

COSAC PRESIDENCY, May 4<sup>th</sup>, 2001.

DISCUSSION DOCUMENT FOR THE COSAC MEETING IN STOCKHOLM MAY  
20-22, 2001.

# **National Parliaments and the European Union**

The COSAC Working Group dealing with national Parliaments and the European Union met in Stockholm April 8-9 and discussed an earlier version of this paper. The paper has been revised to take into account the discussion at the Working Group meeting. In the first part of the paper the role of COSAC and national Parliaments during the debate leading up to the Inter Governmental Conference (IGC) 2004 is discussed. It is proposed that COSAC should declare its intention to actively follow and participate in the debate. In the second part different approaches to the question about the role of national Parliaments in the European architecture are discussed. Various aspects are dealt with, such as arguments in favour of and against a Second Chamber. The question how the role of national Parliaments should develop as the European Union develops is raised. Further, the paper discusses how Parliaments may find inspiration from each other in the handling of EU matters. Answers from the questionnaire sent out by the Swedish Committee on European Affairs are accounted for in various sections. Sections with ideas for possible discussion begin with a box where some aspects are highlighted (which is not to say that not other aspects should be discussed).

National Parliaments are obviously very central in any debate concerning matters that require Treaty changes, since each national Parliament must approve the new Treaty if it should come into force. There are reasons for national Parliaments to participate in the debate leading up to a Treaty change as well, and not merely ratify the Treaty once it has been negotiated between the governments of the Member States. National Parliaments may bring the debate closer to the citizens, and Parliaments are also channels for the views of the voters.

# 1. How national Parliaments can contribute to the debate about the future development of the European Union

## 1.1 Introduction

The Inter Governmental Conference calls, in the Nice Declaration on the future of the union, for a deeper and wider debate about the future development of the European Union. In 2001 the Swedish and Belgian Presidencies, in co-operation with the Commission and involving the European Parliament, will encourage wide-ranging discussions with all interested parties, among them representatives of national Parliaments. One of the questions that should be addressed is the role of national Parliaments in the European architecture. The Conference recognised the need to improve and to monitor the democratic legitimacy and transparency of the Union and its institutions, to bring them closer to the citizens of the Member States.

Mr. Göran Persson, President of the European Council and Prime Minister of Sweden, encourages, in a letter from March 7<sup>th</sup> 2001 to the president of COSAC, any contribution to the debate COSAC would like to make, noting in particular the coming meeting of 20-22 May in Stockholm and the meeting of 13-15 September, also in Stockholm, of the Conference of Speakers of EU Parliaments.

## 1.2 Activities in national Parliaments regarding debates on the European Union

Answers to the COSAC Working Group questionnaire show that national Parliaments indeed have been active in earlier institutional debates regarding the EU. Some Parliaments have already started with activities following the Nice Declaration, and others are planning, or will plan, measures. In the following a broad overview over the activities mentioned in answers to the questionnaire is given.<sup>1</sup> The answers describe the situation in March 2001. Some views regarding the *form* for the debate on the future are also accounted for.

In the *Belgian* parliament various activities take place:

- forum open to the public and organized by the Senate on 7 March 2001 on "The Treaty of Nice and European Frontiers",
- public forum organized by the Federal Advisory Committee for European Affairs on "The aim of the European Union" (18 May 2001),
- hearing by the Federal Advisory Committee for European Affairs of NGO on the Belgian presidency of the European Union (28 March 2001).

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<sup>1</sup> A more complete account of the result of the questionnaire can be found at [www.cosac.org](http://www.cosac.org).

In *Finland*, public hearings on the subjects mentioned in the Nice Declaration will take place in due course, once concrete ideas have been advanced and debated within the formal structures of Government and Parliament. So far, debate has mainly focussed on the forms of the post-Nice procedures.

The Chairman of the Delegation for the European Union in the *French National Assembly* has published a report on behalf of the Delegation assessing the results of France's presidency; this gives a detailed evaluation of the Nice Treaty.

In the answer to the questionnaire, it is stated that COSAC may be the appropriate forum in which to think this through together. COSAC has the virtue of including the national parliaments of the Member States and the candidate countries, plus the European Parliament, and it ought to demonstrate that it can express the views of the national parliaments in this debate on the future of the Union.

The chairman has announced that a working group was being set up in the Delegation for the European Union to study the issues arising from Nice; it will report and make specific proposals in the autumn. The Delegation also intends to contact its counterparts in other national parliaments from member states and candidate countries to debate the future of the Union. The whole Delegation will also visit the Commission on the 17th of May and a visit to the European Parliament will also be planned.

The *European Union Delegation in the French Senat* will open a debate on the idea of a European Constitution, which will, notably, include hearings.

The EU Affairs Committee in the *German Bundestag* had a Millennium meeting in January 2000. At the meeting, a number of eminent figures from the field of European politics and leading academics outlined a wide range of possible scenarios for the development of the EU. On March 14<sup>th</sup>, 2001, the European Union Affairs Committee held a public hearing concerning the constitutional question. On April 5<sup>th</sup> the Committee had a discussion with the Head of the Commissions governance working group, Mr. Jérôme Vignon, regarding the interrelations between the constitutional question and the governance item. The *Bundesrat* plans to hold a conference in 2001 with experts on the subject "Future of the European Union".

On April 4<sup>th</sup>, 2001, the European Union Affairs Committee in the Bundestag unanimously adopted a resolution for the forthcoming COSAC concerning greater participation by the national Parliaments in the preparation for the 2004 Intergovernmental Conference. In this resolution the committee expressed its conviction that the European Union's positive experiences with the Convention during the drafting of the Charter of Fundamental Rights should be taken into account when preparing the texts of new EU treaties in the future. As part of the preparations for 2004 IGC a conference based on the convention model should therefore be convened in order to develop proposals for EU reform.

The Committee on European Affairs of the *Hellenic* Parliament plans bilateral meetings with delegations of the EU Affairs Committees, in order to discuss topics such as the enlargement and the role of national Parliaments.

The Joint Committee on European Affairs in the *Irish* Parliament has agreed to hold a series of public meetings to hear presentations from certain organisations on the Treaty of Nice. In addition, the Joint Committee agreed to place an advertisement in the national newspapers inviting written submissions from members of the public and other interested parties who may wish to convey their views in the matter. The advertisement also states that the Committee may subsequently decide to invite selected correspondents to address a meeting of the Committee with a view to a discussion on their written submission.

In a resolution approved on March 7<sup>th</sup>, 2001, the Committee on European Community Affairs in the *Italian Senate* requested the Government to urge that a reflection on Nice follow-up be started. Moreover, the Committee invited the Government to see to it that the enlargement process be conducted in parallel with the "deepening" of the institutional set-up so as to avoid the risk that an enlarged European Union may convert into a mere free trade area.

As regards national Parliaments, the resolution urges them to get involved in the early stages of this reflection on Nice follow-up. This could be done by drawing on the experience made with the Convention that was called to draft the Charter of Fundamental Rights.

As part of the information and study activity which precedes formal consideration of ratification bills, some useful experiences have been made: joint fact-finding enquiries by the European Affairs Committees of the Chamber of Deputies and the Senate (as in the case of the debate on the Charter of Fundamental Rights); joint surveys by the European Affairs Committee and the Foreign Affairs Committee (as in the case of the debate on the Inter-Governmental Conference); meetings with parliamentary delegations from other Member States and candidate countries; visits to their Governments, Parliaments and other bodies; visits to community institutions.

The Committee for European Union policies of the *Chamber of Deputies in Italy* has made **post-Nice** the subject of its debates; it has agreed that the European Council of Laeken has to introduce a new method of developing reforms, ensuring a more democratic process and a greater role for national parliaments and the European Parliament. This method could be based on the following factors:

- a Convention based on the one which developed the Charter of Fundamental Rights of the European Union; by a qualified majority decision, it should draw up a project of reforms to be introduced into the European system. For the Convention to be effective, it must involve qualified representatives of each parliamentary Assembly as well as groups from the opposition; furthermore, there should be close collaboration between the parliaments and their representatives within the Convention,
- an Intergovernmental Conference acting on the basis of work accomplished,
- the accepted opinion of the European Parliament on the final decision of the Member States.

The Committee for European Union Policies of the Chamber of Deputies believes that it would be desirable for the Parliaments of the European Union, the Swedish and Belgian

presidencies, to strive to organise the involvement of public opinion in the debate on the future of the Union: each parliament, according to its own abilities, must institute consultations immediately.

Until now, the Chamber of Deputies has not been able to organise specific initiatives because of the dissolution of the two Chambers. Once the new Parliament has been formed, it is probable that activities based on "post-Nice" will be soon developed, in the wake of initiatives taken for the European Council of Nice: in fact, at that time, a page devoted to the Intergovernmental Conference for the forthcoming Council of Nice was created on the Chamber's website: all citizens had the opportunity to send their comments and proposals to the Chamber, for the imminent parliamentary debate on the Summit which was about to take place in Nice.

A big debate on foreign and European policy took place on 20 and 21 March in the *Chamber of Deputies in Luxembourg*. A debate, largely open to the public, will be arranged on the future of Europe.

The European Affairs Committee in *Portugal* has approved a programme in order to promote and organise a wide and profound debate among all interested parties on the Future of the Union. In practical terms, the Committee is planning to conduct a process of discussion and exchange of views with national and international academics, personalities from the European institutions, opinion-makers, representatives of civil society and the public. The programme also includes the setting-up of a link in the Assembleia da República Internet homepage where everyone can found the whole information on the debate programme and can also send written contributions to the debate itself.

The *Spanish* Parliament has taken specific measures in order to encourage a broad public debate on the issues mentioned in the Nice Declaration on the Future of the Union: these measures consist of the creation – already included in the agenda of the Joint Committee for the European Union – of two subcommittees, one of them to follow up the 2004 Intergovernmental Conference, the other to cope with issues concerning the EU Enlargement.

In the *Swedish* Riksdag, the Committee on the Constitution and the Committee on Foreign Affairs have formed a temporary joint committee that prepares a report on the forms for the debate on the future and on the issues mentioned in the Nice Declaration. The report will be debated in the Chamber on May 9<sup>th</sup> 2001. The joint committee includes some members of the Committee on European Union Affairs, who also are members of either the Committee on the Constitution or the Committee on Foreign Affairs. The Committee has asked for contributions to the debate from the public through the Internet.

The Swedish Government has appointed a committee that will have representatives of the seven political parties in the Riksdag. The committee should promote and stimulate a broad and open debate on the future of the EU. A similar committee was set up regarding the 1996 IGC.

### 1.3 Ideas concerning the role of COSAC and national Parliaments in the debate regarding the future development of the European Union

*Some issues raised by this section*

Should COSAC declare its intention to actively follow and participate in the debate and state that it intends to put the future development of the Union on its agenda at its meetings at least until the next IGC?

Should COSAC set up a more permanent Working Group?

How can national Parliaments, Standing Committees, and individual Members of Parliament contribute to the debate?

What role should national Parliaments play in a possible “Convention”?

How can Parliaments in the candidate countries participate in the debate?

What role can regional Parliaments play in the debate on subsidiarity?

#### Introduction

The questionnaire shows that many Parliaments have already prepared activities regarding the debate on the future development of the European Union. Many parliaments will also make statements on the issues under debate.

*National Parliaments* are central in the debate regarding the future development of the European Union. They may contribute to the debate in several ways, both as actors and as arenas. In each member state, the national Parliament may contribute to the discussion according to the constitutional arrangement in that state. However, there are some aspects that are common to all national Parliaments. For instance, national Parliaments are representatives of the people. National Parliaments are close to their voters, and can thus function as a link between the voters and the debate at the European level. National Parliaments should therefore actively and continuously foster a public dialogue about the matters under concern. It is also of great importance that the Parliaments in the candidate countries are included in the debate.

National Parliaments traditionally have a certain role to promote openness and transparency in politics, both at the national level and at the EU level. In this context there are also reasons to consider the desirability of letting people participate in the debate using their own *language*. It is likely to be easier to create an interest among ordinary citizens for the debate at the European level if they can follow and participate in the debate using their own language.

Parliaments are made up of *individual members*. Individual Members of Parliament are often active outside the formal parliamentary arena, such as in the party organisation and in contacts with various non-governmental organisations, NGOs. Members of Parliament may benefit from experience from the parliamentary work in their contacts with NGOs, but NGOs may also give Members of Parliament, and indirectly Parliaments, important input for the debate. Non-governmental organisations at the

international level, INGOs, are also important in the debate. Members of Parliament also have important contacts through their political party at the European, or international, level. These organisations may be called *PINGOs*, Party International Non-Governmental Organisations.<sup>2</sup>

## COSAC

COSAC in itself is a suitable forum for the debate. COSAC is recognised in the Treaty and is entitled to forward contributions to the EU institutions. COSAC will continue to meet during every presidency and there is already a practical framework in place for COSAC and a Troika that ensures continuity. At the same time the rotating Presidency of COSAC facilitates that attention is paid to different aspects. COSAC has the virtue of including national Parliaments of the Member States and the candidate countries, as well as the European Parliament. The size of the delegations at COSAC ensures that different political views from each country are represented. Thanks to the regularity of the COSAC meetings, intense personal networks develop between participant members. Everyone involved may bring ideas from COSAC discussions to their national debate.

COSAC could declare its intention to actively follow and participate in the debate and state its intention to put the future development of the Union on its agenda at its meetings at least until the next IGC. This may require that COSAC and the COSAC Troika make plans for a longer term. One may discuss the need for resources for this task and whether COSAC should ask the EU institutions for assistance or if the parliaments in the Member States should contribute to make it possible for COSAC to fulfil its role.

The fate of the COSAC Working Group should also be discussed. According to the Rules of Procedure, COSAC may decide to set up a working group to study a particular issue linked with the activities of the European Union. Such a working group shall also be set up, if deemed necessary, by an absolute majority of the Chairpersons of the Community and European Affairs Committees of the national parliaments and of the appropriate body of the European Parliament. A possibility is that COSAC in Stockholm in May decides to set up a working group on a more permanent basis to study the issues mentioned in the Nice Declaration on the future of the union. A time limit could be set when the Working Group should be dissolved, for instance by the end of the next IGC, if no new decision is taken. The Group could exchange views by electronic mail and at the COSAC website ([www.cosac.org](http://www.cosac.org)) instead of organizing meetings during every presidency.

The European Affairs Committee of the Danish Folketing supports in a letter to the Swedish COSAC Presidency that a permanent working group is established in-between the COSAC meetings. The Committee suggests a discussion about the role of the working group and if the working group should consist only of representatives from the

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<sup>2</sup> Johansson, Karl Magnus (1997) *Transnational Party Alliances. Analysing the Hard-Won Alliance Between Conservatives and Christian Democrats in the European Parliament*. Lund: Lund University Press, p. 221.

troika countries or if all countries should be represented. The Danish Committee finds the question connected to which task the working group should have.

In the answer from the Italian Senate Delegation to the questionnaire it says that it could be both useful and interesting to identify at least one common initiative at the COSAC level, to be carried out by each individual Parliament. In that way parliaments would have a harmonised approach towards their respective public and Governments. For example, the initiative could entail an exchange with local elected bodies (such as regional councils).

The Italian Senate Delegation also claims that it could be appropriate for COSAC to take up a stance whereby the central role of parliaments and their committees is emphasised within the debate on the Future of the European Union currently taking place in Member States. At this stage, while a reflection on Europe is being made, there would thus be a pre-eminence of the elected institution that, through parliamentary instruments such as parliamentary hearings, should guarantee an exchange with the different components of the civil society. This approach should be preferred to the creation of mixed bodies of a technical and political nature, such as ad-hoc committees composed of representatives of the government and parliament as well as experts.

Regarding COSAC contributions, it could be noted that COSAC submitted contributions from its meetings in Lisbon and Versailles. The French EU Presidency and the President of the Commission have submitted answers to the Contribution from the XXIIIrd COSAC in Versailles. It could be taken into consideration whether COSAC should encourage such answers in its contributions since a demand for answers from concerned institutions may make it more likely that the COSAC contributions will be taken into account.

### **Other forms**

A *Convention* was set up in order to prepare the Charter of Fundamental Rights of the European Union. This and other forms, such as a Conference, are at present being discussed as means for the debate on the future of the Union. The European Union Affairs Committee in the Bundestag has adopted a resolution for the forthcoming COSAC. The Committee expresses its conviction that the European Union's positive experiences with the Convention during the drafting of the Charter of Fundamental Rights should be taken into account when preparing the texts of new EU treaties in the future. As part of the preparations for 2004 IGC a conference based on the convention model should therefore be convened in order to develop proposals for EU reform.

If such a body should be set up, the role of national Parliaments should be discussed. How many members should each national Parliament be represented by? To what extent should the members be expected to speak on behalf of their Parliament? Will each Parliament be expected to have a view on the final outcome of the Convention/Conference? Should the meetings take place in the Member States (and not only in Brussels)?



The debate on the future of the union concerns several different issues, and new ones may be brought in. *Standing committees*<sup>3</sup> in the member states, the candidate countries and the European Parliament may come together to discuss issues within their subject area. It could be noted that research has shown that extensive use of committees facilitates stronger scrutiny on national matters.<sup>4</sup> Joint meetings may help to create a common European debate and increase the degree of understanding for different arguments. Meetings between Standing Committees may be organised by the relevant committee in the Member State holding the presidency or by the relevant committee in the European Parliament. Meetings with Members from two or a few parliaments are also valuable. This kind of meetings may give more time to discuss issues that are of specific concern for a few particular Parliaments.

*Public hearings* may be arranged in national Parliaments and in the European Parliament. These hearings may bring together members from different Parliaments and include representatives of the civil society.

The importance of involving the *Parliaments in the candidate countries* in the debate should be stressed. These Parliaments may contribute to a greater diversity and new perspectives in the debate. Since the debate concerns what the Union should look like in the future, i.e. with new members, the debate is of great concern to these countries.

There are also *regional Parliaments* in the European countries, which could play a role in the debate. One of the issues mentioned in the Nice Declaration concerns how to establish and monitor a more precise delimitation of competencies between the European Union and the Member States, reflecting the principle of subsidiarity. This issue is of particular relevance for regional parliaments. The Committee of the Regions is also likely to provide input on this issue.

*Internet* should be used in the debate on the future of the union. The homepage of *The Future of Europe* ([http://europa.eu.int/futurum/index\\_en.htm](http://europa.eu.int/futurum/index_en.htm)) may contain links to the national Parliaments and to [www.cosac.org](http://www.cosac.org). It may be considered what the part of the homepage of *The Future of Europe* that shows activities of national Parliaments should comprise. Any national Parliament that wants to have a certain link to, for instance, a section on its own homepage dealing with EU matters may have an opportunity to provide that on the homepage of *The Future of Europe*. Parliaments may, for instance, put relevant documents such as committee reports and transcripts of public hearings on the website. As was shown above, many activities will take place. It would be feasible for national parliaments to have the opportunity to continuously be aware of other parliaments' measures and statements.

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<sup>3</sup> In this document, "Standing Committees" refers to parliamentary committees specialised in a certain area, such as agriculture, labour market, etc.

<sup>4</sup> Mattson, Ingvar and Kaare Strøm (1995) "Parliamentary committees", in Döring, Herbert (ed.) *Parliament and Majority Rule in Western Europe* (Frankfurt: Campus), pp. 249-307.

Public debates, in various forums, may be cast at the Internet (cf. Europe by Satellite, EbS). The list of links to each national Parliament at the COSAC homepage could be developed to include links to the certain EU sections which many national Parliaments' homepages contain. The *European Centre for Parliamentary Research and Documentation* (ECPRD, [www.ecprd.org](http://www.ecprd.org)) is another important actor for exchange of information among Parliaments.

## 2. The role of national Parliaments in the European architecture

### 2.1 Introduction

This section deals with the future role of national Parliaments in the European architecture.

National Parliaments have several roles in the European architecture and have been labelled "cornerstones of European integration"<sup>5</sup>, since they are the ones who approve new Treaties and Treaty changes (art. 48 TEU and art. 52 TEU). Their consent is also needed when a new member state will join the union (art. 49 TEU). Formally, the Treaty does not require the consent of national parliaments but rather that the High Contracting Parties ratify the changes "in accordance with their respective constitutional requirements". In reality, this implies the consent of the national Parliaments. The same condition, "in accordance with their respective constitutional requirements", can be found in some other articles<sup>6</sup>.

Further, directives adopted in the EU may require that national laws are made by Parliament. Regulations may also imply that national laws have to be changed. Rulings, in various forms, from the European Court of Justice may imply that national legislation has to be changed in order to make it compatible with primary or secondary EC legislation. For some countries, framework decisions in the third pillar (art. 34(2)(b) TEU) may require parliamentary consent.

In some countries, the right of Parliament to receive information from Government on EU matters is regulated in the Constitution. All national Parliaments in the EU have certain committees for dealing with EU matters. In sum, EU matters indeed concern national Parliaments. However, national Parliaments are often depicted as losers when it comes to EU matters. The alleged weak role of national Parliaments in the EU is one part of what is called *the Democratic Deficit*. The democratic deficit may be described in various ways, but three important aspects concern *influence*, *openness*, and *accountability*. The often limited influence of national Parliaments is a reflection of the fact that decisions that otherwise would have been made by Parliaments are made by Governments in the Council of Ministers, occasionally together with the European Parliament. The openness of the Council is often restricted, and implies that a Parliament may find it difficult to follow the issues. This lack of openness also makes it more difficult to hold the Government accountable for its actions. Even if the

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<sup>5</sup> Smith, Eivind (ed.) (1996) *National Parliaments as Cornerstones of European Integration*. The Hague: Kluwer.

<sup>6</sup> Consolidated version of the Treaty of the European Union: articles 17 (1), 24, 34(2)(d) and 42.

Consolidated version of the Treaty Establishing the European Community: articles 22, 190(4), and 269.

Source: Wouters, Jan (2000) "National Constitutions and the European Union", *Legal Issues of Economic Integration*, vol. 27 no. 1.

Government follows the advice of Parliament, the Government may be outvoted in the Council. Since the Government in such a case has acted in accordance with the standpoint of the Parliament, the Parliament can hardly keep its Government accountable for the final decision in the Council.

However one describes the actual role of national Parliaments in the EU, one has to recognise that most national Parliaments have developed their scrutiny of EU matters during the 1990s. There has been a gradual development towards more active involvement from Parliaments.

## **2.2 What do developments in the European Union imply for national Parliaments?**

*Some issues raised by this section*

What does enlargement imply for national Parliaments?

How can the role of national Parliaments be developed when the European Union develops?

The European Union has developed in many aspects during the last decade. A major issue now is enlargement of the Union. One may ask what enlargement means for national Parliaments. One obvious consequence is that there will be more national Parliaments in the Union! This implies more contacts at different levels. It is important that more experienced parliaments share their experience with parliaments that are new in the Union. Membership negotiations during the 1990s showed that national Parliaments could play an important role in a candidate country. A Parliament can bring in perspectives of ordinary citizens and explain the role of the EU for voters who are not used to discuss European Union matters.

Many different political issues are subject for discussion and decision-making in the European Union. Over time, the number of policy areas affected by the EU has increased. For instance, during the last decade, many political issues that are close to the citizens have been discussed in the European Union. The growing co-operation on Justice and Home Affairs is but one example.

When new areas of co-operation are discussed, the role of national Parliaments in these areas should also be discussed. Examples of such issues are the Euro, Common Foreign and Security Policy, and the growing importance of Soft law in various areas. The new, more important role of the European Council may also affect national Parliaments. One could also ask how the new rules for decision making on securities market regulation (Lamfalussy report) affect national Parliaments and the possibility to follow the decision-making procedure. Another example is the co-decision procedure after the entry into force of the Amsterdam Treaty. Practical arrangements have made it possible to adopt legal acts more quickly. However, according to a report, particularly national

Parliaments may well experience difficulty in coping with the sustained pace of new practices where agreement is reached at a first or second reading.<sup>7</sup>

Further, what does the new "open co-ordination method" for employment issues imply? Do national Parliaments lose influence as goals are set up at the EU level? Or do they get inspiration from good ideas from other Members states on how to fight unemployment?

These brief examples show that as the EU develops, it is important that the role of national Parliaments is discussed. Otherwise national Parliaments run the risk of losing ground as the EU develops but not the role of national Parliaments. The President of the European Parliament proposed an interesting measure in her speech at the opening of the European Council meeting in Stockholm. She suggested that the national Parliament in the country holding the Council Presidency might, prior to each spring European Council meeting, organise a large-scale parliamentary forum on the Union's economic and social policy.

## 2.3 Co-operation between Parliaments

There has been a major growth over the years in contacts between national Parliaments and the European Parliament, not least at committee level. The contacts are organised in different ways. Sometimes an individual MEP gives evidence in a committee in a national Parliament. A delegation from a committee may pay a visit to its counterpart, and sometimes a European Parliament committee invites all its counterparts for a roundtable.<sup>8</sup> During the Swedish Presidency there are meetings between standing committees in the following areas: Foreign Affairs, Defence Committees, Asylum and Migration, Environment, and International Development co-operation. These meetings take place in the Swedish Riksdag, except for the one regarding International Development co-operation, which takes place in the hometown of the chairman. Of course, there are also many important contacts within the party groups between MEPs and MPs.

In connection to the XXIIIrd COSAC in Versailles, EU Affairs Committees were asked whether they were sufficiently informed or not, and in good time, on the proceedings of other EU affairs committees and in what ways the system could be improved.<sup>9</sup> Four Parliaments (Germany, Finland, Ireland, and Luxembourg) did not require any changes in this respect. Three Parliaments (Denmark, Portugal, and United Kingdom), though hoping for an improvement, underlined the practical problems thereof. All other

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<sup>7</sup> COUNCIL OF THE EUROPEAN UNION (Brussels, 28 November 2000) 13316/1/00 REV 1 *Report by the Presidency and the General Secretariat of the Council to the European Council on making the co-decision procedure more effective.*

<sup>8</sup> Corbett, Richard, Francis Jacobs and Michael Shackleton (2000) *The European Parliament*. 4th ed. London: John Harper Publishing, pp. 283-284.

<sup>9</sup> The account of the answers builds on the summary by the French COSAC Presidency.

answers thought an improvement necessary; such an improvement could be obtained by a wider use of electronic mailing and by getting more information on Internet sites.

In this regard, it could be mentioned that in a memorandum, from the Conference of Speakers of EU Parliament held in Rome in September 2000, exchange of information among Parliaments through new technologies is discussed. It is said that the Conference of Speakers could promote co-operation between different institutions and between the parliaments of the Union for an informal and non-bureaucratic exchange of information between their administrations. The Speakers request that the administrations of their respective parliaments carry out a feasibility study. One issue to be studied concerns the establishment of common or co-ordinated criteria for the structuring of the most significant information on the activities of each parliament on their respective websites, to be accessed through the use of a common search language and method. This might concern as a priority the activities related to the definition and implementation of European policies, according to the memorandum. A Working Group with officials from the Parliaments of Belgium, Italy, Spain, and Sweden has been set up for these issues. The role of the European Centre for Parliamentary Research and Documentation (ECPRD) will also be discussed.

In a few answers to the questionnaire from the Swedish Committee on EU Affairs, relations with the European Parliament are touched upon. The EU Affairs Committee in the ***French Senate*** says that a majority position was clearly defined with regard to the role of national parliaments. It was stated on several occasions by successive presidents of the Senate. This position consists in providing for the creation of a second European Chamber representing the national parliaments; this second Chamber would be of a consultative nature and its role would be to ensure that subsidiarity is respected and to contribute to parliamentary control on the two intergovernmental pillars.

The ***Finnish*** Parliament has so far consistently taken the position that national Parliaments contribute to the union's legitimacy and transparency through oversight and control of the government's work in the Council. The precise role of national Parliaments must depend on national constitutional decisions and must not be regulated at community level. The Finnish Parliament is at best sceptical of the usefulness and legitimacy of community-level decision-making by delegates of national parliaments.

The mixed composition of the Committee on European Affairs in the ***Hellenic*** Parliament (19 Members of Parliament and 12 Members of the European Parliament) has contributed to a substantial dialogue and a useful exchange of views and reflections on issues of major importance.

The presence in the Federal Advisory Committee for European Affairs of 10 Members of the European Parliament, elected in ***Belgium*** (the remainder of the Committee is composed of 10 deputies and 10 senators), favours the transmission of information from the European Parliament to the national parliament as well as favouring transparency.

During the working sessions of the Advisory Committee, the 10 Belgian Members of the European Parliament are on an equal footing with the deputies and senators.

At the Chamber, each member of the European Parliament elected in Belgium is allowed to participate in the work of the permanent committees, in an advisory capacity. Furthermore, the Belgian members of the European Parliament have the right to put forward written questions to the federal government on the European policy of the government.

Following the Rules of Procedure (rule 93a) of the Bundestag in **Germany**, German Members of the European Parliament shall have access to the meetings of the Committee on European Union Affairs; additional German Members of the European Parliament shall be entitled to attend as substitutes. Upon the proposal of the Parliamentary Groups in the Bundestag from which German members have been elected to the European Parliament, the Members of the European Parliament entitled to participate in the deliberations shall be appointed by the President of the Bundestag. They serve until the next elections to the European Parliament or until the end of the electoral term of the Bundestag at the latest. The Members of the European Parliament (14 at the moment) shall be authorized to propose that items are deliberated on as well as to provide information and state an opinion during the deliberations of the Committee on European Union Affairs. According to rule 93 all Committees of the Bundestag may invite Members of the European Parliament to attend their deliberations on European Affairs. They may deliberate on EU documents jointly with Committees of the European Parliament with the same terms of reference.

The answer from the Chamber of Deputies in **Italy** stresses the practices regarding the periodic meetings of the Committee for European Union policies and the Italian Members of the European Parliament, which are organised both in Rome and in Brussels. Even when the European Commission's legislative programme is examined, the Committee for the European Union policies arranges a hearing with the Italian Members of the European Parliament.

In the **Netherlands**, Members of the European Parliament are allowed to take part (under specific rules) in committee meetings when dealing with the preparation of meeting of the Council of Ministers. Once a year the House of Representatives of the States-General holds a plenary debate about a document produced by the Government called "The State of the European Union". Members of the European Parliament are allowed to take part (under specific rules) in this debate.

### **Possible Ideas regarding Co-operation between Parliaments**

*Some issues raised by this section*

How can contacts between Parliaments be developed?

What are the arguments in favour of and against a Second Chamber?

Contacts between national Parliaments are important. Mutual understanding of the conditions in other countries will improve and valuable experience may be shared.

Meetings between standing committees dealing with the same subject area may help to create a common European debate. The number of meetings of this kind has increased during the last few years but the existence of the meetings could become better known. For instance, the COSAC website may contain a list of these meetings, as well as possible public documentation from the meetings. Thereby anyone who is interested may obtain information. Bilateral contacts between national parliaments are also valuable.

All answers to a questionnaire in connection to the XXIIIrd COSAC in Versailles were positive to the joint meetings organised by the European Parliament. Many delegations (Belgium, Denmark, Spain, Finland, France, Luxembourg, and Sweden) were of the opinion that the organisation of these meetings could be re-examined. The schedule and the agenda should be more precise. The organisation of the proceedings themselves should make it possible for national delegates to participate more efficiently. Those remarks bring up questions such as how such meetings should be arranged. How should the agenda be set, for instance? To what extent should the chairman make a public conclusion about the discussion at the meeting? Should the meeting adopt conclusions?

The role of individual MEPs is also of interest. Rapporteurs in committees in the European Parliament could appear in national Parliaments more frequently than today. Rapporteurs could then keep in touch with their relevant counterparts in national Parliaments (either committees as such or individual MPs). National Parliaments and their members may thus have reasons to have contacts not merely with MEPs from their own country, but also with MEPs from other countries. Members of committees in national parliaments may have the right to attend and participate in European Parliament Committee meetings (which occasionally already is the case).

The EU Affairs Committee of the Danish Folketing proposes in a letter to the Swedish COSAC Presidency that the COSAC co-operation should be extended to include the ground principals for a co-operation between the Standing Committees of the national parliaments. It would strengthen the co-operation between the national parliaments in specific political arenas in a structured way. An annual meeting for the relevant Standing Committees might be fitting.

The European Parliament provides office premises for representatives from national Parliament in the EP buildings in Brussels and Strasbourg. Denmark, Finland, the UK, France, Italy, and Sweden use this opportunity and have people from their national Parliament in the EP to get information. As with so many issues, each national Parliament decides on its own whether this is a suitable form.

Another practical matter concerns information about discussions in other parliaments. If a parliament is interested in a specific Commission proposal, it may find it worthwhile to find out what information other parliaments have received from their government, and how other parliaments have handled the issue. If every parliament publishes information on its website, other parliaments – and the public – may follow how the issues are dealt with.



## Second Chamber

The idea of a Second Chamber has been brought up in the discussion. The chamber could consist of Members of national Parliaments (as the European Parliament did before direct elections in 1979) and it could focus on matters such as how the principle of subsidiarity is taken into account when new EC legislation is drafted. Members from national Parliaments would bring legitimacy to the chamber since they are elected by the people. The chamber could also bring in new matters of concern to people to the European debate. An idea is to also appoint people elected to regional assemblies to the Chamber. Thereby the principle of subsidiarity would be underlined.

However, several objections have been raised against the idea. First, there is some confusion regarding the terminology. One may argue that there is already a two-chamber system in the European Union, consisting of the Council of Ministers and the European Parliament. Thus, a new chamber would be the third one. On the other hand, the new body could be seen as a Second Chamber in the European Parliament. Whatever the name of body, the role of the suggested chamber is unclear. There is a risk that the chamber becomes irrelevant if it should merely submit non-binding opinions. However, the decision-making procedure in the EU would not be easier with a second chamber that gives binding opinions. Whatever the binding force of its statements, a new body would probably not make the structure of the EU more transparent.

There are practical problems as well. When should one find time to gather the body? Elections may be held in one or more member states (especially in an enlarged union), meaning that one or more parliaments are dissolved and lacking representation. A new infrastructure would have to be formed. An alternative, which was discussed above, would be to use COSAC. COSAC already has a framework, and there are routines for the meetings.

The “parliamentary assizes” in Rome November 1990 should be mentioned in this context. Over 250 parliamentarians (two-thirds from the national parliaments, one-third from the European Parliament) met for a whole week to address the development of the Community and a joint declaration was adopted. Some suggestions were made to institutionalise the body. These suggestions did not make any headway. Instead, at Maastricht, a Declaration was annexed to the Treaty, inviting national parliaments and the European Parliament to meet as necessary as a Conference of the Parliaments. It leaves to the parliaments to decide when they think such a meeting is necessary. So far, there has not been a consensus on holding such a meeting, and the absence of any reference to this possibility in the Amsterdam Treaty seems to imply that the Rome assizes was an experiment that will not be repeated.<sup>10</sup>

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<sup>10</sup> Corbett, Richard, Francis Jacobs and Michael Shackleton (2000) *The European Parliament*. 4th ed. London: John Harper Publishing, p. 284.

The discussion about a Second Chamber is likely to continue. For instance, the House of Lords Select Committee on the European Union has begun an inquiry into the issue. The Committee wishes to examine the broad questions surrounding the idea of a Second Chamber, including

- The possible role of a Second Chamber and its place in the institutional architecture of the European Union,
- Whether a Second Chamber could play a role in reducing the "democratic deficit",
- The practical issues involved in the running of a Second Chamber made up of national parliamentarians, including the desirability and practicality of a dual mandate.

This discussion surely raises many important issues. The matter may be put into a wider view on the role of national parliaments in the EU. There are other means for national Parliaments to influence the EU than a second chamber. In section 2.5 below there is a discussion about how national parliaments can work on their own, and primarily towards their own government.

## **2.4 The Protocol on the Role of the National Parliaments in the European Union**

Discussions during the first two IGCs during the 1990s are signs of the increased attention given to national Parliaments. The Inter Governmental Conference at Maastricht adopted the following Declaration (no. 13).

### **ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION**

The Conference considers that it is important to encourage greater involvement of national Parliaments in the activities of the European Union. To this end, the exchange of information between the national Parliaments and the European Parliament should be stepped up. In this context, the governments of the Member States will ensure, inter alia, that national Parliaments receive Commission proposals for legislation in good time for information or possible examination.

Similarly, the Conference considers that it is important for contacts between the national Parliaments and the European Parliament to be stepped up, in particular through the granting of appropriate reciprocal facilities and regular meetings between members of Parliament interested in the same issues.

As mentioned above, the IGC also adopted a declaration on a Conference of the Parliaments (or "Assises"). The role of national Parliaments was also discussed during the IGC leading to the Amsterdam Treaty. The result was a Protocol (rather than a less binding declaration) on the Role of the National Parliaments in the European Union. The Protocol, which is a part of the Treaty, comprises one part on COSAC and one part with demands for information for national Parliaments of Member States. The latter part states:

1. All Commission consultation documents (green and white papers and communications) shall be promptly forwarded to national parliaments of the Member States.
2. Commission proposals for legislation as defined by the Council in accordance with Article 151.3 of the Treaty establishing the European Community, shall be made available in good time so that the Government of each Member State may ensure that its own national parliament receives them as appropriate.

3. A six-week period shall elapse between a legislative proposal or a proposal for a measure to be adopted under Title VI of the Treaty on European Union being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision either for the adoption of an act or for adoption of a common position pursuant to article 189b or 189c, subject to exceptions on grounds of urgency, the reasons for which shall be stated in the act or common position.

### **Implementation of the Protocol**

The Protocol on the Role of the National Parliaments in the European Union is a part of the Treaty and thereby binding on the EU institutions and the Member States. In connection to the XXIIIrd COSAC in Versailles, European Union Affairs Committees answered a questionnaire on what the Protocol had meant for the distribution of documents to the national Parliaments. According to the answers, most Parliaments believe, in general, that European legislative proposals are transmitted in sufficient time. But an improvement in initial transmittal speed would be appreciated (Denmark, Spain and foremost Italy) as well as an improvement regarding Council amendments (United Kingdom, Sweden). In sum, the Protocol induced no great change but – in two occurrences – had a positive influence on the attitude of the Government.

The committees were also asked if they thought that they got an adequate period of time to consider the European legislative proposals. More than half of the answers mentioned problems. The most common ones were (Denmark, France, United Kingdom, Sweden) that it is too short time between the second Coreper meeting and the Council meeting and the fact that the Council work is often based on informal compromises. Answers show that the Protocol induced no great positive changes in this respect.

Art. 7 of the Rules of Procedure of the Council is the base for the notion of 'legislative proposal' as understood by the Protocol. Several answers to the questionnaire show that the wording of Art. 7 of the Rules of Procedure is satisfactory or is no hindrance to parliamentary control (Germany, Belgium, Denmark, Finland, Luxembourg, Netherlands, United Kingdom). Other answers (Spain, Italy, France, Sweden) show a more critical opinion by emphasising the problem caused by the lack of minimal time to scrutinise some of the "non-legislative" proposals according to this article.

The XXIIIrd COSAC in Versailles addressed a contribution to the institutions of the European Union. COSAC urged the Inter-governmental Conference 2000 to modify the part on information of the Protocol as follows:

- All consultation documents and proposals for legislation from the European Commission, as well as proposals for measures under titles V and VI, should be transmitted by electronic means to each national Parliament as soon as they are adopted by the college of Commissioners;
- The six-week time period provided by para. 3 should also apply, except in urgent cases, to proposals for measures to be adopted under titles V of the Treaty on European Union as well as to proposals regarding interinstitutional agreements to which the Council is a party ;
- A minimum 15-day time period, or one week in urgent cases, should be observed between the final reading of a text by COREPER and the Council decision.

The Head of Cabinet of the President of the Commission says in an answer to the contribution that the Commission thought that it was too late to introduce a new element in the IGC. The Commission thought that the formal transmission channel for Commission proposal to the Member States should stay with the permanent representations in Brussels. Nevertheless, the Commission pointed out that the proposals can be found at the Internet within 72 hours after they have been adopted.

Finally, it could be noted that the Rules of Procedure of the Council comprise an important rule that, if implemented, gives national Parliaments somewhat more time to scrutinise matters before they are discussed at the Council meeting but after Coreper. The rule follows after a statement in the Conclusions from the European Council in Helsinki, which said that preparatory work by Coreper for a legislative item on the Council agenda must be completed by the end of the week preceding the week prior to the Council. Thus, the rule (art. 3.6) states:

If, by the end of the week preceding the week prior to a Council meeting, Coreper has not completed its examination of legislative items within the meaning of Article 7, the Presidency shall, unless considerations of urgency require otherwise and without prejudice to paragraph 2, remove them from the provisional agenda.

### **Possible Ideas related to the Protocol on the role of national Parliaments**

*Some issues raised by this section*

How can the implementation of the Protocol and the Protocol itself be improved?

Should national Parliaments submit their views on Green papers directly to the Commission?

The Protocol on national Parliaments mentions consultation documents (green and white papers and communications) and Commission proposals for legislation, but as the EU changes, there are reasons to ask how the information to the national Parliaments should change. For instance, how can national parliaments ensure that they have reliable information prior to meetings in the European Council. As was discussed above, the role of national Parliaments should be kept in mind as the EU develops.

Green and White papers are important and there should be time for national Parliaments to discuss them before Governments – and others – have formally submitted their views to the Commission. Parliament may also have a copy of the response if its Government submits an opinion on a Green paper to the Commission.

There are examples when an EU Affairs Committee has submitted its opinion on a Green paper directly to the Commission. This raises important questions concerning the role of national Parliaments. Should an individual Parliament communicate directly, and not through its Government, with the Commission? What attention should the Commission pay to the views of a Parliament? What happens if the views of a Parliament and its Government diverge?

One could discuss whether COSAC should demand that the Commission and the Council give an account for how the Protocol on national Parliaments has been implemented? To what extent have the time limits been adhered to? Why have they not always been adhered to? The same questions could be asked about the rule in the Rules of Procedure of the Council about the time limit between the examination in Coreper and the Council meeting.

The Committee on European Community Affairs in the Italian Senate states in its answer to the questionnaire from the Swedish Committee on EU Affairs that it has experienced constant delays in the formal reception of the proposals for Community law from the Government, well beyond the deadlines set in the Protocol. Though in practice this type of documents are now available on the Internet and through press communiqués, it would be useful to amend the Protocol with a provision whereby the Commission should be compelled to transmit its legislative proposals to national parliaments, in addition to the European Parliament and the Council.

## **2.5 Handling of EU matters in national Parliaments**

In the questionnaire to the Working Group, the EU Affairs Committees were asked if they had any specific experience from their parliament's dealing with EU matters that might be valuable for other national parliaments in their work with EU matters. Some answers point to the fact that each parliament has its own traditions, and you cannot prescribe one model for all. Some other answers to this question have already been accounted for above. A few other answers are referred here.

During the European Council in Nice a special committee was appointed in the *Austrian* Parliament composed of the Chairperson of the Permanent Subcommittee of the Main Committee and one member of each party. Thus it was possible to follow the ongoing negotiations in Nice and to react immediately on developments.

During the plenary session on Thursday, 30 March 2000, the Chamber in *Belgium* formally recorded the appointment of *Euro-whips*. The Euro-whip, who is an effective or substitute member of the Federal Advisory Committee for European Affairs, must make sure that the issues which are examined by the Councils of European Ministers are subject to regular examination by the relevant permanent committee of the Chamber.

In accordance with the law dated 2 December 1957 carrying the approval of the EEC Treaty, the Belgian government is obliged to file every year with the Federal Parliament a report concerning the execution of treaties relating to the European Union and which also gives an account of the progress of the transposition of European law into internal law.

Members of the European Commission are sometimes called to meetings in the Committee on European Affairs in the *Hellenic* Parliament. The Rules of Procedure of the Hellenic Parliament provide for joint meetings with other Standing Committees of

the Parliament, which have resulted in interesting exchange of views (as for example in the case of the Charter of Fundamental Rights where there was close co-operation with the Committee for Public Administration, Public Order and Justice).

A recent reform in the ruling of the Chamber of Deputies in *Italy* provides for the joint examination of the annual community bill and of an annual report on Italy's participation in the legislative proceedings of the European Union. It is the Government that presents these texts to the two Chambers, after which the sector-based Committees examine them beforehand. These sector-based Committees then report to the Committee for European Union policies which then prepares reports for the Assembly. Through the annual community law, the introduction of community directives adopted during the stated year is assured; the annual report accounts for Government tendencies with regard to community policies; the joint examination of the two texts enables the Chamber to concentrate its control both on the elaboration as on the execution of European Union policies in a sort of "community session".

In February 2000, the Chamber resorted to an experimental procedure for examining documents relating to the European Union's legislative programme: each permanent Committee examined the European Commission's programme for the year 2000 as well as the strategic aims for 2000-2005, by looking into matters with which it was concerned. Afterwards, each Committee nominated a spokesman in charge of presenting its conclusions to the Committee for European Union policies, which then presented a report to the Assembly. At the close of the general debate, the Assembly adopted a resolution addressed to the Government.

It has been usual to set up a *subcommittee* within the Joint Committee on the EU in the *Spanish* Parliament. The subcommittee arranges non-public hearings, usually involving the MPs themselves together with members of the government, at a variety of levels: from ministers, to junior ministers or even directors general of different departments. Experts on the debated issues are also usually heard, as well as authorities from the EU institutions or other Member States, and other relevant persons (European commissioners, MEPs, EU Member States' ambassadors, trade union representatives, and the like). Once the hearings are over, the subcommittee writes a report to be subsequently submitted for approval to the Joint Committee (or even in certain occasions to the plenary of the Congress or of both chambers for a debate without vote). Undoubtedly this procedure is highly recommendable, having yielded excellent results for the Committee in Spain.

From 1999 to early 2001, a Parliamentary Commission consisting of eleven members of the *Swedish* Riksdag investigated and evaluated, among other things, the handling of EU matters in the Riksdag. The Commission stresses that the Standing Committees should play a strong role. The Standing Committees should follow important matters during the preparatory process in the European Commission and during the continued decision-making process. The Committee on European Union Affairs should continue to work in line with the practices that have developed. The Commission suggests, *inter alia*, that the Government should account for the measures it has taken because of decisions of the European Court of Justice.

## Possible Ideas on the work on EU matters in national Parliaments

### *Some issues raised by this section*

Are changes in the way EU functions today needed to fully allow every national parliament to work with EU matters in the way it desires?

What inspiration can Parliaments get from how other Parliaments deal with EU matters, given that each Parliament has its traditions?

There are different constitutional traditions in the member states, which means that one set of methods that functions in one Parliament may not function in another Parliament. Still, experiences from different national Parliaments could serve as an example for other national Parliaments.<sup>11</sup> It is important that the EU functions in a way that allows every national Parliament to work with EU matters in a way it decides on its own. This may require more openness in the EU. Other reforms, such as clear divisions of responsibility, may also be desirable.

The most suitable working method for a national Parliament may depend on what view one has on the role of national Parliament in the EU. If one thinks that national Parliaments should play a collective role, a second chamber may be a good idea. However, if one thinks that the main road to influence for a national Parliament goes through its government, the key to parliamentary influence lies in the working method of the Parliament. In a parliamentary system, the Government must be tolerated by Parliament. If Parliament does not like the way Government pursues matters in the EU, Parliament may force Government to resign. Thus, to enjoy confidence by Parliament should be very important for any Government!

Parliaments receive – in one form or another – Commission consultation documents and proposals for EC legislation as well as information and documents on issues in the second and third pillar. In many countries, the government supplies an explanatory memorandum for important issues and proposals. The memorandum may contain the following information:

- Summary of the proposal
- Legal basis of the proposal
- Procedure to be applied in dealing with the proposed law (including participation of the European Parliament, the Economic and Social Committee and the Committee of the Regions).
- Decision making rule in the Council (unanimity or QMV)
- Assessment from the point of view of the principle of subsidiarity
- Legal and political importance
- Impact on national law

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<sup>11</sup> Cf the new “open coordination method” for employment issues. The idea here is that national parliaments may find interesting working methods among other national Parliaments. It may be described as a kind of benchmarking.

- Financial implications including expected overall cost to the EU, the size of the national share, the phasing of expenditure and the estimated value for money
- Consequences for authorities, enterprises and citizens
- Minister responsible and Ministers having an interest
- Previous consideration of similar issues in national Parliament
- The Government's policy towards the proposal, including any criticism
- What groups have made representations and the response to those representations
- Reactions which it arouses and the stage reached in the Community procedure
- Provisional timetable for its examination in the EU and nationally
- Contents of the substantive amendments passed by the Parliament, the Commission's position on those amendments
- Date on which the Council document was published in the relevant language.

Of course, one has to ask what kind of information a Parliament needs. Information overload is likely to occur if there is no selection mechanism. The number of documents each Parliament receives varies, but for many Parliaments there are problems to choose relevant issues that should be subject to closer scrutiny. In some parliaments the choice is made by asking if the issue is “politically” or “legally” relevant. The proposal may be considered as relevant if it concerns matters that the Parliament would have decided on if the country had not been a member of the EU. It is obvious that an issue that is important to one parliament may not be very relevant to another parliament.

In some countries, *pre-council scrutiny* is a major task for the EU Affairs Committee. The relevant minister comes to the Committee prior to the meeting in the Council and the issues at the Council meeting are discussed. This may give the members of the Committee a broad overview over all issues that are subject to discussion and decision at the Council.

After the Council meeting, the government should normally report back to the Committee. This could be done orally or in writing. Since the Council meetings take place behind closed doors it may be difficult for a Committee to find other sources than the government and the press release from the meeting. The possibility to follow up the actions of the government brings focus on *accountability*. It was said above that the difficulty to hold one's government accountable for its actions in the EU is one part of the democratic deficit. Thus, measures that makes it easier to hold the government accountable are desirable. This means that national Parliaments should have the right to know how their government has acted in the European Union. It is therefore essential that minutes from the Council and voting declarations are made public.

The government may also inform the parliament on the Commission annual priorities and the programme of the Council presidency. Several parliaments have an annual EU debate in the Chamber and the Prime Minister informs the plenary about European Council Meeting. However, many parliaments seem to lack information on matters such as Conciliation committees and Commitology procedures.



An idea that has been mentioned in the discussion is that a Member of Parliament may accompany the Minister in meetings in the Council of Ministers. This would give the MP an opportunity to see to what extent the Minister follows the views of the national parliament. It would also give the MP a better understanding of the conditions for decision making in the Council. However, there may be a risk that the different roles of the national government and national parliament are blurred. After the meeting, the government may claim that the parliament has accepted the behaviour of the government, and the parliament may find it more difficult to hold the minister accountable for his actions. In a way, the parliament may be construed as taken “hostage”. Still, the insight of the individual MP would increase.

The EU could also come to Parliaments; Commissioners could appear to a larger extent before committees in the parliaments in order to explain particularly significant proposals.

Some governments inform their parliaments on national implementation of directives, and how the government will act in order to implement new directives. The jurisprudence of the European Court of Justice and how it is followed up in the Member States may also be of relevance for parliaments. Rulings from the European Court of Justice may imply that the parliament must change present legislation in order to make it compatible with primary or secondary EC legislation.

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