

Working Group IV

Working document 31

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

In an attempt to attribute a degree of ownership to national parliaments vis-à-vis measures taken at the EU level, particularly legislative instruments, one may consider affording them the opportunity of “linking up” with the decision-making process *if they so wish*. An initial arrangement has already been elaborated by the Subsidiarity working group in proposing that national parliaments should become the focal point of an early warning system to monitor compliance with the principle of subsidiarity. The National Parliaments working group may therefore itself wish to weigh options for national parliamentary involvement in EU decision-making, in particular by pursuing one of the following options:

- i) EITHER to restrict national parliamentary involvement to the control of *subsidiarity*;
- ii) OR to extend to national parliaments the possibility of somehow channeling an opinion also on the *substance of proposed legislation* within existing timeframes and procedures, on the understanding that:
 - a new institution will not thereby be created;
 - there will be no possibility to directly veto legislation;
 - there will be no delay in the process.

Should this latter option be pursued, one would need to establish the *scope* and identify a *device* to cater for the expression of this opinion.

- with regard to the *scope*, particular emphasis may be placed on an evaluation by national parliaments of the impact of the proposed legislation on the quality of life of European citizens, given the fact that national parliamentarians should be in a better position to permeate the grassroots level. Such an evaluation may therefore focus on, among others, consistency with, and the promotion of, the principles of *proportionality* and *solidarity*;

- with regard to the *device*, one could envisage national parliaments having the possibility to “link up” with the European Parliament on a case-by-case basis by channeling recommendations through national representatives nominated for this task. This presupposes the existence of some kind of networking system between the variously structured national parliaments and the European Parliament. The *ensemble* of national parliaments’ representatives, *having a purely consultative function*, would consist of not more than two representatives nominated by each national parliamentary system on an *ad hoc* basis and on the basis of their competence in the subject matter under consideration. They would be mandated to transmit recommendations to the European Parliament on behalf of a predetermined number of parliamentarians via a secretariat set up as a focal point within the European Parliament. It would then be up to the European Parliament to gauge the recommendations, decide whether and to what extent to endorse the assessments made, and, if in the affirmative, to factor them into its own position on the proposed legislation. The national parliaments’ representatives would be free to deliver recommendations at any stage when the parliamentarians on whose behalf they act believe that an attempt to influence the European Parliament’s deliberations is advisable; this will be *without prejudice to the European Parliament’s decision-making autonomy*.

In pursuing this option, a basis would be established for national parliamentarians to provide added value to the European Parliament’s assessment of legislative proposals. Moreover, the elected representatives at both a national and European level would be in a position to bolster their collaboration in concrete terms and to assume a more coherent stance in the interest of the citizens they represent. The arrangements to cater for this consultation process would not be laid out in Treaty provisions but rather more informally in the pertinent articles in the European Parliament’s Rules of Procedure.

The possibility thus afforded to national parliaments to contribute to the decision-making process, albeit circumscribed within the scope of action of the European Parliament, might go some way towards reducing the democratic deficit in the eyes of the European citizen.
