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NOTA DE ENVIO

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Assunto: Contributo de Peeter Kreitzberg e Tunne Kelam, membros da Convenção:
Papel dos parlamentos nacionais

O Secretário-Geral da Convenção recebeu de Peeter Kreitzberg e Tunne Kelam, membros da Convenção, o contributo que figura em anexo.

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Role of National Parliaments

Contribution by

Mr Tunne Kelam and Mr Peeter Kreitzberg, Members of the Estonian Riigikogu

The central objective of the Declaration of Nice on the future of the Union is to strengthen democracy and legitimacy in the European Union.

The democracy aspect of the European Union is mostly criticised from two aspects:

1. Deficit of institutional democracy (relative weakness of the European Parliament and little involvement of national parliaments)
2. Insufficient possibility of citizens to have their say in the decision-making process of the Union

These traditional aspects are further aggravated by discussions about the prevalence of the authority of the executive power, the lack or inefficiency of the control over the executive power, mixing of the powers, little transparency of decisions and complexity of the Treaties of the Union. We consider that the strengthening of the positions of national parliaments is a possible solution to the problem of democracy in the Union.

Should national parliaments have a greater role in the EU decision-making process?

The issue of the democracy deficit is in the long term one of the most serious challenges for the enlarged EU. However, the criticism is weakened by the fact that decisions on the presence or absence of democracy are often made, proceeding from incorrect bases.

First, the EU institutions are compared to those of a nation state and democracy is viewed as being equivalent to parliamentarianism, ignoring the EU *sui generis*, i.e. ignoring its specific nature. It would be completely erroneous to believe that direct transposition of the traditional institutional structure of a nation state to the level of Europe would also ensure democracy. In a modern political system, democracy cannot function in a way as it functioned in a Greek *polis*; neither can democratic principles be carried out in the European Union in the same way it is done in a nation state.

Second, the role of parliaments in modern government systems tends to be overestimated. It has been said that the founders of the European Community instinctively followed the model they knew the best and therefore, laid the foundation to a strong executive power, bringing the institutional balance, which existed at that time in democratic nation states, to the Community level. Therefore,

the EU democracy deficit can not be viewed as new for Western Europe; rather, it is a reflection of the developments, which took place in nation states.

Bearing in mind that the administrative systems of the Member States are mostly characterised by the dominant role of the Government, one might ask why the European citizens have more trust in their national parliaments than in the European Parliament? The answer provides no rational explanation; it has probably more to do with a deeply symbolic meaning of the national parliament for an individual. **The national parliament as the closest institution to the citizens enables them to identify themselves as a part of the nation state. Thus, it is certainly necessary to increase the role of national parliaments in the process of decision-making in the Union.** According to this approach, one can even maintain that the confidence in the European Union and its institutions immediately depends on to what extent the citizens of the Member States perceive that they can—through their representatives, the national parliaments—have a say in the process of decision-making in the European Union.

Looking for solutions about the role of national parliaments, one should proceed from the principle that in the EU we have a multilevel administration system and, therefore, the problem should be approached from different angles. Till the present time, in the debate about the future of Europe and the national parliaments, Member States have been opposed to the European Union, on one hand, and the European Parliament, to the national parliaments, on the other. Especially in the latter case, it is important to redefine the starting position of the debate: thus, not the European Parliament *versus* national parliaments, but the parliaments *versus* the executive power.

Bearing in mind the need to strengthen democracy, it is important to find the *optimal division of labour* between the European Parliament and the national parliaments at various levels, and various national parliaments should deal with the issues, to solving of which they have better possibilities to make their contribution. That is, the issue of increasing the role of national parliaments cannot be considered separately from the issue of the competence of the European Parliament.

First of all, the national parliaments should be entrusted with the tasks of organisation of the debate on Europe in their countries (constructive cooperation with the Government, informing of the people about the decisions made in the EU, involvement of the civil society) **and they should perform indirect supervision over the activities of the Council by supervising the activities of Ministers.** In a situation, in which the Union maintains closer and closer contacts with the administrations of the Member States, **more intensive cooperation between the parliaments is**

also necessary. Solely as a result of close cooperation between the parliaments it is possible to render the decision-making process of the Union more democratic. **In order to enable national parliaments to perform their communication function, it is important to share experience and exchange information, for example, by organising joint sessions of the European Affairs Committees of national parliaments and establishing direct contacts between political parties and members of parliaments.** Joint sessions enable national parliaments to formulate their positions on concrete issues on the basis of the best information available. **The cooperation of the parliaments should be based on efficient division of labour and on their common objective: to provide adequate representation at various levels, rather than mutual competition for the citizens of the Union.**

As the European Parliament has better opportunities and also the immediate competence to participate in the legislative process of the Union, it is necessary to stress, more than hitherto, also as the European level the authority of the European Parliament should be increased, e.g., by applying the co-decision procedure to any decisions made by majority voting. If each national parliament of the fifteen Member States could change the proposals of the Commission, this would inevitably lead to a crisis of the Union's decision-making process. On the other hand, amendment of the Treaties of the EU is comparable to making amendments to the constitution, and here real and equal participation of the national parliaments as well as of the European Parliament is necessary.

It has been proposed that **the national parliaments should be permanently institutionalised at the European level**, for example, by establishing a second Chamber (Senate) of the European Parliament, to which the national parliaments would send their representatives. In spite of the hopes to provide in the form of this Senate equal possibilities to the small and big Member States of the European Union, this institution would, probably, give rise to a greater number of problems than it would help to solve.

Actually, already now the European Union has a bicameral legislator, as the legislative function is performed by both the Council and the European Parliament. Involvement of national parliaments would be tantamount to the formation of a third Chamber. One might ask what would be the authority of such a Senate? If the Senate had real powers, this certainly would complicate the process of decision-making and render it less understandable to the citizens. On the other hand, having merely consultative role would raise the question how necessary such additional body would actually be. Nor will formation of such Senate add any value to the Union's democracy, because the question would arise how could *some representatives of national parliaments* add to the legitimacy of the EU. Several practical problems would also emerge. Would the representatives of national

parliaments have enough time to work, in parallel with the work in the European Parliament, also at their domestic issues? It is known that before 1979, the work of the European Parliament sometimes suffered because of the absence of entire national delegations, as some important domestic issues were being discussed in their national parliaments. True, then it was no serious problem, as the European Parliament's legislative authority was quite restricted. Today the situation is much different. The status of member of the European Parliament means full-time work. Duplication of the roles of representative bodies would be wasting of time and resources.

We share the opinion that one of the greatest achievements in the history of the European integration has been the direct election of the European Parliament. If we want to make the European Union legitimate in the truly democratic sense, it is important to increase the role and self-confidence of both levels of the legislator on an equal basis.

1. TO CONCLUDE:

It is very important to Estonia that the European Union, to which we are going to accede, would be a democratic Union based on the principles of rule of law. The functioning and decision-making process of the European Union should be transparent and as understandable to the Estonian people as possible. Therefore, it is important that the Parliament would be also in the future fully informed of all aspects of the Government's activities. The role of the national parliaments in the field of European issues should be increased, first of all, in shaping the ways, in which the European policies are implemented and decided upon at the domestic level. National parliaments should more efficiently function as communication links between their voters and the Union. The contacts between the European Parliament and the national parliaments should be made much more active and complementary than has been the case hitherto.