

## **Working group IV – "Role of National Parliaments"**

**Subject: Paper from the Commission to WG IV  
on "Implementation by the Commission of the Amsterdam Protocol  
on the role of national parliaments in the European Union"**

Members of Working Group IV will find attached a paper received from the Commission. This paper has also been distributed during the WG meeting on 10 July 2002.



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Contribution to Working Group IV of the European Convention  
on the role of national parliaments

Implementation by the Commission of the Amsterdam Protocol on the role of national parliaments in the European Union.

## Implementation by the Commission of the Amsterdam Protocol on the role of national parliaments in the European Union

The Amsterdam Protocol on the role of national parliaments provides that national parliaments have the information required to be able to express their views on documents being considered by the European institutions.

1. In respect of **legislative proposals from the Commission**, under the Amsterdam Protocol the **government of each Member State** is responsible for ensuring that each national parliament receives the proposals.

The Protocol states that the Council cannot put these proposals on its agenda for decision (whether for adoption of the measure or for a common position) until six weeks after the date when the Commission makes the proposal available in all languages to the European Parliament and the Council.

In general, and almost without exception, this time limit can be respected. In particular, it is clear that in the case of measures subject to co-decision or consultation with the European Parliament, in almost all cases six weeks from the launch of a Commission proposal falls well short of the time needed to reach a common position or a final decision in the Council. A decision within six weeks is only possible for those measures adopted solely on the basis of a Council decision (such as tariff quotas or anti-dumping duties). In any event, the Protocol allows for exceptions to the six week rule, but only for reasons of urgency, and this has to be justified in the text of the act or the common position.

However, it is worth pointing out that respect of the time limit in practical terms obviously depends on how much time governments need to forward Commission proposals. The Commission has no information about how long this takes in practice. In any event, the Council agenda is in the hands of the Council itself and is prepared by Coreper, which is responsible for ensuring that the Amsterdam Protocol is respected.<sup>1</sup>

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<sup>1</sup> Very occasionally, Coreper has had to make clear that putting an item on the Council agenda does not mean it is for decision.

So Member State governments are responsible for passing Commission proposals on to national parliaments. However, the Commission would have no difficulty in sending proposals directly if Member States are content that this is consistent with each country's constitutional relationship between governments and national parliaments; and this would make it easier for the Council Presidency to ensure respect of the six week time limit.

2. The Amsterdam Protocol also provides that all Commission consultation documents (green papers, white papers and communications) should be promptly forwarded to national parliaments, without specifying who should be responsible for this task; though the Commission see transmission of these documents as its own responsibility as their author.

Already, the Commission gives open access to its consultation papers, with a wide distribution via the Internet. The Commission would however like to build on this practice in the near future by organising direct transmission of these documents to any institution or body which asks to receive them.

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