



HOUSE OF LORDS

European Union Committee

Lord Boswell of Aynho

Key-note speech to 52nd COSAC, delivered on 1 December 2014: “The future of supranational democracy 5 years after the entry into force of the Lisbon Treaty: What role for European institutions and national Parliaments?”

Mr President, I am delighted to have this opportunity to speak on a subject which has been central to the work of my Committee in recent years. We published our report on *The Role of national Parliaments in the European Union* in March, and I remember the extremely helpful round-table discussion we had at the Vilnius COSAC just over a year ago. I want to thank all colleagues for their engagement in this vital issue, and I hope that you can see your contributions reflected in our report.

Our starting point is that we are all in this together—national parliaments, the European Parliament, the Commission, and national governments. We must work together to make the Union more democratic, more secure and more prosperous.

So it is disappointing that the potential of the Lisbon Treaty has not been wholly fulfilled.

Lisbon enhanced the European Parliament’s role in EU law-making, and the Parliament has matured into its expanded role. We have a much more rigorous and transparent legislative process as a result.

However, Lisbon failed to set out a coherent role for national parliaments.

Instead, it introduced the yellow card procedure, the main function explicitly conferred upon national parliaments by the treaties. But this is subject to numerical thresholds and strict deadlines, which pose real practical difficulties for many chambers.

I don’t under-estimate the symbolic importance of the yellow card. But it involves us too late in the process of policy development and casts us in a reactive role. We become the ones shouting “no” from the side-lines. This often encouraged the former Commission to close ranks behind a legalistic and dismissive response to national parliaments, rather than going out to them to hear their concerns.

With good will on all sides, the yellow card procedure can be improved. It does not need further Treaty change. The key is for the Commission itself to respond to national parliaments’ concerns more positively, and I look to First Vice President Timmermans to help with this.

But the yellow card procedure will never be enough, in itself, to give national parliaments a meaningful role in the Union.

Lisbon did not resolve the big question. How can national parliaments, in the words of article 12 of the Treaty, “contribute actively to the good functioning of the Union”? Actively, not merely re-actively. At a time when the democratic legitimacy of the whole Union is threatened, with a long-term fall in turn-out at European elections, the rise of extremist groups, and continuing economic hardship, we urgently need to find the answer.

The fact is that alongside the supranational institutions of the EU there are also 28 sovereign nations, represented here by our 41 national parliamentary chambers. It is our job, not that of the European Parliament, to provide democratic oversight of the actions of national governments.

Meanwhile, we must recognise that national parliamentarians have many other, pressing domestic political interests. It can be difficult for us to focus on Europe, and when we do, each individual parliament’s influence is limited by arithmetic. Even if every parliament held a veto over its government’s actions in Europe, each would possess just one twenty-eighth of a decisive say.

So we need to move beyond conventional scrutiny at national level of our governments if we are to find a way to add the key ingredient of national democratic legitimacy to the EU mix.

We need a new approach to involving national parliaments collectively in the development of EU policies and laws. That means a fundamental re-configuring of the existing political dialogue. The Commission must go out to national parliaments and engage them early on in policy development and impact assessment. National parliaments, in return, have to be more agile, ready to develop new ways of thinking and new working practices.

Many good ideas have already been put forward, and they need to be fully explored. 29 of us signed a letter in June, suggested by our Danish colleagues, proposing a working group to do just this. We must keep pressing on this.

At the same time, we must avoid any false opposition between the role of national parliaments and that of the European Parliament. This is not a zero sum game, and we fully recognise the European Parliament’s democratic mandate. But there is plenty of work for all of us, and the proper spirit should be one of comity and mutual respect.

In order to be effective we must also be selective. We must focus on issues of major importance, co-ordinating our efforts so as to develop a flexible political dialogue with the European institutions. This dialogue must be transparent and inclusive, and should not be monopolised by a small number of national parliaments.

We may also have to consider giving the COSAC Secretariat greater support. This will require investment, so we will have to be clear in explaining what we are trying to achieve.

Colleagues, parliaments in all our countries have succeeded historically where they have been robust in asserting themselves and in defending the liberties and rights of individual citizens. That is still, at heart, our job today, but it is made much more challenging by the complexities of a Union of 28 Member States.

We need to work together in demanding genuine political dialogue between European institutions and national parliaments. It will require good will and determination, but I believe that, working together, we will succeed.