

*Speech by Mr Paulo Mota Pinto, Chairman of the European Affairs Committee of the Assembleia da República of Portugal at the COSAC chairpersons' meeting, 13 July 2015*

Dear Chairmen,

Dear Mr. First Vice-President of the European Commission,

Dear Colleagues,

Ladies and Gentlemen,

I'm delighted to be here this morning to share with you some views regarding the strengthening of the participation of the national Parliaments in the EU decision-making process.

In the last four years, as Chairman of the European Affairs Committee of the Portuguese Parliament, I witnessed the evolution of the debate regarding the role of the national Parliaments on EU affairs. From an initial perspective – mainly focused on the subsidiarity check and on the tools granted by the Treaty of Lisbon - the debate progressed to a broader analysis, in which the main question is: how can the national Parliaments ensure influence in the EU decision-making process?

Informal meetings, clusters or working groups, provided good opportunities to debate ideas among us on ways to improve the early warning mechanism on subsidiarity. We had interesting and honest exchanges of views regarding the possibilities of improving the “Yellow Card” mechanism. Yet until now I think we don't have a conclusive exercise. Some of the suggestions presented may indeed help to improve the cooperation and the coordination among us in order to reach a Reasoned Opinion. Nonetheless, other ideas, like establishing guidelines, even non-binding ones, or the possibility of scrutinising proportionality “on equal footing” with subsidiarity, should be, in my opinion, further analysed in their implications.

I would like to be very honest with you, I believe that in order to fulfil the provision of article 12 of the Treaty of Lisbon – which establishes that national Parliaments shall contribute actively to the good functioning of the Union – the “Yellow Card” cannot be the only answer. In fact, I dare to say that the future of the participation of the national Parliaments is deemed to be built mostly upon the political dialogue. National Parliaments cannot be just guardians

of subsidiarity, they are, in their own right, actors in the European Union and they should play a constructive role by using their prerogatives. It is not enough to say no, it's important to debate, dissent and to contribute, without using subsidiarity and the legitimacy of national Parliaments to undermine the process of European integration.

It is true that the political dialogue does not have a legal framework. It started from an idea expressed by President Barroso in a 2006 Communication, which acknowledged the commitment of the European Commission to develop relations with national Parliaments. Starting in September that year, national Parliaments were provided with an opportunity to communicate directly with the European Commission on the content of draft acts.

The relationship forged at that time between national Parliaments and the European Commission still stands. It has had its ups and downs, but it was built upon the common will of both the European Commission and the national Parliaments. A common will to work together towards better legislation and, consequently, a better Europe.

At the beginning, political dialogue was essentially made of written contributions or opinions regarding draft acts adopted by the European Commission. Even without any set of rules or any written procedures the dialogue increased: the European Commission began to reply to national Parliaments, Commissioners began to visit the national Parliaments and to debate with the parliamentarians proposals on the EU agenda and Commissioners began to invite Chairs and Members of the relevant parliamentary committees to share views regarding specific EU legislative packages.

On his Political Guidelines, President Juncker referred that the European Commission “will explore ways to improve the interaction with national Parliaments as a way of bringing the European Union closer to citizens”. More than “forge a new partnership with national Parliaments”, we need in my view to make it a better partnership.

In my view, the best way to improve this partnership is for now – until a revision of the Treaties – to enhance the political dialogue. May I suggest five ways of doing it:

1. By improving the content of the replies of the European Commission to the written contributions from national Parliaments, namely mentioning the impact of the positions expressed by the national Parliaments, showing that the national Parliaments' opinions matter;

2. By ensuring regular Commissioners' visits to all national Parliaments and providing these visits with qualitative time to engage in substantial political debates between EU and national level on matters of common interest;
3. By creating more opportunities for Commissioners to share directly their views and discuss them with representatives of the competent parliamentary committees of national Parliament regarding important legislative packages, namely before its adoption; these discussions should be more substantial and with more time allotted, if necessary using technology to promote meeting at distance;
4. By extending the scope of opinions of national Parliaments to matters of proportionality and other matters; this, however, without the same effect as opinions on subsidiarity – because subsidiarity, differently from proportionality, concerns the divisions of competencies between the Union and the Member-states –, and only in the framework of the political dialogue;
5. By welcoming suggestions from national Parliaments, while fully respecting article 289/4 of the Treaty of Lisbon concerning the right to legislative initiative and the institutional balance of powers, on measures that could be taken at European level – you may call it green card or not; in any case, this should not be a formal recommendation mechanism like the one foreseen, exclusively for the European Parliament, in article 225 of the Treaty, as it is not foreseen as such in the Treaties for national Parliaments and this could affect the inter-institutional balance of powers.

These are, in my view, some ways to forge a good and stable partnership between the European Commission and national Parliaments. National Parliaments, as far as I can say, are willing to do their part, which is in my view work together with the European Commission to create a more democratic Union, closer to the citizens and more prepared to face the future challenges, without undermining the need for further integration and the central role of the European Commission in this endeavour.

Thank you.