

## AMENDMENT FORM

### Suggestion for 'Draft Protocol on the role of national parliaments in the European Union'

By : TIMOTHY KIRKHOPE MEP

Status : Member

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>THE HIGH CONTRACTING PARTIES,</p> <p>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.</p> <p>DESIRING, however, to encourage greater involvement of national parliaments in the activities of the European Union and to enhance their ability to express their views on matters which may be of particular interest to them.</p> <p>HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:</p>	<p>THE HIGH CONTRACTING PARTIES,</p> <p>RECALLING that the way in which individual national parliaments scrutinise their own governments in relation to the activities of the <u>Community</u> is a matter for the particular constitutional organisation and practice of each Member State.</p> <p>DESIRING, however, to encourage greater involvement of national parliaments in the activities of the European <u>Community</u> and to enhance their ability to express their views on matters which may be of particular interest to them.</p> <p>HAVE AGREED UPON the following provisions, which shall be annexed to the <u>simplifying Treaty</u>:</p>
I. Information for Member States' national parliaments	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.	1. All <u>European Parliament</u> consultation documents (green and white papers and communications) shall be forwarded directly by the <u>Parliament</u> to Member States' national parliaments.
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.	2. The <u>European Parliament</u> shall send all its proposals for legislation directly to Member States' national parliaments at the same time as to the <u>European Commission</u> and to the Council.
3. The Member States' national parliaments may send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether the Commission's legislative proposal complies with the principle of subsidiarity, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.	3. The Member States' national parliaments may send to the <u>Mediating Committee</u> a reasoned opinion on whether the <u>European Parliament's</u> legislative proposal complies with the principle of subsidiarity, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.
4. 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.	4. A six-week period shall elapse between a legislative proposal being made available by the <u>European Parliament</u> to the <u>European Commission</u> , 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 <u>simplifying Treaty</u> ], subject to exceptions on grounds of extreme urgency, the reasons for which shall be stated in the act or common position.

5. The agendas for and the outcome of Council meetings shall be transmitted directly to Member States' national parliaments.	5. The agendas for and the outcome of Council meetings shall be transmitted directly to Member States' national parliaments.
6. 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.	6. The <u>European Parliament</u> shall send Member States' national parliaments, for information, any instrument of legislative planning or policy strategy that it submits to the <u>European Commission</u> and to the Council, at the same time as to those institutions.
7. 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.	7. 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.
8. The European Parliament and the national parliaments shall together examine how interparliamentary cooperation may be effectively promoted within the European Union.	8. The European Parliament and the national parliaments shall together examine how interparliamentary cooperation may be effectively promoted within the European <u>Community</u> .
<p>9. The Conference of European Affairs Committees, set up on 16 and 17 November 1989, may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. Such contributions shall in no way bind national parliaments or prejudice their position.</p> <p><b>Praesidium comments: The following is the text of the Amsterdam Protocol concerning COSAC:</b></p> <p><i>"4. The Conference of European Affairs Committees, hereinafter referred to as COSAC, established in Paris on 16-17 November 1989, may make any contribution it deems appropriate for the attention of the institutions of the European Union, in particular on the basis of draft legal texts which representatives of governments of the Member States may decide by common accord to forward to it, in view of the nature of their subject matter.</i></p>	<p>9. The Conference of European Affairs Committees, set up on 16 and 17 November 1989, may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. Such contributions shall in no way bind national parliaments or prejudice their position.</p> <p><b>Comments: The following is the text of the Amsterdam Protocol concerning COSAC:</b></p> <p><i>"4. The Conference of European Affairs Committees, hereinafter referred to as COSAC, established in Paris on 16-17 November 1989, may make any contribution it deems appropriate for the attention of the institutions of the European Union, in particular on the basis of draft legal texts which representatives of governments of the Member States may decide by common accord to forward to it, in view of the nature of their subject matter. <u>Such contributions must follow a motion for resolution and approval by COSAC.</u></i></p>

## **FICHE AMENDEMENT**

**Proposition d'amendement à l'Article : Protocole sur le rôle des Parlements nationaux**

**Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention**

**Qualité : - Membre - Suppléant**

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### **PROJET DE PROTOCOLE SUR LE ROLE DES PARLEMENTS NATIONAUX DANS L'UNION EUROPEENNE**

LES HAUTES PARTIES CONTRACTANTES,

RAPPELANT que la manière dont les différents Parlements nationaux exercent le contrôle sur leur propre gouvernement pour ce qui touche aux activités de l'Union relève de l'organisation et de la pratique constitutionnelles propres à chaque État membre,

DÉSIREUSES, cependant, d'encourager une participation accrue des Parlements nationaux aux activités de l'Union européenne et de renforcer leur capacité à exprimer leur point de vue sur des propositions législatives ainsi que sur d'autres questions qui peuvent présenter pour eux un intérêt particulier,

ONT ADOPTÉ les dispositions ci-après, qui sont annexées à la Constitution :

#### **I. Informations destinées aux Parlements nationaux des États membres**

1. Tous les documents de consultation de la Commission (livres verts, livres blancs et communications) sont transmis directement par la Commission aux Parlements nationaux des États membres lors de leur publication. La Commission envoie également aux Parlements nationaux des États membres le programme législatif annuel ainsi que tout autre instrument de programmation législative ou de stratégie politique qu'elle présenterait au Parlement européen et au Conseil, en même temps qu'à ces institutions.
2. Toutes les propositions législatives adressées au Parlement européen et au Conseil sont envoyées simultanément aux Parlements nationaux des États membres. **La**

**recommandation de la Commission relative au projet de grandes orientations économiques des Etats membres et de l'Union ainsi que la proposition de la Commission pour les lignes directrices pour l'emploi sont transmises immédiatement aux Parlements nationaux.**

3. Les Parlements nationaux des États membres peuvent adresser aux Présidents du Parlement européen, du Conseil et de la Commission un avis motivé concernant la conformité d'une proposition législative avec le principe de subsidiarité, selon la procédure prévue dans le Protocole sur l'application des principes de subsidiarité et de proportionnalité.
4. Un délai de six semaines s'écoule entre le moment où une proposition législative est mise par la Commission à la disposition du Parlement européen, du Conseil et des Parlements nationaux des États membres dans les langues officielles de l'Union européenne et la date à laquelle elle est inscrite à l'ordre du jour du Conseil en vue de son adoption ou de l'adoption d'une position dans le cadre d'une procédure législative, des exceptions étant possibles pour des raisons d'urgence, dont les motifs doivent être exposés dans l'acte ou la position commune. Sauf dans des cas urgents dûment motivés, aucun accord ne peut être constaté concernant une proposition législative au cours de ces six semaines. Dix jours doivent s'écouler entre l'inscription d'une proposition à l'ordre du jour du Conseil et l'adoption d'une position commune.
5. Les ordres du jour et les résultats des sessions du Conseil, y compris les procès-verbaux des réunions du Conseil lorsqu'il délibère sur des propositions législatives, sont communiqués directement aux Parlements nationaux des États membres, en même temps qu'aux gouvernements des États membres.
6. La Cour des comptes envoie à titre d'information son rapport annuel aux parlements nationaux des États membres, en même temps qu'au Parlement européen et au Conseil.
7. ~~Dans les cas des parlements nationaux bicaméraux, ces dispositions s'appliquent aux deux chambres.~~
7. **Les Etats membres peuvent, compte tenu de leur organisation constitutionnelle, indiquer dans une déclaration, quel est le Parlement disposant de compétences législatives qui, en fonction de chaque politique de l'Union, doit être considéré**

**comme Parlement national au sens du présent Protocole.**

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**Explication éventuelle :**

## **FICHE AMENDEMENT**

### **Proposition d'amendement au Protocole sur le rôle des Parlements Nationaux**

**Déposée par:** Représentants de l'Assemblée de la République - Portugal

- **Membre:** Maria Eduarda Azevedo, Alberto Costa

- **Suppléant:** António Nazaré Pereira, Guilherme d'Oliveira Martins

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#### Protocole

9. La Conférence interparlementaire est une forum interparlementaire composée de représentants des Parlements nationaux. Il devra prendre des dispositions en vue de coopérer avec le Parlement européen.

Les travaux de la Conférence interparlementaire se portent, en particulier, sur les matières de la responsabilité des parlements notamment les droits, les libertés et les garanties, la justice et les affaires internes, la politique étrangère et de sécurité commune et à la politique de sécurité et de défense commune, le contrôle de la subsidiarité et autres matières auxquelles cette Constitution prévoit la participation des Parlements nationaux. Ce forum devra être régulièrement consulté par le Conseil.

La Conférence n'intervient pas dans la procédure législative de l'Union, mais ses contributions doivent être prises en considération par les organes de l'Union dans les processus de décision respectifs. Outre la Présidence et les membres de la Commission participent à la Conférence, sur sa propre initiative ou sur sollicitation de la Conférence.

#### **Explication**

Il doit avoir une référence à la Conférence interparlementaire (COSAC avec nouvelle dénomination) dans les articles de la part I – on peut le mettre dans l'article X en substituant le Congrès.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : Protocole Role des Parlements Nationaux

Déposée par ~~Madame ou~~ Monsieur : Danny PIETERS

Qualité :    - ~~Membre~~                    - Suppléant

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Ajouter au nouveau tiret 7. Au cas où la constitution des Etats-Membres reconnaissent des pouvoirs législatifs autonomes aux entités fédérées des ces Etats, la disposition s'appliquera à tous les parlements des entités fédérées à pouvoir législatif autonome.

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#### Explication éventuelle :

L'ajout de la dite phrase est essentielle afin de respecter l'ordre constitutionnel de certains Etats Membres. Il est en effet contraire au droit constitutionnel de certains états membres de reconnaître quelque rôle que ce soit aux parlements fédéraux lorsque la constitution reconnaît des pouvoirs constitutionnel autonome aux entités fédérées. Il est dès lors tout à fait inadéquat d'écrire dans le commentaire que les parlements nationaux eux-mêmes peuvent, si le système constitutionnel le permet, transmettre les textes aux assemblées régionales (ce qui serait alors la responsabilité des gouvernements ou des parlements fédéraux). Ce commentaire semble faire preuve d'un manque de de connaissance de la manière dont certains états membres se sont constitutionnellement organisés ou d'un refus d'en tenir compte. Nous osons espérer que ni l'un ni l'autre soit la réalité.

Nous ne pouvons que répéter qu'il n'appartient pas à la Convention ni à l'Union européenne de modifier la répartition constitutionnelle des compétences entre les chambres d'un parlement ou celle qui existe, au sein de certains Etats membres, entre le niveau fédéral et le niveau des entités fédérées. Par conséquent toutes les assemblées parlementaires possédant une compétence législative qui est reconnue par la Constitution d'un Etat membre, doivent être traitées sur un pied d'égalité par l'Union européenne. Tout le texte du protocole a été rédigé comme s'il n'existait qu'un seul (véritable) parlement par Etat membre et que ces « véritables » parlements, par voie de conséquence, « établissent eux-mêmes les procédures internes en ce qui concerne la consultation de chambres différentes dans le cas d'un système bicaméral et/ou, là où cela est d'application, d'un système comportant des parlements régionaux qui ont une compétence législative. » Cette proposition peut constituer une atteinte à l'ordre constitutionnel interne de certains états membres et ne tient également pas suffisamment compte des réalités politiques qui peuvent apparaître. Illustrons-en l'une et l'autre. Il existe certains pays tels que la Belgique où la compétence législative des entités fédérées est juxtaposée à celle de la Fédération et dans lequel l'Etat fédéral n'a pas de compétence, et ce, même en ce qui concerne la dimension internationale, dans les domaines où les entités fédérées sont compétentes (comme par exemple : l'enseignement, la culture, etc.) C'est de cette façon que la Constitution belge répartit les compétences. Affirmer que le parlement national doit consulter les parlements régionaux en ces matières – en ce qui concerne le contrôle du principe de subsidiarité - porte atteinte à la répartition constitutionnelle des compétences en :

1. attribuant quelque compétence en la matière au parlement national/fédéral ;
2. réduisant le rôle du parlement régional à un simple rôle consultatif.

Qu'il s'agisse des deux chambres d'un parlement fédéral ou de l'existence juxtaposée d'assemblées à divers niveaux, l'on ne peut également pas passer sous silence le fait que plusieurs parlements puissent connaître des majorités différentes. Il n'appartient pas à l'Union européenne d'intervenir dans un tel champ de tension politique en considérant une assemblée parlementaire comme interlocuteur privilégié de l'Union européenne et les autres comme des assemblées qu'il ne convient que de consulter.

En ce qui concerne l'information des parlements nationaux, nous sommes partisans d'une approche large. En cette matière, nous plaidons en faveur de l'insertion du considérant suivant: Il faut donc accepter qu'en

ce qui concerne ce protocole, doivent être considérés comme parlements nationaux non seulement les parlements monocaméraux mais également, le cas échéant, chacune des deux chambres dans les systèmes législatifs bicaméraux, et ce tant au niveau des états qu'à celui des entités fédérées auxquelles les constitutions nationales ont attribué une compétence législative autonome.



## AMENDMENT FORM

**Suggestion for protocol: Draft protocol on the application of the principles of subsidiarity and proportionality**

### Article 8

**By: M.J.CHABERT  
M.M.DAMMEYER  
M.P.DEWAEL  
Ms. C.du GRANRUT  
M.C.MARTINI  
M.R.VALCARCEL SISO**

**Status :        - Member                      - Alternate —                      - Observer**

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8. The Commission shall submit to the European Council, the European parliament, the Council, the national Parliaments of the Member States **and the Committee of the regions** a report on the application of Article I-9 of the Constitution. This annual report shall also forwarded to the Economic and Social Committee.

## AMENDMENT FORM

**Suggestion for protocol: Draft protocol on the application of the principles of subsidiarity and proportionality**

### Article 6

**By: M.J.CHABERT  
M.M.DAMMEYER  
M.P.DEWAEL  
Ms. C.du GRANRUT  
M.C.MARTINI  
M.R.VALCARCEL SISO**

**Status :        - Member                      - Alternate —                      - Observer**

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6. The European Parliament, the Council and the Commission shall take account of the reasoned opinions issued by Member States' Parliaments or by a chamber of a national Parliament **and the Committee of the Regions.**

## AMENDMENT FORM

**Suggestion for protocol: Draft protocol on the application of the principles of subsidiarity and proportionality**

### Article 5

**By: M.J.CHABERT  
M.M.DAMMEYER  
M.P.DEWAEL  
Ms. C.du GRANRUT  
M.C.MARTINI  
M.R.VALCARCEL SISO**

**Status :        - Member                      - Alternate —                      - Observer**

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5. Any national parliament of a Member State, **and the Committee of the Regions where it has been consulted** may, within six weeks from the date of transmission of the Commission's legislative proposal, send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the proposal in question does not comply with the principle of subsidiarity. It will be for each national parliament to make the internal arrangements for consulting each chamber in the case of bicameral parliaments and/or, where appropriate, regional parliaments with legislative powers.

## AMENDMENT FORM

**Suggestion for protocol: Draft protocol on the application of the principles of subsidiarity and proportionality**

### Article 3

**By: M.J.CHABERT  
M.M.DAMMEYER  
M.P.DEWAEL  
Ms. C.du GRANRUT  
M.C.MARTINI  
M.R.VALCARCEL SISO**

**Status :        - Member                      - Alternate —                      - Observer**

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3. The Commission shall send all its legislative proposals and its amended proposals to the national parliaments of the Member States **and the Committee of the Regions** at the same time as to the Union legislator. The European Parliament and the Council shall send their legislative resolutions and common positions respectively, upon adoption, to the national parliaments of the Member States **and the Committee of the Regions**.

## AMENDMENT FORM

**Suggestion for protocol: draft protocol on the application of the principles of subsidiarity and proportionality**

### Article 2

**By: M.J.CHABERT  
M.M.DAMMEYER  
M.P.DEWAEL  
Ms. C.du GRANRUT  
M.C.MARTINI  
M.R.VALCARCEL SISO**

**Status :        - Member                      - Alternate —                      - Observer**

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2. Before proposing legislative acts, the Commission shall consult widely. Such consultations **via in particular the Committee of the Regions** shall, where appropriate, take into account the regional and local dimension of the action envisaged.

## AMENDMENT FORM

### Suggestion for amendment of **DRAFT [PROTOCOL] ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION, Article 1:**

By BROK; ALMEIDA GARRETT; ALONSO; ALTMAIER; AZEVEDO; BASILE; BREJC; CISNEROS; CUSHNAHAN; DEMETRIOU; DOLORES; FARNLEITNER; FOGLER; FRENDON; GIANNAKOU; KAUPPI; KELAM; KELEMEN; KORHONEN; KRASTS; KROUPA; KUTZKOVA; LAMASSOURE; LENNMARKER; LEQUILLER; MAIJWEGGEN; MLADENOV; NAZARE-PEREIRA; PIKS; RACK; SANTER; STYLIANIDIS; SZAJER; TEUFEL; TUSEK; VAN DER LINDEN; VAN DIJK; WITTBRODT; WÜRMELING; ZILE

on behalf of the EPP Convention Group

Status: Members and Alternates

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*Text of the Praesidium*

*Proposed Amendments*

#### Article 1:

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

#### Article 1:

All Commission consultation documents (green and white papers and communications, ***the annual legislative programme***) shall be forwarded directly by the Commission to Member States' national parliaments.

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#### **Explanation:**

The annual legislative programme is particularly important as it allows national parliaments to prepare at an early stage for forthcoming Union legislation. All national parliaments should treat the Commission's annual legislative programme at the same time.

## FICHE AMENDEMENT

**Proposition d'amendement au protocole: PAR**

**Déposée par Madame et Monsieur : Maria Eduarda Azevedo / António Nazaré Pereira**

**Qualité : Membre Effective / Suppléant**

LES HAUTES PARTIES CONTRACTANTES,

RAPPELANT (...)

**CONSIDÉRANT, cependant, que une plus grande participation des Parlements nationaux aux activités de l'Union européenne est essentielle, en particulier pour assurer le contrôle de l'action des Gouvernements représentés au Conseil et veiller à l'application des principes de subsidiarité et de proportionnalité.**

**CONSIDÉRANT que l'accrue de la participation et de l'influence des Parlements nationaux à l'Union européenne sera une façon de promouvoir la démocratie et la responsabilité au sein de l'Union et contribuera à rapprocher les citoyens de l'Union.**

**DÉSIREUSES, [1 mot supprimé], d'encourager (...) un intérêt particulier et assurer l'existence entre elles d'un réseau européen dont les objectifs sont la consultation et le dialogue conjoint avec les institutions de l'Union européenne.**

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1. Tous (...) États membres **après publication.**

3. Les **Parlements Nationaux** (...) **Présidents du Conseil Européen, du Conseil, du Parlement Européen** (...) avec **les principes** de subsidiarité et de proportionnalité (...).

4. Un délai (...) position commune. **Durant ce délai de six semaines, la proposition législative ne doit pas faire l'objet d'un accord formel ou informel, préliminaire ou autre.**

5. Les (...) Conseil, **y compris la transcription du débat en cas de réunion publique du Conseil**, sont (...) États membres, **en même temps qu'aux Gouvernements.**

8. **Les Parlements nationaux et le Parlement européen promouvront la coopération interparlementaire au sein de l'Union européenne.**

9. **En tenant compte de l'expérience de la Conférence des organes spécialisés dans les affaires européennes (COSAC) et des directives de Copenhague qui ont résultées des débats réalisés, les Parlements nationaux des États membres dénomment cette instance de coopération «Conférence interparlementaire pour les affaires européennes» et promeuvent la création d'une structure d'appui.**



## FICHE AMENDEMENT

Proposition d'amendement au protocole: **Parlements nationaux**

**Déposée par:** M. Louis **Michel**, M. Karel **de Gucht**, M. Elio **di Rupo**, Mme Anne **Van Lancker**, membres de la Convention et M. Pierre **Chevalier** et Mme Marie **Nagy**, membres suppléants de la Convention, ainsi que par Monsieur Patrick **Dewael**, observateur

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Ajouter un paragraphe 10 se lisant comme suit :

10. Les Etats membres peuvent, compte tenu de leur organisation constitutionnelle, indiquer dans une déclaration, quel est le Parlement disposant de compétences législatives qui, en fonction de chaque politique de l'Union, doit être considéré comme Parlement national au sens du présent Protocole.

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Explication éventuelle :

**AMENDMENT FORM**

**Suggestion for amendment of Article : Protocol on the Role of the National Parliaments and Protocol on the Application of the Principles of Subsidiarity and Proportionality**

**By Ms / Mr : J. Kohout**

**Status :**    ☒ - Member                      - Alternate

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**General:**    Merging of the two protocols could be considered since their substance is quite similar.

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**Explanation (if any) :**

**AMENDMENT FORM**

**Suggestion for amendment of Article : Protocol on the Role of the National Parliaments**

**By Ms / Mr : J. Kohout**

**Status :**    ☒ - Member                      - Alternate

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**Point 8**     Specify or remove

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**Explanation (if any) :**

## AMENDMENT FORM

### Suggestion for Protocol on the Role of National Parliaments

By           **Prof Peter Serracino-Inglott – Member**  
              **Mr John Inguanez - Alternate**

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To add the following at the end of paragraph 3 :

« Without prejudice to the European Parliament's decision-making autonomy, members of national parliaments may also send to the President of the European Parliament recommendations on other aspects of the Commission's legislative proposal which, in their opinion, may have a bearing on European citizens »

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#### Explanation:

This amendment is being proposed in the context of the desire expressed in the preamble to this draft protocol 'to encourage greater involvement of national parliaments in the activities of the European Union and *to enhance their ability to express their views on matters which may be of particular interest to them.*' In this spirit, the amendment is intended to take the involvement of national parliaments in the legislative process a step beyond their scrutiny of subsidiarity, by affording the possibility to channel recommendations on the substance of proposed legislation to the European Parliament on a case-by-case basis. Recommendations may be transmitted via an electronic mechanism to the European Parliament in the name of a predetermined number of national parliamentarians from a particular Member State, when they consider, as a result of regular contact with the grassroot level, that an attempt to influence the European Parliament's deliberations would be advisable due to a perceived impact on the lives of European citizens. It would nonetheless be up to the European Parliament to gauge the validity of such recommendations and to ultimately decide whether to factor any contributions from national parliaments into its own position on the proposed legislation. While this would evidently be *without prejudice to the European Parliament's decision-making autonomy*, it would establish a basis for national parliaments to provide added value to the European Parliament's assessment of legislative proposals, as well as providing an incentive for individual national parliaments to consult among themselves. *It must be underlined that introducing such a mechanism would not imply the creation of a new institution.*

## AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol : on the role of National Parliaments in the European Union

By Mr :    **R. van der Linden (member)**  
              **F. Timmermans (member)**  
              **V. Andriukaitis (member)**  
              **C. Einem (member)**  
              **W. van Eekelen (alternate)**  
              **J.J. van Dijk (alternate)**  
              **P. Altmeier (alternate)**

Status :    - Member                - Alternate

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Add one sentence :

6. 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. **The Commission's annual work programme will be subject of a (coinciding) debate in the national parliaments.**

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Explanation (if any) :

**Once every year, a specific week (after the presentation of the annual work programme of the Commission) should be scheduled in order to have simultaneously debates in the national parliaments. This common window for debates will raise national awareness of the activities of the European Union, will encourage the national parliaments to make their views known, it will enrich the European role of the national parliaments.**

## **AMENDMENT FORM**

**Suggestion for amendment of Article :**

**Suggestion for protocol : on the role of National Parliaments in the European Union**

**By Ms / Mr :**    **R. van der Linden (member)**  
                         **F. Timmermans (member)**  
                         **W. van Eekelen (alternate)**  
                         **J.J. van Dijk (alternate)**

**Status :**    **- Member**            **- Alternate**

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Add:

10. Ratification of amendments to part two of the Constitutional Treaty will come about with the approval of a (enhanced) majority of national parliaments.

## AMENDMENT FORM

### **Suggestion for amendment of Protocol On The Role of National Parliaments in the European Union**

**By Members: Mr Göran Lennmarker, Mr Sören Lekberg**

**By Alternates: Mr Kenneth Kvist, Mr Ingvar Svensson**

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New text in article 8

#### **II. Interparliamentary co-operation**

**8. Efforts made by national parliaments in order to improve interparliamentary co-operation should be encouraged. The co-operation may be bilateral or multilateral. Interparliamentary contacts create conditions for better understanding of different perspectives in member states.**

~~The European Parliament and the national parliaments shall together examine how  
interparliamentary cooperation may be effectively promoted within the European Union.~~

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#### **Explanation:**

Well developed interparliamentary contacts counteract parochialism. Especially bilateral meetings have proven to be able to create favorable conditions for understanding of specific political conditions in another member state. Meetings between committees in two different member states may often be of good help in order to better understand other points of view.

## **AMENDMENT FORM**

**Suggestion for amendment of Article :**

**Suggestion for protocol : national parliaments, article 5.**

**By Ms / Mr :     G.M. de Vries  
                         T.J.A.M. de Bruijn**

**Status :    Members**

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The Secretary -General of the Council shall transmit at least 21 days before the Council meetings the agendas directly to Member States' national parliaments. The outcome of the Council meetings shall be transmitted to Member States' national parliaments as soon as possible.

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**Explanation (if any) : It should be made clear who is responsible for the transmission and within what period the transmission should take place.**



## FICHE AMENDEMENT

### Proposition d'amendement au Protocole sur le rôle des Parlements nationaux dans l'Union européenne

Déposée par Monsieur Pierre LEQUILLER, Membre

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PROJET DU PRESIDIU	AMENDEMENTS DE M. PIERRE LEQUILLER
LES HAUTES PARTIES CONTRACTANTES,  RAPPELANT que la manière dont les différents Parlements nationaux exercent le contrôle sur leur propre gouvernement pour ce qui touche aux activités de l'Union relève de l'organisation et de la Pratique constitutionnelles propres à chaque État membre,	LES HAUTES PARTIES CONTRACTANTES,  RAPPELANT que la manière dont les différents Parlements nationaux exercent le contrôle sur leur propre gouvernement pour ce qui touche aux activités de l'Union relève de l'organisation et de la Pratique constitutionnelles propres à chaque État membre, <u>et soulignant l'adoption par la XVIIIe COSAC de Bruxelles du 27 janvier 2003 de normes minimales indicatives permettant aux Parlements nationaux de suivre et de contrôler la politique européenne de leurs gouvernements respectifs :</u>
	<i><b>Justification :</b></i>  <i>Les règles minimales indicatives adoptées le 27 janvier 2003 par la XVIIIe COSAC de Bruxelles constituent une source importante quant aux critères du contrôle exercé par les Parlements nationaux sur les affaires européennes. A ce titre, il est souhaitable d'y faire référence dans le présent protocole.</i>
DÉSIREUSES, cependant, d'encourager une participation accrue des Parlements nationaux aux activités de l'Union européenne et de renforcer leur capacité à exprimer leur point de vue sur les questions qui peuvent présenter pour eux un intérêt particulier,	DÉSIREUSES, cependant, d'encourager une participation accrue des Parlements nationaux aux activités de l'Union européenne et de renforcer leur capacité à exprimer leur point de vue sur les questions qui peuvent présenter pour eux un intérêt particulier,
ONT ADOPTÉ les dispositions ci-après, qui sont annexées à la Constitution:	ONT ADOPTÉ les dispositions ci-après, qui sont annexées à la Constitution:
I. Informations destinées aux Parlements nationaux des États membres	I. Informations destinées aux Parlements nationaux des États membres
1. Tous les documents de consultation de la Commission (livres verts, livres blancs et communications) sont transmis directement par la Commission aux Parlements nationaux des États membres.	<u>1.</u> La Commission envoie toutes ses propositions législatives directement aux Parlements nationaux des États membres en même temps qu'au Parlement européen et au Conseil.

<p>2. La Commission envoie toutes ses propositions législatives directement aux Parlements nationaux des États membres en même temps qu'au Parlement européen et au Conseil.</p>	<p>2. Tous les documents de consultation de la Commission (livres verts, livres blancs et communications) sont transmis directement par la Commission aux Parlements nationaux des États membres.</p>
	<p><b>Justification :</b></p> <p><i>Les points 1 et 2 ont été inversés afin de tenir compte de la hiérarchie entre les actes juridiquement contraignants (propositions législatives) et les documents de consultation.</i></p>
<p>3. Les Parlements nationaux des États membres peuvent adresser aux présidents du Parlement européen, du Conseil et de la Commission un avis motivé concernant la conformité d'une proposition législative de la Commission avec le principe de subsidiarité, selon la procédure prévue dans le Protocole sur l'application des principes de subsidiarité et de proportionnalité.</p>	<p>3. Les Parlements nationaux des États membres peuvent adresser aux présidents du Parlement européen, du Conseil et de la Commission un avis motivé concernant la conformité d'une proposition législative de la Commission avec le principe de subsidiarité, selon la procédure prévue dans le Protocole sur l'application des principes de subsidiarité et de proportionnalité.</p>
<p>4. Un délai de six semaines s'écoule entre le moment où une proposition législative est mise par la Commission à la disposition du Parlement européen, du Conseil et des Parlements nationaux des États membres dans leurs langues et la date à laquelle elle est inscrite à l'ordre du jour du Conseil en vue de son adoption ou de l'adoption d'une position dans le cadre de la procédure législative prévue à l'article [X dans la Partie II du traité instituant une constitution pour l'Europe], des exceptions étant possibles pour des raisons d'extrême urgence, dont les motifs doivent être exposés dans l'acte ou la position commune.</p>	<p>4. Un délai de six semaines s'écoule entre le moment où une proposition législative est mise par la Commission à la disposition du Parlement européen, du Conseil et des Parlements nationaux des États membres dans leurs langues et la date à laquelle elle est inscrite à l'ordre du jour du Conseil en vue de son adoption ou de l'adoption d'une position dans le cadre de la procédure législative prévue à l'article [X dans la Partie II du traité instituant une constitution pour l'Europe], des exceptions étant possibles pour des raisons d'extrême urgence, dont les motifs doivent être exposés dans l'acte ou la position commune. <u>Afin de permettre aux Parlements nationaux d'exercer leur contrôle, un délai raisonnable doit s'écouler entre l'examen d'une proposition législative par le COREPER et l'adoption d'une position commune par le Conseil.</u></p>
	<p><b>Justification :</b></p> <p><i>Il est nécessaire qu'un délai raisonnable s'écoule entre l'examen d'une proposition législative par le COREPER et l'adoption d'une position commune par le Conseil afin que les Parlements nationaux puissent tenir compte de l'évolution des négociations dans l'élaboration de leur position.</i></p>
<p>5. Les ordres du jour et les résultats des sessions du Conseil sont communiqués directement aux Parlements nationaux des États membres.</p>	<p>5. Les ordres du jour et les résultats des sessions du Conseil sont communiqués directement aux Parlements nationaux des États membres, <u>dès leur</u></p>

	<p><u>établissement par le Secrétariat général du Conseil. Les gouvernements des pays membres s'efforcent d'établir, pour leurs parlements nationaux respectifs, un matériel d'information claire et facilement lisible concernant les propositions législatives européennes.</u></p> <hr/> <p><b>Justification :</b></p> <p><i>Afin d'être utiles aux Parlements nationaux, les ordres du jour et les résultats des sessions du Conseil doivent leur être adressés suffisamment à temps. En outre, il est souhaitable que les Parlements nationaux soient régulièrement tenus informés des positions défendues par leurs gouvernements respectifs ainsi que de l'évolution des négociations, pour se prononcer en connaissance de cause sur les propositions législatives européennes qui sont soumises à leur examen.</i></p> <hr/> <p>6. La Commission envoie aux Parlements nationaux des États membres à titre d'information tout instrument de programmation législative ou de stratégie politique qu'elle présenterait au Parlement européen et au Conseil, en même temps qu'à ces institutions.</p> <hr/> <p><b>Justification :</b></p> <p><i>Amendement de coordination.</i></p> <hr/> <p>7. La Cour des comptes envoie à titre d'information son rapport annuel aux Parlements nationaux des États membres en même temps qu'au Parlement européen et au Conseil.</p> <hr/> <p><b>Justification :</b></p> <p><i>Amendement de coordination</i></p> <hr/> <p>8. Le Parlement européen examine avec les parlements nationaux comment promouvoir de façon efficace la coopération inter-parlementaire au sein de l'Union européenne.</p> <hr/> <p><b>Justification :</b></p> <p><i>Amendement rédactionnel</i></p> <hr/>
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<p>9. La Conférence des organes spécialisés dans les affaires communautaires, instituée les 16 et 17 novembre 1989, peut soumettre toute contribution qu'elle juge appropriée à l'attention du Parlement européen, du Conseil et de la Commission. De telles contributions ne lient en rien les Parlements nationaux ni ne préjugent leur position.</p>	<p>9. La Conférence des organes spécialisés dans les affaires communautaires, instituée les 16 et 17 novembre 1989, peut soumettre toute contribution qu'elle juge appropriée à l'attention du Parlement européen, du Conseil et de la Commission. De telles contributions ne lient en rien les Parlements nationaux ni ne préjugent leur position.  <u>L'institution destinataire d'une contribution est tenue d'y répondre dans un délai de trois mois.</u></p> <hr/> <p><b>Justification :</b></p> <p><i>L'obligation pour une institution destinataire de répondre à une contribution de la COSAC dans un délai de trois mois permet de s'assurer que de telles contributions feront l'objet d'un examen par leurs destinataires.</i></p> <hr/> <p><b><u>Après le point 9., ajouter un II. ainsi rédigé :</u></b></p> <p>« II. Rôle des Parlements nationaux en ce qui concerne l'espace de sécurité, liberté et justice</p> <p>10. Les Parlements nationaux peuvent adresser aux présidents du Parlement européen, du Conseil et de la Commission un avis motivé concernant la conformité d'une proposition législative de la Commission ou d'une initiative des Etats membres avec les aspects fondamentaux de leur droit pénal et civil national ou avec les droits fondamentaux garantis par le [titre I bis] de la présente Constitution.</p> <p>11. Les Parlements nationaux sont consultés lors de la détermination, par le Conseil européen, des orientations stratégiques et des priorités de la politique européenne en matière de justice pénale.</p> <p>12. Des conférences interparlementaires sont tenues périodiquement sur les activités de l'Union dans le domaine de l'espace de sécurité, liberté et justice.</p> <p>13. Les Parlements nationaux sont associés au mécanisme d'évaluation mutuelle existant dans le domaine de l'espace de sécurité, liberté et justice.</p> <p>14. Une commission mixte, regroupant des membres des commissions compétentes des Parlements nationaux et du Parlement européen est étroitement associée au contrôle d'Europol et du parquet européen. »</p>
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	<p><b>Justification :</b></p> <p><i>L'espace de sécurité, de liberté et de justice se situe au centre des compétences des Parlements nationaux et de la vie des citoyens européens. Les mesures adoptées dans ce domaine, en particulier en matière pénale, doivent faire l'objet d'un débat démocratique et transparent, aussi bien au niveau européen - les compétences du Parlement européen seront renforcées à cet effet - que national.</i></p> <p><i>Dans ce secteur, des changements majeurs, aux conséquences importantes pour les Parlements nationaux, sont envisagés au sein de la Convention européenne :</i></p> <ul style="list-style-type: none"> <li><i>- les conventions de l'actuel « troisième pilier » de l'Union européenne, couvrant la coopération judiciaire pénale et policière, vont être remplacées par des instruments de droit communautaire classique, non soumis à ratification ;</i></li> <li><i>- les actuelles décisions-cadres et décisions, dépourvues d'effet direct, seront remplacées par les futures lois-cadres et lois, dotées d'effet direct dès leur entrée en vigueur ou à l'expiration de leur délai de transposition, sans qu'une intervention des Parlements nationaux ne soit nécessaire ;</i></li> <li><i>- l'Union européenne sera dotée de la personnalité juridique internationale, et les accords négociés avec des pays tiers en matière pénale (extradition et entraide judiciaire) ou policière ne feront donc plus l'objet d'une autorisation parlementaire nationale avant d'être ratifiés.</i></li> </ul> <p><i>Ces évolutions, dans un domaine aussi sensible et touchant profondément aux compétences des Parlements nationaux, doivent nécessairement s'accompagner d'un renforcement de leur rôle dans l'élaboration du droit de l'Union.</i></p> <p><i>La nature des compétences et des questions traitées par l'Union change en effet radicalement. Les politiques des Etats membres en matière criminelle, d'asile, et d'immigration se définissent, de plus en plus, à Bruxelles. Les questions qui sont abordées au cours de chaque session du Conseil « Justice et affaires intérieures » touchent ainsi au cœur des droits et de la vie de chaque citoyen et des compétences de</i></p>
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	<p>leurs représentants :</p> <ul style="list-style-type: none"> <li>- Faut-il, dans le cadre de la répression de l'exploitation sexuelle des enfants et de la pédopornographie, établir des échelles de peines différentes en fonction du consentement d'une victime mineure ?</li> <li>- Peut-on accepter d'extrader une personne vers un Etat où elle risque d'être jugée par des juridictions d'exception ?</li> <li>- Faut-il prévoir un traitement différencié pour le trafic de certaines drogues en petites quantités ?</li> <li>- Peut-on débouter automatiquement les demandeurs d'asile provenant de pays que l'on aura préalablement définis comme des « pays tiers sûrs » ?</li> </ul> <p>Ces questions, quelle que soit la réponse qu'on leur apporte, doivent être débattues publiquement, dans la transparence, par des représentants élus et responsables devant leurs électeurs. C'est, en particulier, une condition indispensable pour l'élaboration du droit pénal dans une société démocratique, seule à même de conférer au principe de légalité des délits et des peines (« Nullum crimen, nulla poena sine lege ») toute sa portée.</p> <p>Le présent amendement reprend les propositions formulées sur ce sujet par le groupe de travail présidé par M. John Bruton, en élargissant le droit d'alerte précoce à la protection des droits fondamentaux et au droit civil, et en y ajoutant la création d'une commission mixte (Parlement européen et Parlements nationaux) pour le contrôle d'Europol et du futur parquet européen (conformément à la proposition figurant dans la communication de la Commission sur le contrôle démocratique d'Europol).</p>

## FICHE AMENDEMENT

### Proposition d'amendement au Protocole sur le rôle des Parlements nationaux dans l'Union européenne

Déposée par Monsieur Jacques FLOCH, suppléant

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PROJET DU PRESIDIUM	AMENDEMENTS DE M. JACQUES FLOCH
	<p><u>Après le point 9., ajouter un II. ainsi rédigé :</u></p> <p>« II. Rôle des Parlements nationaux en ce qui concerne l'espace de sécurité, liberté et justice</p> <p>10. Les Parlements nationaux peuvent adresser aux présidents du Parlement européen, du Conseil et de la Commission un avis motivé concernant la conformité d'une proposition législative de la Commission ou d'une initiative des Etats membres avec les aspects fondamentaux de leur droit pénal et civil national ou avec les droits fondamentaux garantis par le [titre I bis] de la présente Constitution.</p> <p>11. Les Parlements nationaux sont consultés lors de la détermination, par le Conseil européen, des orientations stratégiques et des priorités de la politique européenne en matière de justice pénale.</p> <p>12. Des conférences interparlementaires sont tenues périodiquement sur les activités de l'Union dans le domaine de l'espace de sécurité, liberté et justice.</p> <p>13. Les Parlements nationaux sont associés au mécanisme d'évaluation mutuelle existant dans le domaine de l'espace de sécurité, liberté et justice.</p> <p>14. Une commission mixte, regroupant des membres des commissions compétentes des Parlements nationaux et du Parlement européen est étroitement associée au contrôle d'Europol et du parquet européen. »</p> <p><b>Justification:</b></p> <p><i>L'espace de sécurité, de liberté et de justice se situe au centre des compétences des Parlements nationaux et de la vie des citoyens européens. Les mesures adoptées dans ce domaine, en particulier en matière pénale, doivent faire l'objet d'un débat démocratique et</i></p>

	<p><i>transparent, aussi bien au niveau européen - les compétences du Parlement européen seront renforcées à cet effet - que national.</i></p> <p><i>Dans ce secteur, des changements majeurs, aux conséquences importantes pour les Parlements nationaux, sont envisagés au sein de la Convention européenne :</i></p> <ul style="list-style-type: none"> <li><i>- les conventions de l'actuel « troisième pilier » de l'Union européenne, couvrant la coopération judiciaire pénale et policière, vont être remplacées par des instruments de droit communautaire classique, non soumis à ratification ;</i></li> <li><i>- les actuelles décisions-cadres et décisions, dépourvues d'effet direct, seront remplacées par les futures lois-cadres et lois, dotées d'effet direct dès leur entrée en vigueur ou à l'expiration de leur délai de transposition, sans qu'une intervention des Parlements nationaux ne soit nécessaire ;</i></li> <li><i>- l'Union européenne sera dotée de la personnalité juridique internationale, et les accords négociés avec des pays tiers en matière pénale (extradition et entraide judiciaire) ou policière ne feront donc plus l'objet d'une autorisation parlementaire nationale avant d'être ratifiés.</i></li> </ul> <p><i>Ces évolutions, dans un domaine aussi sensible et touchant profondément aux compétences des Parlements nationaux, doivent nécessairement s'accompagner d'un renforcement de leur rôle dans l'élaboration du droit de l'Union.</i></p> <p><i>La nature des compétences et des questions traitées par l'Union change en effet radicalement. Les politiques des Etats membres en matière criminelle, d'asile, et d'immigration se définissent, de plus en plus, à Bruxelles. Les questions qui sont abordées au cours de chaque session du Conseil « Justice et affaires intérieures » touchent ainsi au cœur des droits et de la vie de chaque citoyen et des compétences de leurs représentants :</i></p> <ul style="list-style-type: none"> <li><i>- Faut-il, dans le cadre de la répression de l'exploitation sexuelle des enfants et de la pédopornographie, établir des échelles de peines différentes en fonction du consentement d'une victime mineure ?</i></li> <li><i>-Peut-on accepter d'extrader une personne</i></li> </ul>
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	<p><i>vers un Etat où elle risque d'être jugée par des juridictions d'exception ?</i></p> <p><i>- Faut-il prévoir un traitement différencié pour le trafic de certaines drogues en petites quantité ?</i></p> <p><i>- Peut-on débouter automatiquement les demandeurs d'asile provenant de pays que l'on aura préalablement définis comme des « pays tiers sûrs » ?</i></p> <p><i>Ces questions, quelle que soit la réponse qu'on leur apporte, doivent être débattues publiquement, dans la transparence, par des représentants élus et responsables devant leurs électeurs. C'est, en particulier, une condition indispensable pour l'élaboration du droit pénal dans une société démocratique, seule à même de conférer au principe de légalité des délits et des peines (« Nullum crimen, nulla poena sine lege ») toute sa portée.</i></p> <p><i>Le présent amendement reprend les propositions formulées sur ce sujet par le groupe de travail présidé par M. John Bruton, en élargissant le droit d'alerte précoce à la protection des droits fondamentaux et au droit civil, et en y ajoutant la création d'une commission mixte (Parlement européen et Parlements nationaux) pour le contrôle d'Europol et du futur parquet européen (conformément à la proposition figurant dans la communication de la Commission sur le contrôle démocratique d'Europol).</i></p>

## AMENDMENT FORM

### Suggestion for protocol : national parliaments

By Mr : Fischer

Status : - Member

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3. Jede Kammer der ~~Die~~ Parlamente der Mitgliedstaaten ~~können~~ kann gemäß dem im Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit vorgesehenen Verfahren eine mit Gründen versehene Stellungnahme zur Übereinstimmung eines Rechtsetzungsvorschlags der Kommission mit dem Subsidiaritätsgrundsatz an die Präsidenten des Europäischen Parlaments, des Rates und der Kommission richten.
  4. Zwischen dem Zeitpunkt, zu dem ein Vorschlag für einen Rechtsakt dem Europäischen Parlament, dem Rat und den Parlamenten der Mitgliedstaaten in ihren Sprachen von der Kommission unterbreitet wird, und dem Zeitpunkt, zu dem er zur Annahme oder zur Festlegung eines Standpunkts im Rahmen des Rechtsetzungsverfahrens gemäß Artikel [X in Teil II des Vertrags über eine Verfassung für Europa] auf die Tagesordnung des Rates gesetzt wird, liegt ein Zeitraum von mehr als sechs Wochen, außer in äußerst dringenden Fällen, die in dem Rechtsakt oder gemeinsamen Standpunkt zu begründen sind.
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### Explanations:

zu 3.) *Das Recht auf Stellungnahme sollte für jede Kammer eines nationalen Parlaments gelten.*

zu 4.) *Kommentar: Die Ratsmitglieder müssen genügend Zeit haben, die Stellungnahmen der nationalen Parlamente, die innerhalb von sechs Wochen eingehen müssen, prüfen zu können.*

## FICHE AMENDEMENT

**Proposition d'amendement au « Projet de protocole sur le rôle des parlements nationaux dans l'Union européenne »**

**Déposé par Messieurs Ernâni Lopes et Manuel Lobo Antunes**

**Qualité : - Membre et suppléant -**

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**Nouveau 2 ( en substitution des §2 et 3) : Selon la procédure et pour les effets prévus dans le Protocole sur l'application des principes de subsidiarité et de la proportionnalité, la Commission envoie toutes ses propositions législatives directement aux Parlements nationaux des Etats-membres.**

**8- ~~Le Parlement européen examine avec les parlements nationaux comment promouvoir de façon efficace la coopération inter-parlementaire au sein de l'Union européenne. Les parlements nationaux et le Parlement européen promouvront la coopération inter-parlementaire au sein de l'Union européenne.~~**

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Nouveau §2: Il nous paraît qu'une référence à la procédure prévue dans le protocole sur la subsidiarité permet d'éviter des duplications.

## **FICHE AMENDEMENT**

**Proposition d'amendement au protocole: PAR**

**Déposée par Madame et Monsieur : Maria Eduarda Azevedo / António Nazaré Pereira**

**Qualité : Membre Effective / Suppléant**

AS ALTAS PARTES CONTRATANTES,

RECORDANDO (...)

**CONSIDERANDO, porém, que a maior participação dos Parlamentos Nacionais nas actividades da União Europeia é essencial, particularmente assegurando o escrutínio da acção dos Governos no Conselho e controlando a aplicação dos princípios da subsidiariedade e proporcionalidade.**

**CONSIDERANDO que o aumento da participação e da influência dos Parlamentos Nacionais na União Europeia será um meio de promover a democracia e a responsabilidade na União e contribui para aproximar os cidadãos da União.**

**DESEJANDO, [eliminar 1 palavra], incentivar (...) especial interesse e garantir a existência entre elas de uma rede europeia com os objectivos de consulta e diálogo conjunto com as instituições da União Europeia.**

**I**

**1. A (...) Estados-Membros após publicação.**

**3. Os Parlamentos Nacionais (...) Presidentes do Conselho Europeu, do Conselho, do Parlamento Europeu (...) com os princípios de subsidiariedade e da proporcionalidade (...).**

4. Deve (...) posição comum. **Durante esse período de seis semanas, não poderá ser obtido acordo formal ou informal, preliminar ou outro, sobre a proposta.**

5. As (...) Conselho, **incluindo a transcrição do debate no caso de reunião pública do Conselho**, serão (...) Estados-Membros, **ao mesmo tempo que são transmitidas aos governos.**

8. **Os Parlamentos Nacionais e o Parlamento Europeu promoverão a cooperação interparlamentar a nível da União Europeia.**

9. **Tendo como base a experiência da Conferência das Comissões de Assuntos Europeus (COSAC) e os debates que resultaram nas Guidelines de Copenhaga, os Parlamentos Nacionais dos Estados-Membros redeterminam esta instância de cooperação chamando-lhe Conferência Interparlamentar para os Assuntos Europeus e promovem a constituição de uma estrutura de apoio.**

## **FICHE AMENDEMENT**

**Proposition d'amendement au protocole: PAR**

**Déposée par Monsieur : Alberto Costa / Guilherme d'Oliveira Martins**

**Qualité : Membre Effective / Suppléant**

**3 A - A Comissão, o Conselho e o Parlamento Europeu tomarão em conta as posições fundamentadas que lhes forem transmitidas pelos Parlamentos Nacionais acerca do conteúdo das iniciativas legislativas, em termos e condições análogas aos aplicáveis no âmbito do sistema de controle parlamentar da subsidiariedade e da proporcionalidade.**

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### **III – CONFERÊNCIA INTERPARLAMENTAR**

**11. A Conferência Interparlamentar (exercerá as funções desempenhadas pela sua predecessora COSAC e) examina propostas legislativas e iniciativas, em especial relacionadas com o estabelecimento duma área de liberdade, segurança e justiça, questões respeitantes a política externa e de segurança comum, incluindo defesa, direitos, liberdades de indivíduos e aplicação dos princípios de subsidiariedade e proporcionalidade, nomeadamente por sua própria iniciativa, podendo apresentar as propostas, contributos e posições que considere apropriadas no âmbito das actividades, legislativas ou outras, da União, em cujos procedimentos deverão ser consideradas.**

## **FICHE AMENDEMENT**

**Proposition d'amendement au protocole: PAR**

**Déposée par Monsieur : Alberto Costa / Guilherme d'Oliveira Martins**

**Qualité : Membre Effective / Suppléant**

**3 A - La Commission, le Conseil et le Parlement européen tiendront compte des positions motivées soumises par les Parlements nationaux sur le contenu des initiatives législatives, dans des termes et des conditions analogues à ceux qui sont applicables dans le cadre du système de contrôle parlementaire des principes de subsidiarité et de proportionnalité.**

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### **III – CONFERENCE INTERPARLEMENTAIRE**

**11. La Conférence interparlementaire (*exercera les mêmes fonctions que sa prédécesseure COSAC et*) examine des propositions législatives ou initiatives, surtout en relation avec la mise en place d'un espace de liberté, de sécurité et de justice, ainsi que des questions relatives à la politique étrangère et de sécurité commune, y compris la défense, les droits, les libertés des individus et l'application des principes de subsidiarité et de proportionnalité, notamment à sa propre initiative, et peut soumettre des propositions, des contributions et des positions qu'elle juge appropriées sur les activités, législatives ou autres, de l'Union, qui en devra tenir compte dans ses procédures.**

**AMENDMENT FORM**

**Suggestion for protocol (6) on the role of national parliaments in the European Union.**

**By The Earl of Stockton MEP**

**Status : Alternate**

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

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**Explanation (if any) :**



AMENDMENT FORM

Suggestion for protocol (4) on the role of national parliaments in the European Union.

By The Earl of Stockton MEP

Status : Alternate

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A six-week period shall elapse between a legislative proposal being made available by the *European Parliament* to the *Commission*, 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.

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Explanation (if any) :

**AMENDMENT FORM**

**Suggestion for protocol (3) on the role of national parliaments in the European Union.**

**By The Earl of Stockton MEP**

**Status : Alternate**

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**The Member States' national parliaments may send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether the European Parliament's legislative proposal complies with the principle of subsidiarity, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality**

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**Explanation (if any) :**

**AMENDMENT FORM**

**Suggestion for protocol (1) on the role of national parliaments in the European Union.**

**By The Earl of Stockton MEP**

**Status : Alternate**

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

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**Explanation (if any) :**

## AMENDMENT FORM

### **Suggestion for protocol on the role of national parliaments in the European Union**

**By : Ms Gisela Stuart, Mr Hubert Haenel, Mr Alberto Costa, Mr Henrik Dam Kristensen, Mr David Heathcoat-Amory, Mr Kimmo Kiljunen, Mr Sören Lekberg, Mr Göran Lennmarker, Ms Liene Liepina, Mr Jozef Oleksy, Mr Rihards Pīks, Mr Matti Vanhanen (Members) and Ms Liia Hänni, Mr Guntars Krasts, Mr Kenneth Kvist, Mr Guilherme d'Oliveira Martins, Mr Ingvar Svensson, Lord Tomlinson, Ms Renée Wagener (Alternates)**

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## **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, **and noting in this respect the Copenhagen Parliamentary Guidelines for relations between governments and parliaments on Community issues, agreed at the XXVIII COSAC in Brussels on 27 January 2003,**

**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. 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.**

## **I. SUBSIDIARITY AND PROPORTIONALITY**

10. **If Member States' national parliaments [or their chambers] 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. **The European Parliament, the Council and the Commission shall be informed of any contribution made by COSAC 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.**

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**Explanation:**

***Preamble.***

*The first paragraph is amended to include a reference to the Copenhagen Parliamentary Guidelines.*

*The second paragraph is an addition, and sets out why it is important to increase the involvement of national parliaments in the EU. The first part of the paragraph draws on wording proposed for the Constitution itself in paragraph 8 of the report of WG IV.*

*The revised third paragraph (amending the Praesidium's second paragraph) sets out more precisely what the Protocol's main purpose is — enabling national parliaments to express views before decisions are made.*

***Paragraph 1.*** *The words 'upon publication' are added at the end, i.e. the documents should be sent as soon as they are published.*

***Paragraph 2.*** *Unchanged.*

*(Former paragraph 3, on subsidiarity, as amended, is now paragraph 10.)*

**Paragraph 3** (amending paragraph 4 in the Praesidium draft). The final sentence ruling out agreements within the six-week period is added. It reflects the recommendation in paragraph 20 of the report of WG IV, which resulted from concern about the possibility of “preliminary agreements” being reached by Council working groups within the six-week period. (WG IV accepted that working groups should be able to have a preliminary exchange of views within the six-week period.)

**Paragraph 4.** New paragraph. The six-week rule covers only the initial Commission proposal, and when changes are proposed shortly before a Council meeting there is sometimes insufficient time available for national parliaments or others to give their views. COSAC agreed in October 2000 that ‘a minimum 15-day time period, or one week in urgent cases, should be observed between the final reading of a text by COREPER and the Council decision’. As WG IV noted, the Council’s own rules of procedure provide for a clear week to elapse between a legislative item being considered at Coreper and the Council. It also recommended that the Council Secretariat keep and publish a record of the observance of the rule. The proposed new paragraph compromises on ten days, which should allow just enough time for a parliamentary committee meeting weekly to comment. The importance of this provision for effective national parliamentary scrutiny is such that it is appropriate to place it in the Protocol rather than leaving it to be determined by the Council’s rules of procedure.

The exception on grounds of extreme urgency has the same wording as paragraph 3.

**Paragraph 5.** New paragraph. This paragraph reflects the recommendation in paragraph 20 of WG IV’s report that ‘parliamentary scrutiny reserves should be given a clearer status within the Council’s rules of procedure’. It would not prevent the Council overriding a parliamentary scrutiny reserve, but would require the Council to take scrutiny reserves more seriously than it does at present.

**Paragraph 6** (amending paragraph 5 in the Praesidium draft). The revised paragraph adds a requirement to send a record of the debate following Council meetings held in public. Most legislative bodies publish a transcript of their debates (and often audio or video recordings); the fact that the Council does not do so for its public debates means that it is impossible for national parliaments (or anyone else) to find out what was said without sending someone to attend every debate. The public debates therefore do not increase accountability in the way that they should.



*The revised paragraph would remedy this.*

*The revised paragraph also requires the documents to be sent to national parliaments at the same time as to governments.*

**Paragraph 7** (paragraph 6 in the Praesidium draft). *Unchanged.*

**Paragraph 8** (paragraph 7 in the Praesidium draft). *Unchanged.*

**Paragraph 9.** *New paragraph. In its White Paper on European Governance, the Commission called for a ‘reinforced culture of consultation and dialogue’, and expressed the view that ‘the involvement of national parliaments and their specialised European affairs committees ... could ... be encouraged’. This paragraph builds on the Commission’s words by giving it a duty to respond promptly to requests and questions from national parliaments.*

**Paragraph 10** (amending paragraph 3 in the Praesidium’s draft). *The Praesidium’s paragraph presents a number of problems:*

- it tells national parliaments what they ‘may’ do, although any national parliament which wished to could send a reasoned opinion on subsidiarity to the European institutions at present; all that the early warning mechanism will do is to place a requirement on the institutions to respond to such reasoned opinions in specified ways;*
- other than attempting to tell national parliaments what they ‘may’ do, it does not add to what is in the draft protocol on the application of the principles of subsidiarity and proportionality;*
- it omits any reference to reasoned opinions following the convening of the Conciliation Committee (as proposed by WG I).*

*The revised paragraph is therefore little more than a cross-reference to the relevant protocol, but also refers to reasoned opinions following the convening of the Conciliation Committee. (As the square brackets indicate, this paragraph may need amending in the light of changes to the protocol on subsidiarity.)*

**Paragraph 11 and paragraph 12** (amending the Praesidium's paragraph 9). The current Protocol on the role of national parliaments in the European Union makes clear that COSAC may make any contributions which it deems appropriate, and also specifies certain areas which could be considered as particular aspects of COSAC's responsibility. These provide a focus for COSAC's work, and should not be deleted, as the Praesidium's draft does. However, the existing Protocol would benefit from some redrafting. Paragraphs 11 and 12 therefore rearrange the contents of the current Protocol into a more logical order, removing some repetition. Paragraph 11 takes the right to examine 'any legislative proposal or initiative' from existing paragraph 5, and combines the list of subject areas in existing paragraphs 5 and 6, with the addition of proportionality, plus the reference to governments forwarding legal texts from existing paragraph 4. The list of subject areas is preceded by the word 'notably' (as in existing paragraph 6) to indicate that COSAC is not restricted to those subjects. Combining the lists is appropriate because COSAC could not reasonably submit a contribution without having first examined the proposal it was commenting on. The provision in paragraph 11 about submitting contributions is based on existing paragraph 6, but changes 'legislative proposal' to 'legislative or other activities', which appears to bring it more into line with 'any legislative proposal or initiative' in existing paragraph 5.

The first sentence of paragraph 12 is taken from existing paragraph 5 (but changing 'point' to 'Protocol'). The second sentence, providing for replies, is a new provision. It refers to EU institutions in general (as in existing paragraph 4), rather than just to the three named bodies, because it is possible that COSAC might wish to address a contribution to another EU institution, such as the Court of Auditors.

**Paragraph 13** (replacing the Praesidium's paragraph 8). The Praesidium's paragraph rightly indicates that promotion of inter-parliamentary co-operation in the EU should be done jointly by the European Parliament and national parliaments, but purports to give an instruction to national parliaments, which the draft Constitution should not be doing. The alternative paragraph gives a duty to the European Parliament to provide the opportunity for co-operation, and links that co-operation specifically with COSAC. This is a task which COSAC ought to be able to carry out on behalf of national parliaments. The alternative paragraph does not of course rule out other forms of co-operation between the European Parliament and national parliaments or between national parliaments.

**Paragraph 14** (new paragraph). This paragraph reflects proposals from WG IV.

## AMENDMENT FORM

**Suggestion for protocol : Nat**

**By Mr Hain**

**Status : Member**

### **{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.

DESIRING, however, to encourage greater involvement of national parliaments in the activities of the European Union and to enhance their ability to express their views on matters which may be of particular interest to them.

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

#### ~~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.
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.
3. The Member States' national parliaments may send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether the Commission's legislative proposal complies with the principles of subsidiarity and proportionality, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

4. 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 [common](#) 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.
5. The agendas for and the outcome of Council meetings shall be transmitted directly to Member States' national parliaments.
6. 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.
7. 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.
8. The European Parliament and the national parliaments shall together examine how interparliamentary cooperation may be effectively promoted within the European Union.
9. The Conference of European Affairs Committees, set up on 16 and 17 November 1989, may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. Such contributions shall in no way bind national parliaments or prejudice their position.

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**Explanation (if any) :**

# AMENDMENT FORM

## Suggestion for amendment to Protocol: National Parliaments

By Mr. FARNLEITNER

Status: - Member

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### ~~1. 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.
2. The Commission shall send **any instrument of legislative planning or policy strategy, in particular the Annual Policy Strategy and annual legislative and work programme, as well as** all its proposals for legislation directly to Member States' national parliaments at the same time as to the European Parliament and to the Council.

(...)

3. The agendas for and the outcome of Council meetings shall be transmitted directly to Member States' national parliaments. **As far as possible, records of Council proceedings should be transmitted within 10 days.**
  4. ~~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.~~
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### Explication éventuelle :

*Par.2 and par.6 should be merged and - following the recommendation of WG IV on the role of national parliaments - the Annual Policy Strategy and annual legislative and work programme should be explicitly mentioned in par.2.*

*Par.3 should set an indicative time limit for the transmission, as recommended by WG IV.*

## AMENDMENT FORM

### Suggestion for amendment of Article : National Parliament Protocol

By Mr Andrew Duff, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Members of the Convention

Lone Dybkjaer, Willem Van Eekelen, Lord Robert MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Peter Eckstein-Kovacs, Ibrahim Ozal, alternate Members of the Convention.

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## PROTOCOL ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION

*This Protocol establishes the conditions under which Member State parliaments shall be involved in the activities of the European Union.*

- 1. The primary role of national parliaments in relation to the affairs of the European Union is to advise, scrutinise and hold to account their own government for its activities in Council. Accordingly, governments shall keep their own parliaments thoroughly informed about EU developments. The Council will transmit promptly all its relevant communications to the parliaments, including the agendas and minutes of its ministerial meetings. When adopting a framework law in Council, each government shall state how it intends to implement the measure within its own state.. They shall declare which of their parliaments have the relevant legislative competence for the policy sector in question.*
- 2. In addition, the European Commission shall transmit promptly and directly to national parliaments all its proposals for legislative acts and other communications. Its draft legislation shall contain statements as to the motivation behind the initiative and its financial and regulatory implications, including its accordance with the principles of subsidiarity and proportionality.*
- 3. A six week period shall elapse between the transmission of a proposal to the European Parliament and the Council by the Commission and the date when it is placed on the agenda of either institution for decision or for adoption of a common position, subject to exceptions on grounds of urgency, the reasons for which shall be stated in the act or common position.*

*A national parliament may address to the Presidents of the EU institutions a reasoned opinion on the conformity of a draft law with the provisions of Article 8 and the Protocol on the application of the principles of subsidiarity and proportionality. The Commission will respond specifically to each opinion. If, within the six week period, one third of member state parliaments delivers a similar reasoned opinion, the Commission will re-examine its proposal and thereafter maintain, amend or withdraw the draft law.*

- 4. National parliaments will participate in any Convention established to amend the constitution of the Union on the basis of parity with the European Parliament.*
- 5. The European Council shall consult national parliaments on the multi-annual policy strategy. The European Commission shall transmit its annual legislative programme to*

*national parliaments each November.*

6. *Each national parliament shall be invited to report annually to the European Parliament on the adherence of its government to the broad economic policy guidelines.*
7. 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.
8. *The European Parliament shall seek to involve appropriate representatives of member state parliaments in its relevant committee work.*
9. *Members of the European Parliament shall be enabled to participate in relevant activities of their own national parliament. They shall have the right to table written parliamentary questions of ministers.*
10. *National parliaments will coordinate their work in COSAC. COSAC may address any contribution it deems appropriate to the institutions of the European Union. It may invite representatives of the European Parliament to participate in its work. The Parliament shall consult COSAC with respect to the development of inter-parliamentary cooperation within the Union.*
11. *COSAC shall promote inter-parliamentary conferences to deliberate on specific policy questions as the need arises.*
12. *Contributions made by COSAC shall in no way bind member state parliaments or prejudice their position.*

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#### **Explanation:**

*In the form presented in CONV 579/03 this Protocol is not appropriate for a constitution. The 'High Contracting Parties' of international treaty law are subsumed within the constitutional settlement. We have modified and shortened the preamble, therefore.*

*It is sensible to spell out in paragraph 1 what is the main feature of the relationship between national parliaments and the EU institutions, namely, the holding to account of ministers in Council.*

*Paragraphs 2 and 3 reproduce the agreement on the early warning system.*

*Paragraph 4 recalls that national parliamentarians will now be members of any constitutional Convention.*

*Paragraph 5 makes the correct distinction between the role of the European Council with respect of the multi-annual policy strategy and of the Commission with respect to the legislative programme.*

*Paragraph 6 introduces the idea that national parliaments have a useful role in monitoring their country's obligations to the coordinated economic policy of the Union.*

*Paragraphs 8 and 9 seek to stretch the area of pragmatic collaboration between parliaments at the EU and national level.*

*Paragraphs 10-12 relates to the reformed COSAC.*



## AMENDMENT FORM

**Suggestion for amendment of Article :**

**Suggestion for protocol : Protocol on the role of National Parliaments in the EU**

**By Ms / Mr : Member of the Convention Mr. Jens-Peter Bonde, and alternate Esko Seppänen**

**Status :    X- Member                      X- Alternate**

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### **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.

DESIRING, however, to encourage greater involvement of national parliaments in the activities of the European Union and to enhance their ability to express their views on matters which may be of particular interest to them.

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

- 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.
  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.
  3.       The Member States' national parliaments send to the Presidents of the European Parliament,

the Council and the Commission a reasoned opinion on whether the Commission's legislative proposal complies with the principle of subsidiarity, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

4. 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 **OR A COUNCIL WORKING GROUP AGENDA for NEGOTIATIONS** 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], ~~DELETE:subject to exceptions on grounds of extreme urgency, the reasons for which shall be stated in the act or common position.~~
5. The agendas, **WORKING DOCUMENTS, MINUTES** and the outcome of Council meetings **AND WORKING GROUP METINGS** shall be transmitted directly to Member States' national parliaments.
6. 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.
7. 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. **THE NATIONAL PARLIAMENTS SPECIALISED COMMITTEES SHALL HAVE ACCESS TO ANY DOCUMENT THEY ASK, EVENTUALLY UNDER CONFIDENTIALITY RULES.**
8. The European Parliament and the national parliaments shall together examine how interparliamentary cooperation may be effectively promoted within the European Union.
9. The Conference of European Affairs Committees, set up on 16 and 17 November 1989, may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. Such contributions shall in no way bind national parliaments or prejudice their position.

**10. THE NATIONAL PARLIAMENTS RECEIVE THE ANNUAL CATALOGUE FOR EUROPEAN LEGISLATION BEFORE 1 OCTOBER AND FORWARD THEIR COMMENTS TO THE COMMISSION WITHIN 6 WEEKS.**

**THE COMMISSION ESTABLISH A NEW DRAFT AND FORWARD IT TO THE NATIONAL PARLIAMENTS WHO THEN DECIDE THE LEGAL BASE FOR EVERY PROPOSAL WITH THE SUPPORT OF 75 % OF THE PARLIAMENTS.**

**THE NATIONAL PARLIAMENTS MAY MEET AND DECIDE THE FINAL PROGRAMME WITH THE SUPPORT OF 75 % OF THE DELEGATES.**

**11. EVERY NATIONAL PARLIAMENT ELECTS A COMMISSIONER AFTER ELECTIONS TO THE NATIONAL PARLIAMENT. A NATIONAL PARLIAMENT CAN CENSURE THEIR MEMBER OF THE COMMISISON BY ELECTING A NEW REPRESENTATIVE.**

**12. EVERY PROPOSAL FOR EUROPEAN LEGISLATION IS READ BY THE NATIONAL PARLIAMENTS WHO FORWARD THE RESULT OF THEIR DELEBERATIONS TO THE COMMISSION, COUNCIL AND EUROPEAN PARLIAMENT WITHIN THE SAID PERIODS OF TIME.**

**IF A NATIONAL PARLIAMENT FOR VERY VITAL REASONS WANTS TO VETO A PROPOSAL IT DECIDES THE REASONS AND PROPOSALS FOR CHANGE OR EVENTUALLY A DEROGATION.**

**THE PROPOSED VETO IN A VITAL ISSUE MAY THEN BE PUT AT THE AGENDA IN THE NEXT EUROPEAN COUNCIL MEETING WHERE A UNANIMOUS SOLUTION WILL HAVE TO BE FOUND.**

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**Explanation (if any) :**

## FICHE AMENDEMENT

Proposition d'amendement au protocole: **Protocole sur le rôle des parlements nationaux, paragraphe 4 bis (nouveau)**

Déposée par Madame : Pervenche Berès

Qualité : - Suppléant

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*Après le paragraphe 4, ajouter un paragraphe 4 bis (nouveau) ainsi rédigé :*

**Les parlements nationaux sont invités à se prononcer sur les projets d'actes de l'Union relatifs aux coordinations des politiques nationales, notamment pour ce qui est des Grandes orientations des politiques économiques et sociales (GOPES), en prévision de l'élaboration par leurs soins desdites politiques selon les orientations collectivement définies.**

## AMENDMENT FORM

**Suggestion for amendment of Protocol on the role of National Parliaments in the European Union, paragraph 7**

**By Ms Irena Belohorska, Mr Jan Figel and Mr Juraj Migas (Slovak Republic)**

**Status: Ms Belohorska and Mr Figel are members, Mr Migas is an alternate.**

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7. 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.

The Ombudsman shall send his/her annual report to the Member State's national parliaments, for information, at the same time as to the European Parliament.

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**Explanation (if any):**

## FICHE AMENDEMENT

**Proposition d'amendement au protocole:**

**Parlements nationaux**

**Déposée par Monsieur:**

**Erwin Teufel**

**Qualité:**

**Membre**

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### *Texte du Praesidium*

1. Alle Konsultationsdokumente der Kommission (Grün- und Weißbücher sowie Mitteilungen) werden den Parlamenten der Mitgliedstaaten direkt von der Kommission zugeleitet.
2. Die Kommission sendet alle ihre Vorschläge für Rechtsakte gleichzeitig mit der Übermittlung an das Europäische Parlament und an den Rat direkt an die Parlamente der Mitgliedstaaten.
3. Die Parlamente der Mitgliedstaaten können gemäß dem im Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit vorgesehenen Verfahren eine mit Gründen versehene Stellungnahme zur Übereinstimmung eines Rechtsetzungsvorschlags der Kommission mit dem Subsidiaritätsgrundsatz an die Präsidenten des Europäischen Parlaments, des Rates und der Kommission richten.
4. Zwischen dem Zeitpunkt, zu dem ein Vorschlag für einen Rechtsakt dem Europäischen Parlament, dem Rat und den Parla-

### *Amendement proposé*

1. Alle Konsultationsdokumente der Kommission (Grün- und Weißbücher sowie Mitteilungen) werden **jeder Kammer der** Parlamente der Mitgliedstaaten direkt von der Kommission zugeleitet.
2. Die Kommission sendet alle ihre Vorschläge für Rechtsakte gleichzeitig mit der Übermittlung an das Europäische Parlament und an den Rat direkt an **jede Kammer der** Parlamente der Mitgliedstaaten.
3. **Jede Kammer eines** Parlaments eines Mitgliedstaats kann gemäß dem im Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit vorgesehenen Verfahren eine mit Gründen versehene Stellungnahme zur Übereinstimmung eines Rechtsetzungsvorschlags der Kommission mit dem Subsidiaritätsgrundsatz an die Präsidenten des Europäischen Parlaments, des Rates und der Kommission richten.
4. Zwischen dem Zeitpunkt, zu dem ein Vorschlag für einen Rechtsakt dem Europäischen Parlament, dem Rat und **jeder**

menten der Mitgliedstaaten in ihren Sprachen von der Kommission unterbreitet wird, und dem Zeitpunkt, zu dem er zur Annahme oder zur Festlegung eines Standpunkts im Rahmen des Rechtsetzungsverfahrens gemäß Artikel [X in Teil II des Vertrags über eine Verfassung für Europa] auf die Tagesordnung des Rates gesetzt wird, liegt ein Zeitraum von sechs Wochen, außer in äußerst dringenden Fällen, die in dem Rechtsakt oder gemeinsamen Standpunkt zu begründen sind.

5. Die Parlamente der Mitgliedstaaten werden auf direktem Wege über die Tagesordnungen für die Tagungen des Rates und die Ergebnisse dieser Tagungen unterrichtet.

6. Die Kommission sendet den Parlamenten der Mitgliedstaaten informationshalber, gleichzeitig mit der Übermittlung an das Europäische Parlament und den Rat, alle Dokumente für die Ausarbeitung der Rechtsetzungsprogramme oder politische Strategien, die sie dem Europäischen Parlament und dem Rat vorlegt.

7. Der Rechnungshof sendet den Parlamenten der Mitgliedstaaten informationshalber, gleichzeitig mit der Übermittlung an das Europäische Parlament und den Rat, seinen Jahresbericht.

**Kammer der** Parlamente der Mitgliedstaaten in ihren Sprachen von der Kommission unterbreitet wird, und dem Zeitpunkt, zu dem er zur Annahme oder zur Festlegung eines Standpunkts im Rahmen des Rechtsetzungsverfahrens gemäß Artikel [X in Teil II des Vertrags über eine Verfassung für Europa] auf die Tagesordnung des Rates gesetzt wird, liegt ein Zeitraum von sechs Wochen, außer in äußerst dringenden Fällen, die in dem Rechtsakt oder gemeinsamen Standpunkt zu begründen sind.

5. **Jede Kammer der** Parlamente der Mitgliedstaaten wird auf direktem Wege über die Tagesordnungen für die Tagungen des Rates und die Ergebnisse dieser Tagungen unterrichtet.

6. Die Kommission sendet **jeder Kammer der** Parlamente der Mitgliedstaaten informationshalber, gleichzeitig mit der Übermittlung an das Europäische Parlament und den Rat, alle Dokumente für die Ausarbeitung der Rechtsetzungsprogramme oder politische Strategien, die sie dem Europäischen Parlament und dem Rat vorlegt.

7. Der Rechnungshof sendet **jeder Kammer der** Parlamente der Mitgliedstaaten informationshalber, gleichzeitig mit der Übermittlung an das Europäische Parlament und den Rat, seinen Jahresbericht.



8. Das Europäische Parlament prüft mit den einzelstaatlichen Parlamenten, wie die Zusammenarbeit zwischen den Parlamenten innerhalb der Europäischen Union wirksam gefördert werden kann.
9. Die am 16./17. November 1989 gegründete Konferenz der Europa-Ausschüsse kann jeden ihr zweckmäßig erscheinenden Beitrag für das Europäische Parlament, den Rat und die Kommission leisten. Diese Beiträge binden in keiner Weise die einzelstaatlichen Parlamente und präjudizieren in keiner Weise deren Standpunkt.

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#### **Begründung:**

Das Frühwarnsystem kann seine Aufgabe nur erfüllen, wenn **beide Kammern** eines nationalen Parlaments jeweils unabhängig voneinander von Anfang an einbezogen werden. Es sollte hier nicht hinter den Konsens in den Arbeitsgruppen „Subsidiarität“ und „Einzelstaatliche Parlamente“ zurückgegangen werden.

#### **Hinweis:**

*Da der Inhalt dieses Protokolls weitgehend auch im Subsidiaritätsprotokoll enthalten ist, rege ich an, **beide Protokolle** aus Gründen der Vereinfachung **zusammenzuführen**.*

## AMENDMENT FORM

**Suggestion for amendment of Protocol:**

**national parlements**

**By Mr:**

**Erwin Teufel**

**Status:**

**Member**

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### *Text of the Praesidium*

1. All Commission consultation documents (green and white papers and communications) shall be forwarded directly by the Commission to Member States' national parliaments.
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.
3. The Member States' national parliaments may send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether the Commission's legislative proposal complies with the principle of subsidiarity, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.
4. 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

### *Proposed Amendment*

1. All Commission consultation documents (green and white papers and communications) shall be forwarded directly by the Commission to **each chamber of** Member States' national parliaments.
2. The Commission shall send all its proposals for legislation directly to **each chamber of** Member States' national parliaments at the same time as to the European Parliament and to the Council.
3. **Any chamber of** the Member States' national parliaments may send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether the Commission's legislative proposal complies with the principle of subsidiarity, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.
4. A six-week period shall elapse between a legislative proposal being made available by the Commission to the European Parliament, the Council and **each chamber of**

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.

5. The agendas for and the outcome of Council meetings shall be transmitted directly to Member States' national parliaments.

6. 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.

7. 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.

8. The European Parliament and the national parliaments shall together examine how interparliamentary cooperation may be effectively promoted within the European Union.

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.

5. The agendas for and the outcome of Council meetings shall be transmitted directly to **each chamber of** Member States' national parliaments.

6. The Commission shall send **each chamber of** 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.

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

9. The Conference of European Affairs Committees, set up on 16 and 17 November 1989, may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. Such contributions shall in no way bind national parliaments or prejudge their position.

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**Explanation:**

The task of the early warning system can only be fulfilled if **both chambers** of a national parliament are included independently in the process from the very beginning. The consensus within the Working Groups 'Subsidiarity' and 'National Parliaments' should be the minimal standard which ought not to be given up.

**Note:**

*As the contents of this protocol are included to a large extent in the protocol on the application of the principle of subsidiarity, too, I suggest that **both protocols** should be contained in a single **consolidated** document.*

## AMENDMENT FORM

### Suggestion for protocol on the role of national parliaments in the European Union

By: Teija Tiilikainen and Antti Peltomäki

Status :    Tiilikainen- Member                      Peltomäki- Alternate

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#### **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.

DESIRING, however, to encourage greater involvement of national parliaments in the activities of the European Union and to enhance their ability to express their views on matters which may be of particular interest to them.

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

~~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.
2. The Commission shall send all its proposals **and its amended proposals** for legislation directly to Member States' national parliaments at the same time as to the European Parliament and to the Council.
3. The Member States' national parliaments may send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether the Commission's legislative proposal complies with the principle of subsidiarity, according to the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

4. 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.
5. The agendas for and the outcome of Council meetings shall be transmitted directly to Member States' national parliaments.
6. 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.
7. 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.
8. The European Parliament and the national parliaments shall together examine how interparliamentary cooperation may be effectively promoted within the European Union.
9. The Conference of European Affairs Committees, set up on 16 and 17 November 1989, may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. Such contributions shall in no way bind national parliaments or prejudice their position.

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**Explanation (if any) :**

Paragraph 2:

*The proposed paragraph 2 should be brought into line with paragraph 3 of the Protocol on the application of the principles of subsidiarity and proportionality.*



## FICHE AMENDEMENT

Proposta di emendamento ai titoli dei Protocolli sull'Applicazione dei principi di sussidiarietà e proporzionalità e sul ruolo dei Parlamenti Nazionali nell'Unione europea.

Déposée par  
Mme Elena PACIOTTI

Qualité: - Supplente

IT Version

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Atto Integrativo sull'Applicazione dei principi di sussidiarietà e proporzionalità  
Atto Integrativo sul Ruolo dei Parlamenti Nazionali nell'Unione europea.

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### Explication éventuelle:

Il nome "Protocollo" si addice a un atto allegato a un Trattato e non a un atto che ha valore costituzionale.



## FICHE AMENDEMENT

**Proposition d'amendement au titres des projets de Protocoles sur l'Application des principes de subsidiarité et proportionnalité et sur le rôle des Parlements nationaux dans l'Union européenne**

**Déposée par**

**Mme Elena PACIOTTI**

**Qualité:** - Suppléante

**FR Version**

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**Acte Complementary sur l'Application des principes de subsidiarité et de proportionnalité**  
**Acte Complementary sur rôle des Parlements nationaux dans l'Union européenne:**

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### **Explication éventuelle:**

Le nom "Protocole" se réfère plutôt à un acte annexé à un Traité et non pas à un acte qui a une valeur constitutionnelle.

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**Suggestion for protocol : [PROTOKOLL ÜBER DIE] ROLLE DER  
EINZELSTAATLICHEN PARLAMENTE IN DER EUROPÄISCHEN UNION**

**By Mr : Joachim Wuermeling and Peter Altmaier**

**Status : - Alternates**

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7. Der Rechnungshof sendet jeder Kammer der ~~den~~ Parlamente der Mitgliedstaaten informationshalber, gleichzeitig mit der Übermittlung an das Europäische Parlament und den Rat, seinen Jahresbericht.

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**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**Suggestion for protocol : [PROTOKOLL ÜBER DIE] ROLLE DER  
EINZELSTAATLICHEN PARLAMENTE IN DER EUROPÄISCHEN UNION**

**By Mr : Joachim Wuermeling and Peter Altmaier**

**Status : - Alternates**

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6. Die Kommission sendet jeder Kammer der ~~den~~ Parlamente der Mitgliedstaaten informationshalber, gleichzeitig mit der Übermittlung an das Europäische Parlament und den Rat, alle Dokumente für die Ausarbeitung der Rechtsetzungsprogramme oder politische Strategien, die sie dem Europäischen Parlament und dem Rat vorlegt.

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**Explanation (if any) :**

**AMENDMENT FORM**

**Suggestion for amendment of Article :**

**Suggestion for protocol : [PROTOKOLL ÜBER DIE] ROLLE DER  
EINZELSTAATLICHEN PARLAMENTE IN DER EUROPÄISCHEN UNION**

**By Mr : Joachim Wuermeling and Peter Altmaier**

**Status : - Alternates**

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5. **Die Jede Kammer der** Parlamente der Mitgliedstaaten werden auf direktem Wege über die Tagesordnungen für die Tagungen des Rates und die Ergebnisse dieser Tagungen unterrichtet.

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**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**Suggestion for protocol : [PROTOKOLL ÜBER DIE] ROLLE DER  
EINZELSTAATLICHEN PARLAMENTE IN DER EUROPÄISCHEN UNION**

**By Mr : Joachim Wuermeling and Peter Altmaier**

**Status : - Alternates**

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4. Zwischen dem Zeitpunkt, zu dem ein Vorschlag für einen Rechtsakt dem Europäischen Parlament, dem Rat und jeder Kammer der ~~den~~ Parlamente der Mitgliedstaaten in ihren Sprachen von der Kommission unterbreitet wird, und dem Zeitpunkt, zu dem er zur Annahme oder zur Festlegung eines Standpunkts im Rahmen des Rechtsetzungsverfahrens gemäß Artikel [X in Teil II des Vertrags über eine Verfassung für Europa] auf die Tagesordnung des Rates gesetzt wird, liegt ein Zeitraum von sechs Wochen, außer in äußerst dringenden Fällen, die in dem Rechtsakt oder gemeinsamen Standpunkt zu begründen sind.

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**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**Suggestion for protocol : [PROTOKOLL ÜBER DIE] ROLLE DER  
EINZELSTAATLICHEN PARLAMENTE IN DER EUROPÄISCHEN UNION**

**By Mr : Joachim Wuermeling and Peter Altmaier**

**Status : - Alternates**

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3. **Die Jede Kammer des Parlaments eines der Mitgliedstaats sowie die Regionen und deren Parlamente im Rahmen ihrer Gesetzgebungsbefugnisse** können gemäß dem im Protokoll über die Anwendung der Grundsätze der Subsidiarität und der Verhältnismäßigkeit vorgesehenen Verfahren eine mit Gründen versehene Stellungnahme zur Übereinstimmung eines Rechtsetzungsvorschlags der Kommission mit dem Subsidiaritätsgrundsatz an die Präsidenten des Europäischen Parlaments, des Rates und der Kommission richten.

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**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**Suggestion for protocol : [PROTOKOLL ÜBER DIE] ROLLE DER  
EINZELSTAATLICHEN PARLAMENTE IN DER EUROPÄISCHEN UNION**

**By Mr : Joachim Wuermeling and Peter Altmaier**

**Status : - Alternates**

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2. Die Kommission sendet alle ihre Vorschläge für Rechtsakte gleichzeitig mit der Übermittlung an das Europäische Parlament und an den Rat direkt an jede Kammer der ~~die~~ Parlamente der Mitgliedstaaten.

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**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**Suggestion for protocol : the role of the national parliaments in the European Union**

**By Ms / Mr : Johannes Voggenhuber**

**Status :    - Member            - Alternate**

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~~4. 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.~~

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**Explanation (if any) :**



## AMENDMENT FORM

### Suggestion for **PROTOCOL ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION**

[Pm: Wording pending reform of the COSAC]

By Mr Poul Schlüter

Status : Alternate

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~~9. The Conference of European Affairs Committees, set up on 16 and 17 November 1989, may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. Such contributions shall in no way bind national parliaments or prejudge their position.~~

#### **II. THE CONFERENCE OF EUROPEAN AFFAIRS COMMITTEES**

**9. The Conference of European Affairs Committees, hereinafter referred to as COSAC, established in Paris on 16-17 November 1989, may make any contribution it deems appropriate for the attention of the institutions of the European Union.**

**10. COSAC may examine any legislative proposal or initiative. The European Parliament, the Council and the Commission shall be informed of any contribution made by COSAC under this point.**

**11. COSAC may address to the European Parliament, the Council and the Commission any contribution which it deems appropriate.**

**12. Contributions made by COSAC shall in no way bind national parliaments or prejudge their position.**

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#### **Explanation:**

The amendment builds on the second part of the existing protocol on national parliaments which sets out the rights of COSAC in a more detailed manner.

COSAC is currently undergoing an internal reform debate. The reform is expected to reach its conclusion in May 2003 and will most likely result in a contribution from COSAC to the Convention. A reform of COSAC will constitute an important element in the future role of national parliaments in the EU. It is therefore important that relevant elements of the reform of COSAC are incorporated in the protocol on national parliaments in accordance with the recommendations in CONV 552/03 (contribution from Mr. Henrik Dam Kristensen).

## **FICHE AMENDEMENT**

**Proposition d'amendement au protocole: PROGETTO[PROTOCOLLO] SUL RUOLO DEI PARLAMENTI NAZIONALI NELL'UNIONE EUROPEA (ALLEGATO III)**

**Déposée par Madame : Cristiana MUSCARDINI**

**Qualité : Membre**

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### **par. 4**

*Sostituire con il seguente:*

Un periodo di sei settimane intercorre tra la data in cui la Commissione mette a disposizione del Parlamento europeo e del Consiglio nelle lingue degli Stati membri, una proposta legislativa e la data in cui questa è iscritta all'ordine del giorno del Consiglio ai fini della sua edizione o dell'adozione di una posizione nel quadro della procedura legislativa prevista all'articolo [X della parte II del Trattato costituzionale], fatte salve le eccezioni dettate da motivi di estrema urgenza, le cui motivazioni sono riportate nell'atto o nella posizione comune.

### **par. 5**

*Sostituire con il seguente:*

Le proposte legislative della Commissione, gli ordini del giorno e i risultati delle sessioni del Consiglio sono comunicati direttamente ai parlamenti nazionali dal Consiglio stesso.

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### **Explication éventuelle :**

Stabilito che è auspicabile una collaborazione interparlamentare europea, non si vede perché i parlamenti nazionali dovrebbero rientrare nelle procedure burocratiche di competenza della Commissione. Essendo l'attività dei parlamenti nazionali l'espressione della rappresentanza politica degli Stati membri, le relazioni burocratiche tra l'Unione e i parlamenti nazionali dovrebbero essere di competenza dei governi, cioè del Consiglio.

## 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.**

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#### **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.**

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**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.*

## **FICHE AMENDEMENT**

### **Proposition d'amendement au projet de Protocole sur le rôle des Parlements nationaux dans l'Union européenne – paragraphe 8**

**Déposée par** M. Olivier DUHAMEL  
M. Luis MARINHO  
Mme Anne VAN LANCKER

**Qualité:** - Membres

Mme Pervenche BERÈS  
M. Carlos CARNERO  
Mme Elena PACIOTTI  
Mme Helle THORNING-SCHMIDT

**Qualité:** - Suppléants

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### **Protocole sur rôle des Parlements nationaux dans l'Union européenne:**

#### **Paragraphe 8**

**Le Parlement européen définit avec les parlements nationaux comment organiser une coopération interparlementaire régulière au sein de l'Union européenne.**

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#### **Explication éventuelle:**

L'amendement vise à rendre le paragraphe 8 plus concrète et engageant, en tenant compte qu'il y a déjà la proposition d'un accord interparlementaire avancé par le Parlement européen dans sa résolution du 7 février 2002.

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**Suggestion for protocol :de rol van de nationale parlementen in de Europese Unie**

**By Ms / Mr : dhr. Danny Pieters**

**Status :**    - ~~Member~~            - Alternate

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Toevoegen van een tweede overweging tussen ‘memorerend’ en ‘geleid door de wens’ :

« Erkennend dat voor dit protocol als nationale parlementen beschouwd dienen te worden niet slechts de monocamerale parlementen, maar in voorkomend geval ook elk van beide wetgevende kamers in bicamerale wetgevende ordeningen, en zulks zowel op het niveau van de staten als op dit van de deelstaten van lidstaten, waaraan de nationale grondwetten wetgevende bevoegdheid hebben toegekend. »

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### **Explanation (if any) :**

Het behoort niet aan de Conventie, noch aan de Europese Unie, om de constitutionele bevoegdheidsverdeling tussen de kamers van een parlement, noch deze tussen de federale en deelstaatsniveaus binnen de lidstaten te veranderen. Dientengevolge dienen alle parlementaire assemblees met wetgevende bevoegdheid die de grondwet van een lidstaat erkent, op dezelfde voet door de Europese Unie behandeld te worden. Onder ‘nationale parlementen’ kunnen dus geenszins uitsluitend de federale parlementen of de lagerhuizen van dezen verstaan worden . Zonder het amendement wordt de indruk gewekt dat één en slechts één parlementaire assemblee de vermelde informatie zal verkrijgen.

We onderschrijven wel de ruime benadering in 4) inzake het ter beschikking stellen van wetgevingsvoorstellen in alle talen van de nationale parlementen, vermits deze ruimer is dan alleen de officiële talen van de Europese Unie.



## AMENDMENT FORM

**Suggestion for amendement of Article Protocol on National Parliaments  
By Mr Proinsias De Rossa**

**Status : - Member**

**Co-signed by Mr Alberto Costa, member, Mr Pat Carey, alternate,  
Mr Guilherme d'Oliveira Martins, alternate, Mr Vytenis Andriukaitis, member and  
Mr John Gormley, alternate**

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**That the protocol on National Parliaments be amended as follows: Insert the words highlighted in bold type.**

**Paragraph 1.** All Commission consultation documents (green or white papers and communications) shall be forwarded directly by the Commission to Members States' national parliaments upon publication. The Commission shall also send member States' national parliaments, the legislative programme as well as any other instrument of legislative planning or policy strategy **or co-ordination**, that it submits to the European Parliament and to the Council, at the same time as to those institutions. **A National Parliament may invite the President of the Commission or a Commissioner nominated by the President, to present the annual legislative programme to a formal sitting of their parliament.**

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**Explanation (if any) :**

**As the Open Method of Coordination is currently used in eleven policy coordination areas, and as the national parliaments have a central role in monitoring the progress of these policies, it is important that they receive the Commission documentation relating to them**

**The presentation of the Commission's annual legislative programme to national parliaments would bring Europe closer to the people in a very real way, particularly if such presentations were coordinated to occur within a short period of time in all Member States. This is the idea behind the proposal for a 'European Week' which was recommended in the report of the Working Group on National Parliaments**