

Working Group IV

Working document 47

Working group IV – "Role of National Parliaments"

Subject: **The comments by Mr Proinsias De Rossa 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 Proinsias De Rossa, representative of the Irish Parliament, member of the Convention.

Working Group IV – Role of National Parliaments

Comments on the Draft Final Report by Proinsias De Rossa MEP, representative of the Irish Parliament, member of the Convention.

Overall, this is a good report which reflects the discussions within the Working Group and the general consensus which emerged over the past weeks.

My comments are made in respect of the individual paragraphs.

Para.5: The words in square brackets should be retained but without the reference to the preamble.

Para.7: It should be recognised that closed sessions of the Council may on occasion be necessary but only for clearly specified reasons.

Para.8: In the first indent, omit reference to preamble and end the sentence at "European Union". In the second indent retain the words in square brackets, i.e. remove brackets but clarify the precise nature of the 'records' referred to.

Para.9: In the first line, replace 'influence' with 'role'. A new final sentence should read: "Scrutiny should extend to the stage of implementation of EU legislation where many problems exist in terms of public understanding and support."

Para.10: Add a new first indent, as follows:

- the existence of the political will to ensure the effectiveness and openness of the scrutiny system (alternatively this could be incorporated in paragraph eleven)

Para.11: The words in square brackets should be retained but 'guidelines' should replace 'code of conduct' which implies possible interference with the prerogatives of national parliaments.

Para.13: The words in square brackets should be deleted (i.e. "if requested", ditto for 14, 15 etc.)

Para. 14: This paragraph should indicate that national parliaments should also receive documents such as the European Council Strategic Programme foreseen in the Seville Conclusions.

Para.17: The paragraph should provide that, during the full six-week period, Council working Groups should not acknowledge any preliminary agreement on proposals.

Para.20: In the first indent, the words in square brackets should be deleted. In the second indent the words ‘during the first...weeks’ should be replaced with ‘until the end of that period’ In the third indent there should be reference to the presentation of the European Council Strategic Programme to national parliaments. In respect of the fourth indent I support the wording suggested by Mr. Lekberg:

“The Commission and Council, respectively, should annually submit a report to the national parliaments on how this protocol has been upheld.”

The final indent, in square brackets, should be retained but with the words ‘have an expiry date’ replaced by ‘have a specified time limit.’

The section dealing with COSAC should refer to ‘guidelines’ rather than ‘code of conduct.’

Para. 22: i) replace "essential role" with "important role"

ii) as national parliaments can generally only make decisions in line with government policy this proposal giving them a central responsibility in considering the appropriateness as regards subsidiarity and proportionality of EU legislation gives member state governments a second opportunity to stall legislation if that is their wish. I would only support this approach at the ex ante stage of the legislative process.

Para.24: The word ‘permanent’ – in round brackets – should be deleted. Or alternatively add the words "ad hoc".

Para.25: The first indent – in square brackets - should be deleted. The third indent – in square brackets – should be deleted.

Para. 27: Delete reference to "Danish initiative"

Para.28: This is problematic. I share the concerns expressed by Mr. Lekberg.

Paras. 31, 32, 33, 34: These should be considered further in the light of the expected initiatives of the Danish Presidency.

Para.37: The third indent should be reconsidered in line with the comments above. I would prefer a re-vamped COSAC to a "Congress". I also believe it would be counter-productive for COSAC to be exclusive to national parliamentarians. It would not aid dialogue. There is nothing to prevent national parliaments developing a purely national parliament forum if they wish. However, I don't believe such a mechanism should be incorporated in a European constitution.

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