

Working Group IV

Working document 42

Working group IV – "Role of National Parliaments"

Subject: **The comments by Mr Henrik Dam Kristensen 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 Henrik Dam Kristensen, representative of the Danish Parliament, member of the Convention.

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Danish Parliament
Member of the European Convention

Copenhagen 14 October 2002

Contribution concerning Draft final report of Working Group IV on National Parliaments (WD 032 - WG IV)

I generally support the draft report of the Working Group. However after the last meeting in the Committee on 10 October, I would like to make a few comments on certain individual paragraphs. The relevant text in the draft report is written in italic.

11 ... [In my view COSAC should consider drafting a code of conduct for national parliaments setting out desirable minimum standards for effective national parliamentary scrutiny.]

COMMENT: COSAC is the right Forum for this. The words in brackets should remain in the text.

11. ...and we are encouraged that proposals for reform of COSAC currently being advanced by the Danish Presidency should enable this role to be carried out more effectively than in the past.

COMMENT: This reference to the COSAC reform should be kept and perhaps adjusted to the actual Conclusions of the meeting in COSAC in Copenhagen on 16-18 October. It is important that the Working Group does not involve itself in details on the parts of the COSAC reform which do not require treaty changes.

13, 14, 20 ... documents to national parliaments [if requested]

COMMENT: The words “if requested” may be deleted.

15. ... The Group considers that the definition of legislative proposals should be set out more clearly.

COMMENT: Other documents should be included, such as proposals for measures under title V (the Common Foreign and Security Policy) and interinstitutional agreements to which the Council is a party.

17... during the first [two/three/four] weeks of this six-week period, Council Working Groups should not acknowledge any preliminary agreement on proposals.

COMMENT: It should be "...during the six-week period, Council Working Groups should not...."

20. The Commission should transmit all consultative documents and legislative proposals directly to national parliaments [if requested]. Legislative proposals should be transmitted simultaneously to national parliaments and the Council.

COMMENT: Delete "if requested". Change the second sentence to: "The Commission should transmit all legislative proposals simultaneously to national parliaments and the Council."

20. [The Council's rules of procedure provide for a clear week to elapse between a legislative item being considered at Coreper and the Council.]

COMMENT: The words in brackets should remain in the text.

20. [Parliamentary scrutiny reserves should be given a formal status within the Council's rules of procedure. Such reserves should furthermore have an expiry date.]

COMMENT: The words in brackets should remain in the text.

IV. Subsidiarity, 21, 22 and 26

COMMENT: National Parliaments should not limit their control to the principle of subsidiarity. It should be underlined that also the principle of proportionality should be monitored. This could be stressed by adding "and proportionality" in the relevant paragraphs and the heading of section IV.

22. The working Group agreed that national parliaments had an essential role in monitoring the application of the principle of subsidiarity. The primary legislative tasks of national parliaments gave them a central responsibility when considering whether legislation is best adopted at national or European level.

COMMENT: The paragraph should be kept as it stands.

The method of convening a Convention should be formalised in a future Constitutional Treaty.

COMMENT: The sentence should be kept as it is. But it needs to be clarified what the method of convening a Convention means.

The following two paragraphs should be added to paragraph 28:

“It should also be considered whether national parliaments should have a right to be consulted before convening an intergovernmental conference.

National parliaments should similarly be given a voice in the process of appointing the president of the European Commission”.

31. ... [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 Committees.

COMMENT: The words in brackets should remain in the text.

32 ... 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.]

COMMENT: The text in brackets should remain in the report. However, the institutions should have an obligation to react to contributions from COSAC.
