

NOTE

from :	Secretariat
to :	Working Group IV on "National Parliaments"
Subject :	Summary of the meeting held on 18 July 2002

1. The group had an exchange of views on the role of National Parliaments (NPs) with regard to control of the subsidiarity principle in view of the joint meeting with WG I on 22 July. The following questions were addressed:

Is there a role for national parliaments in monitoring subsidiarity?

2. The Group agreed that national parliaments had a role in monitoring subsidiarity. Some pointed out that the primarily legislative tasks of NPs gave them a central responsibility in controlling application of the subsidiarity principle. In this context, some speakers pointed out that NPs were closer to citizens and that it was only natural to give them a role when it came to deciding whether legislation was best adopted at national or supranational level.

Should they act alone or with others?

3. All agreed that the Commission, the European Parliament and the Council had a key responsibility in ensuring compliance with the subsidiarity principle when proposing and considering draft legislation. It was underlined that ensuring full respect of subsidiarity could

only take place effectively through involvement of all actors working together. Furthermore, a greater role for NPs in this respect should not weaken the existing powers of European institutions.

4. Some raised the role of the Court of Justice, advocating that it should be requested to examine (ex-post) cases brought before it relating to the application of subsidiarity, although there was a common acknowledgement that the principle of subsidiarity was essentially political in nature.

At what stage, or stages, of the legislative process should they get involved?

5. The majority of speakers expressed the view that NPs should be involved as early as possible. Involvement by NPs in the pre-legislative phase, through early consideration by NPs of the Commission's annual legislative programme was mentioned.
6. Some members proposed that NPs should receive draft legislation at the beginning of the legislative process (directly from the Commission) and examine whether the proposal was in conformity with the subsidiarity principle. It was further pointed out that NPs should be allowed to look again at draft legislation at the end of the process since texts are often considerably modified in the course of negotiations. The possibility of allowing NPs to intervene at any time in the course of the process was raised as well.

What mechanism would be most appropriate?

7. The majority of speakers were in favour of a 'process based approach' and rejected the idea of creating new bodies or institutions. Some members suggested that the question of whether NPs should also have the opportunity to debate certain issues collectively, for instance the annual work programme of the Commission, should nevertheless be examined. One member said that a new subsidiarity controlling body consisting of national MP's should not be ruled out.

8. According to some members, parliamentary control of subsidiarity should take place via the regular scrutiny of ministers' action in the Council. Others favoured a more direct involvement of NPs through a specific procedure which would allow them both to be involved in the pre-legislative phase (early warning) and to examine draft legislation and express their view on whether the proposal was consistent with the principle of subsidiarity. This approach would have the merit of bringing the European issues more directly into the national parliaments, increasing their awareness of European affairs and creating a sense of ownership.
9. All speakers agreed that any new device should be light and effective, and that in no way should it lead to slowing down the legislative process or obstruct EU activities.

Other general observations

10. The following observations were made in the course of discussions:
- Some members felt that the scope of arrangements for involvement of NPs in European affairs was not fully used at present and that parliaments often displayed a lack of interest (or time) in taking up responsibilities.
 - There was a call for more direct contacts between the Commission and NPs, e.g. through regular briefings by Commissioners to NPs (through visits or through teleconferencing), which would i.a. serve the purpose of explaining the motives of certain initiatives of the Commission and provide opportunity for NPs to familiarise themselves more with the Commission. Commissioner Barnier welcomed this idea and indicated that he had himself addressed regularly parliaments in EU Member States. There was also a call for direct transmission of Commission documents to NPs, in parallel to and not only via governments as was now the case.