

*Task a ) : "To continue the work of drafting a code of conduct setting out minimum standards for effective national Parliamentary scrutiny of governments. "*

## **Code of conduct for relations between governments and Parliaments on Community issues (instructive minimum standards)<sup>1</sup>**

### **I. The European Convention and COSAC**

The report from the working group on the role of the national Parliaments (dated 22 October 2002) under The European Convention contains a recommendation that COSAC should prepare a code of conduct or guidelines for relations between governments and Parliaments in connection with Community issues. The purpose of this is to provide all the national Parliaments with the opportunity to scrutinise and have an influence on governments' Community policy.

At the COSAC meeting in Copenhagen from 16 –18 October 2002 these guidelines were referred to as the "Copenhagen Criteria", and they enable scrutiny of and insight into the government's Community policy and Community policy in general.

In this connection COSAC has decided to indicate certain instructive principles (or a kind of minimum standard) which will help to ensure that all national Parliaments have the opportunity to participate in and have an influence on Community policy in an active manner.

Three elements in relations between government and Parliament can be pointed out which will help to ensure that the national Parliaments gain an influence on Community policy.

These three elements are *the quantity and quality of information* to the national Parliament, *the timing of* information exchange, and finally the *opportunities*

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<sup>1</sup> This note takes its point of departure in the document "13 notes on the Danish COSAC Presidency's draft of 11 July 2002", which was forwarded to all COSAC delegations in advance of the COSAC meeting in Copenhagen from 16 - 18 October 2002. The document is dated 9 October 2002.

that the national Parliament has to use the information it has received to ***gain an influence on Community policy***.

The following ***basic principles*** can be recommended on the basis of the above:

- The national Parliament shall receive relevant information on Community initiatives, both from the government and Community institutions, in good time so that the national Parliament has an opportunity to take them into consideration before decisions are made.
- The national Parliament shall have a real opportunity to use the information received to gain an influence on its own country's European policy and thereby the common decisions made in the Community.
- The national Parliament shall have an opportunity to follow up on its government's decisions in the Community system.

## ***II. General guidelines ("The Copenhagen Criteria")***

The following general guidelines can be recommended on the basis of the basic principles above:

- 1. A member country's government should/must<sup>2</sup> ensure, in consultation with the Community's institutions, that the national Parliament receives all Community documents regarding legislation and other Community initiatives as soon as they become available.**
- 2. The government should/must prepare easily accessible, clearly-worded material on Community legislation, etc., for the national Parliaments.**

Examples:

- The government can regularly forward lists of current Community Bills, documents for hearings, messages, etc., to the national Parliament.
- The government can draw up explanatory notes on all important Community matters for Parliaments within a given deadline.

- 3. The national Parliament should/must be informed by the government well in advance of decisions being made in the EU. This concerns ordinary meetings of the Council, summit meetings, and government confer-**

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<sup>2</sup> It is up to the individual country's Parliament to decide the degree to which the code of conduct will be implemented.

**ences. The national Parliaments should/must also subsequently be informed of the decisions made.**

Examples:

- The government can forward agendas of forthcoming Council meetings with relevant references to Community legislation documents.
- The government can forward minutes of Council meetings that have been held within a short time frame.

**4. It should/must be possible to hold meetings with ministers in the national Parliaments well in advance of Community meetings. The government should give an account of its attitude to Community proposals at such meetings.**

Examples:

- It should be possible for the Parliament to ask questions of ministers well in advance of Council meetings in order to obtain a clarification of the government's attitude to specific issues.
- It should be possible for the Parliament's European Affairs Committee and expert committee to hold a suitable number of meetings with the participation of a minister and adapted to the Council meetings so that the Parliament can consider the content of the Council meetings at a concrete level.

**III. *Administrative assistance***

In order for the national Parliament to gain the full benefit of the code of conduct, administrative assistance in the Parliament and in the Community area should be strengthened and adapted to the real needs.

**IV. *Consequences for COSAC's rules of procedure***

It is proposed that this code of conduct be enclosed with the rules of procedure as an appendix.