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NOTE DE TRANSMISSION

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Objet: Contribution présentée par M. Kimmo Kiljunen, membre de la Convention:
"Coopération entre les parlements nationaux et le Parlement européen"

Le Secrétaire général de la Convention a reçu la contribution figurant en annexe de
M. Kimmo Kiljunen, membre de la Convention.

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Cooperation between National Parliaments and the European Parliament

1. Principles of cooperation

National parliaments and the European Parliament represent the two main avenues of legitimacy of the European Union. National parliaments, when they scrutinize or control the actions of their respective governments, anchor the actions of the Council to the parliamentary principle in the Member States. The European Parliament, with its election directly by the peoples of the European Union, has a direct legitimacy for its role as a European legislator.

Convention has clarified both to national parliaments and to the European Parliament that they *share a common objective in enhancing democratic legitimacy of the Union*. They are not to be seen as competitors, and their complementary roles should be recognised by all.

National parliaments *should not become European legislators* in the same sense as the Union institutions proper. The role of national parliaments is to control the executive, national parliaments, as well as to ensure the proper implementation of EU laws into national law. In controlling the actions of their Governments in Council, they should have the right and possibility to formulate their opinion to proposals for EU legislation and actions. This should be enabled and encouraged through appropriate provisions in the new Constitutional Treaty.

When both parliamentary tiers now largely accept that they share the same objective, there is a clear need to concentrate on how to *facilitate* cooperation between national parliaments and the EP. Cooperation between national parliaments and the EP is not regulated in the Treaties as they stand. The cooperation is mentioned in Declarations attached to the Maastricht Treaty, but these declarations do not seem to play any role today. The Treaties currently include a protocol on National Parliaments, but this Protocol does not refer to the interaction between the national parliaments and European parliament.

European cooperation between parliaments should not aim at creating formal decision-making structures, but rather at building networks for questions of common interest. Cooperation should be

organised in a way, which respects the equality of the different parliaments.

1.1. Modalities of cooperation

The cooperation between national parliaments and the European Parliament should be regulated by a common framework, in order to ensure the equality and independence of each parliament. The Protocol on national parliaments, to be annexed to the Treaty, could with appropriate wording provide a suitable legal basis. This basis could be further elaborated with a declaration to be annexed to the Constitutional Treaty. In any case, to guarantee the unity and coherence of the cooperation between national parliaments and the European Parliament, the cooperation should be based on a single and common arrangement of all parliaments concerned.

2. Cooperation at the European level

2.1. COSAC as a platform for European cooperation

Currently the main organ for interparliamentary cooperation within the European Union is COSAC, in which the European Affairs committees of national parliaments are represented. Participation of European parliament in the work of COSAC is recognised in its rules of procedure (OJ C 175/1, 24.6.2000).

With the deepening of EU cooperation into new areas, some of which are intergovernmental, a clear need has arisen to involve larger groups of parliamentarians at European level of cooperation. The Convention Working Group on National Parliaments considered that COSAC could provide a platform for contacts between sectoral standing committees of national parliament and the European Parliament.

A common framework for this cooperation would be very valuable in terms of coordination and consistency. Sectoral formations operating under COSAC are clearly the key to developing sector-specific cooperation. Parliamentary cooperation between national parliaments could be developed to mirror the Council structure. Separate meetings might be envisaged to ensure cooperation in the fields of different Council formations. These meetings could involve members of national parliaments and of the European Parliament representing the appropriate sectoral and European Affairs Committees. The need is especially clear with regard to cooperation on the Common Foreign and Security Policy (which includes European Security and Defence Policy) and Justice and Home Affairs, which are most likely to remain partly intergovernmental, at least in the sense of

containing specific procedural frameworks, also in the future Constitutional Treaty.

In building up sectoral cooperation under COSAC umbrella, experiences gathered in other established forms of European parliamentary cooperation should be taken into account. Speakers of the European parliaments meet on a regular basis and their coordination role within the COSAC could be discussed. Conferences of Chairmen of Foreign Affairs committees already have an established tradition. Chairmen of Defence committees have started a similar tradition in 2000, in line with the accelerated development of the ESDP. The workings of several other interparliamentary assemblies (e.g. Parliamentary Assembly of the Council of Europe, OSCE Parliamentary Assembly, WEU parliamentary assembly) should also be studied for “best practices”.

COSAC is currently undergoing an internal reform process. Its working processes need to be studied carefully in order for COSAC to be able to fulfil the proposed role as an efficient platform for wide-ranging cooperation between parliaments.

2.2. Ad hoc interparliamentary conferences

The formation of a comprehensive system of sectoral cooperation under the platform of COSAC would guarantee regular contacts and exchange of information between national parliaments and the European Parliament in all relevant fields of European cooperation.

There is nevertheless a need to preserve a possibility to convene conferences between national parliaments and the European Parliament to discuss specific topical questions in order to give added impetus to the political process. Instances such as crises with regard to food safety, response to acts of terrorism similar to the events of September 11, clearly warrant the convening of a parliamentary conference on an *ad hoc* basis. Organizing such conferences should be limited to exceptional cases, where the added value to participating parliaments in terms of information and/or demonstration of political will is evident.

2.3. European Weeks

Convention Working Group on national parliaments (WG IV) proposed the creation of annual European week. During this EU-wide week, which would coincide with the presentation of Commission's annual policy strategies.

Simultaneous debate in national parliaments would require coordination of the parliamentary schedules both in national parliaments as well as in the European Parliament, in order to ensure that also MEPs would be able to participate in the events in their respective national parliament.

2.4. Coordination of parliamentary calendars

Expanding cooperation between national parliaments and the European Parliament requires better coordination of parliamentary calendars, especially with regard to convening of joint conferences and European Weeks.

3. Cooperation within the national framework

3.1. Access to information and joint meetings

The Convention WG IV recommended several improvements to the flow of information between the Union institutions (especially the Commission) and national parliaments. In order to improve cooperation between national parliaments and the European Parliament, especially through MEPs, comprehensive and regular exchange of information is essential. This exchange should be arranged in a way that ensures both parties have up-to-date information of each other's activities.

Although the organization of the cooperation within the national framework is a matter for each separate Member State, exchange of information between national parliaments and MEPs of the same nationality needs to be formalized and strengthened. The information offices of the European Parliament in the Member States as well as representatives of national parliaments in Brussels could act as a liaison and provided necessary support to enhance information exchange.

Some national parliaments organise joint meetings with the MEPs of their own country. This sort of cooperation, which is partly informal, should be encouraged by all possible means.

3.2. Appearances in plenary and committees

Arrangements could be foreseen also for more regular appearances of MEPs in national parliament plenary sessions or committees and *vice versa* of national parliamentarians in EP plenary and committees. This question is partly linked to the proposal referred to above on European weeks.

The use of MEPs as experts or witnesses in the committees of national parliaments should be encouraged. The scrutiny function of national parliaments would be greatly facilitated if for example the *rapporteurs* of the EP committees would be able to present the points of view of the EP in national parliaments. Similarly the opinions of sectoral standing committees should be brought to the attention of the appropriate EP committees and national parliamentarians could be invited to EP committees for example to present the specific circumstances of a Member State with regard to a given proposal.

The question of the right of MEPs to participate in meetings of relevant committees of national parliament or to observe the meetings should be examined, taking into account national parliamentary and constitutional traditions.

3.3. Access to facilities

A more technical question is the access MEPs and national parliamentarians to each other's facilities. This is in principle regulated in the European Parliament, where national parliamentarians have the right of access when they present their national parliamentary pass. Similarly the MEPs should have access to national parliament facilities.

Parliaments generally have sophisticated libraries and research facilities. The reciprocal access of MEPs and national parliamentarians to these facilities should be examined.

3.4. Contacts at the level of political groups

Contacts between MEPs and national parliamentarians are generally well developed within political groups. National parties and political usually have established and well-functioning contacts with MEPs of same nationality. This party-political cooperation should be further encouraged with appropriate means.