

## **Sir William Cash's COSAC speech on democratic control of EU Agencies**

*[Check against delivery]*

This debate has as its focus the democratic control of European agencies and therefore raises the question of the extent of engagement by the national Parliaments. This control is seriously deficient. The problem is symptomatic of the democratic deficit problem which affects the EU as a whole. I do not believe that it is possible, despite all the talk about complementarity and cooperation, to have two governments and two Parliaments covering the same subject matter and I expect that the people of the UK are going to confront this issue and make a decision. I hope, personally, that they will decide in favour of the UK Parliament reasserting sovereignty, but of course with political cooperation and trade with Europe. In fact I am introducing a Bill in the House of Commons tomorrow concerning all this, which has strong support.

In the UK, we believe that our Westminster Parliament is, as David Cameron said in his Bloomberg speech, the root of our democracy. People fought and died for this democracy over many generations. In my exchange yesterday with Prime Minister Renzi, I said that I agreed with reform but that the existence of the *acquis* (which we must remember was voluntarily given to the EU by us, the national parliaments) is ultimately dependent on its continuing acceptance by national voters – and whether it works for them. The law is not an end to itself – it depends on trust, consent and acceptance. The trust has gone. We therefore, as I said to Mr Renzi, must resolve this by a radical redesigning of the treaties to regain that trust and to return the fundamental democracy which resides in the national Parliaments, whilst recognising European Parliamentary involvement. If we do not, the fault lies with us as national parliamentarians.

This agencies issue is an example. There are 32 agencies, which is far too many, and some of them have immense influence, even effective control. The 2012 common approach to decentralised agencies bypasses accountability of these agencies by national parliaments – instead the focus is merely on the production of an annual report. It is

also critical that there are improved cost efficiencies in agency spending, which in 2013 amounted to 775 million euros.

With respect to the fundamental rights agency, the UK insists that the collapse of the EU pillar structure has not extended the mandate of the agency. Furthermore at the time of the Lisbon Treaty in the UK, both the Labour Government and the Conservatives rejected the Charter of Fundamental Rights, but the European Court of Justice has now ruled that it is applicable to the UK, with immense consequences for our judicial system. My European Scrutiny Committee has proposed that the UK should pass an Act of Parliament excluding that Charter of Fundamental Rights from our judicial system.

Turning to Europol, the House of Commons has insisted that Article 9 of Protocol 1 to the EU Treaties on the role of national parliaments demonstrates that it is not for the European Parliament unilaterally to decide how national parliaments should ensure political oversight of Europol. Trilogue negotiations are ongoing on the proposal to reform Europol and it is understood that discussions on parliamentary scrutiny provisions will commence next week. It is important that Council adopt a strong position in these discussions and I would therefore urge colleagues to raise this with their government ministers. Any attempt by the EU institutions to prescribe and impose a new model of scrutiny on national parliaments must be resisted.

Turning now to Eurojust, there is a current proposal to strengthen this agency and to accommodate the European Public Prosecutor, which might take over much of the Eurojust jurisdiction, but the European Public Prosecutor was confirmed by the Commission despite a clear Yellow Card, which passed the threshold of national Parliaments. As this proposal currently stands, the President of the Eurojust College would only be required to appear before the European Parliament, not national parliaments.

It is disturbing that in the response by national Parliaments to the Biannual report, 22 out of 38 of the parliaments/chambers stated that they had never carried out an overall consideration of the role, the functions, and the accountability mechanisms of the EU agencies or any specific agency. Surely this is a staggering omission, for which we as

national Parliaments can only be held to blame. You may understand therefore why we believe, in the UK, that the accountability must be demanded. Certainly 14 chambers understood the importance of control in their responses, but the situation remains profoundly unsatisfactory, because the agencies are simply not, despite their funding, effectively controlled. In my judgement this is a typical example of the dysfunctionality of the EU which comes from the lack of accountability and democratic deficit. It is no good saying that we want strong parliamentary scrutiny, as half of the respondents did, but do nothing about it.

I welcome the fact that yesterday Chairpersons endorsed a composite amendment put forward by the House of Commons, House of Lords and the Irish Parliament, which says that it is essential to explore how to monitor such agencies by national Parliaments. A Troika amendment was also endorsed, which states that EU agencies should be encouraged to inform national parliaments on their activities and work programme. Information is not enough. This attitude is symptomatic of the endemic problem, as if information is regarded as a substitute for accountability. Accountability requires questions from democratically elected representatives in national Parliaments, and answers to those questions.

This sphere needs fundamental democratic reform.