

CONV 219/02

WG I 10

NOTE

from :	Secretariat
to :	Working Group I on the Principle of Subsidiarity
Subject :	Summary of the meeting on 22 July 2002 (afternoon)

Discussion focussed on the examination of proposals made by two members of the Group on mechanisms to monitor compliance with the principle of subsidiarity.

One of the proposals was to allow national parliaments to participate in the Conciliation Committee under the codecision procedure, although without a right to vote. This would enable national parliaments to give members of the Committee their opinion on the compliance of the act in question with the principle of subsidiarity, with the consequences having to be drawn at national level. This proposal would have the advantage of avoiding the creation of a new body and of not lengthening the decision-making process, which many members of the Group wanted to avoid. Some members expressed doubts about the effectiveness of such a mechanism given the fact that the Conciliation Committee only met in 25% of the cases submitted to the codecision procedure, and that when the dossier arrived at the Conciliation Committee, it was already at too advanced a stage to be able to take the views of national parliaments properly into account.

Another member of the Group proposed that an *ex ante* political monitoring body should be created composed of national parliaments, which would meet several times a year to examine the compliance of proposals for legislative acts with the principle of subsidiarity . While some members supported this proposal, others were against the creation of a new body, preferring to strengthen the control national parliaments had over their governments or to find some new mechanism which did not mean the creation of a new body.

Others felt that it would be difficult to give national parliaments a collective role in monitoring the principle of subsidiarity without creating a body. Some recalled the existence of COSAC (the Conference of European Affairs Committees) which could carry out such monitoring if it were provided with a secretariat. However, others felt that COSAC was not the appropriate body to perform this task.

Following discussions, the Chairman concluded that a majority of members favoured the establishment of a mechanism to monitor the application of the principle of subsidiarity, and that various proposals on this subject were on the table:

- improve the criteria for the application of the principle of subsidiarity;
- make a Vice-President of the Commission responsible for subsidiarity-related questions;
- submit the Commission's legislative programme to national parliaments etc;
- participation by national parliaments in the conciliation procedure;
- creation of an ad hoc political monitoring mechanism involving national parliaments;
- judicial control by the Court of Justice etc.

The Chairman announced that in order to find a solution which was acceptable to all the members of the Group, a tentative document outlining a compromise solution would be circulated before the summer holidays. This document would be discussed at the meeting on 9 September. Those members who wished to do so could send amendments to the secretariat of the Group.