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Contribution to Working Group IV National Parliaments

Control of Subsidiarity by National Parliaments

In Working document 3 for Working Group IV National Parliaments ("Methods for subsidiarity control by National Parliaments") I discuss how national parliaments can monitor subsidiarity in various ways. Against the background of the discussions in the Working Groups I would like to develop some thoughts.

The proposals for community legislation concern all national parliaments. Therefore, it is reasonable that the national parliaments have a body, or rather a forum, where they can discuss these common matters together.

Instead of setting up a new body, it makes more sense to use the experience from the existing COSAC, with its advantages and disadvantages. The main task of COSAC is to discuss matters with the Council presidency and to exchange best practice, but the COSAC meetings and procedures could be streamlined and better adapted to the tasks.

A reformed COSAC could also at its meetings discuss the principle of subsidiarity in regard to new Commission proposals. COSAC would then perform *ex ante* control and have the opportunity to send a warning signal to the EU institutions that a proposal may threaten the principle of subsidiarity. For example, if a qualified majority of the delegations finds that a proposal might threaten the principle of subsidiarity, the European Council or the Council of Ministers would have to explicitly discuss the proposal from the view of subsidiarity.

The reformed COSAC may consist of permanent delegations similar to the ones that participate in other international organisations such as the parliamentary assemblies of the Council of Europe or the Organization for Security and Co-operation in Europe (OSCE). Each parliament would decide on the composition of its delegation. The European Parliament should also send a delegation, but since the European Parliament already has an important role as co-legislator in the EU decision-making process it is logical that the EP delegation should have observer status.

Finally, I would like to emphasize that national parliaments may find other ways to discuss subsidiarity and other issues with each other. My experience is that bilateral meetings between parliamentary committees are very fruitful. They increase the understanding for how matters are discussed in various countries and strengthen the common European debate.