

Working Group IV

Working document 26

Working group IV – "Role of National Parliaments"

Subject: "The Role of National Parliaments in the European Union"
- paper by Mr Panayiotis Demetriou, member of the Convention

Members of Working Group IV will find hereafter a paper by Mr Panayiotis Demetriou, representative of the Parliament of Cyprus, member of the Convention.

Paper by Mr. Panayiotis Demetriou (CYPRUS) on
“THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION”

1. *Today's role of national parliaments*

At the beginning of the European Community's life national parliaments were not given any formal role or formal powers by the Treaties. However gradually, national parliaments have obtained an indirect role in the EU governance as a response to European Community membership by undertaking the appropriate institutional reforms and by seeking and achieving new treaty provisions. (Maastricht declaration, Amsterdam Protocol)

At present, national parliaments play a significant role in the European Union affairs.

At an individual level:

- By exercising parliamentary control upon their governments during their scrutiny process in the field of European affairs.
- By harmonizing the national legislation with the *acquis communautaire*.

At the collective level:

- National parliaments play a consultative role regarding EU Affairs in the form of interparliamentary cooperation in the framework of the conferences of the presidents of national parliaments, or of the representatives of the European Affairs Committees (COSAC) or in any other interparliamentary forum.

2. *A need for an Enhanced Role for National Parliaments*

The role of national parliaments could and should be further enhanced. An enhanced role of national parliaments in the EU system of governance is widely considered as one of the serious answers to the democratic problems of the Union.

- Undoubtedly, there is a need to increase the involvement of national parliaments in EU affairs as one of the key features of a 'parliamentarisation' of the EU decision-making system. This involvement is essential for reducing the 'democratic deficit' and making the public feel it is properly represented at European level. Indeed, the enhancement of the role of all parliaments, both the national parliaments and the European Parliament, within the EU, each at their own level, will increase democracy and transparency on European issues.
- On the other hand, the enhancement of the role of national parliaments should be such that it does not render the Union's decision-making process ineffective and inefficient. The institutionalised intervention of national parliaments in EU decisions could indeed lead to complications and harm the process of European construction.

3. Improving Scrutiny Systems/New Ideas:

At the individual level, national parliaments have developed diverse systems for influencing, monitoring and controlling their governments over national decisions directed on European affairs, as well as for scrutinizing European related documents. The scrutiny role of national parliaments can be exercised ex ante and ex post in relation to national governments. However, this role of national parliaments in the process of scrutiny should be played in the way and through the methods each national parliament considers more suitable and effective and according to the constitutional, procedural, ideological and cultural conditions prevailing in each country. One widely admired system of parliamentary involvement in European matters is this of the Danish Folketing which have been followed by other Scandinavian countries after undergoing different adjustments. Also the United Kingdom and Germany have remarkable scrutiny systems that offer good perspectives.

Despite the diversities of the various scrutiny systems, in order to be effective and efficient in this role, national parliaments should be direct recipients of all relevant information and proposals by the Commission in good time. It is for this reason that the suggestion of the Subsidiary Working Group for establishing a new system of communication seems to be widely accepted.

Moreover national parliaments should have the right and the time to consider every proposal of the Commission either in consultation with national Ministers or without it. It is an improvement that the Protocol Annexed to the Treaty of Amsterdam aims at ensuring that the national parliaments, having received the proposal in due time, have at least a couple of weeks to form their opinion and to possibly influence their ministers' voting behavior in the Council. However, this safeguard should apply on every proposal of the Commission with no exception.

Monitoring of subsidiarity should be part of national parliaments' involvement in the scrutiny process, as defined in paragraph 2 of Article 5 of the Treaty. Monitoring by national parliaments could take place mainly *ex ante*. The recent suggestions made by De Vico, during the presentation of the preliminary ideas of the Working Group on Subsidiarity, may prove to be helpful in this respect.

4. *The collective Role of National Parliaments*

COSAC and the Conference of Speakers of EU Parliaments, which have the virtue of bringing together representatives of the European Parliament and the parliaments of the member states and the candidate countries, could serve as a means for enhancing the role of national parliaments in the European architecture. To this end, the COSAC's status and role in terms of its powers would need to be improved, taking full advantage of the Amsterdam Protocol and giving its work more continuity. The role of COSAC and the Conference of Speakers of EU should be upgraded and strengthened and even institutionalized through relevant Treaty provisions:

- COSAC should become the most important forum of cooperation among national parliaments and a means of exchanging documents and views between national parliaments on EU issues.
- The establishment of a permanent Secretariat that would ensure the strengthening of contacts between the European Parliament and the national parliaments is a practical step in the direction of promoting the role of COSAC.
- COSAC could also act a means of ensuring the legitimacy of the decisions in those areas in which the European Parliament does not have competence.

- It is argued that the lack of any formal power to act and of voting procedures within COSAC promotes open discussion, free of political manoeuvring and interests. This healthy and democratic activity may substitute the lack of European wide public spheres.

5. Implementing EU Law

Implementing EU law and in particular directives into national law is a significant function, and so it should be exercised by national parliaments as the only democratic bodies for legislating at national level. This task should not be delegated to the executive. It is true that the discretion of the legislature, when transposing directives, is small, a fact that is causing frustration and lack of interest to national legislature. However, this function should not be underestimated. If it is exercised in a transparent and open way with an open dialogue with the people of the state, to whom it is addressed, and with the aim to adjust the contents of the directive from Brussels as much as possible to the realities of the particular state, it can prove to be a very successful and effective procedure.

6. Relationship between MEPs and MPs

European Committees of national parliaments should develop a better relationship with the Members of the European Parliament of their respective states. The establishment of a good relationship between MEPs and MPs contributes to mutual understanding and support on issues of common or general interest. It is a fact that at the level of political parties there is much better collaboration but it would have been more effective to keep a better bond with the Committee for European Affairs as a whole.
