

**CONV 503/03**

**CONTRIB 205**

**COVER NOTE**

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from	Secretariat
to	The Convention
Subject :	Contribution submitted by Mr Hubert Haenel, Ms Gisela Stuart and 43 other national parliament members of the Convention: - “The role of national parliaments”

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The Secretary-General of the Convention has received the contribution annexed hereto from:

- Hubert Haenel, Gisela Stuart, Zekeriya Akcam, Vynetis Andriukatis, Edouarda Azevedo, Josep Borrell Fontelles, John Bruton, Gabriel Cisneros Laborda, Alberto Costa, Henrik Dam Kristensen, Panayiotis Demetriou, Ben Fayot, Marco Follini, Michael Frendo, Puiu Hasotti, David Heatcoat-Amory, Kimmo Kiljunen, Sören Lekberg, Pierre Lequillier, Lien Liepina, René Van der Linden, Alvydas Medalinskas, Josef Oleksy, Alojz Peterle, Rihards Piks, Peter Skaarup, Erwin Teufel, Matti Vanhanen, Pal Vastagh, Edmund Wittbrodt et Jan Zahradil, members of the Convention;
- Alexander Arabadjiev, Mihael Brejc, Pat Carey, Guilherme D'Oliveira Martins, Péter Eckstein-Kovacs, John Gormley, Genowefa Grabowska, Liia Hänni, Esko Helle, Arturs Krisjanis Karins, Marios Matsakis, Antonio Nazaré-Pereira, Adrian Severin, Lord Tomlinson, alternate members of the Convention.

## **Contribution on the role of national parliaments**

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National parliamentarians make up the majority of the Convention, comprising 56 out of 105 members. In choosing this composition for the body charged with preparing a “constitutional treaty” for the Union, the European Council clearly recognised that national parliaments constitute one of the fundamental elements of democratic legitimacy in the building of Europe.

Moreover, the European Council, at Nice and at Laeken, highlighted ‘the role of national parliaments’ as one of the main questions to be treated first by the Convention, and then by the next intergovernmental conference.

It is notable, however, that in Convention debates, the representatives of national parliaments have not had an influence commensurate with their numerical strength and very active participation, and that the question of ‘the role of national parliaments’ has often been treated quite defensively, sometimes even with scepticism, by other Convention members.

Why has this situation come about?

First of all, contrary to the Convention’s other constituent bodies, the representatives of national parliaments are not used to working together and they do not have at their disposal either the human resources or necessary facilities in order to collaborate effectively and to put forward joint concerns. Furthermore, it has been difficult for them to attend working group meetings which have not been scheduled either prior to or just after Convention meetings.

In addition, other components of the Convention do not always seem to be aware of the role that national parliaments can play in increasing the legitimacy of the European Union.

However, these are all additional reasons why national parliamentarians must today face up to their responsibilities and remain aware of developments.

- An increased role for national parliaments would help to make the Union more democratic and bring it closer to citizens.

The role of national parliaments is, in the first instance, to control action taken at the European level by governments. But national parliaments acting alone, and only at the national level, are not able effectively to control governments which, for their part, work together within the Council. National parliaments must be able to co-operate, to be made aware of each other's positions, to exchange information and best practices, and, when the need arises, to express their common concerns.

National parliaments also have a pivotal role to play in helping to anchor Europe more firmly in each country. The European institutions often seem remote, indeed inaccessible, for citizens: they are abstaining from voting in European elections in increasing numbers. National parliamentarians, being close to citizens, can play the role of intermediary and help to establish links between individual citizens and Europe. To that end they have to be in a position to be able to relay the hopes, the fears and the desires of their electors to the Union's institutions.

Lastly, European construction has brought about a greater overlap in European and national policies. European issues can no longer be considered as foreign policy questions: they are inextricably linked to questions of domestic policy. In many areas, national parliaments have responsibilities in the implementation of European policies. They would be much better able to exercise these responsibilities, if they were to be included, at an earlier stage, in the decision-making process.

In order to ensure the active involvement of national parliaments in the Union's activities, the future Treaty must guarantee more openness and transparency in the working methods of the Council. There must be enough time for national parliaments to discuss the issues. The six-week period in the Amsterdam Treaty Protocol on the role of national parliaments should be strictly observed, with exception on the grounds of urgency, and the clear week should be guaranteed between a legislative item being considered at Coreper and by Council.

- Consideration of the role of national parliaments has certainly progressed in the Convention (thanks particularly to the working groups chaired by Gisela Stuart and Inigo Méndez de Vigo) and in COSAC; but it remains incomplete.

The progress made rests principally on two points:

- the report of the working group on subsidiarity, supported on this point by the working group on national parliaments, has recognised that national parliaments have a specific interest in and responsibility for the respect of the principle of subsidiarity;
- it is hoped that the work of COSAC, under the auspices of the Danish Presidency, could open the way to reaching agreement on the reform of COSAC; deliberations would no longer be subject to unanimity voting (except with regard to changing the rules of procedure), and COSAC would be equipped with a light administrative secretariat, facilitating greater continuity and better efficiency. A 'Code of conduct' would serve as a reference document to develop best scrutiny practices. Thus reformed—and when the time comes, renamed—COSAC might constitute an appropriate arena for the development of interparliamentary exchanges and the airing of shared concerns. If agreement on the reform of COSAC is achieved, it would be necessary to reflect this in the provisions of the future treaty.

But some important points are still outstanding. This leaves the possibility of certain significant areas remaining outside the realms of real parliamentary control:

- the 'open method of coordination' occupies the middle ground between purely intergovernmental cooperation and common rules put in place at the Union level. This method should not just be the responsibility of the Council and the Commission; it should specifically involve national parliaments, who will then be obliged to account to citizens for decisions taken within the framework of the guidelines defined in this way. Is it seriously possible, for example, to envisage a coordination of national budgetary policies without consulting all the national budgetary authorities?
- the development of the European Security and Defence policy makes it necessary to find appropriate mechanisms for parliamentary scrutiny, possibly under the reformed COSAC, taking into account experiences of relevant parliamentary bodies (Conferences of Chairpersons of Foreign Affairs and Defence Committees of national parliaments, WEU Parliamentary Assembly etc...)

- the question of the role of national parliaments in exercising control over Europol has not been resolved.

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As the debate on institutional matters starts in earnest in the Convention, national parliaments must not remain on the sidelines, with debate confined to the balance of power between the three central EU institutions. We believe that if the Convention does not succeed in finding a meaningful place for national parliamentarians in the European institutional architecture, it will have failed in one of its central tasks. If this happens, the results of the Convention will not command the confidence of European citizens and will not provide an enduring and solid basis for the democratic and peaceful Europe which we all wish to build.

For these reasons, the signatories to this contribution, regardless of nationality or political affiliation, are committed to ensuring that the principle of national parliamentary control is firmly anchored at the European level.