

Working group IV – "Role of National Parliaments"

Subject: " The Role of National Parliaments in the Future European Architecture "
– paper by Ms Eduarda Azevedo, member of the Convention

Members of Working Group IV will find hereafter a paper by Ms Eduarda Azevedo, representative of the Portuguese Parliament, member of the Convention.

Contribution for
WG IV NATIONAL PARLIAMENTS

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The Role of National Parliaments in the Future European Architecture

1. Following the ratification of the Treaty of Rome by the different Member States, National Parliaments have voluntarily delegated their legislative powers concerning certain matters to the Governments represented at the Council. Notwithstanding the fact that the Parliaments' loss of legislative powers is not only due to the European integration and it is rather attributable to the present complexity of modern societies, the truth is that National Parliaments were excluded from the European integration process for a long time and were compelled to ratify the decisions previously adopted. Actually, some authors have always believed that Parliaments are not meant to legislate but to supervise the Executive.

At a time when the European Union is far beyond the aim of a Common Market and has assimilated wider powers, Parliaments no longer participate in decisions of foreign policy which are included in the legal systems of each State. Such decisions are questioned by the citizens who are represented by those Parliaments which cannot clarify them since they did not take part in decision-making.

2. Thus Parliaments became aware of the need to intervene between the citizens and the Community institutions in order to improve the democratic quality of the European decision-making and move it closer to the citizens. This parliamentary intervention has two aspects: individual supervision/scrutiny of the Executive which takes decisions in the Council and a possible joint participation in the European decision-making process.

3. As regards parliamentary control of the respective Executives there are different systems, some more "efficient and systematic" than others, which were already subject of studies and comparisons. It is a question that should be left to the internal organisation of each State. No State or Parliament can decide which system other Parliaments should accept. Each State has its own institutional distribution of powers and specific customs that must be respected. Both the exchange of information carried out in several interparliamentary meetings and the protocols provided for in the Treaties were very useful; however, Parliaments cannot be forced to systematically appraise each and every European decision. The effort, justified by the struggle against the European democratic deficit, may be regarded as an implied criticism to a smaller democracy of the States wherein Parliaments are less involved, but this criticism should be avoided.

4. Concerning the joint action of National Parliaments, we should notice that the main trend has been to restrain interparliamentary co-operation to the exchange of information and experiences and that the proposals to create a second chamber or to institutionalise one of the existing authorities have caused controversy.

Moreover, any attempt to involve the representatives of National Parliaments in the European decision-making process is immediately confronted with a fundamental problem: the essence of Parliaments lies in ideological pluralism, confrontation of opinions between majorities and minorities and the representation of all citizens. How is it possible for a delegation composed of a limited number of Deputies to take decisions that are binding to Parliaments? In a metaphorical and hypothetical way, each party would only have one representative who would have the same number of votes, as the voting he had collected – a similar situation can be found in the Council of the Union. A second problem, this one with a solution, is the fact that in most cases only plenary sessions (which truly guarantee pluralism and party proportionality) will have powers to deliberate since their representatives cannot bind their respective Parliaments, unless they receive a mandate of the latter (independently of the number of Parliamentarians who can also guarantee such pluralism).

5. Nevertheless, National Parliaments may take joint action without interfering directly in the European decision-making process and without jeopardising their dual role of supervising the Executives and coming closer to national citizens. Regardless of the performance and the solution found, it must obey three fundamental rules: a democratic solution, an efficient solution, and a realistic, simple and transparent solution.

Either in COSAC, in the Forum of National Parliaments, in the Congress of the Peoples, or in any other organisation, parliamentary representation must be egalitarian, since representation is already proportional both in the Council and in the European Parliament.

Furthermore, it is necessary to make sure that the problems of the Union are actually discussed not only by the aforementioned authorities but also by other Parliamentarians and by the citizens which they represent. In this context, their agenda must not be very ambitious, forcing Parliamentarians to be fully dedicated to this activity. The multiplicity of meetings may cause constraints as regards the availability of Parliamentarians, the budget and the internal organisation of Parliaments. The main problem concerns time since the number of Parliamentarians involved in European matters is limited and sometimes they sacrifice their normal parliamentary work and their contacts with the electorate in order to take part in these meetings and prepare them. Certainly, when all Parliamentarians are involved in the process, the problem will not be as serious as it is nowadays. In fact, if the number of Deputies involved increases, the intervention of Parliaments will also increase in its whole and will stimulate the general debate and the creation of a European public space.

The meetings of Parliamentarians shall be well prepared (with previous questionnaires, for example) and shall focus on the discussion of matters referred to in the Green and White Papers of the Commission, as well as on the legislative programme, or on the priorities of each Presidency, since these matters concern the beginning of the decision-making process, and will require the preparation of future individual parliamentary standpoints and the initialisation of the warning alert system of subsidiarity. Other matters, such as the institutional and budgetary reforms and the enlargement, should also be a subject for this debate.

6. In European architecture, National Parliaments should not be regarded as European actors, gathered in a deliberative assembly, contrary to the National Governments and the European Parliament. If we consider that European Parliamentarians have responsibilities within national parties, like National Parliamentarians and Governments, we realise that the starting point of all institutions can be found at a national level.

The European Union is a Union of States and peoples. The intervention of National Parliaments is useful to make Parliaments increasingly aware of the general problems and to improve the efficiency of the individual influence that Parliaments may have in the European decision-making process. Nevertheless, this intervention should not have consequences contrary to those intended, because it must not keep National Parliamentarians away from the citizens since the purpose is to move citizens closer to Europe through them.

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