

MINUTES OF THE DEBATES OF THE
INTER-PARLIAMENTARY CONFERENCE
OF EUROPEAN AFFAIRS COMMITTEES

SESSION OF 16th NOVEMBER 1989

The session was opened at 10.45am under the chairmanship of Mr. Charles Josselin, Chairman of the National Assembly European Communities Delegation (France).

Opening of the Conference

The Chairman, on behalf of Mr. Fabius and on his own behalf, welcomed the participants to this first meeting of national parliament European affairs committees, in which representatives from the European Parliament were also participating. This was the first application of the conclusions of Mr. Fabius's report adopted on the previous 20th May at the Madrid Conference. This Conference had recommended regular meetings between European affairs committees on topics defined in advance. During the French presidency of the Community Council, Mr. Fabius, in agreement with Mr. Poher, had proposed that the first conference should take place in Paris during the second half of 1989. Representatives from ten of the twelve parliaments were present. The Greek and Spanish parliaments had been unable to send representatives because their competent authorities had not yet been constituted following the recent general elections in these countries.

Mr. Fabius, who was currently in Moscow with Mrs. Süßmuth, President of the Bundestag, regretted that he was unable to open the Conference, though Mr. Josselin was pleased to greet his personal representative, Mr. Claude Cheysson.

MESSAGE FROM MR. LAURENT FABUS,
PRESIDENT OF THE NATIONAL ASSEMBLY

The Chairman read this message:

"My dear colleagues,

In Madrid, last May, the Presidents of the Parliaments of the member states of the Community and of the European Parliament unanimously decided to implement several measures designed to reinforce the involvement of national legislative bodies in the political process of Community construction. On the basis of a report which I submitted at that time for my colleagues' assessment, decisions were made on a certain number of practical steps. These included the principle of organising a meeting of all parliamentary committees dealing with Community matters and scheduling a policy debate next spring in each of our parliaments with each of our governments and with the Council of Ministers on the major topic of social Europe.

This is why I took the initiative of proposing that the first session of this type, which I hope will be followed by many others, should be held at the National Assembly in Paris during the French presidency.

You may be sure that I would have been particularly pleased to welcome you on this occasion and that only the absolute necessities of my schedule have kept me away. As you may know, I am currently on an official visit to Moscow with my colleague Mrs. Süßmuth, President of the Bundestag, to give the Supreme Soviet a friendly message and to demonstrate our willingness to co-operate together in the service of democracy, of which parliamentary procedures are the essential guarant-
or.

My dear colleagues,

Our constitutions and institutions are diverse. To meet the challenge to national parliaments of the construction of Europe, some have created the equivalent of standing committees, others sub-committees, others delegations and some parliaments do not have any special structure. And yet everywhere we encounter the same concern, the same obsession: to take steps for our parliaments to take a more active part in the construction of Europe.

Our parliamentary time is taken up with the transposition of Community regulations into domestic law. In France, and this is true in all our countries, more than half of the legislation which is passed can be considered as "influenced" by the Community.

Isn't it a great paradox to observe that often the place where Europe is least discussed is, in fact, the national parliament?

This is why today's meeting takes on particular importance. The objective is not to harmonise our structures, but to compare our experiences, to learn to know each other better, to work together, to work with the European Parliament, to try together to improve the operation of our institutions and thus contribute to improving the conditions under which Europe is currently being constructed.

Of course, the democratic legitimacy of the Community is based on the Council which exercises its prerogatives under the control of the national parliaments. This control sometimes tends to be diluted as European construction progresses. It is also based, obviously, on the European Parliament, whose role was significantly increased by the provisions of the Single Act.

However, despite this we all feel that there exists both a lack of democracy in a Europe which is often technocratic and distant and thus a need for bringing together the peoples of Europe, i.e. first of all, nationally elected politicians.

How can we achieve this? We have begun to think about this problem.

We think that steps should be taken for the national parliaments to be more closely associated with the establishment of Community rules, where there is little or no involvement, and with the expression of democracy in the life of the Community. From now on we must legislate with better knowledge of what exists among our partners. Our national parliaments must be better equipped to monitor the positions defended by their governments in the Council. Finally and above all, we must learn to work together, i.e. as twelve or rather thirteen partners. We should make more contacts, extend the dialogue between the European Parliament and our national parliaments. I know that this is already the case for some of us. We must ensure that one-way relations are not established; each branch of democratic legitimacy must be reinforced for the greater good of democracy and European construction.

I would like to add that the affirmation of the common political dimension of the members of the Community seems to me to be particularly important in response to the political developments which we are observing in Eastern Europe.

Your role, our role is therefore essential. I have great hopes for the success of this and future meetings. I wish you an excellent conference and a very warm welcome."

The Chairman then pointed out that the Conference proceedings would cover the study of the organisation and competence of European affairs committees. Before handing over to Mr. Jacques Genton, Chairman of the Senate European Communities Delegation, he informed the meeting that the representatives of the different parliamentary delegations who wished to speak would be called in alphabetical order of the countries represented. However, the President of the Luxembourg Chamber of Deputies, who had to leave the meeting at noon, would speak in the morning. The speeches by the heads of the delegations would be followed by a discussion. On Friday, views would be exchanged on European meetings in 1990. Mr. Josselin would then present the summary of the debates and the text of a resolution which would, as far as possible, have been distributed during the previous evening. Finally, the Conference conclusions would be presented to the press.

INTRODUCTORY REPORT BY MR. JACQUES GENTON,
CHAIRMAN OF THE SENATE EUROPEAN
COMMUNITIES DELEGATION

Mr. Jacques Genton, Chairman of the Senate delegation (France), stressed the two benefits of the Conference. First, the examination and control of the work of the Community by national parliaments were felt to be extremely important in each Community country, particularly because of the very large number of Community laws, regulations and directives. Secondly, this was the first time that all the European affairs committees of national parliaments had met to debate together. This was the happy result of the conference between the presidents of the different parliaments.

The previous day in a morning newspaper, the President of the French Senate, Mr. Alain Poher, who had taken a keen interest in all European affairs for forty years, had expressed the desire for new links to be established between national parliaments and the European Parliament. To improve information on Community activities, it was important to be more aware of what was happening in each country and to make an imaginative effort. Mr. Poher had therefore asked Mr. Genton to take the initiative by asking him to draft reform proposals for the proceedings of his assembly. Mr. Genton would therefore be listening very closely to the experiences and proposals discussed.

The first day's speeches were intended to deal with the results of the control exercised by each national body, the limits of this control and the possibilities of improving it, either in the national context or through inter-parliamentary collaboration. It was therefore important to have a better understanding of the actual operation of each of the European affairs committees, to identify insufficiencies and to define the measures which might improve the information and control of national parliaments.

What kind of information might the Conference participants hope to obtain? Undoubtedly they would find out whether the committee of a certain country felt that it had all the information essential for carrying out its role or how, on the contrary, they thought that they could improve the information available, either by strengthening links

with the national government or by establishing closer relations with the Commission or the European Parliament. It would also be interesting to find out what the competent body did with the information at its disposal, whether it transmitted it to a parliamentary body or whether it discussed it with the national executive or a Community institution and finally whether it took a public policy position on the matter concerned. Another interesting subject was whether the committee was really accepted by the parliament to which it belonged, by the national government and by Community institutions.

In certain countries, like Great Britain, a very great deal of information was already available as a result of the meetings organised with the House of Lords and House of Commons Select Committees. The document published by the European Parliament and the European centre of parliamentary research and documentation also contained invaluable information.

The Conference should strive to measure the effectiveness of the committees. Did their work have an influence on the creation of Community standards? Did they properly inform the public of what was happening in the Community?

The lack of democracy which was criticised so much seemed to be due, first, to the restriction of the powers of the European Parliament and, secondly, to the disconnection of national parliaments from whole areas of the legislation which governs the lives of Europeans. To solve the first problem a treaty would be required. Mr. Delors himself had said that the last word should not be given to the European Parliament and that the Commission was prepared to listen to and even consult national parliaments. To find a solution for the second problem, Mr. Genton asked several questions. At which stage of development of Community law should national parliaments debate? Shouldn't they hold a national debate before the Community authorities definitively decided on their position? Unfortunately, in France at least, the debates in the European Parliament did not receive a great deal of news media coverage and ordinary citizens paid little attention to them. Shouldn't these debates be duplicated by debates in national parliaments?

The French were finding it difficult to improve the mechanism which they had created. This was undoubtedly because the initiators of the delegations, instituted in 1979, had in mind the exercise of national control over the construction of the Community. Undoubtedly the act which created the delegations had not been affected by this spirit of prevention but, nonetheless, the delegations were still suspected by the supporters of the European ideal of wishing to slow down the union process. Mr. Genton considered, on the contrary, that increasing the powers of the delegations would give the French people a better understanding of what was happening in the Community and enable them to think more clearly about European matters. If a major debate had been held in the French parliament and other national parliaments on the problems of V.A.T. harmonisation, would the government's position have prevailed over the Commission's? It was by no means certain.

The Conference could also try to assess the advantages which might be gained from co-operation or exchanges between the committees. Similarly, French parliamentarians felt that there was an increasing need to be informed on the legislation existing in each of the Community countries. They had recently begun to draw up comparative studies of the solutions applied by their partners' legislatures to the problems which they were debating. Wouldn't it be a good idea to institutionalise such studies?

The previous day Mr. Poher had declared to a Paris newspaper: "While links should be strengthened between each national parliament and the European Parliament, it is also important to examine with the other national parliaments the possibilities and procedures for a common presence in European institutions". What did the Conference participants think of this suggestion which appeared to be the prerequisite for the change outlined by Mr. Poher? He had declared that it was important for national parliaments to learn to speak with one voice to European institutions and that perhaps one should consider the creation, alongside the European Parliament, of a second chamber formed by representatives from member states' parliaments. This was another question on which Mr. Genton wished to hear his colleagues' opinions.

SPEECHES BY THE REPRESENTATIVES OF EUROPEAN AFFAIRS COMMITTEES
OF THE PARLIAMENTS OF MEMBER STATES
AND THE EUROPEAN PARLIAMENT

Belgium

Mr. Charles-Ferdinand Nothomb, President of the House of Representatives and Chairman of the Advisory Committee on European Affairs, began by thanking the French National Assembly and Senate for having invited the representatives of European affairs committees to this Conference, which represented a major first. Previously the presidents of the national parliaments of the twelve member states had only met every two years. In accordance with the conclusions adopted at the Madrid Conference, one could hope that henceforth they would meet twice a year at the invitation of the chairman of the parliamentary committee of the country holding the presidency of the Council of Ministers.

As the Chairman of the Advisory Committee on European Affairs, instituted in the House of Representatives of the Belgian parliament, Mr. Nothomb would try to reply to the questions asked by Mr. Genton on the effectiveness of the body which he chaired and on the future which he would like to see opening up.

He first noted that so far the Belgian parliament had hardly concerned itself with the long-term preparation of European decisions. Reports had been presented and discussed before the Advisory Committee and had led to resolutions being passed by the full parliament. This had been the case, for instance, for the problems arising from the completion of the European market and the use of structural funds by Belgium. The parliament passed a resolution, though its debates mobilised public opinion very little because the final vote was generally unanimous. The advantage of the system was that since the Chairman of the Advisory Committee was also the President of the Chamber, the matter was dealt with quickly but European parliamentarians who were able to appear before the Advisory Committee could not attend the full parliament if they were not members; this was a drawback.

With respect to the short-term preparation for Community decisions, the committees could invite a minister to explain the issues involved before a Council of Ministers meeting or a summit.

If a problem occurred before a European or NATO summit, the Foreign Affairs Committee and, where appropriate, other committees discussed the issues with the ministers concerned, ending with the adoption of a resolution.

After each Council of Ministers meeting, the results were presented to the Foreign Affairs Committee. Finally, with respect to the implementation of European directives, the Advisory Committee drew up a report which could include criticisms of the government and requests for remedies. To avoid any delay in the examination of European problems, in future all committees should put matters of European interest at the top of their agendas. The minister should therefore explain the situation to the committee, particularly if progress had been made in Brussels. In this case, the committee could immediately deal with translating the directive adopted in Brussels into Belgian law.

In the longer term, the speaker underlined that the current process was aimed at reducing the lack of democracy in European institutions. He expressed the wish that one day a European parliamentary assembly representing the states and national parliaments would be created. It was certainly desirable for the European Parliament to exercise greater influence. However, the fact was that public opinion gave more importance to national elections than to European elections, which was why Mr. Nothomb made this proposal.

Mrs. Huberte Hanquet, Chairwoman of the Senate Foreign Affairs Commission, informed the Conference that the Belgian Senate did not yet have an Advisory Committee on European affairs but she thought that this shortcoming would soon be corrected. The two Advisory Committees should then work together. She reminded the meeting that the Senate had always been aware of the lack of democracy in the EEC. She had nothing to add to Mr. Nothomb's statements, except that the procedures for the presence of national parliamentarians in the European Parliament and its committees should be examined.

Denmark

Mr. Ivar Nørgaard, Deputy Chairman of the Folketing Common Market Committee, reminded the meeting that Denmark only had one parliament-

ary assembly. This assembly had set up a parliamentary committee for Europe, formed by 17 members. Its role was to take positions on draft directives and Council of Ministers discussions before decisions were made. The Danish minister therefore had to receive a mandate from the committee to take a position before the Council. Before the adoption of the Single Act, this procedure had led to accusations by other countries that Denmark was slowing down negotiations but the speaker continued to believe that it was indispensable for the committee to be able to analyse in detail all the matters included on Council of Ministers meeting agendas. The reason for this attitude was the fact that the Danish government was often a minority government; it was therefore indispensable for parliamentarians to exercise real influence.

Since the adoption of the Single Act, which had instituted the principle of majority decisions by the Council of Ministers, the Danish minister had sometimes been in the minority. The committee was therefore following a new procedure, a kind of "early warning system" whereby its members tried to keep informed of the positions of the different countries and, if necessary, make contact with those which could help Denmark gain acceptance for its ideas. Similarly, the committee collaborated with European parliamentarians to find out their views in advance and, where appropriate, to influence them. The committee had done this, for instance, in the fields of environmental protection and safety at work.

In the long term, the committee was opening discussions with the Prime Minister and the Foreign Minister. The main trends were debated in the Folketing. In conclusion, the speaker reminded the meeting that the committee only dealt with matters related to the Treaty of Rome.

Mr. Björn Elmquist, Member of the Common Market Committee, confirmed this and added that problems concerning political co-operation were dealt with by the Foreign Affairs Committee.

Naturally, provision had to be made for coordination: thus, the Prime Minister or the Foreign Minister had to be able to appear before both the Foreign Affairs Committee and the Common Market Committee.

With respect to improving the current situation, the speaker proposed a reinforcement of the preliminary discussions in national parliaments

before meetings of the Council of Ministers. This was what was happening in Denmark, where the government was obliged to appear before parliament before each meeting of the Council. Some people might object that there was a risk that the government might be restricted. However, wasn't this preferable to a situation where the parliament refused to transfer decisions adopted by the Council of Ministers into national legislation?

The previous day in a morning newspaper Mr. Poher had proposed that a European Senate should be created. This suggestion deserved particular attention because action was needed to avoid the construction of Europe being too narrow. Currently, the Council of Europe had 23 member states and the EEC had 12 but what would be the situation in five or ten years? The EEC should therefore not work from over-restricted bases.

The session was suspended at 11.45am and resumed at 12 noon

France

Mr. Jean-Paul Bachy, Deputy Chairman of the National Assembly European Communities Delegation, stated that both the National Assembly and the Senate had a European Communities Delegation, as a result of the act introduced in 1979. He would restrict himself to reporting on the procedures in the assembly to which he belonged, leaving the Senators to explain the Senate procedures.

The Delegation's role was not to control the government's action nor to involve the National Assembly in Community negotiations. Its role was mainly one of information and consultation. Its status therefore remained modest, as did its powers, compared with the committees in Denmark and Belgium. However, given the increasing political weight of European affairs, the Delegation's role would increase and Mr. Bachy was convinced that this development would continue.

Where did the Delegation find most of the information which it used? Under the law, the government communicated all the documents which it drew up or which were drawn up by the Community institutions and the

government also had to keep the Delegation informed during European negotiations. In fact, apart from the documents which the Delegation received from Community institutions, the French government transmitted the advice which it gave to French Members of the European Parliament.

The Delegation wished to do more; it had tried to make hearings of ministers systematic, not only of the Minister of European Affairs but also certain specialised ministers. For instance, in the previous few months the Minister of Agriculture had appeared and the Ministers of the Environment and Research were soon to appear before it.

The Delegation had also requested representatives of European institutions to appear before it; it had heard Mrs. Scriver, Member of the European Community Commission, and Mrs. Buron, who had appeared before it on behalf of the Social Affairs Committee of the European Parliament. It had also heard representatives from the Economic and Social Commission.

It was trying to increase contacts with parliaments of other countries and had recently received delegations from the British Parliament and the German Bundestag.

To keep the National Assembly informed, twice a year it published an information report which was presented verbally to the Foreign Affairs Committee and included a general assessment of Community policy and information on the major topics covered. It also published special reports on subjects which it considered important and which were transmitted to the chairmen of the Assembly's standing committees. The conclusions of each report were deliberated by the Delegation and, where appropriate, put to the vote, although it generally tried to reach a consensus. Naturally, all these reports were only of value if they were topical and coincided with the debates taking place in the French Parliament or in Community bodies.

The Delegation met every week and examined a report at each of its sessions; it was therefore quite productive. However, its role was far from equalling that of the Danish or Belgian committees.

It had therefore discussed how it could change its operation and reinforce its competence with the members of the Senate Delegation. Currently comprising 18 deputies, it wished to have 36 members in future and its Chairman had proposed a bill for this purpose. Similarly, it wished to hear ministers more frequently and to systematically receive all draft directives and Community regulations before they were adopted by the Council of Ministers. It also wished French Members of the European Parliament to be legally authorised to participate in its work and for its special reports to be published much more widely, both inside and outside the Assembly.

All these proposals were currently being discussed by the National Assembly with the Senate; there were some points of disagreement but all parties considered that it was indispensable to reinforce parliamentary control of the process of European construction so that it was not left exclusively under the responsibility of European executives and civil servants.

Mr. Michel Poniatowski, Deputy Chairman of the Senate European Communities Delegation, stated that the situation in the Senate was even worse than in the National Assembly. All Community instruments were considered as diplomatic instruments and consequently followed the treaties procedure: it was not up to Parliament to discuss them, it had merely to ratify them or not. All French governments had made a point of respecting this tradition and there was therefore parliamentary debate neither when Community texts were drafted, nor when they were adopted by the Community institutions, nor when they were applied. This was virtually a complete democratic vacuum.

This vacuum would pose a problem: public opinion imagined that Parliament was responsible for decisions which were actually made in Brussels. It was important to make the real situation known so that all the legislation arising from decisions made in Brussels could be considered on its merits. The speaker hoped that the proposals made by Mr. Bachy would be accepted though a text clearly stating the principles to be followed would have to be adopted one day.

Mr. Paul Masson, Member of the Senate European Communities Delegation, gave what he thought was a typical example of the situation which had just been described. This was the agreement concluded between five countries - the Benelux countries, West Germany and France - concerning the elimination of border controls, known as the Schengen accord. This accord had resulted from a purely inter-governmental approach and parliamentarians had only been informed subsequently. Only the previous Sunday they had learned that from the following 15th December, they would have to settle what the communique called the ratification formalities. However, the accord meant that the rules concerning drug trafficking, the right to political asylum and extradition would be standardised in the five countries without parliamentarians being consulted, even though they were responsible for national rights. This was a perfect illustration of the lack of democracy. It was time to resist, by refusing ratification for instance.

Luxembourg

Mrs. Erna Hennicot-Schoepges, President of the Chamber of Deputies, first pointed out that the Schengen accord did not have the same status as a treaty. She also reminded the meeting that the Council of Europe had expressed concern about this matter. In fact, the problem was in the methods of political co-operation, which put everything in the hands of civil servants.

The Luxembourg Chamber of Deputies had not constituted a special committee for European affairs but Parliament obviously discussed these matters, which were also dealt with by the competent committees. Before summits, the Minister of Foreign Affairs informed the committees and the Parliament. The deputies had recently visited the Commission in Brussels and had had a wide exchange of views with the President, Mr. Delors, and the Vice President, Mr. Bangemann; they had also invited the Luxembourg Commissioner to appear before the Chamber of Deputies. The speaker added that at the Luxembourg Parliament all regulations without exception first went before the working committee, comprising the President of the Chamber and political party representatives.

Should a new body be created to represent national parliaments at European level? Mrs. Hennicot-Schoepges was not in favour: rather than

creating yet another body, it would be better to make those which existed operate correctly. An exchange of views at inter-parliamentary level would also be salutary.

West Germany

Mr. Alwin Brück, Chairman of the European Affairs Sub-committee of the Bundestag Foreign Affairs Committee informed the meeting that at that very moment a debate was taking place in the Bundestag on Chancellor Kohl's trip to Poland and on the events in East Germany. Recent events had produced a very emotional response. The disappearance of the wall, the joy of reconciliations in Berlin had moved the whole world but had also given rise to some worries. For his part, Mr. Brück agreed with a recent editorial in the Italian communist newspaper *Unita*: "These exciting days mark a transformation of the history not only of a people but of a continent". The people were playing the principal part and their goal was the democratisation of East Germany. We should remember what President Kennedy had said: "Ich bin ein Berliner". The disappearance of the wall had been possible as a result of Hungary's and Poland's attitudes to the people who had wished to leave East Germany; it had also been encouraged by the change in the Soviet Union and the abolition of the Brezhnev doctrine by Mr. Gorbachev. West Germany had been lucky to receive democracy after the war; East Germany had just won it and it was symbolic that this had occurred in 1989, the bicentennial of the French Revolution.

Responding to the concerns expressed by Germany's friends, Mr. Brück stressed that the right to self-determination was indivisible and that the Foreign Minister had been right to declare "We are all entitled to rejoice, freedom has won". It was up to us to continue the construction of Europe. Indeed, the unity of Germany was only conceivable in a united Europe, which had to be constructed in a democratic framework. However, it was worrying to observe the "deparliamentarisation" and "dedemocratisation" of the Community, where transfers of competence had resulted in the reduction of the political influence and powers of control of national parliaments. However, these powers had not been given to the European Parliament. Its powers should therefore be increased while using national parliaments' possibilities for control as far as possible.

In the Bundestag, proposals made by the Commission in Brussels were examined by the members, who could invite the government to adopt a particular position at the Council of Ministers. However, this invitation was not restrictive. Finally, Community decisions were being issued so quickly that national parliaments no longer had the time to study them in advance. This had been the case, for instance, for residence rights in the Community. The initial proposals had been examined by the Bundestag but major changes had then been made which it had been unable to consider. In other cases, parliamentarians hesitated to take a position on particularly delicate subjects, such as the tax harmonisation measures proposed by the Commission. The legislature could not continue to depend solely on the Council of Ministers. Since it was unclear how national parliaments could exercise competence, it was essential for the competence of the European Parliament to be increased. The Germans were strongly in favour of this.

In conclusion, the speaker quoted an extract from a recent article in the Observer, which said that the best thing which Western Europe could do for East Europeans was to extend the construction of the Community, which would act as a magnet.

The Chairman thanked Mr. Brück and associated himself with the emotion and joy of the German people during the current events. He stressed that there was an even greater need to construct Europe.

The session was suspended at 12.50pm and resumed at 3.30pm.

Ireland

Mr. Dan Wallace, Member of the Dail, congratulated Mr. Fabius for having organised a conference where the representatives of national parliamentary committees could discuss together in a convivial atmosphere. He pointed out that the importance of the meeting was due to the importance of 1992 during which the single market should be completed.

To deal with European affairs, the Irish Parliament had a special body, the Joint Committee on the Secondary Legislation of the European Communities, on which representatives from both chambers sat. This committee pronounced on the texts of Community institutions and on laws which Ireland adopted under the obligations which it had accepted by joining the European Community in 1973. Since this date, the Irish Parliament had recognised that Community standards prevailed over national legislation. The Joint Committee was designed to influence Community legislation in fields where the Irish Parliament had abandoned some of its prerogatives and to ensure the compliance of Irish laws with Community standards. It had met Commissioners and senior civil servants from the Community. It also maintained close relations with the European Parliament.

Mr. Wallace welcomed Mr. Fabius's proposal to organise regular meetings of representatives from European affairs committees and he thanked the President of the French National Assembly for having taken the initiative of holding the conference to reinforce the fabric of Europe.

The Chairman acknowledged with satisfaction the Irish delegation's approval of Mr. Fabius's suggestion.

Italy

Mr. Giovanni Malagodi, Chairman of the Senate European Community Affairs Committee, reminded the meeting that the Italian people had long been interested in Europe and he hoped that the representatives of the executives would not disappoint his hopes in their forthcoming meetings. Italy was the country of Mr. Altero Spinelli, who had written a draft constitution for Europe; this draft had remained a dead letter but it could act as a reference for the construction of the European

Union. True, there were several obstacles to drafting a Community constitution and the Italians understood Mr. Delors when he recommended not moving too fast. If, as they hoped, a European federation could be constituted, it would be formed by states separated by different histories and traditions. The inter-governmental conference on economic and monetary union, which the forthcoming meeting of the European Council would have to decide to summon, would have to examine this question. Once the union had been achieved, it would not be surprising if central European countries moved closer to the Community.

The European Parliament had a chamber representing the people but it did not have a chamber of states. The Community's Council of Ministers acted both as the government and the senate. This situation could not last. The Commission's powers had to be specified and the relations between the chamber and senate of the future European Parliament would have to be more clearly defined, as would the relations between the Parliament and national chambers. Indeed, national parliaments would have even more work, given that they would have to take account of the other members of the Community. The situation presented that morning by the Danish representative showed that it was sometimes a good thing to come from a country whose government was supported by a minority. The problem of relations between states and parliament had been solved by the United States through the institution of the Senate but this had taken some time. The problem had not really been solved in West Germany because of the limited powers of the Bundesrat. In Italy it had still not been solved: the regions did not have the responsibilities which they should have.

With respect to the two parliamentary chambers, there were two important acts, the Fabri Act and the La Pergola Act, concerning relations between the government and the chambers but the system did not operate very well. The La Pergola Act, which would be applied in the spring, instituted the principle of an annual debate to organise the transposition of Community directives. For very important directives, there should be a single vote and debate; directives which were slightly less important could be transposed by legislative delegations of powers granted to the government; finally, the least important directives could be settled not by laws but by regulations.

The question of the lack of democracy, which had often been raised, was very complex. A Danish representative had spoken of democratic excess - the parliament dominated the government - and a governmental shortcoming. In France, the contrary tended to be true: governmental excess

and a democratic shortcoming. Italy was between the two: the law obliged the government to keep parliament informed and, if it did not do so, the parliament had a duty to protest. All directives were the conclusion of numerous discussions involving the Community Commission, various bodies, the Council of Ministers, national governments; at the end of the day, parliament still had the right to give its opinion. Where was the lack of democracy? According to the speaker, a more precise direction had to be taken which would not endanger democracy. Parliamentary committees could collaborate with each other and with their counterparts in other countries; in fact, committees often quite enjoyed travelling (smiles). The parliament maintained official relations with the European Commission but had none with the Council of Ministers and the European Council. Relations with public opinion were slight though they were improving with economic circles. The fact was that there was not enough public debate. It was time to break this silence. At the European Council meeting in December, the revolution occurring in Eastern Europe and its consequences for the Community would certainly have to be discussed. The French government had done the right thing in summoning an extraordinary Council meeting. The main question was whether the current concept of the Community should be maintained or whether another direction should be taken. The speaker concluded by declaring "We are at the crossroads".

Mr. Ugo Crescenzi, Member of the Chamber of Deputies Foreign and Community Affairs Committee, told the meeting that European Parliament documents were examined by different Chamber of Deputies committees. In addition, the Chamber and its committees could hear the ministers representing Italy on the Council. The Foreign Affairs Committee played a dominant part; in fact, it had become more specialised to deal with European affairs, which was why its name had been changed to the Foreign and Community Affairs Committee. However, the committees retained their competence with respect to the transposition of directives. The Social Affairs Committee had formed an ad hoc committee of its members for Community problems and the Agriculture Committee had done the same thing.

The two acts mentioned by the previous speaker would improve procedures: during what might be called the ascending phase, Parliament could

participate in governmental decision-making; during the descending phase, it would have a say in the application of decisions made in Brussels. But information would have to be improved and the directive transposition system would have to be simplified. A major change in the internal regulations of the chamber was currently being discussed; it was based on three proposals: the creation of an ad hoc committee, an annual parliamentary session to examine Community law, liaison between the Italian Parliament and Community institutions.

The speaker reminded the meeting of the Italian Parliament's political commitment to European Union. So far, it had been the only parliament to follow up two requests from the European Parliament: one concerning the latter's constituent power, which the Italian people had approved in a referendum, and the other on the passive voting right for all Community citizens. The previous day Parliament had also voted unanimously in favour of a resolution for the institutional reinforcement and the social dimension of the Community. The speaker added that the chamber had a Community and international relations department which supplied all necessary information on the work of the European Parliament.

Netherlands

Mr. Joost P. van Iersel, Deputy Chairman of the European Affairs Committee of the Second Chamber of the States General, observed that Europe was experiencing a turning point in its history and he offered his congratulations to Germany and the Germans.

The first inter-parliamentary conference of European affairs committees should try to develop a well structured system. Mr. Delors had been right to declare before the European Parliament that this parliament and, even more so, national parliaments were responsible for the process of European integration. Many parliamentary delegations were complaining that they were not sufficiently consulted. In the Netherlands, developments had been positive since 1986, when the President of the Commission had visited. Everyone wished to extend his knowledge of Europe before the key date of 1992.

The Second Chamber's European Affairs Committee included only members of the national parliament. The addition of Members of the European

Parliament had been envisaged but this idea had been abandoned because the committee had to have the same number of members as the other parliamentary committees. Also, steps had been taken to ensure that the committee was not formed solely by supporters of Europe. This had been a success and representatives of the media and other sectors of activity now tended to consider matters from a more European angle.

The committee had three essential tasks. First, it was designed to increase awareness of the reality of Europe, which was why each act and regulation was now accompanied by an appendix stating the situation in other European countries. The committee also encouraged the government to consider the Dutch economic situation in comparison with the situation in the Community. Finally, to catch up the delay which had been observed in the application of European directives, it had been decided that the government would report to Parliament every four months.

The committee also maintained relations with other national parliaments. If the chamber refused to debate an important matter concerning Europe, the committee itself could examine the question. In the past, contacts with the government had not been very satisfactory. The government now had to report every six weeks.

A French delegate had regretted that his country's parliament had not been consulted over the Schengen accord. In the Netherlands, the committees concerned had been duly consulted and their observations had been taken into account during the negotiation of the accord.

In short, parliaments should ensure that Community directives were correctly transposed into national legislation. Many shortcomings still existed. Efforts to improve and modernise the information given to committees should also be pursued. Finally, contacts should be increased between national parliaments, as Mr. Fabius had recommended, in order to exchange experiences, reconcile objectives and, if possible, take common positions. Why not envisage, for instance, a meeting between the economic and financial committees of the different parliaments?

The creation of a European Senate proposed by Mr. Poher should be considered sympathetically but all in good time. In the immediate term, the two essential objectives were the extension of the European Parliament's powers and the regular organisation of conferences like the one currently taking place.

The political and economic development of the Community had largely contributed to a happy development in Eastern Europe. To ensure the stability of the Community it was more necessary than ever to work together. Why not send a message to the European Council which was to meet on the following Saturday in Paris to stress that the Conference considered that the reinforcement of Europe constituted the best guarantee of the harmonious development of the European Community and the eastern part of the European continent?

The Chairman expressed his approval in principle of this suggestion: he had indeed intended to raise this question the following morning.

Portugal

Mrs. Helena de Melo Torres Marques, Deputy Chairwoman of the European Affairs Committee, informed the meeting that she was a member of the Socialist Party, currently in opposition, and would share her speaking time with her colleague, Mr. Rui Almeida Mendes, member of the government party.

She thanked Mr. Fabius for having organised a meeting which she had thought necessary. Indeed, she had found it strange that the European Community should suffer, as people said, from a lack of democracy while only democratic states were members; Portugal was particularly aware of this since it had had to wait to become democratic before becoming a member. She informed her German friends that Portugal welcomed the fall of the Berlin wall and the current changes in East Germany. Although Portugal had joined the EEC relatively recently, its Parliament had already adopted two acts concerning the Community. The first, introduced by a minority government and then amended once this government had won a majority, clearly showed that parliaments have more influence when governments do not have a majority. The second act obliged the Portuguese government to consult the Assembly for the der-

initiation of Community policy. The European Affairs Committee had organised a debate on the liberalisation of capital markets in 1993 and it was proposing to organise another one on the social dimension of the Community. Quite recently, the Socialist Party had made proposals concerning the meeting due to be held the following Saturday by the heads of state and government of the Community but since things were moving fast they might well be overtaken by events.

To improve democratic control and given that the Presidents of the Community, who succeeded each other every six months, each chose a particular theme for their presidency, this theme might be submitted for debate in the different national parliaments. The members of a European Parliament committee could also discuss issues with members of similar committees of the twelve national parliaments. A system of this type would only produce good results if the agendas of the joint meetings were sufficiently precise. The question of creating a European Senate should be examined very prudently; the Portuguese, for instance, only had a single chamber.

Mr. Rui Almeida Mendes, member of the European Affairs Committee, had little to add to his colleague's statements, which in his view covered the essential ground. He informed the meeting that even before Portugal had joined the Community the Portuguese Parliament had had a European Integration Committee, which had been replaced by the European Affairs Committee. He affirmed that in Portugal relations between the government and members of parliament were excellent and he congratulated the French National Assembly for taking an initiative which had been warmly welcomed by the various national parliaments. Everyone was suffering from the so-called lack of democracy in Europe, observing that business which had originally come under the competence of national parliaments had been transferred not to the European Parliament but to the Council of Ministers, i.e. the executive. Thus, the European Parliament had less competence than national parliaments; it did not have the legislative power; decisions were the province of the Council of Ministers, which was not obliged to take account of its views.

Under these conditions, it was important to reinforce the power of the European Parliament, unless a second chamber was created, as Mr. Pöcher

had suggested. The fact that national parliaments and the European Parliament were elected at different times led to the majorities being different. There was a contradiction of the same order between the right-wing majority on the Council of Ministers and the left-wing majority in the European Parliament. If there was a chamber representing national parliaments this drawback would be reduced. This new chamber should have widened powers, far beyond those of the current Economic and Social Committee. Each country should have an equal number of representatives in this chamber.

The Chairman expressed the fear that the Conference would not have time to examine the operation of this possible second chamber in more depth and he pointed out that it would be very difficult to hold elections for the European Parliament or even only the second chamber at the same time as national elections. He thought that a divergence was appearing between the supporters of a reinforcement of the powers of the existing European Parliament and those who preferred the creation of a second chamber.

United Kingdom

Mr. Nigel Spearing, Chairman of the House of Commons Select Committee on European Legislation, reminded the meeting of the political revolution which had occurred in Britain 300 years before. He pointed out that he did not feel competent to reply to Mr. Genton's questions on behalf of the British Parliament and could only speak on behalf of the Committee which he chaired.

This Committee had been constituted in 1974; it was formed by 16 members and its role was to examine all documents published by the Council of Ministers to identify those which were important enough to warrant debate. It published a weekly bulletin and, when necessary, additional reports.

It was informed of the reactions to its documents. It had competence, given by the House, to assist ministers and could also undertake enquiries.

According to an act passed in 1980, no British minister could give his agreement in Brussels without the matter concerned being brought to the Committee's attention and being debated. The objective was to exercise influence over governments upstream and downstream from decisions. The Committee examined about one thousand documents each year, of which about 300 were covered by reports; one hundred debates had taken place, of which a score or so had been held in the House. The Committee could interview former Commissioners and European Commission civil servants. It could make visits to Brussels and the other European capitals. The House had the power to arrange its timetable so that debates on European matters could be held at the appropriate time.

The Committee also concerned itself with future developments and was paying close attention to the current events in the East.

Lady Serota, Chairwoman of the House of Lords Select Committee on the European Communities, declared that the Committee had been created when Britain had joined the Community. Like the Commons Committee, its existence was based on the principle that the government should hear Parliament's point of view before any decision in Brussels. The work of the two Committees was complementary.

The Committee examined all projects and reported on important matters. Its scope was wide; it could study all the aspects of a project and not only the economic and institutional aspects; the conclusions of the general enquiries which it could conduct could be circulated, including in foreign countries. The Committee could hold hearings, visit Brussels, take advice from non-governmental organisations or consumers to gauge the impact of European Commission decisions. Two days previously, it had held a debate on a housing project and the previous day it had begun a discussion on relations between the Community and Japan.

The timetabling question was important for the examination of projects transmitted by Brussels: this had to begin at the right time, neither too early nor too late. However, it was often difficult to make a com-

plete report at the right time to influence the decision process. The President of the Commission could write to ministers before a Council meeting and the Commission now maintained closer relations with the London office of the European Commission.

In the previous few months, the Commission had studied a certain number of problems, particularly delegations of powers granted to the European Commission, "committology" and the participation of parliaments in control procedures and Lady Serota had been pleased to hear what her Italian colleague had said on this subject. With respect to the implications of the Single Act, the speaker stressed that the majority voting procedure on the Council of Ministers would reduce the influence of national parliaments; she also considered that the rotating presidency of the Community every six months put ministers under a little too much pressure and they did not always have time to seek the advice of parliamentarians. In this respect Lady Serota stressed the value of the Danish method. On behalf of the Committee she had written to Mr. Delors to express its concern about the modification made by Article 100-A of the Single Act to the Treaty of Rome.

So far, the European Council had concerned itself with discussions of general policy or solving major outstanding problems. However, it was increasingly taking initiatives, thus pre-empting action by the Commission. National parliaments were therefore no longer able to make their views known before decisions were made on important principles.

Lady Serota concluded by indicating that she would report to the Committee on the work of this Conference and she expressed her pleasure over the forthcoming visit to London in the following week by the French National Assembly Delegation.

The Chairman informed the meeting that the Bundesrat delegation, which had been unable to arrive before the end of the afternoon, would be heard the following morning.

The session was suspended at 5.05pm and resumed at 5.25pm.

The Chairman proposed that the Conference should begin by hearing from Mrs. Nicole Péry, Vice President of the European Parliament and then open a discussion which should enable the participants to agree fairly easily on a certain number of points, while others, on the contrary, appeared likely to lead to controversy; he was particularly thinking of the creation of a second chamber. However, he regretted that the speakers so far had not put more emphasis on the relations between European affairs committees and the European Parliament.

European Parliament

Mrs. Nicole Péry, Vice President of the European Parliament, thanked the President of the French National Assembly for making the Conference possible. The current meeting was not the first of its type and there were already relations between the European Parliament and the parliamentary bodies of Community member countries. For instance, a conference existed which was attended by the presidents of national parliaments and the President of the European Parliament and there were frequent official meetings between national parliamentary committees and the corresponding committees of the European Parliament and between national parliament and European Parliament members and officials. The European Parliament information offices also had an important liaison role.

However, all these arrangements were insufficient. Wouldn't it be possible to institutionalise relations between national parliaments and the European Parliament? Mrs. Pery was not very favourable towards Mr. Poher's suggestion of creating a European Senate because she did not think it appropriate to complicate a Community system which was already very complex in the eyes of the public. Time was short for constructing Europe and, at a time when we had to move forward, wouldn't it be dangerous to create a new chamber which might, one never knew, become a chamber of resistance?

In any event, as many people had said, there was a lack of democracy which had to be rectified. This shortcoming was certainly felt keenly by parliamentarians but also by citizens, who thought of Europe as a remote place where decisions were made by people with little understanding of the problems faced by ordinary people. Given that some of the competence of national parliaments had been transferred to the Council of Ministers, i.e. an unelected body, it was important to seek means of improving control of Council decisions. Perhaps the European Parliament could make more use of the weapon at its disposal, i.e. the right to dismiss the Commission. It was true that many people saw the Parliament merely as a consultative assembly, even though it now had a few more powers. In addition, national laws were already often marked with the Community seal: proposals should also be made in this area.

The European Parliament and national parliaments should be considered not as competitors but as complementary bodies which should add their powers together. In this respect, the European Parliament had adopted a resolution which was full of suggestions in February 1989. By uniting their efforts, European parliamentarians and national parliamentarians could successfully meet the challenges being faced by the Community: the internal challenge of 1993 and the external challenge of the expectations of the Third World and appeals for aid to East European countries. Simply defending traditional competences and seeking to slow down European construction would disappoint the expectations of the citizens of the twelve Community countries. The harmonisation of economic and monetary policies would inevitably lead to further transfers of competence. Looking ahead to 1993, solutions had to be discussed to enable European parliamentarians to transmit the wishes of national parliamentarians in the best possible way without failing in their role, which was to construct Europe.

Similarly, social Europe would only be constructed through the determination of parliamentarians. There was a common determination within the European Parliament to at least construct a minimum social Europe, while economic Europe would be constructed as a result of pressure from business and finance.

Mrs. Pery expressed her wish for a debate to be held in each national parliament on the reform of treaties and for their analyses to then be compared with the European Parliament's. This would advance dialogue between national and European parliamentarians. It was also important to dissipate the fears which some people had about 1993. The concerns of craftsmen, small businesses and underdeveloped regions had to be listened to carefully. Nor should national cultural traditions be ignored.

With respect to outside challenges, the first one was the appeal by the East. A majority of the European Parliament had indicated its desire to respond to this and offer financial and economic aid to countries like Poland and Hungary. However, the appeal for solidarity was now being combined, with the events in East Germany, with a political problem. For the European Parliament, the future of East Germany would be the future chosen by its inhabitants. In the west, we would have to extend Europe, including the political field. National parliaments would have to think about this too.

However, there was also the challenge posed by the future of Third World countries. Europe must not forget its commitment to helping them. This was a further reason for reinforcing the Community, for really creating a feeling of solidarity with no spirit of competition. Finally, Europe would have to be constructed in harmony with public opinion in each country if we really wanted to shape the face of Europe of tomorrow and even of the whole world. It was therefore important to think about the methods which would allow Europeans and their parliamentarians to work and understand each other better.

The Chairman did not ignore the importance of Mrs. Pery's conclusions but, as the Chairman, he thought that the debate should be organised on the basis of the subjects of the meeting and perhaps first the institutionalisation of relations between national parliaments and the European Parliament.

He informed the meeting that the draft conclusions which he was presenting were currently being distributed to the Conference participants.

DEBATE

Mrs. Renate Hellwig (Bundestag, Federal Republic of Germany), remarking that draft conclusions were already available, proposed an amendment which would specify that this document comprised only transitional measures. In fact, the European Parliament could not exercise direct control over the central power in the short term. Also, there was no need for a central government to do what a region could do and there was no need for a regional authority to do what a local authority could do. In other words, two principles should be established: democratic control and subsidiarity.

Mrs. Hellwig observed that the parliaments of eastern countries were winning new powers, while western parliaments were losing more and more influence. Wasn't this dangerous? She also reminded the meeting that the European Parliament had first been a collection of delegations from national parliaments, which was why it had been refused a right of control. She also drew attention to the problem of regional representation. She also considered that because of the multiplicity of bodies establishing European legislation responsibilities were being diluted and one might wonder where the people were represented.

When the Community had been born, the objective had been to implement a common political will. At the time, Germans had been extremely European and found that Europe was not being built fast enough. Currently, in the context of events in East Germany, the Germans might wish to give priority to national sentiments and Mrs. Hellwig feared a return to "every man for himself" in Western Europe. To those who feared the revival of German nationalism she replied that the best way of preventing this was advancing European union. An extension to the east could only occur through the European Parliament in collaboration with national parliaments.

The Chairman informed the meeting that the draft conclusions which had just been distributed were only an incomplete reflection of the day's debates.

Subsidiarity, a notion with which the public was not very familiar, was a fundamental principle. There was an increasing tendency for European institutions to intervene at regional or local level and this was irreconcilable with the type of decentralisation which had been carried out in France. Europe had to set limits on itself. Otherwise, there would be no European construction. It was important to explore the subject of subsidiarity in more depth so that the public would not perceive European power as intrusive, technocratic power.

Mr. Ivar Noergaard (Folketing, Denmark) declared that democracy was by definition the expression of the will of the people. Denmark, which was very favourable to Europe, nonetheless did not support useless institutions. The co-operation between Nordic countries had not required the creation of supranational bodies. The different parliaments and governments had been content to develop common legislation in different fields. The small countries in the Community feared being run by supranational bodies. They did not wish to depend on a central power which would prevent, in addition, providing aid to small countries in the east. A pragmatic approach was therefore needed. German militarism no longer existed and Germany should not have any complexes. It was pointless to go beyond certain limits in terms of integration. Finance Acts, for instance, could not be drafted at European level. What was needed was the creation in each parliament of bodies to control ministers' actions so that national parliaments would know in advance what they would be asked to ratify. However, an economic and monetary union would go too far.

It appeared difficult for the Conference to adopt a resolution unless it restricted itself to generalities which would have no impact on public opinion. It would be better if the Chairman expressed the methods envisaged to increase the importance of national parliaments in European construction at the following day's press conference. Also, the Conference participants could not bind their respective parliaments by a resolution.

Mr. W.G. van Velzen (First Chamber, Netherlands) stressed the need for further exploration of the notion of subsidiarity, which should not only be considered from the angle of centralisation and decentralisation but also in terms of its relationship to democracy. He was not convinced of the usefulness of a European Senate. What would be its structures and functions? It was difficult to say and the proposal was premature. The priority was the reinforcement of parliamentary control at the level of the European Parliament. Mrs. Hellwig had been right to underline the worries appearing in national parliaments. No doubt they were due to the importance of the questions arising at European and world level. Thus, in the year 2000, the environment would pose enormous problems. Immediate discussion of the instruments to attack these problems was needed.

The Netherlands was in favour of European union, not out of fear of Germany but because there was a whole series of problems which required a common position by European countries to solve them.

The Chairman pointed out that Mrs. Péry had not declared that she was in favour of the creation of a European Senate and that she had stressed the need to institutionalise relations between the European Parliament and national parliaments.

Mr. van Velzen stated that he was well aware that Mrs. Péry considered the creation of a European Senate as premature.

Mr. Giovanni Malagodi (Senate, Italy) considered that it would be difficult for the Conference to adopt draft conclusions. The draft presented would require consultation by the Italian delegation with its country's authorities.

Point 2 of the draft stated that the subjects debated would be "settled in common". That meant "decided in common". What about the rights of the opposition which was not necessarily represented?

The many consultation processes specified in point 3 would undoubtedly lead to some interesting trips but would lead to terrible confusion. For Italy, they would imply a very delicate modification of the parliamentary rules.

In the paragraph concerning the development of new procedures for co-operation, it was not clear which stage of the discussion was being referred to. Currently, half-way through the creation of a project, the Community institutions made their intentions known and parliamentarians could discuss them, which was important. The question of the possible creation of a Senate was absorbing but it could not be discussed in enough detail to come to a decision. In fact, the question of subsidiarity was even more important. Finally, Mr. Malagodi approved of the suggestion which had been made to send a message to the heads of state and government who were due to meet in two days time: the terms of this message still had to be decided on.

In short, the meeting could only outline an initial approach to the problems and it was impossible to come to conclusions. Extended discussions were indispensable. Rather than drawing up a detailed document, it would be better to say that everyone was in agreement that relations should be developed between national parliaments and the European Parliament.

The Chairman replied that it had never been his intention to ask his colleagues to pronounce that evening on any text whatsoever. He proposed to outline slightly more detailed conclusions the following morning if the conversations in the corridors which might take place in the meantime gave the impression that the Conference could agree on some essential points. Otherwise, it would be easy to explain that it was difficult to go further at an initial meeting.

Lady Serota (House of Lords, United Kingdom) declared that she largely shared Mr. Malagodi's concerns. In her view, the discussion had gone far beyond the limits which should have been imposed. She had not received a mandate to take part in the debate on the draft conclusions which had been distributed. She also thought that subsidiarity would be an ideal subject for debate at a future meeting.

Mr. Alwin Bruck (Bundestag, Federal Republic of Germany) said that he was convinced that national parliaments would not be satisfied if the Conference tried to replace the European Parliament, even if in close co-operation with it. Indeed, such a project would meet insurmountable technical difficulties.

If one was seeking to reduce the lack of democracy which was being suffered in Europe, one should remember that not all the disagreements over the solutions for the problems which existed had a national origin. There were political groups but not national groups at the European Parliament. It should also be remembered that some questions could be settled at local, regional or national level. This would take more account of the multiplicity of cultures which was the wealth of Europe. However, there were questions, like the fight against pollution, which could only be settled at European level. It was important for the European Parliament to settle this kind of question; it was up to it to legislate on behalf of all the citizens of Europe. Small countries were certainly better protected in the Parliament than elsewhere.

The Chairman declared that everyone had learned a lot during the day and that everyone had shown that they were united in their attachment to democracy. He would therefore stress this theme the following day, rather than raising the question of more or less Europe.

Indeed, the Conference participants would meet each other again at the Senate reception and they would be able to continue exchanging views, particularly on the question of the message to be sent to the heads of state and government.

The meeting was closed at 6.35pm.

APPENDIX TO THE MINUTES OF THE SESSION
OF THURSDAY 16TH NOVEMBER 1989

DRAFT CONCLUSIONS

presented by Mr. Charles Josselin, Chairman of the
National Assembly European Communities Delegation

The parliamentary European affairs committees met for the first time in Paris, at the invitation of Mr. Laurent Fabius and in accordance with the conclusions of the Madrid Conference on 20th May 1989, under the chairmanship of Messrs Charles Josselin and Jacques Genton, Chairmen of the National Assembly and Senate European Communities Delegations.

Anxious to further increase the involvement of national parliaments in the democratic control of European construction, they adopted the following conclusions:

1) The European affairs committees decide to improve their reciprocal information through the systematic exchange of the texts which they adopt, the communication of all useful information on their activities and the development of their mutual relations.

2) In the same spirit, they will meet, in principle every six months, in the country holding the presidency of the Community to discuss major topical subjects in the Community; settled in common, the subjects debated will lead to conclusions by the Conference of European affairs

committees of the parliaments of the twelve member states and of the European Parliament; each body will be responsible for reporting to its assembly on the debates and the conclusions adopted.

3) They have agreed to intensify dialogue between national parliaments and the European Parliament at the different stages of development of Community decisions;

- for this purpose, they wish the national parliamentary bodies of the twelve member states to involve Members of the European Parliament in their work, particularly by hearing its committee rapporteurs;

- they also wished national parliaments to be involved in the work of European Parliament committees to improve knowledge of each party's position and to encourage the achievement of compromises;

- they consider that the development of these new co-operation procedures on precise drafts of Community documents will make a useful contribution to the deliberations of Community institutions and of national parliaments, in particular during the introduction of Community texts into national law.

4) In order to improve the integration of the Community dimension in the work of national parliaments, the European affairs committees suggest that a "European question time" should be regularly organised within each member state parliament and the European Parliament.

5) The European affairs committees consider it desirable for a debate to be organised in member state parliaments on the occasion of each European Council meeting.

All these initiatives would undoubtedly contribute to a reinforcement of the democratic dimension of Europe in the future.

SESSION OF 17TH NOVEMBER 1989

The session opened at 10.15am under the chairmanship of Mr. Jacques Genton, Chairman of the Senate European Communities Delegation (France).

DEBATE (continued)

Mr. Ottokar Hahn, Member of the Bundesrat European Affairs Committee (Federal Republic of Germany), stated that the Bundesrat was the legislative body of the Länder, which were entitled to speak on European matters which came under their competence and then participated in negotiations in Brussels. This was a good example of the federal model in the Community and federalist elements similar to those of the Federal Republic of Germany could be included in the European Constitution.

Mr. Francesco Tagliamonte (Senate, Italy) considered it useful and fair for the committees represented at the Conference to discuss the most effective way of performing their task. It would be even more useful for national parliaments to take a greater interest in European affairs and the most immediate objective should be to seek the best procedures for European affairs committees and sub-committees to obtain wider participation by parliaments. Was it certain that they were really interested in playing an active part in the creation and control of Community rules? Were the laws which had instituted the committees fully implemented?

The previous day, the idea that a lack of democracy existed in the Community system had been expressed. The Italian delegation wished the democratic model to be applied completely with some corrections related to the idea of subsidiarity. Could this be achieved without changing the Treaty of Rome, the Treaty of Paris and the Single Act? No. Discussion was therefore needed on how co-operation efforts could be made to achieve profound changes in the short term.

In the untiring march towards the institution of a real Community, the European Parliament was associated with the legislative process but its powers in this field should be increased.

One sometimes observed a certain nostalgia for the time when the European Parliament had not been elected by universal suffrage because national parliaments were able to monitor events in the Community more closely. However, were they all organised to express the desires of the grass roots in Strasbourg? From the start, delegations of powers had been granted and parliaments had often turned a blind eye to what governments were doing. The action taken to upgrade the role of national parliaments should not give rise to a desire to return to times past. However, this might well be the case if Community procedures were made more cumbersome.

On the eve of the European Council meeting in Strasbourg, it was not possible to open a general policy debate. However, it was an appropriate time to state the need to retrieve a certain level of democracy at Community level and to give a more important place to national parliaments in the development of decisions.

Mrs. Nicole Péry (European Parliament) expressed a wish for the Conference to reiterate the proposals adopted by the European Parliament on closer co-operation between it and national parliaments. The resolution set out the various possible forms of co-operation. Indeed, all the Members of the European Parliament were anxious to work more closely with national parliaments.

It had been decided at the Madrid conference that the same topic should be debated at regular intervals in national parliaments and the European Parliament. Mrs. Péry proposed that representatives from national parliaments and the European Parliament should meet every six months to take stock of the questions under examination.

Mr. Alwin Brück (Bundestag, Federal Republic of Germany) underlined that it would be useful for the European affairs committees of national parliaments and the European Parliament to meet once a year to discuss important problems like social Europe or residence rights. However, one must be prudent and realise that it was difficult to go into detail

during these meetings. At the Bundestag, some German Members of the European Parliament could participate, without the right to vote, in the work of the sub-committee. However, this raised numerous practical difficulties, if only to find dates to suit everyone. The necessary competence should therefore be given to the European Parliament to make Community decisions.

Mrs. Huberte Hanquet (Senate, Belgium) observed that the two essential questions which the Conference should discuss were, first, the message to be sent to the Council and, secondly, the co-operation between national parliaments and the European Parliament, which raised the underlying question of their respective roles. One should refrain from posing this question in terms of rivalries since the fates of the European institution and national parliaments were linked. Attempts should be made to define practical measures which could be taken in terms of national parliaments. One should also be conscious of the transitional nature of these measures.

Mr. Giovanni Malagodi (Senate, Italy) expressed his agreement with most of the observations made by the German delegate.

He reminded the meeting that the previous day he had underlined the disadvantages of an excessive amount of travelling. However, a lack of democracy existed although a great deal of democracy already existed. But how could the European Parliament be given the power to make decisions without creating a Senate? Currently, the ministers of the different states fulfilled this role. This was a problem which should be explored further. A reduction in the lack of democracy was necessary but one could not prejudge the methods to be used to achieve this. The Italian Parliament had made a suggestion to ask the Community countries to appoint delegates to study this question.

Mr. J. Verbeek (First Chamber, Netherlands), indicated that if the Conference concluded its proceedings with a declaration, it should include a certain number of indispensable elements: in the first place, allusion should be made to the Council meeting to be held the following day; secondly, the indispensable reinforcement of the powers of the European Parliament should be stressed; thirdly, the need to enhance the role of national parliaments to reduce the lack of democracy should be mentioned.

Finally, the resolution should underline that it was indispensable to accelerate European integration by implementing everything involved in the Single Act. This was a need required by the world situation and the speed with which events were moving in Eastern Europe. Indeed, one might fear that the existing institutions would be incapable of reacting appropriately to the changes taking place.

For the Dutch delegation, there was no doubt that Europe had to be supranational, with a strong parliament.

Mr. Rui Almeida Mendes (Assembly of the Republic, Portugal) thought that the two days' proceedings had been very useful and he was convinced that the exercise should be repeated. In his view, it should be held every six months in the country holding the six-month Community presidency. Some people considered that parliamentarians already travelled too much. Yet they were obliged to travel within their country and their country was now the Europe of the twelve. When they pronounced on a question affecting the whole of the Community, they had to take account of the interests of all Europeans. Indeed, this was the reason why the heads of state and government had felt the need to reinforce their co-operation and had decided to hold Council meetings, which had not been provided for in the Treaty of Rome. Parliamentarians should follow their example.

While the powers of the European Parliament should be reinforced the powers of national parliaments should also be reinforced; it was an error to believe that both could not be done at the same time. To reinforce the powers of the European Parliament, it should be given the right to initiate legislation instead of the Commission.

In conclusion, Mr. Almeida Mendes expressed the hope that the meeting would lead to the unanimous adoption of a motion. He was well aware that some people were realistic and others were more ambitious and that the construction of Europe was a lengthy process. In his view, one should not aim too high to avoid the risk of missing the target.

Mr. Ivar Nergaard (Folketing, Denmark) continued to believe that since there were few points of agreement between the Conference participants it would be better to avoid voting on a resolution rather than adopting one which would inevitably be the lowest common denominator. The Dan-

ish delegation was not prepared to accept everything which Mr. Verbeek wished to introduce. In contrast, it considered that further meetings like the current one would be very useful and could be held every six months, just before Council meetings. If the Irish decided to invite committee representatives to meet in Ireland, the Danes would certainly attend and, when it was their turn, they would invite their colleagues to Denmark. For the construction of Europe, time should not be spent on drafting resolutions; it would be better to ensure that national parliaments translated Community decisions into national legislation without delay. This was what the Danish Folketing was doing. Increasing the powers of the European Parliament would undoubtedly not be very effective given that the assembly worked slowly and was very divided. It already exercised control over the Commission; perhaps it should improve the management of the Commission and the dependent administration.

Since a press conference was to be held, the Conference participants could mandate the Chairman to state that they had debated important subjects and that they intended to institutionalise the conference, which would be held every six months. Perhaps a resolution might be adopted one day at a future meeting but, for the time being, this was premature.

Mrs. Renate Hellwig (Bundestag, Federal Republic of Germany), was convinced that there was a majority view and thought, on the contrary, that the Conference could express the majority opinion by formulating a declaration based on the conclusions drafted by Mr. Josselin. Leaving aside the measures which were perhaps too complex, the Conference could state that it had agreed to intensify dialogue between national parliaments and the European Parliament, specifying that European Parliament committees could meet once a year with delegations from national parliaments to discuss European integration in very precise areas. By combining points 4) and 5) of the draft conclusions, the Conference could state that it hoped that debates on Community affairs would be organised in national parliaments before discussions began in the European Parliament. Finally, one could express the wish that more account would be taken of the requirements of democracy and the principle of subsidiarity.

Mr. Lorenzo Gianotti (Senate, Italy) thought that the meeting should attempt to arrive at conclusions. He wondered whether the best way of achieving this might be to examine the new conclusions which Mr. Josselin had promised the previous day to present to the Conference.

Mr. Dan Wallace (Dail Eireann, Ireland) declared that he was in favour of a short communiqué which would stress the need to remedy the lack of democracy from which Europe was suffering. The communiqué would state that the Conference had been very useful but that time was needed for things to develop. With respect to the forthcoming meeting, Mr. Wallace could unfortunately not commit himself because of the current parliamentary situation in his country.

Mr. Paul Masson (Senate, France) pointed out that the Conference did not have any powers to make decisions. Personally, he had not received any such mandate and he was only expressing his personal opinion. He thought that the meeting had turned out to be useful because it had made it possible to compare opinions and the methods used and efforts had to be made to harmonise the latter a little.

Mr. Masson concluded that he did not see which political considerations could lead to a vote by people who were only representing themselves.

Mr. Sébastien de Raet (House of Representatives, Belgium) thought that it would be most useful to agree to stress one point: efficiency in the construction of Europe. It had been said that a strong parliament was needed for an integrated Europe: this was true. The Belgian House of Representatives Advisory Committee was very interested in meetings like the current one. He hoped that these meetings would become regular and be linked to Council meetings so that parliamentarians could also consider matters to be dealt with by the Council. The speaker was very impressed by what Mrs. Hellwig had said the previous day.

The Chairman asked Mr. Josselin to summarise the debates.

Mr. Charles Josselin (National Assembly, France) first observed that this was the first meeting of men and women who did not know each other well or not at all; on the next occasion, everyone would be more aware of each other's positions on European construction.

This meeting had been a success as a result of the presence of numerous representatives and the diversity and value of their contributions and Mr. Josselin was not surprised that there had been difficulties over the way in which conclusions could be drawn. There were at least two points on which everyone agreed. First, irrespective of one's ideas on the current and future role of the Community in the economic, social and cultural life of the inhabitants of European countries, the Community was already involved and Community standards had an influence on national legislation. Secondly, irrespective of the differences between the European affairs committees created by national parliaments, they were pursuing the same objective: enabling national parliaments and, through them, peoples, to be more closely associated with the European legislative process and control of its implementation. Everyone present had recognised that the results were insufficient and that there remained the danger of a technocratic deviation in Europe. In terms of its competence and operating procedures, the European Parliament was unable to ensure the essential balance of power.

Europe was moving forward but too remotely from its citizens. Except for its budgetary powers, the European Parliament had only limited powers, with the legislative powers remaining with the Council. Member state parliaments, apart from the Danish Folketing, the British Parliament and the Bundesrat of the Federal Republic of Germany, only had a slight influence on governments in European affairs. The information supplied to them was insufficient and generally they only discovered European standards after the event.

Control of the executive, which had not been sufficiently discussed due to lack of time, suffered from the same constraints. Member state representatives on the Council were answerable to their respective parliaments but in practice they reported insufficiently on the positions which they had defended and the compromises which they had accepted. Democratic control, the sovereignty of the people and the balance of power were insufficiently integrated in the Community's institutional system. The democratic process required that each party should intervene at the most appropriate level and this involved an emphasis on the principle of subsidiarity, of which several representatives had spoken. This should be one of the main points of joint discussions.

The current situation was not really satisfying and progress was needed to increase the participation of the people's representatives in national parliaments and the European Parliament. The most effective solution would be to intensify control by parliamentary institutions and to develop co-operation between assemblies.

Mr. Josselin specified that these points were personal to Mr. Genton and himself but he hoped that other delegations would approve of them.

The Single Act had marked a small step in the increase of the European Parliament's powers of control. Further progress should be made along this road and on 25th October in Strasbourg President Mitterrand had spoken of the reinforcement of the co-operation procedure and the possible appointment, one day, of the President of the Commission by the European Parliament. However, in the short term, the latter would not really have the legislative power and the Council would not be answerable to it. It was therefore largely up to member state parliaments to ensure democratic control, pending the increase in the European Parliament's powers. Nearly all the assemblies in the EEC had created special committees and the others would undoubtedly follow. These committees were of different types and had different powers but also had features in common: they worked upstream from European decisions and since their members were "generalists" they tended to take an overall view of European policy.

It was therefore useful for these organisations to meet. How often? Every six months appeared desirable since in a way this would correspond to the speed of Europe. This meeting would be held at the invitation of the country holding the presidency of the Council. The agenda might be chosen by a troika which would represent the country which had just held the presidency, the country currently holding the presidency and the country which would hold the presidency during the following six months. Continuity would therefore be assured. If, as was desirable, these six-monthly meetings were institutionalised, it should be understood that they would offer the opportunity for an overall debate of the subjects chosen but without the obligation of reaching common conclusions. If this was possible, so much the better but no obligation for results could be imposed.

Between these meetings, exchanges of information had to be arranged between the different parliaments, particularly with respect to the texts which they adopted and the positions which they took on the Commission's proposals.

It was useful for the European Parliament to be aware of the positions of national parliaments before it made decisions. It was also useful for national parliaments to be aware of the advice of the European Parliament during the introduction of Community standards into national legislation. Finally, without excessively increasing travel, it seemed necessary to involve national parliaments in the work of the European Parliament, which was actually to make proposals on this subject. This was an important question because all too often the average parliamentarian was ill-informed and did not attach enough importance to decisions made at European level. He was quite surprised when one of these decisions had unexpected consequences on the life of his constituency. One could consider that a debate on Europe in each national parliament on the occasion of European summits would be very useful, if only through its impact on public opinion. The French Parliament was considering the introduction of such a debate in its proceedings. The proposals being worked on included the idea of a "European question time". A similar idea was already operating in Belgium and the Netherlands. This provided better parliamentary control over ministers responsible for European affairs.

In Madrid, the principle of an annual meeting between the twelve national parliaments had been accepted, at which a subject of general interest chosen in common would be discussed.

At the press conference, the Chairman intended to talk about the intensification of exchanges, collaboration between parliaments and the establishment of a six-monthly meeting of European affairs committees. He would also mention the points of agreement which had appeared during this Conference, with the nuances which had been observed. Finally, he would indicate the initiatives which the French Parliament intended to take.

It was difficult not to refer to the special meeting of heads of state due to take place the following day because of its proximity. Some people were using the events which had taken place in the East as a argument for the acceleration of European construction. Others were more reserved. However, one might consider that unanimous agreement existed on the need for Europe to play its part in the essential co-operation with Eastern countries. In this respect, Mr. Josselin proposed a text which could be drafted as follows:

"The European affairs committees of the member state parliaments welcome the dramatic progress of democracy on our continent.

They support the initiatives of President François Mitterrand, sitting President of the European Council, to enable the European Community to play a full part in the necessary development of co-operation with Eastern European countries."

Mr. Josselin then asked the meeting if his conclusions corresponded to what had been said during the Conference.

Mr. Paul Masson (Senate, France) requested a suspension to allow the Conference participants to confer on Mr. Josselin's proposals.

Mr. Nigel Spearing (House of Commons, United Kingdom) wished to obtain, before the suspension which he also thought would be useful, an assurance that the various points included in either a communiqué or a message would be discussed separately. He specified that the British delegation unreservedly approved of the Conference's intention of meeting again and of the spirit of the declaration which had been made on the intensification of co-operation between national parliaments and the European Parliament. However, the British delegation wanted the message to be sent to heads of state and government to be quite distinct from the Conference conclusions.

Mr. Charles Josselin gave Mr. Spearing the assurance requested.

The session was suspended at 11.55am and resumed at 12.25pm.

Mr. Charles Josselin (National Assembly, France) explained that two distinct texts would be submitted to the Conference, the first referring to the two points on which the participants had agreed, i.e. the intensification of co-operation and six-monthly meetings, and the second dealing with a matter not included on the agenda but which had to be dealt with for topical reasons, i.e. the events in Eastern Europe and the meeting of heads of state and government. As requested by Mr. Spearing, the second text would not appear as a conclusion of the Conference proceedings but as a result of an initiative by the French presidency which had met with widespread approval.

The Chairman read the draft conclusions:

"The European affairs committees of the Community member states' parliaments and representatives from the European Parliament met for the first time in Paris, at the invitation of Mr. Laurent Fabius and in accordance with the conclusions of the Madrid Conference on 20th May 1989, under the chairmanship of Messrs Charles Josselin and Jacques Genton, Chairmen of the National Assembly and Senate European Communities Delegation.

Anxious to further increase the involvement of national parliaments in the democratic control of European construction, they adopted the following conclusions:

- 1) The European affairs committees decide to improve their reciprocal information through the systematic exchange of the texts which they adopt, the communication of all useful information on their activities and the development of their mutual relations.
- 2) In the same spirit, they will meet, in principle every six months, in the country holding the presidency of the Community to discuss major topical subjects in the Community."

Mr. Giovanni Malagodi (Senate, Italy) proposed to specify "at the end of each half-year" in point 2.

Mr. Charles Josselin (National Assembly, France) replied that there had been objections that it was currently difficult to specify this.

Mr. Nigel Spearing (House of Commons, United Kingdom), congratulated Mr. Josselin on this text, which excellently summarised the unanimous feelings of the Conference participants. He proposed to add the following wording at the end of point 2: "related to their respective competence".

Mr. Giovanni Malagodi (Senate, Italy) opposed this amendment, because one could not run the risk of one country's parliamentary body blocking the work of the other eleven. If necessary, Mr. Spearing could be accompanied by representatives from his parliament's foreign affairs committee.

Mr. Alwin Brück (Bundestag, Federal Republic of Germany) requested clarification of the meaning of the proposed amendment.

Mr. Nigel Spearing (House of Commons, United Kingdom) replied that East-West relations, trade matters and other problems had been discussed. He would always be happy to participate in these discussions but if they led to conclusions his delegation would not be able to sign them because they did not come within the mandate given to his committee by the House of Commons. He replied to Mr. Malagodi that he would have to be accompanied not only by representatives from the Foreign Affairs Committee but also representatives from several other committees. This would not be possible.

Mr. Charles Josselin (National Assembly, France) asked Mr. Malagodi to accept a compromise: the reference to major topics would be retained and the phrase "in accordance with their respective competence" would be added.

Mr. Giovanni Malagodi (Senate, Italy) proposed the following alternative wording: "and to decide on such in accordance with their respective competence".

Mr. Alwin Brück (Bundestag, Federal Republic of Germany) observed that these were simply procedural rules. Since political opinions were involved, all parliamentarians were competent to express them.

Mr. Nigel Spearing (House of Commons, United Kingdom) accepted Mr. Malagodi's amendment, which responded to his concern.

The amended conclusions were adopted.

Mr. Charles Josselin (National Assembly, France) read the message to the heads of state and government who were due to meet in Paris on the following 18th November:

"On the eve of the meeting of heads of state and government, organised at the initiative of the sitting President of the Community Council, the parliamentary European affairs committees reaffirm their desire to see Europe play its full part in the process of political and economic democratisation embarked upon in East European countries and in the indispensable co-operation with these countries."

Mr. Rui Almeida Mendes (Assembly of the Republic, Portugal) requested that the following wording should be inserted before the verb "reaffirm": "and representatives from the European Parliament, meeting for the first time in Paris". He also believed that solely the term "process of democratisation" should be used or else the word "social" should be added, since free trades unions were also being created in East European countries.

Mr. Charles Josselin (National Assembly, France) agreed to the first amendment and preferred that the words "political and economic" should be deleted.

Mr. Giovanni Malagodi (Senate, Italy) was more in favour of adding the word "social".

Mr. Charles Josselin (National Assembly, France) considered that the words "process of democratisation" covered these different aspects.

Mr. Alwin Brück (Bundestag, Federal Republic of Germany) approved of praising the French for their initiative though he did not wish to keep at too far a distance.

Mr. Nigel Spearing (House of Commons, United Kingdom), for reasons relating to the specific rules of the British Parliament, requested that the message should be sent by the Conference Chairman, who would declare that he had received very widespread support from the delegations. However, the British delegation could not be bound personally by the message. This was a question of form.

Mr. Charles Josselin (National Assembly, France) well understood this distinction between form and content. He proposed that the two French chairmen send the sitting President of the European Community a message which had been widely approved by the delegations present. This message would be drafted as follows:

"On the eve of the meeting of heads of state and government, organised at the initiative of the sitting President of the Council of Ministers, the parliamentary European affairs committees and representatives from the European Parliament, meeting for the first time in Paris on 16th and 17th November 1989, reaffirm their desire to see Europe play its full part in the process of democratisation embarked upon in East European countries and in the indispensable co-operation with these coun-

The Chairman recorded the agreement of the Conference on this text.

Mr. Charles Josselin (National Assembly, France) informed the meeting that his summary report had been printed and that the French draft was available. It would be translated subsequently.

The meeting had been very satisfactory: mutual awareness preceded solidarity, which could then be expressed more fully.

The Chairman fully shared this point of view.

The session was closed at 1pm.