



Secretary General  
Mr Anders Forsberg  
Sveriges Riksdag  
SE -100 12 Stockholm

**Secretary General of the  
Danish Parliament**

Christiansborg  
DK-1240 Copenhagen K

Tel. +45 33 37 55 00  
Fax +45 33 32 85 36

[www.ft.dk](http://www.ft.dk)  
[ft@ft.dk](mailto:ft@ft.dk)

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1 December 2009

Dear Anders,

I hereby forward my comments and contributions to your note of 13 November 2009 – Preparing for Lisbon, Inter-parliamentary Cooperation. I look forward to our meeting 7 December 2009.

**1. Means and procedures for intensified exchange of information and effective scrutiny of EU matters, especially in the monitoring of the principle of subsidiarity**

**1.1. Identifying draft legislative acts with possible subsidiarity problems**

As early as possible in the process, it is very important to establish an overview of legislative proposals which national Parliaments might regard as controversial in relation to the principle of subsidiarity.

**Proposal: A list of important proposals**

On the basis of the Commission's Work Programme, forwarded in October/November, the national Parliaments can inform each other and the European Parliament about draft legislative acts which might give rise to problems in relation to the principle of subsidiarity. IPEX or the COSAC Secretariat draws up a list of the "most important" i.e. those which are looked upon as possibly problematic by national parliaments. – This procedure is already being used by COSAC in which forum the list mentioned was used in determining the proposals which were to be examined by national parliaments and debated in COSAC.

The list can serve as a tool for national Parliaments in determining the procedure in the Parliaments and as a guideline for the inter-parliamentary cooperation.

#### Proposal: Overview of national parliaments' access to documents

The national parliaments have different means of being informed about the EU draft legislative acts and have different means of access to documents which are used in the process of adoption. Some national parliaments have access to COREPER documents and Council data bases, other Parliaments do not have such possibilities. The needs of national Parliaments to obtain information (and the timing of this information) are different but it might be useful to have an overview of Parliaments' access to information and the possibility of sharing this information.

#### 1.2. Cooperation within IPEX and national parliaments' representatives in Brussels.

At the Speakers' Conference held in Paris in February 2009, the Speakers underlined the necessity of strengthening cooperation between national parliaments through the use of IPEX and invited national Parliaments to publish summaries, in English or French, and other languages, of their most important positions and opinions concerning subsidiarity.

In the same conclusions the Speakers encouraged Parliaments or Chambers which raise a possible problem concerning subsidiarity, to exchange information on the way to proceed as quickly as possible, and in any way before the eight-week period elapses.

The Speakers also encouraged an informal exchange of information by means of the representatives of national parliaments to the EU

#### Proposal: Early warning

As soon as possible within the eight-week period and preferably within 6 weeks from the start of the eight-week period, the national Parliaments upload IPEX and inform other Parliaments and the representatives in Brussels about possible problems with a draft legislative act in relation to the principle of subsidiarity.

By means of IPEX and information from their respective parliaments, national parliaments' representatives in Brussels exchange information and identify proposals giving rise to problems in national parliaments.

Parliaments having problems with a draft legislative act decide the means of cooperation. If a significant number of parliaments or chambers have identified problems they can address a common letter to the President of the Commission (and the Presidents of the European Parliament and the Council) as mentioned in the conclusions of the Speakers' Conference held in Paris in 2009.

Parliaments may also decide other means and procedures of cooperation, and it might be helpful to elaborate models for a closer cooperation in specific matters. Parliaments would then be able to rely on a set of procedural options instead of wasting time in reinventing the wheel. This might include meetings in COSAC and - with the consent of the European Parliament – Joint Parliamentary and Joint Committee Meetings.

In cases in which reasoned opinions on a draft legislative act represent more than half of the parliaments/chambers and the Commission decides to maintain the proposal, a meeting of national parliaments may be convened.

### 1.3. Draft legislative acts being changed in the process.

There is a special problem when draft legislative acts are changed during the process of adoption. Often proposals are changed significantly during the negotiations between Council and the European Parliament and a proposal giving no cause for concern in national Parliaments in relation to subsidiarity can change in this respect if a new element is introduced during the negotiation of the draft proposal. Example: The Telecom Package.

This problem is being more acute when – as we see today – about 80% of the legislation is decided in first reading agreements between the Council and the European Parliament. More information from the European Parliament could be very useful.

### Proposal: Using the Barroso-initiative/political dialogue

A solution to this problem could be that national Parliaments having problems with an amended proposal on the grounds of subsidiarity could send – alone or together with other national Parliaments – an opinion to the Commission (and the European Parliament and the Council) according to the Barroso-initiative/political dialogue. If forwarded after the 8 weeks, this opinion will have no implications in relation to the yellow or orange card but might influence the deliberations in the EU institutions.

## **2. Means and procedures for effective coordination of inter-parliamentary meetings and other activities**

The Danish Parliament is in favour of provisions of a more general nature on inter-parliamentary meetings could be included in a revised EU IPC Guidelines annex.

## **3. The future role of the Conference of Speakers of the European Union Parliaments**

The Danish Parliament finds that the role of the Speakers' Conference primarily is what is being done at present: Making provision for the cooperation between national Parliaments and taking part in the decisions with the European

Parliament and the Commission concerning parliamentary cooperation. This is in accordance the formulation in the EU IPC Guidelines, that Speakers shall oversee the coordination of inter-parliamentary EU activities.

According to the Lisbon Treaty Protocol No 1, Art 9, inter-parliamentary cooperation shall be determined by the European Parliament and national parliaments.

Today the inter-parliamentary cooperation mainly consists of Joint Parliamentary Meetings, Joint Committee Meetings and meetings with committees of national parliaments arranged by committees in the European Parliament. Cooperation between Parliaments also takes place in the Speakers' Conference, COSAC and at meetings between specialised committees in the Parliament holding the Presidency.

The Danish Parliament finds that the form of the Joint Parliamentary Meetings is in need of being revised. What is needed is a more concrete exchange of opinions on specific proposals before they are adopted by the EU institutions, and this can be better dealt with in Joint Committee Meeting or in networks of specialised committees. Also tele conferences with European Parliament rapporteurs will be useful.

It will also be possible, as mentioned in Protocol No 1, Art.10, that COSAC organises inter-parliamentary conferences on specific topics, and in this way promote exchange of information between national Parliaments and the European Parliament, including their special committees.

The Danish Parliament is in favour of the Speakers' Conference being organised by the Parliament in the country which holds the Presidency of the Council.

#### **4. Monitoring in the Area of Freedom, Security and Justice**

The Danish Parliament supports the Swedish proposal.

#### **5. The Continued Process**

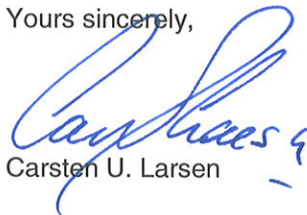
The Danish Parliaments supports the recommendation of the Swedish Parliament on an open process of deliberations in coordination by the EUSC Presidency.

#### **6. Cooperation with the European Commission**

The Danish Parliament finds the proposed practical arrangements for the operation of the subsidiary control mechanism very useful.

The weekly recapitulative list of documents that is going to be sent from the Commission to national Parliaments might, however, become even more useful if it contains information about reasoned opinions received from national Parliaments during the preceding week.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Carsten U. Larsen', with a stylized flourish at the end.

Carsten U. Larsen