

Working Group IV

Working document 3

Working group IV – "Role of National Parliaments"

Subject: "Methods for subsidiarity control by National Parliaments"
- paper by Mr Sören Lekberg, member of the Convention

Members of Working Group IV will find hereafter a paper by Mr Sören Lekberg, member of the Convention.

Paper regarding methods for subsidiarity control by

National Parliaments

The National Parliaments are indeed well suited for protecting the principle of subsidiarity since national parliamentarians are close to the citizens, their voters. I would like to focus on three aspects in this contribution:

1. The control of subsidiarity in the Swedish Parliament.
2. Control of subsidiarity by National Parliaments at the European level.
3. National Parliaments should not limit their control just to subsidiarity.

1. The control of subsidiarity in the Swedish Parliament.

The control of subsidiarity is one part of the general EU-scrutiny system in the Swedish parliament. The government should present explanatory memoranda on new legislative proposals from the Commission, and, among other things, give an account for how the proposal will affect the national legislation. The government may also in these memoranda discuss the proposal in terms of subsidiarity. When the Commission's proposal will be discussed at a Council meeting, the government always presents its position on the proposal to the Committee on European Union Affairs. Members of the Committee may focus on subsidiarity when they state their opinion on the proposal.

I would like to give one example. In November 2000, the Committee on European Union Affairs deliberated with the government prior to a Council meeting on education. Two resolutions concerning education were on the Council agenda. A majority in the Committee thought that Swedish government should try to get the Council to stress that Member States, not the EU, are responsible for education. The government followed – as it always does – the position of the Committee. The government was successful in the Council and the final resolutions adopted by the Council contained the text agreed on in the Committee. The resolutions would not have comprised the remarks, stressing the role of the Member States, if the Committee had not put forward its remarks to the government.

This is a simple example of how a national parliament may influence its Government, which then works in the desired direction at the EU level. The Committee follows all items on all Council agendas, and the Committee therefore gets an overview of the overall development of the European Union.

2. Control of subsidiarity by National Parliaments at the European level.

I think a development of the COSAC model for scrutiny concerning subsidiarity is worth considering. This body may consist of delegations similar to the ones that participate in other international organisations such as the parliamentary assemblies of the Council of Europe or the Organization for Security and Co-operation in Europe (OSCE). Each parliament would decide on the composition of its delegation. The members would thus not have to be members of the European Union Affairs Committees, but could be members of various sectoral committees. Of course, in most parliaments members of the EU Affairs Committees are also members of sectoral committees. The European Parliament could also send a delegation, but since the European Parliament already has a role in the EU decision-making process it is logical that the EP delegation should have observer status.

This reformed COSAC could debate Commission proposals and specifically examine subsidiarity. It would perform *ex ante* control. For example, if a qualified majority of the delegations finds that a proposal might threaten the principle of subsidiarity, the European Council or the Council of Ministers would have to explicitly discuss the proposal from the view of subsidiarity. The Council would have to state its reasons for its view if it thinks that the proposal (or the amended proposal) is in line with the principle of subsidiarity.

3. National Parliaments should not limit their control just to subsidiarity.

It is indeed important that national parliaments scrutinise that the European Union follows the principle of subsidiarity. However, there is no need for national parliaments to limit their activities to the principle of subsidiarity. National parliaments may indeed contribute with views on various aspects. They may also propose that the European Union should pay more interest to policy areas that previously have been neglected. In sum, national parliaments may play an important role in all policy fields, and regarding all aspects of the EU co-operation. In a separate contribution, I describe the Swedish scrutiny system.