

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

**Subject: "The Luxembourg Case : Parliamentary Control of the Government's  
European Policy"  
– paper by Ms Renée Wagener, alternate member of the Convention**

Members of Working Group IV will find hereafter a paper by Ms Renée Wagener, representative of the Parliament of Luxembourg, alternate member of the Convention.

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alternate Member of the Convention

**The Luxembourg Case :**  
**Parliamentary Control of the Government's European Policy**

Following the analysis of Andreas Maurer , the Luxembourg Parliament belongs to the category of "slow adapting" parliaments, that are not willing or able to affect their government's stance in EU negotiations. In the unicameral parliamentary system of the Grand-Duchy, the Parliament cannot fix any negotiation mandate, nor formally influence the Governments position on European affairs. Besides the normal treaty provisions (ratification, enlargement, association agreements, financial resources, ...) and the transposition of European legislation into national law, parliamentary influence on European affairs is limited to the organisation of hearings and debates, and the elaboration of recommendations.

**1. Information policy**

The Luxembourg system is primarily based on a voluntary information policy of the Government. The Parliament receives European legislative and pre-legislative documents, explanatory notes and short impact assessments, as well as other documents from the government. The short impact assessment notes from the Government present the European proposals with a focus on their possible national impact. They are meant to facilitate the understanding of the proposals and to facilitate parliamentary debate.

Besides the documents from governmental bodies, the Parliament also receives documents directly from the European Commission, as stipulated in the Treaty of Amsterdam Protocol on the role of the National Parliaments (PNP).

The parliamentary staff analyses and selects the documents that seem to be the most important and transmits them to one or more specialised commissions, or to the whole of the 60 national parliamentarians. The documents communicated by the Government are all presumed to be

important and are directly transmitted to the competent parliamentary body. The parliamentary commissions finally examines the documents and decides how to proceed : filing, examination, public debate, follow up, issuing of a recommendation, dialogue with the government...

In practice, the large majority of documents is only transmitted to the Conference of the Presidents (of the political groups), as well as to the specialised parliamentary commission : the Commission for Foreign and European Affairs and for Defence (CFEAD).

We notice that inside the parliamentary staff, there is no specialised "European affairs" unit or person. Doubts about the quality of the document selection process are therefore permitted. Consequently, a discussion just started about the employment of at least one specialist, officially responsible for the collection, selection and distribution of European information and documents and the prospects for its implementation are good. A second post that is quite likely to be created in the near future is more generally about knowledge management. These measures are obviously insufficient, but they are heading in the right direction.

A general lack of staff is also apparent in the political groups. The official scheme of staff allocation only attributes one post to each political group, plus a half-post for each MP belonging to the group. Considering this allocation table, the permanent staff of the political groups is completely unable to face the increasing quantity and technicality of the available European information.

## 2. Participation

Since 1999, ten years after its launch, the CFEAD has been more closely associated to the European policies of the Government. Now, it is not only consulted before and after a European Council, but also before certain General Council meetings and during an IGC. It mostly convenes with the Prime Minister and the Minister of Foreign affairs. Since the beginning of the ongoing legislature, the parliamentary commission also regularly invites the six Luxembourg MEPs to all of its meetings. The MEPs have the right to speak, but not to vote.

The other specialised commissions are far less involved in European affairs, they request and receive fewer documents and convene less often with the corresponding Minister(s) to discuss European subjects. Furthermore, some Ministers report more voluntarily or regularly to their respective parliamentary commissions than others.

Some years ago, it was envisaged to create a sub-committee for European affairs inside each specialised commission, but this idea was finally abandoned in favour of the central role of the CFEAD.

### 3. Formal provisions

The debates and consultations about European subjects are nearly exclusively limited to the CFEAD. Its recommendations, however, are not binding for the executive power and the government enjoys a maximum level of political freedom. What is more significant, the consultation and information procedures are completely unofficial. There is no official document whatsoever that lays down the procedure, frequency or governmental obligations. This traditional *modus vivendi* works well at the present time because the Government is rather open to the Parliament's demands for information or government. However, the demands of the Parliament are not very ambitious, whilst the Government stays very reluctant to any formal association of the Parliament on European affairs.

We notice that in the Luxembourg case, the information and consultation policies depend too much on the good will of the Government, even if this good will seems satisfactory at the moment. Important deficiencies are nevertheless very apparent and one should primarily focus on the establishment of formal and obligatory information and consultation procedures.

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