

Working Group IV

Working document 27

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

**Subject:**       **"The Role of National Parliaments"**  
                          **- paper by Mr Pál Vastagh, member of the Convention**

Members of Working Group IV will find hereafter a paper by Mr Pál Vastagh, representative of the Hungarian Parliament, member of the Convention.

# **The role of National Parliaments**

## **Paper submitted to the Working Group on National Parliaments by Mr. *Pál Vastagh*, Member of the Convention**

### **A.) The role of the Hungarian National Assembly in EU Affairs**

The activities of the Hungarian National Assembly in EU affairs are mainly carried out by parliamentary committees, especially by the Committee on European Integration Affairs, which was established in June 1992 by parliamentary resolution.

The powers of the Committee on European Integration Affairs are based on the Constitution and the Standing Orders of the National Assembly, which ensure comprehensive competence for the parliamentary committees. Accordingly the Committee is entitled to examine affairs of any nature, and upon its request, everyone is obliged to appear before the Committee. One of its principal tasks is to take actively part in the process of legal harmonisation (approximation of laws) and in this respect it has the right to initiate bills and to scrutinise the conformity of the bills with the respective EC legislation. The other crucial function is to control the internal accession preparation of the country with special regard to the government's activity. As a rule the committee meetings are open to the press, except for some very special occasions.

Besides the Committee on European Integration Affairs several standing committees established their own EU subcommittees. These subcommittees follow up the internal accession preparation process in their own fields, and the chairmen of these bodies have the right to participate at the extended sessions of the Committee on European Integration Affairs. After Hungary's accession the task of the subcommittees will probably be taken over by the standing committees.

Every year a one day political debate on EU Affairs is organised in the plenary session with the participation of the Prime Minister and the Minister of Foreign Affairs.

In September 2002 in connection with the forthcoming EU-accession of Hungary, the National Assembly deemed it necessary to set up a new parliamentary body at the highest political level called the Grand Committee on European Union to ensure the largest possible consensus among the parliamentary parties and the government in EU-related matters. The Grand Committee is chaired by the President of the National Assembly, and it is composed of the faction leaders of the parliamentary parties, the Chairman of the Committee on European Integration Affairs and the Chairman of the Foreign Affairs Committee. The Prime Minister and the Minister of Foreign Affairs and occasionally other ministers take part in the meetings. The task of the Grand Committee – which holds in camera meetings – is to ensure the political dialogue between the parliament and the government on the issues of strategic importance and to consult on the Hungarian position represented by the government on the fora of the EU.

## **B.) A more effective involvement of national parliaments in the institutional system of the EU**

The question of reinforcing the role of national parliaments primarily arises from the point of view of transparency and of democratic deficit. If Community decision-making and legislative process were conducted with bigger publicity and within more transparent frameworks, the legitimacy of the EU would be stronger. The national parliaments, which moreover have the primary role of politically monitoring the work of the national government, can assure the best forum for this in the public opinion of their own nation.

The relationship between the national parliaments and governments will probably continue to be regulated by each Member State. On the basis of the “best practice”, the well-functioning models and the pace of the EU legislative process, however, it would be useful to define general principles or guidelines on EU level. This could be implemented in a form similar to the Protocol annexed to the Amsterdam Treaty on the role of national parliaments, but in a more extensive and precise manner. The elaboration of such principles, a sort of “Code of conduct” should be taken on by the Convention.

The principles or guidelines should focus, on the one hand, on the operation of the political monitoring exercised by the national parliaments on the position of their governments in the Council, and on the other hand, on the involvement of the national parliaments in the legislative process.

As far as the last question is concerned, it should be taken into consideration that when Community legislation is initiated, the six-week period assured by the Protocol annexed to the Amsterdam Treaty is relatively short for a profound debate at the level of the national parliaments. The operational system of the parliaments makes it difficult to conduct a debate with wide publicity in such a short time. This problem might be solved if the Commission sent its legislative initiatives automatically to the national parliaments in each case, at the same time as it does to the Council and to the European Parliament.

An important role should be given to the national parliaments in the control of the principle of subsidiarity. In the monitoring of subsidiarity it is advisable to introduce an ex-ante control, because the ex-post application would render the legislative norms to enter into force insecurely, and wouldn't serve the stability of legislation.

The Commission should send all its legislative initiatives directly to the national parliaments. Each Member State should elaborate a system of checking the principle of subsidiarity by their national parliaments according to their constitutional practice. Based on these national procedures the national parliaments could ask the Commission to reconsider its proposal if they felt it necessary. An appropriate period (at least six weeks) should be secured for this reason. If a certain number of parliaments (determined by the Treaty or by a protocol annexed to the Treaty) formulated such opinions the Commission would have to take into account these warnings.

The possible solutions for the better involvement of national parliaments should not be based on creating new institutions. The establishment of a second (or third) chamber would further complicate the system, so this approach doesn't seem justifiable. It would rather be appropriate to try to make the relations between the national parliaments and the European institutions, and especially the European Parliament, more effective, systematic and continuous. The parliamentary control implemented on the national level and on the Community level should be more co-ordinated, and more perceptible for the citizens. To this end, it would be proper to reinforce and set up the following forms of co-operation:

- The MEPs of each Member State should participate in well-defined periods or regularly in the meetings of the EU Affairs Committees of their national parliaments and/or should organise common and possibly public sessions and consultations.
  - It would be justifiable for all national parliaments to open up permanent representations in Brussels, which could provide them with all the up-to-date information about the activities of the institutions of the European Union (especially the EP), and about all the legislative proposals on the agenda. This would assure that the national parliaments be informed in time of the Community legislative process.
  - In the meetings of the EP committees, the colleagues of the permanent representations of the national parliaments in Brussels would participate. If it is justified 2 MPs (1 from the government and 1 from the opposition parties) of the partner-committees of the national parliaments could also attend the meetings of the EP committees. 2-2 MPs in each parliamentary committee of the Member States should be assigned for this purpose, ones who would be permanently responsible for EP relations. As a result national parliaments would participate in Community decision-making on a deeper and broader level by involving their standing committees, which might improve the publicity of Community affairs.
  - COSAC could also be strengthened by making its activities more substantial, primarily by broadening the agenda of sessions and in accordance to this by making them more frequent and longer.
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