (if any) :

The above amendments, with the exception of first paragraph of the Preamble which follows the original draft, para 10 and para 12, are the expression of support to the suggested amendments by Ms. Gisela Stuart.