

THE SECRETARIAT

CONV 182/02**CONTRIB 62**

from Secretariat
to The Convention

Subject : Contribution from Mr René van der Linden, member of the Convention, and Mr Wim van Eekelen, alternate member of the Convention
"The role of national parliaments: an example of a good practice"

The Secretary General of the Convention has received the contribution annexed hereto from Mr René van der Linden, member of the Convention, and Mr Wim van Eekelen, alternate member of the Convention.

Contribution from:

Mr R. van der Linden, member of the Convention

Mr W. van Eekelen, alternate member of the Convention

The role of national parliaments: an example of a good practice

On the subject of best practices, we would like to draw attention to the existence and working practices of a bureau specially established in the Dutch Senate for the scrutiny of European legislation, and in particular to a website which has been developed by this European Bureau of the Senate and is now being expanded.

At the time of the ratification of the Maastricht Treaty, the Dutch Parliament made critical observations about the insufficient influence of the European Parliament over the activities in the Second and Third Pillars that were then created. However, the intergovernmental approach and the requirement of unanimity provided the Dutch Parliament with the opportunity to monitor closely the negotiating position taken by the Government. This meant that the JHA Ministers could be put in the position (having regard to the wishes of a parliamentary majority in the Senate and/or the House of Representatives) of not being able to cooperate in the establishment of decisions binding on the Kingdom of the Netherlands. A provision was therefore included in the Act approving the Maastricht Treaty and in the later Treaties of Amsterdam and Nice stipulating that draft decisions in the JHA area which may bind the Kingdom should be notified to and require the consent of the Senate and the House of Representatives.

Since then there has been a substantial flow of documents in the JHA field, because the Minister of Justice informs both Houses of Parliament about the items on the agenda of the JHA Council, and also sends both the relevant Council documents and the position taken by the Government on each item. As regards the Council meeting in other compositions, annotated schedules without Council documents are sent to Parliament. In addition, the Government draws up so-called New Commission Proposals Assessment index cards, on which initiatives of the European Commission and, occasionally, a Member State are assessed.

The annotated agendas of the Councils and the BNC index cards may prompt an exchange of views between the Government and Parliament.

As already noted, a European Bureau was established in the Senate last year. One of the functions of this bureau is to classify all the documents in the JHA field and make them available on a site (for the time being in an environment accessible only to senators). The greatest deficiency is gradually proving to be not the bad access to the documents but the lack of transparency of the legislative process. Unlike the Dutch legislative procedure, in which legislative proposals receive a number and the documents of the institutions involved in the legislative process (Government, Council of State, House of Representatives, and Senate) are given a serial number, no file is created in the European legislative procedure. The European Commission gives a COM number to legislative initiatives, and the European Parliament and the Council then assign their own numbers to the documents relating to the treatment of a Commission initiative.

The site uses a system of file creation (albeit without using serial numbers), broadly speaking on the basis of the lay-out of the EC Tampere Scoreboard follow-up. A file receives a number as soon as an initiative of the European Commission or a Member State is published. The European Bureau assigns this number to documents becoming available on this subject. The file is used to collect documents on the subject in question from the European Commission, the European Parliament, the Council, the Dutch Government and the two Houses of Parliament. Not only the document locations are given, but also a link to all documents. The publications of researchers, lobby groups or other parliaments, the CoR and the ESC can be linked under the heading 'commentary of third parties' to the file. In this way, members of parliament who wish to follow the progress of a particular subject have access to all relevant documents. If a draft decision is put on the agenda of the JHA Council at a late stage of the negotiations, the senators have on-line information about the contribution of all other parties concerned and about the remaining problems.

A presentation of the website is attached. Access to the JHA information is provided by means of links in the notices convening meetings of the committee that monitors the JHA activities, as well as through the news items and core files which explain important subjects or developments. A link is provided from the convening notice to the agenda provided by the Minister of Justice. The members are given the possibility of accessing only subjects about which an assent decision must be taken (marked by means of a 'gavel' icon) or accessing a selection of subjects on which the European Bureau wishes to focus attention (marked by means of a 'hand' icon). In the 'opinion column' the European Bureau gives an indication of whether or not an item requires debate. Naturally, this last point is a matter for the judgement of the members themselves. The European Bureau also checks – pursuant to a motion - whether a Council document that reflects the content of a political agreement has been public for at least six weeks (in the case of framework decisions). Only afterwards does the Senate take a decision on whether or not to assent to the result of the negotiation.

The page containing the annotated agenda provides for the possibility of accessing Council documents which indicate the latest position of the negotiations (with an indication of the documents which have been submitted too late or in a different language version, contrary to the approval Act) and the possibility of accessing the entire file. If the entire file is accessed, a page appears on screen in which the European Bureau gives a brief summary of each document per institution. This summary makes it possible to get to the core of the subject quickly and, if desired, to call up the entire text on screen.

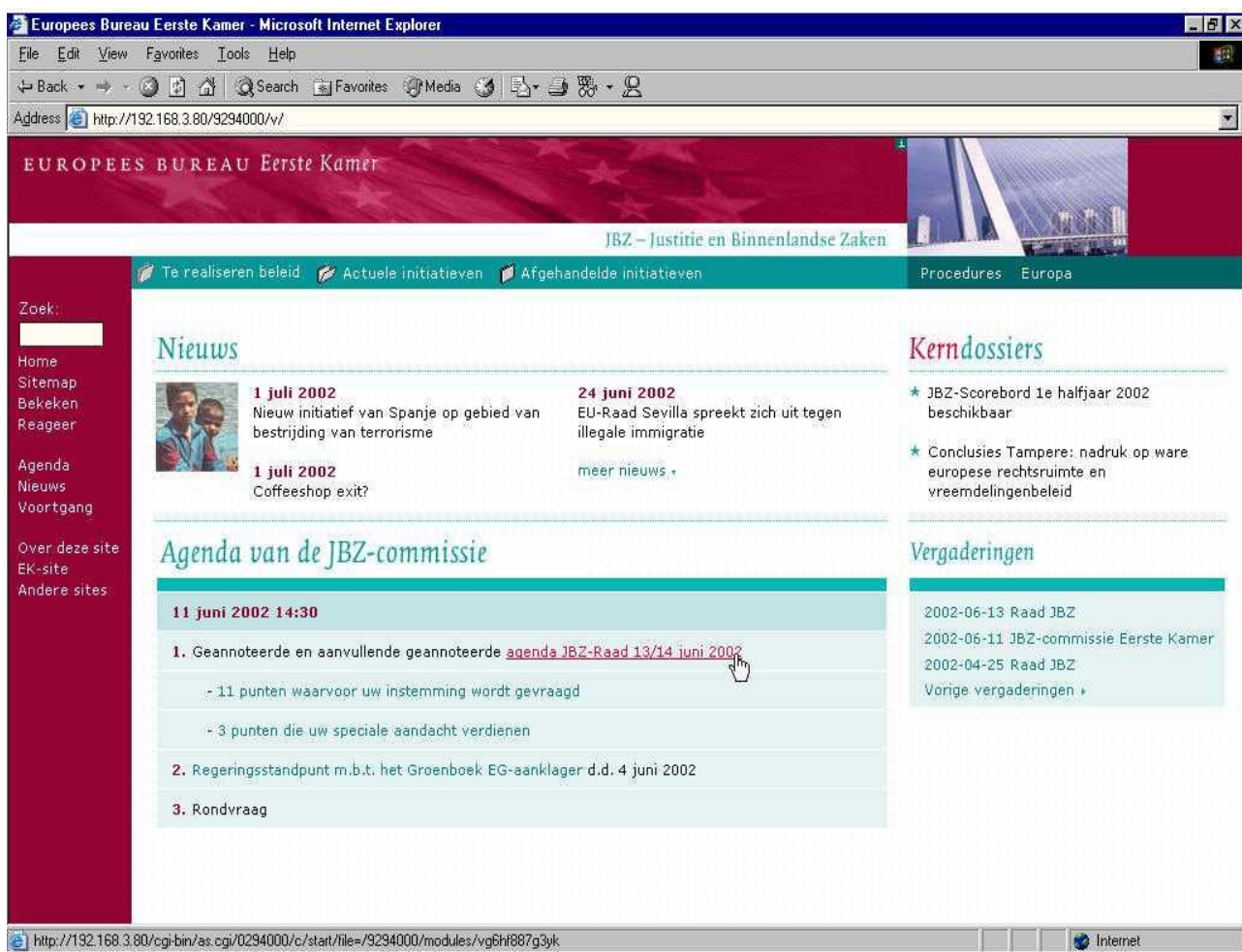
It is possible to call up the same files from the top bar - separate from the agenda of the Council - by means of the policy subject concerned (e.g. asylum, immigration and police cooperation). Various stages can be recognised: policy to be introduced (distilled from the Tampere follow-up Scoreboard and the conclusions of the Councils), current initiatives (subjects under negotiation) and completed initiatives (which may possibly become relevant when implementation legislation is being debated and senators wish to know the background). It is also intended in future to develop a warning system for the implementation dates. Information intended to familiarise members quickly with a subject is also provided under the headings 'procedures' and 'Europe' (designed for new members of parliament).

The site is still under development. There are plans for the development of similar pages on other policy fields. The site will be available initially only for members of parliament, but from the point of view of open government it is proposed that (virtually) all information should also be available to the general public. The availability of all documents in an orderly fashion is expected to prompt a more lively debate in society.

We believe that the greater availability of documents, coupled with (electronic) file creation in Europe, could help to increase the transparency of the legislative process. A positive result of such a development would be broader parliamentary and public debate on proposed policy and perhaps also a more flexible implementation process with more support among the population. In addition, this could facilitate the rapid exchange of findings between parliaments. This could help to reduce the democratic deficit.

R. van der Linden
(member of the Convention)

W. van Eekelen
(alternate member of the Convention).



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EUROPEES BUREAU Eerste Kamer

JBZ – Justitie en Binnenlandse Zaken

Te realiseren beleid Actuele initiatieven Afgehandelde initiatieven Procedures Europa

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Agenda JBZ-raad

13 juni 2002, nr. 2436

		Initiatief	Document	Advies EBEK
1		Goedkeuring van de voorlopige agenda		
2		Goedkeuring van de lijst van A-punten		
2a	4.2.33	Besluit tot oprichting van een Europees netwerk voor de bescherming van prominenten	6460/5/02 ENG	m.i. akkoord (Engelse tekst!)
2b	4.2.39	<u>Jaarverslag 2001 van het Europees netwerk inzake criminaliteitspreventie</u>	8327/02 8591/1/02	ter kennisneming
2c	4.2.40	Europol jaarverslag 2001	8381/02	ter kennisneming
2d	4.2.41	Begroting Europol 2003	8382/02 ENG 8382/02 COR1 ENG 8382/02 ADD1 ENG	m.i. akkoord, let op taal
2e	4.2.42	Europol werkprogramma		ter

Inhoud Documenten

Toon koninkrijk bindende besluiten, speciale aandachtspunten of volledige agenda

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4.3.16 ** Kaderbesluit minimumvoorschriften mbt bestanddelen...

Fase	politiek akkoord voorzien
Beleidsdossier	Vormen van criminaliteit
Volledige titel	Kaderbesluit minimumvoorschriften mbt bestanddelen van strafbare feiten en straffen voor illegale drugshandel
Behandeling	2002-06-13 Raad JBZ 2436

Advies Europees Bureau Eerste Kamer

Voorafgaand aan de JBZ-Raad van 13 juni 2002 heeft de Eerste Kamer op 11 juni 2002 instemming onthouden met de opmerking dat de Eerste Kamer de definitieve tekst wenst af te wachten. Er werden geen opmerkingen of vragen geplaatst bij de regeringsinzet. De Minister van Justitie heeft dit - blijkens verslag van het AO 12 juni 2002 in de Tweede Kamer - opgevat als steun voor het coffeeshopbeleid. In de Tweede Kamer heeft de minister van Justitie laten weten dat hij in kon stemmen met de laatste tekst die voorlag en de Tweede Kamer is daarop akkoord gegaan.

Tijdens de JBZ-Raad bleek echter dat o.m. Frankrijk het verzet tegen artikel 4 lid 6 niet wenste op te geven, waardoor politieke besluitvorming werd geblokkeerd. De andere lidstaten zijn daarop gaan schuiven. Het voorstel om artikel 4, lid 6 te schrappen wordt nu gesteund door 14 lidstaten en nu blokkeert Nederland de besluitvorming. Voor het overige zijn de lidstaten het eens.

Beide Kamers zullen zich uit moeten spreken over de vraag of zij al dan niet in kunnen stemmen met een definitieve tekst zonder artikel 4, lid 6. Wordt de regeringsinzet nog steeds gesteund?

Artikel 4 lid 6 voorziet in de mogelijkheid om voor **kleine hoeveelheden** softdrugs, overeenkomstig nationale wetgeving, een lagere strafmaat toe te passen dan de 1-3 jaar die voor

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Documenten bij issue Kaderbesluit minimumvoorschriften mbt bestanddelen van strafbare feiten en straffen voor illegale drugshandel

Behandeling Eerste Kamer

datum	instantie	nummer	omschrijving scr
2	2002-06-11	Eerste Kamer	31, 1488-1519 zie 1516 [Handelinger]
1	2002-06-11	JBZ-commissie Eerste Kamer	32594/B/TAB korte aantekening EK

Behandeling Tweede Kamer

datum	instantie	nummer	omschrijving scr
1	2002-06-17	Tweede Kamer	23490, 238 algemeen overleg TK

Raadsdocumenten

datum	instantie	nummer	omschrijving scr
7	2002-06-26	Ministerie van Justitie	23490,.... 5172487/02/BIZ [verslag van raad]
6	2002-06-11	Raad JBZ	9718/1/02 (bijl. verslag) raadsdocument

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Te realiseren beleid Actuele initiatieven Afgehandelde initiatieven Procedures Europa

Coffeeshop exit?

1 juli 2002

Voorafgaand aan de JBZ-Raad van 13 juni 2002 heeft de Eerste Kamer besloten de definitieve tekst af te wachten alvorens instemming te verlenen. Er werden geen opmerkingen of vragen geplaatst bij de regeringsinzet. De Minister van Justitie heeft dit opgevat als steun voor het coffeeshopbeleid, zo blijkt uit het verslag van het AO. In de Tweede Kamer heeft de minister van Justitie laten weten dat hij in kon stemmen met de laatste tekst die voorlag en de Tweede Kamer is daarop akkoord gegaan.

Frankrijk bleek tijdens de JBZ-Raad echter het verzet tegen artikel 4 lid 6 niet op te willen geven, waardoor politieke besluitvorming werd geblokkeerd. De andere lidstaten zijn daarop gaan schuiven. Het voorstel om artikel 4, lid 6 te schrappen wordt nu gesteund door 14 lidstaten en nu blokkeert Nederland de besluitvorming. Voor het overige zijn de lidstaten het eens.

De keus is nu aan het Nederlandse parlement: meewerken aan de harmonisatie van het drugsbeleid, of vasthouden aan een clause waardoor het coffeeshopbeleid gecontinueerd kan worden en dus de totstandkoming blokkeren van het [kaderbesluit bestrijding georganiseerde drugscriminaliteit](#).

Aan de informatie op deze site kunnen geen rechten worden ontleend.

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Nieuws

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◀ **1 jul 2002**
Coffeeshop exit?

◀ **24 jun 2002**
EU-Raad Sevilla spreekt zich uit tegen illegale immigratie

◀ **14 jun 2002**
JBZ-Raad stemt in met Kaderbesluit Terrorismebestrijding

◀ **31 mei 2002**
JBZ-Scorebord 1e halfjaar 2002 beschikbaar

◀ **13 mrt 2002**
Conclusies Tampere: nadruk op ware Europese rechtsruimte en vreemdelingenbeleid

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