

THE EUROPEAN CONVENTION

THE SECRETARIAT

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CONTRIB 112

COVER NOTE

from Secretariat

to The Convention

Subject : Contribution by Mr Andrew Duff, member of the Convention:
"Code of Conduct on National Parliaments"

The Secretary-General of the Convention has received the contribution annexed hereto from Mr Andrew Duff, member of the Convention.

CODE OF CONDUCT ON NATIONAL PARLIAMENTS

This is a proposal to transform the current Protocol on the role of national parliaments in the Treaty of Amsterdam into a binding Code of Conduct. The proposal draws upon the deliberations of the Working Group on National Parliaments.

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| PROTOCOL ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION | <u>CODE OF CONDUCT CONCERNING THE ROLE OF <i>THE MEMBER STATE</i> PARLIAMENTS <i>OF</i> THE EUROPEAN UNION</u> |
| | <i>RESOLVED to develop parliamentary democracy in the European Union,</i> |
| THE HIGH CONTRACTING PARTIES, RECALLING that scrutiny by individual national parliaments of their own government in relation to the activities of the Union is a matter for the particular constitutional organisation and practice of each Member State, | RECALLING that the constitutional organisation and practice <i>of each member state lies within its own exclusive competence,</i> |
| DESIRING, however, to encourage greater involvement of national parliaments in the activities of the European Union and to enhance their ability to express their views on matters which may be of particular interest to them, | <i>DETERMINED to engage member state parliaments more closely with</i> the activities of the European Union, |
| HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and the Treaties establishing the European Communities, | HAVE AGREED UPON the following provisions: |
| I. Information for national parliaments of Member States | |
| 1. All Commission consultation documents (green and white papers and communications) shall be promptly forwarded to national parliaments of the Member States. | <i>1. The <u>primary role</u> of all member state parliaments in relation to the affairs of the European Union is to advise, scrutinise and hold to account their own government for its activities in Council.</i> <i>Accordingly, governments shall keep their own parliaments thoroughly informed about EU developments.</i> <i>The Council will transmit promptly all its relevant communications to the parliaments, including the agendas and minutes of its ministerial meetings.</i> <i>When passing a directive, each government shall state how it intends to implement the measure within its own state.</i> |
| 2. Commission proposals for legislation as defined by the Council in accordance with | <i>2. In addition, the European Commission shall transmit promptly and directly to</i> |

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| Article 207(3) of the Treaty establishing the European Community, shall be made available in good time so that the government of each Member State may ensure that its own national parliament receives them as appropriate. | <i>member state parliaments all its proposals for legislative acts and other communications.</i> <i>Its <u>draft legislation</u> shall contain statements as to the motivation behind the initiative and its financial and regulatory implications, including its accordance with the principles of subsidiarity and proportionality.</i> |
| 3. A six-week period shall elapse between a legislative proposal or a proposal for a measure to be adopted under Title VI of the Treaty on European Union being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision either for the adoption of an act or for adoption of a common position pursuant to Article 251 or 252 of the Treaty establishing the European Community, subject to exceptions on grounds of urgency, the reasons for which shall be stated in the act or common position. | 3. A six week period shall elapse between <i>the transmission of a proposal</i> to the European Parliament and the Council by the Commission and the date when it is placed on the agenda <i>of either institution</i> for decision or for adoption of a common position, subject to exceptions on grounds of urgency, the reasons for which shall be stated in the act or common position. <i>A member state parliament may address to the President of the Commission one explicit <u>reasoned opinion</u> on the conformity of a draft law with the provisions of Article 5 TEC and the Protocol on the application of the principles of subsidiarity and proportionality.</i> <i>The Commission will respond specifically to each opinion.</i> <i>If, within the six week period, one third of member state parliaments delivers such an opinion, the Commission will re-examine its proposal and thereafter maintain, amend or withdraw the draft law.</i> |
| | <i>4. Member state parliaments will participate in any <u>Convention</u> established to amend the constitution of the Union on the basis of parity with the European Parliament.</i> |
| | <i>5. Member state parliaments will participate in the <u>Congress</u> on the basis of parity with the European Parliament. The Congress, which shall meet every five years in the September following the election of the European Parliament, will elect the President of the Union and debate the multiannual strategic programme of the European Council.</i> |
| | <i>6. The Commission shall transmit its annual policy strategy to member state parliaments in February. It shall transmit its <u>annual legislative programme</u> in November.</i> |
| | <i>7. Each member state parliament shall be invited to report annually to the European Parliament on the adherence of its</i> |

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| | <i>government to the <u>broad economic policy guidelines</u>.</i> |
| | <i>8. The European Parliament shall seek to involve appropriate representatives of member state parliaments in its <u>relevant committee work</u>.</i> |
| | <i>9. Members of the European Parliament shall be enabled to participate in relevant activities of their own member state parliament. They shall have the right to table written <u>parliamentary questions</u> of ministers.</i> |
| II. The Conference of European Affairs Committees | |
| 4. The Conference of European Affairs Committees, hereinafter referred to as COSAC, established in Paris on 16-17 November 1989, may make any contribution it deems appropriate for the attention of the institutions of the European Union, in particular on the basis of draft legal texts which representatives of governments of the Member States may decide by common accord to forward to it, in view of the nature of their subject matter. | <i>10. Member state parliaments will coordinate their work in the <u>Parliamentary Network of the European Union (PNEU)</u>. The Network may address any contribution it deems appropriate to the institutions of the European Union. It may invite representatives of the European Parliament to participate in its work.</i> |
| 5. COSAC may examine any legislative proposal or initiative in relation to the establishment of an area of freedom, security and justice which might have a direct bearing on the rights and freedoms of individuals. The European Parliament, the Council and the Commission shall be informed of any contribution made by COSAC under this point. | <i>11. The PNEU shall promote <u>inter-parliamentary conferences</u> to deliberate on specific policy questions as the need arises.</i> |
| 6. COSAC may address to the European Parliament, the Council and the Commission any contribution which it deems appropriate on the legislative activities of the Union, notably in relation to the application of the principle of subsidiarity, the area of freedom, security and justice as well as questions regarding fundamental rights. | |
| 7. Contributions made by COSAC shall in no way bind national parliaments or prejudice their position. | <i>12. Contributions made by the PNEU shall in no way bind member state parliaments or prejudice their position.</i> |
| | <i>13. This Code of Conduct is binding upon the European Council, Council, European Commission, European Parliament and the Parliaments of the Member States.</i> |