

NOTE

from:	Secretariat
to:	Working Group IV on "National Parliaments"
Subject:	Summary of the meeting held on 11 September 2002

1. The group took evidence from members from Finland, Sweden, Denmark and France about the architecture of national scrutiny systems and the lessons learnt since their establishment. Following these presentations, the group had an exchange of views on the requirements at the national level for effective parliamentary scrutiny systems with regard to European affairs and started to discuss the possible measures at the European level to encourage improvements in national systems (discussion of the last point to be continued at the next meeting).

Current national scrutiny systems - presentation of the systems used in Finland, Sweden, Denmark and France:

2. Finland (see WD 20): Similar to DK and S. The European affairs scrutiny mechanism is seen as a mean to compensate for the Parliament's loss of legislative powers as a result of accession. The government is under constitutional obligation to communicate without delay to Parliament all matters previously within the Parliament's competence, the so-called "U-matters". These cover the widest possible scope of EU issues (all three pillars). The government is also obliged

under the constitution to inform the Parliament on any other EU-matter when requested by Parliament ("E-matters" – include consultative documents, communications and proposals for acts not constitutionally within the Parliament's competence). On "U-matters", the Parliament mandates the government, who also reports back after the Council meeting, and who is furthermore obliged to keep Parliament abreast of amendments proposed in the course of the decision procedure. The position of the Parliament is formulated in the Grand Committee (EU Affairs Committee) or in the Foreign Affairs Committee, but the whole Parliament is involved in the scrutiny mechanism as also sectoral committees scrutinise proposals and provide a written opinion to the Grand Committee. To guarantee early information, the Parliament has a representative in Brussels, situated in the EP premises. MEPs can not participate in national Parliament committee meetings, but common meetings are held a couple of times a year. The contacts between National and European Members of Parliament within the political parties are however frequent. Important elements (lessons) underlined: In the Council, the Finnish government acts in accordance with the national position, not a government position. The mandate given by Parliament is not legally, but morally and politically binding and the government works on the confidence of Parliament. There has been no vote of no confidence and the mandate from Parliament is seen as a backing that makes the government stronger in the Council. Government has a leeway to work on compromises if needed, but must return to Parliament to motivate.

3. Sweden (see WDs 5 and 18): Similar to DK and FIN. The government is constitutionally bound to inform and deliberate with the Parliament. The Committee on EU Affairs convenes on a weekly basis and mandates the government before Council meetings. The mandate is considered binding. The scrutiny covers all three pillars. Sectoral/standing committees are obliged to follow EU activities within their field and have a far-reaching right to information from the government. Meetings are held behind closed doors but verbatim reports are made public (minor parts may be kept confidential). MEPs receive copies of documents and may be invited to meetings of the Committee on EU Affairs or sectoral committees, but may not

participate in deliberations with the government. A specific joint meeting is held each year, but the most frequent contacts take place within the party groups. The Constitutional Committee reports on among other the EU Affairs work each year and has issued a warning to a minister on one occasion. There has been no vote of no confidence. Important elements (lessons) underlined: parliamentary support strengthens the government, who can negotiate with more confidence in the Council. The involvement of Parliament from the outset makes it easier to adopt necessary implementing measures on the national level. While each Parliament must choose the scrutiny mechanism it deems most appropriate, an exchange of best practice through for instance COSAC is useful.

4. Denmark (WD to be circulated): The European Affairs Committee does not have Constitutional basis, but is based on the Act of Accession of Denmark to the EU. No statute has been passed to regulate the procedures of the Committee, but working methods and the authority of the Committee are laid down in reports agreed between the Committee and the government. Ministers have to be mandated by the European Affairs Committee before each Council meeting (the Chair concludes that there is no majority against the mandate proposed by the government) and must also report back afterwards. NGOs can also make their view known in writing to the Committee. The situation with regard to contacts between National and European Members of Parliament is similar to that in Finland and Sweden: joint meetings are held once or twice annually, but most of the co-ordination takes place within the political parties. Important elements (lessons) underlined: The involvement of specialised/sectoral committees in the scrutiny process is not obligatory, but they are becoming increasingly involved and often meet with the relevant minister before she/he appears in front of the European Affairs Committee. Regarding information, the onus is on ministers to decide what papers Parliament should see, and in practice this means that Parliament receives everything. Parliament wants to examine how to improve the information flow in qualitative terms.

5. France (WD to be circulated): The scrutiny mechanism in France was set up ten years ago, after a Constitutional amendment (followed by a second one in 1998 to include second and third pillar matters). All proposals for EU acts are sent to the Parliament. Out of these, a sub-group representing acts that touch upon the French legal domain, as identified by the Council of State (Conseil d'Etat), is sent more formally to Parliament. These are subject to systematic scrutiny by the EU Delegations of the National Assembly and the Senate and only these texts can be the subject of resolutions. Parliament can also request formal transmission of other texts. In the Senate (system in the National Assembly has similarities) texts of minor importance are subject to consultation by written procedure, while others are subject to a report and if need be a resolution. Parliament has one month from the transmission of an EU text to signal to the government its intention to take a position on a text. Ministers can however request an urgent assessment by Parliament and such requests often intervene in areas not covered by the six weeks inscribed in the Amsterdam Treaty Protocol on National Parliaments. Hearings are occasionally held with MEPs but most contacts take place within political parties. There are no organised/annual joint meetings. Important elements (lessons) underlined: The system of pre-selection of texts requiring in-depth assessment has the advantage of allowing the Parliament to focus on the most important texts. The most important texts are debated also in the permanent committees. The difficulties observed concern the time frame: urgent scrutiny requests are frequent and not always based on objective urgency. Furthermore, even if the government commits itself not to take a definite position in Council until after parliamentary scrutiny, the texts have in reality often already been subject to Council working group meetings within the six-week period, making it difficult to come back on texts.
6. It should also be noted that WD 19 describes the Italian Parliament's control of the EU decision-making process.

Requirements or arrangements at the national level for an effective national scrutiny system:

7. In the ensuing discussion, the group agreed that national parliaments primary influence in the European Union passes through their scrutiny of their governments. It was further argued that a strong national scrutiny strengthens the government in its role in the Council. The group agreed that each Member State must choose how it organises itself with respect to the scrutiny of European affairs, in line with national Constitutional requirements and parliamentary practices. Exchange of experiences and good practices between parliaments was however seen as very important by several members of the group.
8. Several members stressed the importance of the involvement also of the sectoral/standing committees of parliament in the scrutiny process, through written reports/opinions transmitted to the EU Affairs Committee or even joint hearings or meetings as appropriate (the reports after European Council meetings was mentioned in this respect).
9. Members underlined that the timing and content (coverage) of the information flow to national Parliaments is a key factor in the scrutiny process. It is not only a matter of receiving information early, but also a matter of identifying the most important information.
10. Several members of the group underlined the usefulness of having a representative on site in Brussels, as a support to the scrutiny mechanism in the national parliament, as this can help identify important proposals and information at an early stage. The importance of an adequate number of own technical staff to support the European Affairs Committee (or equivalent) on the national level was also raised.
11. Meetings between the EU Affairs Committee and MEPs are in some countries held once or twice a year. Nevertheless, several members of the group indicated that in their respective countries the contacts between National and European Members of Parliament on the national level take place most efficiently within the political parties.

Possible measures at the European level with a view to encouraging improvements of national scrutiny systems:

12. Some members pointed to difficulties experienced concerning the government's request for urgent parliamentary scrutiny, in particular in areas not covered by the six-week period of the Protocol on national parliaments, and proposed that the field of applicability of the six-week period be widened. Certain members of the group also suggested that Council working groups should start examining texts at the earliest four weeks after their transmission.
13. The group will continue to discuss possible measures at the European level to encourage a well-functioning national scrutiny procedure at the morning session of its meeting on 19 September.

Other business:

14. The Chair reported that Mr. Mendez de Vigo, the Chair of WG I on Subsidiarity would give an oral report on the progress of work to the Convention on 12 September. The Chair of this Working Group had met with Mr. Mendez de Vigo on 10 September and could report that there is a high degree of coherence (as noted also at the joint meeting of the two groups on 22 July) between the proposals by WG I and the conclusions of discussions in WG IV on the role of national parliaments with respect to the control of subsidiarity.

Next meeting:

15. The next meeting will take place on Thursday 19 September, from 11.00 to 18.30 (agenda circulated in CONV 237/02). The morning session will be devoted to a continuation of the discussion regarding possible measures at the European level to encourage improvements in national scrutiny systems. Commissioner Michel Barnier will during this session make a presentation regarding the implementation of the Amsterdam Protocol on the role of national parliaments as seen from the Commission's perspective. The afternoon session will be devoted to multilateral/interinstitutional mechanisms for the involvement of national parliaments (including the role, functioning and future of COSAC and the role and functioning of a Congress).