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on relations between the European Parliament and national parliaments
(2013/2185(INI))

Committee on Constitutional Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on relations between the European Parliament and national parliaments (2013/2185(INI))

The European Parliament,

- having regard to the Treaty on European Union (TEU), in particular the preamble thereto and Articles 4(3) (sincere cooperation between the Union and Member States), 5 (conferral of competences and subsidiarity), 10(1) (representative democracy), 10(2) (representation of EU citizens) and 12 (role of national parliaments) thereto,
- having regard to Protocol No 1 on the role of national parliaments in the European Union, in particular the preamble thereto and Title II, on interparliamentary cooperation, thereof, and to Protocol No 2 on the application of the principles of subsidiary and proportionality, attached to the TEU and the Treaty on the Functioning of the European Union (TFEU),
- having regard to its resolutions of 22 May 1997 on relations between the European Parliament and the national parliaments¹, 7 February 2002 on relations between the European Parliament and the national parliaments in European integration² and 7 May 2009 on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon³,
- having regard to report A7-0056/2014 of 28 January 2014 on EU Regulatory Fitness and Subsidiarity and Proportionality - 19th report on Better Lawmaking covering the year 2011,
- having regard to the final recommendations of 20 December 2011 of the steering group on relations with national parliaments under the Lisbon Treaty,
- having regard to the Commission's annual reports on relations between the European Commission and national parliaments, in particular the report for 2012⁴,
- having regard to the conclusions adopted by the Conference of Speakers of the National Parliaments of the EU (EU Speakers' Conference) at the meetings it has held since the entry into force of the Lisbon Treaty⁵, in particular those held in Warsaw and Nicosia,
- having regard to the contributions to and conclusions of the meetings of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) since the entry into force of the Lisbon Treaty, in particular the meeting of

¹ Texts adopted, T4 -0319/1997.

² Texts adopted, P5_TA(2002)0058.

³ Texts adopted, P6_TA(2009)0388.

⁴ COM(2013) 0565.

⁵ <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do>.

- the L COSAC in Vilnius, and to COSAC's biannual reports¹,
- having regard to COSAC's 20th biannual report, in particular the sections on democratic legitimacy in the EU and the role of parliaments and on political dialogue and the European elections in 2014,
 - having regard to the contribution from national parliaments to the meeting of COSAC Chairpersons held at the Greek Parliament in Athens on 26 and 27 January 2014,
 - having regard to the guidelines on interparliamentary cooperation adopted by the EU Speakers' Conference at its meeting of 21 July 2008 in Lisbon,
 - having regard to the conclusions of the Interparliamentary Conferences for the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) of 9 and 10 September 2012 in Paphos (Cyprus), 24 to 26 March 2013 in Dublin (Ireland) and 4 to 6 September 2013 in Vilnius (Lithuania) and those of the Interparliamentary Conference on Economic and Financial Governance of the EU held under Article 13 of the Treaty on Stability, Coordination and Governance (TSCG) on 16 and 17 October 2013 in Vilnius (Lithuania),
 - having regard to its resolutions of 12 December 2013 on constitutional problems of a multitier governance in the European Union² and on relations between the European Parliament and the institutions representing the national governments³,
 - having regard to the report entitled 'Towards a genuine economic and monetary union', presented on 5 December 2012 by Presidents Van Rompuy, Juncker, Barroso and Draghi,
 - having regard to the conclusions of the European Council meetings of 13 and 14 December 2012, 24 and 25 October 2013 and 19 and 20 December 2013,
 - having regard to the report of the Committee on Constitutional Affairs on implementation of the Treaty of Lisbon with respect to the European Parliament (2013/2130(INI))⁴, adopted on ... February 2014,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0000/2014),
- A. whereas, in accordance with the TEU, the European Union's current institutional set-up must be viewed as a stage in the process of creating an ever closer union that was begun when the European Communities were set up;
- B. whereas under the principle of sincere cooperation the Union and national institutions assist each other, in full mutual respect, in carrying out tasks which flow from the

¹ <http://www.cosac.eu/>.

² Texts adopted, P7_TA(2013)0598.

³ Texts adopted, P7_TA(2013)0599.

- Treaties and whereas the latter institutions facilitate the achievement of the Union's tasks and refrain from any measures that could jeopardise the attainment of the Union's objectives;
- C. whereas Article 12 of the TEU, covering the activities of national parliaments, fleshes out the principle of sincere cooperation by stating that the national parliaments should contribute actively to the good functioning of the Union;
 - D. whereas the principle of conferral circumscribes the competences of the Union, which are exercised in accordance with the principles of subsidiarity and proportionality, and whereas the national parliaments seek to ensure that draft legislative acts comply with the subsidiarity principle;
 - E. whereas democratic legitimacy and accountability must be ensured at the level at which decisions are taken and implemented;
 - F. whereas the Union operates on the basis of representative democracy and a two-fold democratic legitimacy stemming from the European Parliament and the Member States, as represented in the Council by their governments, which are in turn democratically accountable to their national parliaments and citizens;
 - G. whereas the European Parliament and the national parliaments are, in their respective spheres, the pillars of the Union's two-fold legitimacy, the former as the institution in which EU citizens are directly represented and the latter as the national institutions to which the governments represented in the Council are directly accountable;
 - H. whereas, accordingly, the national parliaments taken together do not form a 'third chamber' in the EU's constitutional set-up, but instead serve to make the Union's second chamber, the Council, more democratic;
 - I. whereas the national parliaments' competences in connection with the subsidiarity principle are viewed by most of those parliaments more as a means of engaging in 'political dialogue' with the European institutions than as a formal legal means of blocking legislation;
 - L. whereas this approach on the part of national parliaments should be turned to good account by also taking proper notice of national parliament opinions dealing with matters other than compliance with the subsidiarity principle;
 - M. whereas, furthermore, it is important for each national parliament, or each chamber thereof, to forge closer links – in particular in connection with the early warning mechanism – with regional parliaments that have legislative powers;
 - N. whereas the inclusion of national parliaments in a European parliamentary system needs to be properly regulated with a view to building a Union that is ever more integrated, democratic, transparent and close to the people;
 - O. whereas interparliamentary cooperation can play an essential role in driving the European integration process forward by allowing exchanges of information, a joint

examination of issues, mutually beneficial dialogue and smoother transposition of EU legislation into national law;

- P. whereas, what is more, at the current stage in the integration process, although they do not have a direct legislative role at Union level, the national parliaments have their own special role to play in bolstering ‘European awareness’ in the Member States and bringing citizens closer to the EU;
- Q. whereas following the establishment of the Interparliamentary Conference for the CFSP and the CSDP and the Interparliamentary Conference on Economic and Financial Governance, as well as the consolidation of interparliamentary committee meetings’ position as the preferred channel for cooperation, COSAC should focus on its role of making periodic reviews of the general state of the integration process;
- R. whereas the European Parliament should be more closely involved in the ‘political dialogue’ – in particular the enhanced version engaged in as part of the European semester for economic policy coordination – the Commission has established with national parliaments, above all in view of the interdependence between European Parliament and national parliament decisions;
- S. whereas although the national parliaments’ role and contribution are clear under the new institutional set-up stemming from the Lisbon Treaty, the new provisions have been implemented in the absence of a clear overall institutional vision;
- T. whereas this is due in part to the fact that the role of the EU Speakers’ Conference as a political driving force in interparliamentary relations still needs to be more clearly defined and placed on a more formal institutional footing;
- U. whereas, almost five years after the entry into force of the Lisbon Treaty, with a view to future Conventions, relations between the European Parliament and the national parliaments now need be consolidated and properly organised in order to avoid duplication and to help to give greater democratic legitimacy to the European integration process, as well as to ensure that democratic scrutiny is exercised in a timely manner and at the level at which decisions are taken and implemented and that everyone all parties in the legislative process receive the information they require;

I. National parliaments and the Union’s democratic legitimacy

- 1. Welcomes the Treaty provisions giving national parliaments a range of rights and duties allowing them to contribute actively to the good functioning of the Union; sees these rights and duties as covering:
 - (a) active involvement in EU law-making (Treaty ratification powers, participation in Conventions under Article 48 of the TEU, scrutiny of national governments, scrutiny of subsidiarity, ability to oppose legislation under exceptional circumstances, transposition of EU legislation into national law);
 - (b) political dialogue (multitier interparliamentary cooperation, mutual exchange of information with European institutions, in particular the European Parliament);

2. Points out the two-fold legitimacy of the Union, as a union of peoples and of states, is embodied, in the EU legislative process, by the European Parliament and the Council; believes that, if the Member States are to be represented in a unitary, fully democratic manner in the EU, the stances taken by national governments in the Council must reflect the views of their national parliaments; stresses that, by guiding and scrutinising the work of their governments, national parliaments help to make the Council more democratic;
3. Calls, to this end, for national parliaments to
 - (a) improve their guidance and scrutiny procedures, with a view to achieving greater consistency,
 - (b) provide ministers and national governments with prior guidance on their work within the Council,
 - (c) scrutinise the stances taken by ministers and national governments within the Council, and
 - (d) play an effective role in providing guidance on and scrutinising the implementation of directives and regulations,and for Council deliberations on legislative acts to be made more transparent;
4. Deplores, accordingly, the lack of transparency of such deliberations and of balance in the flow of information between the European Parliament and the Council; calls on the Council to apply the same standards of transparency as Parliament, in particular during the drafting of legislative acts;
5. Believes that the lack of transparency of Council deliberations on legislative acts prevents governments from being genuinely accountable to their national parliaments;
6. Notes that only two ‘yellow cards’ - and no ‘orange cards’ at all – have been shown in the subsidiarity scrutiny process to date, and points out that the purpose of the early warning mechanism is not to block the European decision-making process but to improve the quality of EU legislation;
7. Takes the view, therefore, that subsidiarity compliance monitoring by national parliaments and European institutions should be seen not as a restriction but as a very necessary duty, in that it helps to mould the form and substance of EU legislation to the needs of EU citizens;
8. Believes that the early warning mechanism should be viewed and used as a key means of ensuring proactive cooperation between European and national institutions;
9. Welcomes the fact that this mechanism is in practice being used as a channel for consultation and cooperative dialogue between the various institutions in the EU’s multitier system;
10. Believes, given that subsidiarity scrutiny is a dynamic process, reasoned opinions

delivered by national parliaments should be viewed by the institutions not least as an opportunity to gain a clearer picture of how best to achieve the objectives set for legislative acts, and calls on the Commission to reply promptly and fully to reasoned opinions and contributions sent in by national parliaments;

II. Interparliamentary relations and the European integration process

11. Reiterates that EU interparliamentary cooperation does not take the place of the normal parliamentary scrutiny that the European Parliament exercises in accordance with the competences conferred on it by the Treaties and the national parliaments exercise over their governments' EU-related activities; believes that its aim is to:
 - (a) foster the exchange of information and best practice between national parliaments and the European Parliament, with a view to enabling all of the parliaments to exert more effective scrutiny and contribute more fully, without undermining their respective competences;
 - (b) ensure that parliaments are able to exercise their powers in EU matters to the full;
 - (c) foster the emergence of a genuinely European parliamentary and political culture;
 - (d) promote cooperation with the parliaments of non-EU countries;
12. Views interparliamentary meetings as places where EU policies and national policies come together and feed off each other, to the benefit of both; believes that a key function of such meetings is to allow national parliaments to take account of the European perspective in national debates, and the European Parliament to take account of the national perspective in European debates; reiterates that the aim of such cooperation is not to form a new joint parliamentary body for inclusion in the Union's current decision-making set-up, as this would be both ineffective and undemocratic and unconstitutional;
13. Draws attention the fact that the novel European interparliamentary system that is in the process of taking shape is in need of a legal framework and of more formal procedures, to be established jointly with the national parliaments, in order to move forward with the process of 'parliamentarising' the European Union and consolidate the multitier parliamentary system;
14. Points out that such cooperation cannot be separated from the aim of contributing 'actively to the good functioning of the Union' and that interparliamentary meetings and cooperation arrangements therefore need to be better coordinated in order to enhance their effectiveness and quality, as well as the contribution they make to the integration process;
15. Believes that the development of formal interparliamentary conferences should be based on common ground rules which make allowance for the special features of each type of conference;
16. Calls, with a view to avoiding duplication, cutting costs and increasing effectiveness,

for greater internal and external coordination between the programme put forward by the parliament of the Member State holding the Council Presidency and the work programmes of the European Parliament's committees;

17. Draws attention to the need for the EU Speakers' Conference to lend greater political impetus to and shape interparliamentary cooperation, in keeping with the remit for each conference and meeting;
18. Points out, furthermore, that interparliamentary committee meetings are more effective and calls for closer cooperation between rapporteurs on specific legislative issues;
19. Believes that, not least in the light of the new interparliamentary conferences on the CFSP/CSDP and economic and financial governance, COSAC should take on a more specialist role as, primarily, a forum for discussion of the state of the Union;
20. Welcomes the role being played by IPEX, above all as a platform for the exchange of information on parliamentary scrutiny procedures, despite the language-related difficulties that can arise; calls, with a view to making the 'dialogue' between parliaments as effective as possible, for national parliaments to pay particular attention to the principle of multilingualism;
21. Stresses that interparliamentary cooperation must be open and inclusive and voices its concern about restricted interparliamentary meetings, to which some parliaments are not invited, being organised without proper consultation in order to adopt positions on EU affairs which are not consensus-based; points out that this practice is contrary to the spirit and letter of the Treaties, as is interparliamentary cooperation conducted at administrative level;
22. Notes that the 'political dialogue' (set up under the Barroso Initiative in 2006) and the early warning mechanism are two sides of the same coin; notes the development of wide-ranging relations between national parliaments and the Commission and the establishment of 'enhanced political dialogue' as part of the European semester for economic policy coordination; resolves to keep a close eye on relations between the Commission and national parliaments;
23. Calls for a careful appraisal to be made of relations between the Commission and national parliaments and calls, in accordance with the spirit of the Treaties, for the European Parliament to be more closely involved in those relations;

III. Developments and proposals

24. Proposes that an interparliamentary agreement should be concluded between the national parliaments and the European Parliament, to form the basis for organised, efficient cooperation pursuant to Article 9 of Protocol No 1 to the Lisbon Treaty and Rule 130 of its own rules of procedure and to cover, inter alia:
 - (a) the basic features of interparliamentary cooperation;
 - (b) common ground rules;

- (c) the European issues, both general and sector-specific, that are of shared interest;
 - (d) exchanges of information, documents and best practice;
 - (e) reciprocal arrangements facilitating interparliamentary relations;
25. Calls for regular, effective meetings between political groups and European political parties to be held as part of the arrangements for EU interparliamentary cooperation;
 26. Notes the changes made to its Rules of Procedure in order to take account of the Lisbon Treaty provisions on the role of national parliaments in the EU;
 27. Suggests that a budget line be created in order to provide support for appropriate and effective interparliamentary cooperation at committee and rapporteur level on specific legislative issues;
 28. Stresses that interparliamentary cooperation must seek at all times to bring the right people together at the right time to address the right issues, in order to ensure that the decisions taken in the various areas of responsibility benefit from the ‘added value’ brought by dialogue and debate;
 29. Believes that COSAC should serve primarily as a forum for in-depth discussion of the state of the Union, with a view to the gradual integration of the peoples and states of Europe;
 30. Proposes that COSAC should also take a detailed look at difficulties experienced by national parliaments in exercising the prerogatives conferred on them by the Lisbon Treaty;
 31. Calls for the conferences on the CFSP/CSDP and economic and financial government to continue;
 32. Calls for arrangements ensuring effective interparliamentary cooperation on Eurojust and Europol to be introduced;
 33. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.

EXPLANATORY MEMORANDUM

This report seeks to focus attention on a key aspect of the journey towards greater EU integration, the undeniable need to forge new links between the citizens and Europe. What can be done by the institutions to achieve this? The European institutions must be taken to include the parliaments of the EU Member States as part of a 'European parliamentary system' and they could indeed be described as having not only a national, but also an EU dimension, their role being to ensure a fully democratic Council, which could be regarded as the EU's second chamber, as well as 'bringing citizens closer to Europe'.

In its bid to address concerns regarding alleged 'democratic deficit' in the EU and assure itself of stalwart allies in its mission to raise European awareness, the European Parliament has been devoting particular attention to the role of the national parliaments. A few days after the entry into force of the Lisbon Treaty, a Steering Group on relations with the national Parliaments was set up. The EP has already considered the question on three separate occasions in the past, resulting in the Neyts-Uyttebroeck report in 1997, the Napolitano report in 2002 and the Brok report in 2009. During the current electoral term, numerous COSAC meetings have also been devoted to the role of national parliaments. The questionnaire drawn up for the 21st biannual report to be tabled at the next COSAC meeting in Athens in June 2014 contains a section specifically devoted to cooperation between the national parliaments and the European Parliament.

In the wider context of relations between the EP and the national parliaments, this report has been drawn up at a time of crisis when Europe is regarded with distrust by its citizens. Greater 'Europeanization' of the national parliaments therefore appears to be a matter of urgency.

This gives rise to the basic question of the extent to which the Lisbon Treaty is being implemented as regards the role of the national parliaments, what needs to be corrected, what more needs to be done and, above all, how the national parliaments should be orchestrated at European institutional level.

The idea of a 'European parliamentary system' appears feasible in the light of the introduction to Article 12 TEU, which states that '*national parliaments contribute actively to the good functioning of the Union*', not to mention Protocol (No 1), which recognises an active role for the national parliaments in the European integration process, indicating that the High Contracting Parties are seeking to '*encourage greater involvement of national parliaments in the activities of the European Union*'. Naturally the role attributed to the national parliaments in this context greatly depends on what is meant by European integration. If, as stated in Article 1 TEU, current EU legal instruments simply define a 'stage' in the current process rather than a goal that has been achieved, the active role played by the national parliaments should be perceived as a contribution to the process of '*creating an ever closer union among the peoples of Europe*' (Article 1 TEU). If, in addition, EU construction is regarded as a grand political project essential to '*promote peace, its values and the well-being of its peoples*' (Article 3, TEU), then it is not misplaced to speak of the need for a European dimension to all parliamentary activities. At the same time, the relationship between the European Parliament and national parliaments must be one of collaboration rather than competition or opposition.

In its famous judgment of 30 June 2009, opening the way to ratification by Germany of the Lisbon Treaty, the German Constitutional Court ruled that the Member States permanently remain '*the masters of the Treaties*'. This is a reasonable point of view. However, if national parliaments are required to have a European dimension, their contribution to national sovereignty with the adoption of new treaties as a necessary step along the path leading to integration requires involvement over and above their unaltered powers in the context of ratification. This means that they must be represented at the Convention referred to in Article 48 TEU, giving them the specific right to prior notification of any applications for accession to the Union.

However, these changes to the original powers of the Member State parliaments as national assemblies referred to in Article 12(d) and (e) TEU would not appear to make them into European assemblies in the broadest sense. Conversely, the preamble to Protocol (No 1) clearly identifies two tasks allocated to the national parliaments within the EU context: to scrutinise their governments and express their views.

Verification of whether and how the first principle is being put into practice is of major importance for what is already emerging as an EU bicameral structure, with the EP representing the people, alongside the Council, a collegial body representing the Member States. However, if the Member States are to be represented in their unitary and democratic colours, the positions adopted by the governments must reflect the views of their parliaments, which must accordingly liaise with the ministers concerned before and after each Council meeting. This is not only an internal requirement of the individual Member States, but also a condition for the creation of a genuinely European dimension. It must therefore be stressed once again that the national parliaments do not constitute a third chamber within the European constitutional structure but bestow upon the second chamber, the Council, its democratic credentials.

However, the national parliaments would appear to be endowed with a degree of self-determination, with direct legal effect in verifying compliance with the principles of subsidiarity. At the same time, this may be interpreted not as an instrument of restraint or restriction, albeit subject to the numerous conditions set out in Protocol (No 2), but rather as an opportunity for fruitful and active collaboration, even if this is in an advisory rather than decision-making capacity. On closer reflection, it becomes clear that subsidiarity is in fact the essence of the EU and not a restriction. The EU exists because Member States alone are unable to achieve the objectives of peace and prosperity set out in Article 2 TEU. In this spirit, 'reasoned opinions' should perhaps be regarded not as negative indications of what the EU must not do, but rather as positive suggestions as to what it must do.

In the context of what is referred to as an 'advisory function' but what could possibly be more accurately defined as 'political dialogue', the relationship between the EP and the national parliaments is particularly close and should perhaps be regulated in greater detail, the basic philosophy being enhancement of the EP's political and legislative activity rather than the development of alternative or additional decision-making powers. This is the spirit behind interparliamentary cooperation referred to in Article 12(f) and set out in greater detail in Protocol (No 1), in particular Articles 9 and 10 thereof.

The number of interparliamentary conferences has progressively increased at both plenary and

committee level. The principal new development has been the holding of regular meetings devoted to common foreign and security policy and economic and financial governance under Article 13 of the TSCG Fiscal Compact, while the idea of a regular interparliamentary conference on the monitoring of Europol has already been launched.

Such plethora of meetings makes it necessary to simplify proceedings in order to avoid duplication and produce concrete results. It is therefore reasonable to ask what, if any, are the residual functions of COSAC. Meetings on a specific subject would appear preferable, in that they are always useful for facilitating mutual understanding between legislators and exchanges of ideas on good parliamentary practice. However, effective cooperation, as called for in Article 2 of Protocol (No 1), requires a great deal more. It is necessary to issue opinions on specific legislative proposals or political choices, for which purpose committees, with their enhanced democratic credentials could vouch for greater depth and breadth of pre-legislative deliberation and would thus appear to be the preferred option.

Article 9 of Protocol (No 1) TEU seeks to achieve this through 'interparliamentary cooperation', while Article 130 of the EP Rules of Procedure, as suitably amended, expressly provides for this. It is this as yet unimplemented provision of the Lisbon Treaty that must be considered during the next electoral term.

The next biannual report to be tabled to COSAC in June will concern the future of COSAC itself. The conferences on CFSP/CSDP and on economic and financial governance are proceeding well. However, it would be a mistake to imagine that COSAC therefore no longer serves any purpose. If the EU in its current form is not a goal that has been achieved, but a stage towards integration, regular progress checks must be carried out by the appropriate body and COSAC should be considered as the suitable forum for discussion of the state of the Union.

It is also necessary to appreciate the significance behind the increasingly intensive and institutional contacts between the EP and the national parliaments. Clearly, the resulting exchange of information is enabling the national parliaments to provide the EP with sounder evaluations and the EP to adopt decisions on the basis of broad consensus, which ought to make it easier for European provisions to be transposed into national law rapidly and effectively by the national parliaments. However, another purpose of this intense data networking is to ensure 'European mainstreaming' within the national parliaments as a form of 'reverse subsidiarity', European awareness being achieved much more effectively by the national parliaments than by the European Parliament. With the approach of the next European elections, which could prove to be decisive for the future of the EU, the message imparted by national politicians to their constituents will have a major impact. In view of this, the formation of truly European political parties is of the essence.