

**NOTE**

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from : Secretariat  
to : Working Group IV on "National Parliaments"  
Subject : Summary of the meeting held on 10 July 2002

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**I. Role of National Parliaments in the EU**

1. Dr. Andreas Maurer (Stiftung Wissenschaft und Politik, Berlin) made an introductory presentation of his study (see working document No. 8 of 9 July), stressing i.a. the following points:
  - deficits of parliamentary control in the EU could be seen, beyond the issue of control of subsidiarity, in other areas such as foreign policy, justice and home affairs, application of the "open method of co-ordination" and international decision-making which the EU is bound to take over (Basel II, WTO);
  - a crucial aspect of the national parliaments' (NPs) role should be seen in ensuring the traceability of EU legislation for the citizens;
  - central indicators for efficiency of NP scrutiny over their governments' action in the Council are the scope, the timing and management and the impact of such control; in particular, Dr. Maurer advocated timely control of subsidiarity which should extend to Green and White Books and to the Commission's annual legislative programmes;
  - NP scrutiny should cover action at Coreper and working group level.
2. The group had an exchange of views during which a number of questions were addressed to Dr. Maurer. This discussion, as well as the replies made by Dr. Maurer, covered the following further aspects:
  - the essential function of NPs is to ensure public awareness and support of ongoing EU legislation among citizens and thus to generate a "sense of ownership";

- the particular attention that should be given to analysing in how far already existing arrangements are actually used in practice, and which conditions would yet have to be met for better scrutiny in practice;
- the need to examine carefully to which extent the aim of better NPs' scrutiny of their governments in Council could be reflected in the Treaty: an emerging orientation was that, while the regulation of such scrutiny should remain the domain of national law, the Treaty could facilitate the development of best practices by recognising some broad principles;
- the need to concentrate control on the political rather than on the administrative level, and in general the concern that ex-ante control by NPs should not lead to paralysing EU legislation; it was however recognised that many significant decisions were taken at officials' level (notably in Coreper);
- the importance of strengthening NPs' scrutiny over action by the European Council, for example through meetings of the European Affairs committee with the respective Head of State or Government before and after a European Council meeting, as practised by some parliaments;
- the great importance, in the interest of more efficient NPs' scrutiny, of opening up the Council's legislative deliberations to the public;
- the need to identify precisely those areas which in practice currently escape efficient control on either the level of the European Parliament or of NPs (such as the common agricultural policy or budgetary control of separate budgets like the European Development Fund), and to examine whether the NPs' potentials for control would suffice to make up for these existing deficits, or whether enhanced parliamentary control by the EP would be more efficient (in this regard, it was also observed that reforms of the CAP or of the Fishery policy were sometimes blocked in the Council because of restrictions imposed by NPs on the governments' abilities to make compromises);
- the potentials for speedier transmission of information to NPs, for example through a direct transmission of legislative proposals by the Commission to NPs;
- the importance of involving to a greater extent the standing (i.e. sector-specific) parliamentary committees as a complement to scrutiny exercised by the European Affairs committees;
- the important contribution NPs could make to better monitoring of how EU legislation is implemented on national level.

## **II Application and control of the subsidiarity principle - The role of the European Commission**

3. Commissioner Barnier informed the Group on the Commission's practice in ensuring compliance with the subsidiarity principle (his speaking notes will be circulated in a separate working document). He recalled that respect of the subsidiarity principle was the joint responsibility of all three EU institutions, and added that one third of the legislative proposals derived from international legal obligations, one third was entailed by social, economic or technical developments, while another part was the result of requests by an EU institution or a Member State.
4. Commissioner Barnier further reported on the Commission's efforts to systematically incorporate in its working methods the principle of subsidiarity, following its communication on this subject in 1992. The Commission applied the provisions on motivation and consultation as laid down in the Amsterdam Protocol and submitted an annual report to the European Council, which covered i.a. application of the subsidiarity principle. In addition, the Commission intended to implement by the end of this year an impact assessment of its political and legislative initiatives, which would help to better assess the need for community action in conformity with the principles of subsidiarity and proportionality. He noted the important role of NPs in policing the subsidiarity principle through scrutiny of their government's action at the EU level. The Group underlined the need for clear and detailed 'explication de motifs' for draft legislation and the possibility to use the Commission's annual legislative programme in the process of monitoring subsidiarity.

## **III Follow-up and preparation of the next meeting**

5. The Chair informed that a joint meeting with the WG on subsidiarity would be held on 22 July (morning) and that the meeting on 18 July would serve to prepare this joint session. Members were invited to submit their views on the role of NPs with regard to control of the subsidiarity principle in advance of this meeting.