

How and why should COSAC foster enhancement of cooperation of national parliaments through control of subsidiarity

Discussion paper for the XXXIV COSAC in London

After the interruption of ratification procedure of the draft Treaty establishing a Constitution for Europe, it seems to be quite an actual task for national parliaments to participate actively in intermediating dialogue between the EU institutions and the general public of the Member States. Just the national parliaments as legitimate elected institutions, whose authority is indispensable for proper functioning of representative democracy, should try to bridge the gap between the citizens and the institutions of EU.

Some initiatives discussed at previous meetings of COSAC, e.g. during the Danish presidency in 2002, did not lose their power of attraction in the meantime and they should be reflected upon current development again. Certainly, let us be reminded of and let us confirm the basic fact that the effectiveness of the parliamentary scrutiny of EU affairs depends in most aspects on the parliaments of Member States themselves. The effectiveness evolves from conditions set up by constitutional orders, standing rules of the parliamentary chambers and from the persuasiveness of opinions presented by the legislative bodies.

In this context, how can COSAC contribute to the enhancement of effective parliamentary control in Member States? At least one motion should become the subject of interest in our debates - the early warning mechanism proposed by the draft EU Constitutional Treaty. Leaving the final decision concerning the ratification of Constitutional Treaty aside, we can claim, there is no obstacle standing in the way of the introduction of basic elements of this mechanism to practice.

Most parliaments of EU countries undertake a serious examination of proposed legislative acts of the EU vis-à-vis the subsidiarity principle even under standing conditions. But at the same time, there is no mechanism for the mutual exchange of information about the results of their examination and no way of presenting their opinion at EU level. Therefore, it could be useful, if a simple database in the frame of IPEX supplied by the administration of national parliaments were established. Then, if one third of the chambers of national parliaments raises an objection to the infringement of subsidiarity principle in a proposed legislative act of EU, this fact should be intimated to the European Commission, the Council of Ministers and the European Parliament by COSAC Secretariat.

We believe that EU bodies should heed the objected matter seriously for one relatively substantial reason. Such a procedure could contribute to the formation of consensus on the need to pass European regulation while the thorough discussion would increase the readiness for (in many cases often stagnant) subsequent implementation of EU legislative acts in Member States. Moreover, EU affairs could be brought nearer to the citizens naturally. Last but not least, that is one of the most effective means how to raise national European awareness.

Luděk Sefzig

Chairman of the EU Affairs Committee

The Senate of the Parliament of Czech Republic