

Working Group IV

Working document 41

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

**Subject:**      **The comments by Mr Andrew Duff to the draft final report of  
Working Group IV on National Parliaments (WD 032 - WG IV)**

Members of Working Group IV will find hereafter comments by Mr Andrew Duff, member of the European Parliament and of the Convention

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

**Subject:**      **Draft final report of Working Group IV on National Parliaments**

### PROPOSED AMENDMENTS BY ANDREW DUFF MEP

<p>22. The Working Group agreed that national parliaments had an essential role in monitoring the application of the principle of subsidiarity. The primarily legislative tasks of national parliaments gave them a central responsibility when considering whether legislation is best adopted at national or European level. It was also noted that there was a close link between subsidiarity and proportionality. The Group also agreed that ensuring respect for subsidiarity was a shared responsibility. The Commission, the European Parliament and the Council must all ensure compliance with the subsidiarity principle when proposing and considering draft legislation.</p>	<p>22. The Working Group agreed that national parliaments had an essential role in <i>contributing to the work of the EU legislature in applying in practice</i> the principle of subsidiarity. <i>In particular,</i> national parliaments <i>have</i> a central responsibility <i>to advise, scrutinise and hold to account their own government ministers for their performance in Council, especially</i> when considering whether legislation is best adopted at national or European level. It was also noted that there was a close link between subsidiarity and proportionality.</p>
<p>31. In addition to the role of fostering the exchange of best practice and information (see also the part on national scrutiny systems), the Group considered that [a reconstituted and functionally more focussed] COSAC could provide a platform for contacts between sectoral standing committees of national parliaments, in complement to the contacts between European Affairs</p>	<p>31. In addition to the role of fostering the exchange of best practice and information (see also the part on national scrutiny systems), the Group considered that [a reconstituted and functionally more focussed] COSAC could provide a platform for contacts between sectoral standing committees of national parliaments, in complement to the contacts between European Affairs</p>

<p>Committees. [A new COSAC could be used as a forum bringing together national parliamentarians. This should however not hinder them from inviting MEPs to take part in meetings whenever this is deemed particularly useful.] The Group considered that it might be appropriate to change the name of COSAC to reflect its expanded role. In addition, some members were of the view that a reformed COSAC could provide a forum for debate on a general level on the control of subsidiarity, considering that the direct involvement of national parliaments in relation to individual legislative proposals should pass through their scrutiny of governments and the new early-warning mechanism proposed by WG I.</p>	<p>Committees.</p> <p>The Group considered that it might be appropriate to change the name of COSAC to reflect its expanded role. In addition, some members were of the view that a reformed COSAC could provide a forum for debate on a general level on the control of subsidiarity.</p>
<p>32. According to the Amsterdam Treaty Protocol on the role of national parliaments in the EU, COSAC may make any contribution it deems appropriate for the attention of the institutions of the EU (Article II.4). The Working Group considers that to foster a real dialogue between the EU institutions and the national parliaments, these institutions should also be encouraged to react to such contributions. [Replies could be provided in different forms. A reformed COSAC could for example invite a Member of the European Commission or a representative of one of the other institutions to a hearing, or the institution could reply in writing.]</p>	<p>32. According to the Amsterdam Treaty Protocol on the role of national parliaments in the EU, COSAC may make any contribution it deems appropriate for the attention of the institutions of the EU (Article II.4). The Working Group considers that to foster a real dialogue between the EU institutions and the national parliaments, these institutions should also be encouraged to react to such contributions. [Replies could be provided in different forms. A reformed COSAC could for example invite a Member of the European Commission or a representative of one of the other institutions to a hearing, or the institution could reply in writing.]</p>

<p>33. The Working Group felt that there was a need to examine how national parliaments could be more involved in shaping the political agenda and strategy of the EU. The Group considered that <u>a mechanism for European debate involving both national parliaments and the European Parliament</u>, both representing the voice of the citizens in Europe, would be the most useful format. Some argued that such a forum should not constitute a new institution, but that it would be a mechanism for debate. There was agreement that the functions would still have to be defined more precisely. All agreed that such a forum should not have any legislative role, and it should not disturb the current institutional balance.</p>	<p>33. The Working Group felt that there was a need <i>for the Convention</i> to examine <i>whether national parliaments should become involved in a new forum, possibly designated a Congress, that would help the Union to shape its political strategy and also play a role in the election of the President of the Commission</i>.</p> <p>All agreed that such a forum should not have any legislative role, and it should not disturb the current institutional balance.</p>
<p>34. Such a forum [which could be denominated a Congress] could provide a unique platform for national and European parliamentarians to meet at regular intervals to debate the strategic direction of Europe. The Group envisaged that such a meeting of parliamentarians could take place [twice a year] [once every year] [every five years]. The purpose would be to consult the national parliaments together with the European Parliament directly on the state of the Union and its evolution, on the basis of reports from the European Council and the Commission. It could furthermore receive information about and debate the (future) multiannual programme of the Council and/or the annual</p>	

<p>programme of the Council, in which case it should also receive a progress report the following year and thus follow-up on the delivery of the statements of intention (in the event that a congress would meet on an annual basis). Some have also suggested that such a forum be invited to endorse high-level nominations. [Such a forum] [The Congress] could be composed of the European Parliament representatives and national parliamentarians [...].</p>	
<p>35. The Working Group also recognised that there may be ground for contacts between national parliamentarians and MEPs on specific issues on an ad hoc basis. The Group would in this respect welcome the possibility of convening <u>ad hoc interparliamentary conferences</u> on sectoral issues, where the gap between national positions block agreement at the European level. Such mechanisms, bringing together specialists in the specific policy area, would help to build bridges and pave the way for identifying solutions (examples of issues for which this could be a useful mechanism were the reform of the CAP or the reform of the internal resources).</p>	<p><b>34.</b> The Working Group also recognised that there may be ground for <i>other</i> contacts between national parliamentarians and MEPs on specific issues on an ad hoc basis. The Group would in this respect welcome the possibility of convening <u>ad hoc interparliamentary conferences</u> on sectoral issues, where the gap between national positions block agreement at the European level. Such mechanisms, bringing together specialists in the specific policy area, would help to build bridges and pave the way for identifying solutions (examples of issues for which this could be a useful mechanism were the reform of the CAP or the reform of the internal resources).</p>
<p>36. As a part of the process to bring the EU closer to the debate within Members States the Working Group further recommends that once every year a EU-wide <u>European week</u> be organised to coincide with the presentation of the Commission's annual programme.</p>	<p><b>35.</b> As a part of the process to bring the EU closer to the debate within Members States the Working Group further recommends that once every year a EU-wide <u>European week</u> be organised to coincide with the presentation of the Commission's annual <i>policy strategy</i>.</p>

<p>This would create a common window for debates in the national parliaments, involving Members of the European Parliament, and possibly also Members of the European Commission as well as representatives of national governments, thus raising national awareness of the activities of the European Union. These European weeks would require a certain coordination of scheduling of the European Parliament and national parliaments, to ensure that MEPs have the possibility to take active part in the national debate.</p>	<p>This would create a common window for debates in the national parliaments, involving Members of the European Parliament, and possibly also Members of the European Commission as well as representatives of national governments, thus raising national awareness of the activities of the European Union. These European weeks would require a certain coordination of scheduling of the European Parliament and national parliaments, to ensure that MEPs have the possibility to take active part in the national debate.</p>
<p>37. The Working Group recommends the following measures:</p> <ul style="list-style-type: none"> <li>▪ <i>The method of convening a Convention should be formalised in a future Constitutional Treaty.</i></li> <li>▪ <i>The mandate of COSAC should be clarified to strengthen its role as an interparliamentary mechanism. It could usefully act as a platform for a regular exchange of information and best practices, not only between European Affairs Committees, but also between sectoral standing committees. [It should become a network for exchange primarily between national parliaments.]</i></li> <li>▪ <i>There is a need to create a forum for a debate on the larger political orientations and strategy of the Union, involving both national parliaments and the European Parliaments. [It is proposed that this</i></li> </ul>	<p>36. The Working Group recommends the following measures:</p> <ul style="list-style-type: none"> <li>▪ <i>The method of convening a Convention should be formalised in a future Constitutional Treaty.</i></li> <li>▪ <i>The mandate of COSAC should be clarified to strengthen its role as an interparliamentary mechanism. It could usefully act as a platform for a regular exchange of information and best practices, not only between European Affairs Committees, but also between sectoral standing committees. [It should become a network for exchange primarily between national parliaments.]</i></li> <li>▪ <b><i>The Convention should further examine the idea of creating a Congress made up of the European Parliament and national parliamentarians.</i></b></li> <li>▪ <i>A European week could be usefully</i></li> </ul>

<p>would take the form of a Congress.] This would be consulted on the state and evolution of the Union, receive information on the multiannual and annual programming of the work of the Council and progress reports on implementation. [It would also endorse high-level appointments]. Such a [forum] [congress] would convene [twice a year/once a year/.../every five years.</p> <ul style="list-style-type: none"> <li>▪ A European week could be usefully organised each year to create a common window for EU-wide debates on European issues in every Member State.</li> <li>▪ Interparliamentary conferences on specific issues should be convened as the need arises.</li> </ul>	<p>organised each year to create a common window for EU-wide debates on European issues in every Member State.</p> <ul style="list-style-type: none"> <li>▪ Interparliamentary conferences on specific issues should be convened as the need arises.</li> </ul>
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