

Working Group IV

Working document 14

Working group IV – "Role of National Parliaments"

Subject: – Paper by Mr John Inguanez, alternate member of the Convention
"National Parliaments' involvement in decision-making "

Members of Working Group IV will find hereafter a paper by Mr John Inguanez, representative of the government of Malta, alternate member of the Convention.

CONTRIBUTION TO WORKING GROUP IV – THE ROLE OF NATIONAL PARLIAMENTS

NATIONAL PARLIAMENTS' INVOLVEMENT IN DECISION-MAKING

The debate on the role of national parliaments is without doubt closely connected to the issue of democratisation within the Union. One of the major objectives of the European Convention is in fact that of bringing the Union closer to its citizens. In this respect, the approximation of national parliaments towards the decision-making process would go a long way towards legitimising action at the EU level in the eyes of the average citizen who may currently feel somewhat powerless to influence proceedings. The contribution by this working group in the attempt to bring about a rapprochement is a crucial component of the Convention's work. In its wider dimensions, this is also an issue which touches upon other major aspects of the institutional debate - in the first instance, the role and structure of the European Parliament itself.

Giving due consideration to the involvement of national parliaments in EU decision-making should not be detrimental to any effort to improve control by national parliaments over governments in the Council framework, and may indeed be regarded as complementary to it. *Neither should it imply the creation of a new institution.* Rather, this can be accomplished effectively with national parliaments operating in tandem with the European Parliament within existing procedures and timeframes, and importantly, without prolonging the decision-making process. The working arrangements in each individual case can best be left to the European Parliament and national parliament representatives themselves to determine according to the specificities of individual policy areas.

As a general rule, a pre-determined but limited number of representatives, nominated by the national parliaments *on the basis of equality between Member States*, would participate in the process through which the European Parliament's position on a particular item of legislation is formulated. One method of doing this could be for the national parliament representatives to constitute a new committee within the European Parliament framework. Such a committee would give a preliminary opinion by simple majority, and this would subsequently be evaluated by the European Parliament when it comes to delivering its own opinion.

In this way, national parliaments would be in a position to give a more concrete input into the legislative process *per se*, in the sense of providing value added to the quality of work of the European Parliament. There are two occasions when national parliament representatives can be expected to give a contribution insofar as the co-decision procedure is concerned in the expectation that the application of this procedure will be extended further:

Firstly, through a scrutiny of Commission proposals to assess the implications of any contemplated EU action on citizens, notably by verifying compliance with the principles of subsidiarity and proportionality. This presupposes that specific guidelines on the application of these principles would have been elaborated. The assessment by the national parliaments will be made before the European Parliament delivers its first opinion on the Commission's proposal. It will also be taken into account when the European Parliament decides whether to accept, reject or propose amendments to the Council's common position [Art 251(2)].

Secondly, through a final appraisal confirming that the end product is consonant with the original assessment. Such confirmation will only be required in instances where the legislative text has undergone an appreciable level of modification from the proposal, and after the Conciliation Committee would have elaborated a joint text where necessary [Art 251(5)].

The positions expressed by national parliament representatives would therefore be factored into the decision-making process, and ultimately reflected in the positions adopted by the European Parliament in response to proposed legislation. It will ultimately be up to the European Parliament in plenary to decide whether to endorse the assessment of the national parliaments' committee, and if so, to what extent. Without subjecting the process to a prolongation of existing timeframes, this association should serve to make European citizens' participation in the legislative process more tangible, drawing them into a more direct relationship with the European institutional level.
