

**CONV 210/02**

**WG I 9**  
**WG IV 8**

**NOTE**

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from:	Secretariat
to :	Working Groups on Subsidiarity and National Parliaments
<b>Subject :</b>	<b>Summary of the joint meeting on Monday 22 July 2002</b>

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The joint meeting of Working Group I on Subsidiarity and Working Group IV on National Parliaments was chaired jointly by Mr Mendez de Vigo and Ms Stuart, the Chairs of the two Groups.

Each Chair reported briefly on their Working Group's proceedings. Both stressed that national parliaments had a role to play in monitoring implementation of the principle of subsidiarity. There was a need, in particular, to improve the process of informing national parliaments.

Several Convention members also pointed out that national parliaments should exercise parliamentary scrutiny of their governments' activities or, in some cases, increase that scrutiny. While this approach was useful and necessary, it was only a partial response to the issue of how to improve the monitoring of subsidiarity.

Discussion focused on the various options for reinforcing European-level monitoring of the principle of subsidiarity by national parliaments. Many speakers felt that national parliaments should be able to express their views and, if necessary, their fears regarding compliance with the principle of subsidiarity as early as possible in the legislative process.. This meant that they should receive the relevant information right from the beginning of the procedure, which included the stage before the Commission sent its proposals to the legislator. Several ideas were proposed, including that of presenting (in a form yet to be defined) the Commission's annual legislative programme to national parliaments.

Many participants wanted national parliaments to be able to intervene during the legislative procedure, in particular to sound an alarm (warning mechanism) if they felt that the principle of subsidiarity was being breached. Various proposals were put forward. Many speakers warned, however, that such a mechanism must not result in the creation of a new body or institution. Above all the aim should be to devise a simple mechanism or process.

However, a number of speakers wanted a format in which national parliaments could meet as a group to debate subsidiarity. The exact shape of that forum had still to be discussed.

The issue of *ex post* judicial review was also broached. The possibility of giving national parliaments (individually or collectively) the right to refer breaches of the principle of subsidiarity to the Court of Justice, via COSAC for example, was also raised. If that right were granted, some participants wished to see it conferred on the Committee of the Regions as well.

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