

**Conference of Speakers of the National Parliaments of
the EU
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***National Parliaments in the European
Institutional Framework***

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**Folketinget
Danish Parliament**

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I. Introduction

One of the key questions which the Intergovernmental Conference in 2004 must address in relation to the debate about the future of the EU is, “how can we strengthen the role of the national parliaments?” This question has great significance for the injection of renewed democratic legitimacy into the European Union. The EU must constantly improve its democratic legitimacy in the eyes of its citizens.

This question has been discussed during several of the previous Intergovernmental Conferences, but at the meeting of the European Council in Nice, in December 2000, the Heads of State or Government of the 15 EU Member States put it at the top of the political agenda. The goal of yet another round of treaty amendments is to improve the democratic legitimacy of the European Union and its institutions, with the goal of bringing it closer to its citizens.

The Nice declaration on the future of the Union:

In declaration No 23 of the Treaty of Nice, from December 2001, the heads of state and government list four key questions which the Intergovernmental Conference in 2004 should address. One of these questions is, "the role of national parliaments in the European architecture".

The results of the referenda in Ireland and Denmark, and the continually decline in voter turnout at the European Parliament elections are signs of crisis in the European co-operation, which both the EU and the national parliaments must take seriously. The diagnosis given in the Laeken declaration from the December 2001 meeting in the European Council is clear: our citizens “feel that deals are all too often cut out of their sight and they want better democratic scrutiny”.

The national parliaments have a special responsibility in this regard, since we are in a central position when it comes to stimulating the public debate in our member states about the future of the Union and its democratic legitimacy in relation to its citizens.

The LAEKEN declaration:

The Laeken declaration, from the European Council in December 2001, has this to say about the role of the national parliaments:

"A second question, which also relates to democratic legitimacy, involves the role of national parliaments. Should they be represented in a new institution, alongside the Council and the European Parliament? Should they have a role in areas of European action in which the European Parliament has no competence? Should they focus on the division of competence between Union and Member States, for example through preliminary checking of compliance with the principle of subsidiarity?"

The question of a stronger position for the EU national parliaments will also be discussed by the 105-member Convention on the future of Europe, which under the leadership of the former French president, Giscard d'Estaing, shall prepare the Intergovernmental Conference in 2004 over the coming months. Public hearings are being organised in several member states, and important debates are taking place in the national parliaments on the future of Europe and the agenda for the coming Intergovernmental Conference. These national debates will provide an important basis for the discussions at the Intergovernmental Conference in 2004.

The Danish Folketing is preparing a total of four hearings about the work of the Convention, involving interested citizens and organisations.

II. Background

Debate about greater involvement of the national parliaments is not new. During the last 10-15 years, not a single Intergovernmental Conference has been held where the national parliaments were not discussed.

While the question of the involvement of the national parliaments was absent from the European agenda for the first 30 years, a shift took place in the second half of the eighties, after the European Single Act came into force which initiated the creation of the Internal Market. In 1989, the so-called COSAC was inaugurated in Paris, intended as a co-operation between the national parliaments of the then 12 EU Member States on EU issues. At the national level, the national parliaments established special "European affairs committees" to handle the management of EU issues.

COSAC:

COSAC is a French abbreviation, which stands for "Conférence des Organes Spécialisées dans les Affaires Communautaires". It means co-operation between the bodies, which specialise in EC issues.

The Maastricht Treaty (1992)

Adoption of the Maastricht Treaty in 1992, in particular, made the question of the EU's democratic legitimacy relevant, as the treaty represented possibly the most comprehensive revision of the EU's treaty basis ever undertaken. Important new areas such as Economic and Monetary Union, Common Foreign and Security Policy, Justice and Home Affairs plus a number of other new issues like education, public health, industrial policy, culture, trans-European networks, etc., now became part of the European co-operation.

The powers of the European Parliament were again increased significantly, *inter alia*, by introducing the co-decision procedure. But this time some countries also demanded a greater role for the national parliaments. The desire to retain the national parliaments as important legislative institutions was secured, *inter alia*, by including the subsidiarity principle in the new EU treaty, and by expressly stipulating that the member states and national parliaments are the primary legislators in some of the new areas of co-operation introduced in the Maastricht treaty, such as: *education, culture, public health, industrial policy, etc.*

The Heads of State or Government finally agreed on two declarations concerning the national parliaments at the Intergovernmental Conference. One declaration (No 13) "on the role of the national parliaments in the European Union" encouraged, first and foremost, "greater involvement of national Parliaments in the activities of the European Union". It was intended that this should be achieved, *inter alia*, by stepping up the exchange of information and contact between the national parliaments and the European Parliament. The governments of the member states were asked, in this context, to ensure that new proposals for EU legislation from the European Commission were sent to the national parliaments.

DECLARATION No 13 on the role of national parliaments in the European Union (the Maastricht Treaty):

“The Conference considers that it is important to encourage greater involvement of national parliaments in the activities of the European Union.

To this end, the exchange of information between the national parliaments and the European Parliament should be stepped up. In this context, the governments of the Member States will ensure, *inter alia*, that national parliaments receive Commission proposals for legislation in good time for information or possible examination.

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

The other declaration (No 14) encouraged representatives from the national parliaments and the European Parliament to meet as necessary as a “Conference of the Parliaments” in order to discuss the main features of the European Union. Inspiration was taken from a “Conference of the Parliaments” which was held in Rome in November 1990, prior to the Maastricht negotiations, where the European Parliament and the national parliaments discussed “the future EC”.

The Conference of the Parliaments:

The proposal for such a Conference of the Parliaments involving national and European parliamentarians was raised by the French president, Francois Mitterrand, in a speech before the European Parliament in October 1989. France also sought to have such a Conference of the Parliaments institutionalised at the Intergovernmental Conference. However, there was not support for the idea among the other EU Member States.

The Amsterdam Treaty (1997)

During 1996 and 1997, when the governments of the 15 EU Member States were negotiating the Amsterdam Treaty, the question of the role of the national parliaments again became a central issue. At the Intergovernmental Conference, the heads of state and government agreed to adopt a legally binding protocol on “the role of the national parliaments in the European Union”. In the introduction to the protocol it is stated that greater involvement by the national parliaments in the activities of the European Union should be encouraged, and that the parliaments should have greater opportunities to express their points of view on issues which are of special interest to them. The protocol confirmed, *inter alia*, the co-operation between the national parliaments in COSAC and made it possible for COSAC to adopt so-called “contributions”, whereby the national parliaments could comment

on proposed EU legislation or initiatives relating to the establishment of “*an area of freedom, security and justice*”, “*fundamental rights*” or the application of *the principle of subsidiarity*.

Finally, the protocol also instructed the Commission to send all green papers, white papers, and not least, communications, directly to the national parliaments. It was also decided that the EU institutions should ensure that at least six weeks passed after proposed legislation from the Commission was received by the Council and Parliament before it was placed on the agenda to be decided by the Council. This time limit is now also mentioned in the Council’s rules of procedure.

III. Ways in which the national parliaments are involved in European politics

a. Treaty provisions

Pursuant to the EU treaties, the national parliaments are directly involved in EU affairs in a number of contexts. This is the case, for example, in connection with the ratification of new EU treaties or amendments to existing treaties, the accession of new member states, conclude association agreements with third countries, laying down provisions regarding the EU’s own resources, the framing of a common EU defence policy, etc.

In all these areas, ratification is required from the national parliaments in accordance with the constitutional provisions, which apply in each member state.

Areas in which the national parliaments participate in EU legislation, pursuant to the EU treaty

Primary legislation

- ***Treaty amendments*** (Article 48 TEU)
- ***Agreements on the accession of new Member States*** (Article 49 TEU)

Secondary legislation

- Decisions made by the European Council relating to the progressive framing of a **common defence policy** (Article 17, par. 1, TEU)
- Decisions made by the European Council relating to the **integration of the Western European Union (WEU)** into the Union (Article 17, par. 1, TEU). Abolished in the Nice treaty.
- Conventions relating to provisions for mutual approximation of the laws and administrative regulations of the member states on **police and judicial co-operation in criminal matters** (Article 34, par. 2, TEU)
- Council decisions to **transfer** actions which fall under the **third pillar**, to the **first pillar** (Article 42 TEU)
- Council decisions to strengthen or add to the rights which have been laid down concerning

citizenship of the Union (Article 22, TEC)

- Draw up a proposal for elections to the European Parliament by direct universal suffrage (Article 190, par. 4, TEC)
- Council decisions laying down provisions relating to the system of **own resources** of the Community (Article 269 TEC)
- Concluding **international agreements** with third countries concerning issues for, which there are mixed competences between the EC and the member states – (Services, intellectual property, etc.) (TEC Article 300)

Reference is made to national constitutional provisions in ten places in the treaties, and this typically indicates that the national parliaments, to a greater or lesser extent, must be directly involved in connection with approval of EU legislation.

b. On the national scene

However, the national parliaments do not directly participate in the actual legislative process at the EU level, only indirectly via their governments, which they can influence prior to the government's participation in negotiations in the Council of the European Union. Finally, the national parliaments play an important but limited role in the transformation of EU directives into national law. This task is discharged jointly by the national governments and parliaments, in accordance with the national provisions of each individual member state. However, in reality, some directives can be so detailed that the national parliaments or governments are not left with much leeway, but are more or less compelled to copy the directives verbatim.

Scrutiny exercised by the European Affairs Committees

The main way that national parliaments can influence or scrutinise the participation of their governments in the EU's legislative process is via special "European affairs committees", specially established for this purpose. All the parliaments of the 15 EU Member States have established such specialised committees. However, in some parliaments, the *standing committees* also play an important role. This is the case, for example, in Finland.

But there are significant differences in the way in which the European affairs committees of the various national parliaments exercise their powers of scrutiny. For example, the parliaments do not all have the same opportunities to *exercise influence* over their government's position *prior to* negotiations in the Council.

While the European affairs committees in Denmark, Finland, and Sweden have strong powers, enabling them to give their governments a mandate for the negotiations in Brussels, it would appear that countries such as Luxembourg, Belgium, Italy, Portugal and Greece have somewhat less opportunity to influence their governments EU policy, since they do not have this opportunity to give a mandate.

In Germany and Austria, the parliaments also have strong, formal powers to determine their Federal Government's decision regarding EU issues on the basis of a formal mandatory law. However, to date these powers have only been used in only a few number of cases in the parliaments of these two countries.

Another model for scrutiny of government European policy is the one which is found, for example, in the British system, which takes place in the "*European Scrutiny Committee*" in the House of Commons, and in the "*Select Committee on the European Union*" in the House of Lords. Here the scrutiny is based on detailed examination of the actual proposals for EU legislation or other EU documents generated by the government – and not, as in the Nordic parliaments, on prior approval of the Government's negotiating position.

During the period in which an EU legislative proposal is being examined by the European Scrutiny Committee, the British government cannot normally support proposals for Community legislation in the Council. The European Scrutiny Committee can also ask ministers to appear before the committee to elaborate on the British negotiating position in relation to specific legislative proposals under consideration by the Council.

Hearings

In a few parliaments, it is also possible to discuss white papers and green papers early in the decision-making process. In the Danish Folketing, public hearings on white papers and green papers have systematically been held since 1999. The hearings are organised by the European Affairs Committee in co-operation with one or more of the standing committees. Once these are concluded, a hearing response is prepared and submitted to the European Commission.

Holding such hearings relating to the Commission's green and white papers is an example of how the national parliaments can gain direct influence on the legislation early in the legislative process.

Public hearings on the Commission's White Papers and Green Papers held in the Danish Folketing

- Green paper on radio frequency (March 1999)
- Green paper on information in the public sector (May 1999)
- Green paper on producer liability (November 1999)
- White paper on food safety (April 2000)
- White paper on environmental liability (June 2000)
- Green paper on greenhouse gas emissions trading (October 2000)
- Green paper on PVC (October 2000)
- Green paper on integrated product policy (May 2001)
- White paper on the strategy for a future chemicals policy (May 2001)
- Green paper on the future of the Common Fisheries Policy (June 2001)
- Green paper: Towards a European strategy for the security of energy supply (January 2002)
- Green paper on consumer protection (January 2002)
- Green paper on compensation to crime victims (January 2002)
- Green paper on promoting a European framework for corporate social responsibility (January 2002)
- White paper: European transport policy for 2010 – time to decide (February 2002)
- White paper: European Governance (May 2002)

A total of 16 hearings on green and white papers have been held in the Danish Folketing over the last three years. In nearly every case, a hearing response has been sent to the Commission. The hearing responses normally canvass the opinions of all political parties.

The standing committees

An increasing interest in EU issues is being shown by the standing committees in some countries. The Finnish example is worthy of special mention. The standing committees in Finland are obliged to prepare statements on Commission proposals, which are sent to the Finnish European Affairs Committee ("the Grand Committee"). On the basis of these, the Grand Committee then formulates its position before the Finnish Government, in a letter from the chairman of the committee. This takes place at an early phase of the EU legislative process, allowing the comments from the standing committees to guide the Finnish negotiators already at the working group level in the Council or in COREPER. Sweden and Denmark also place great emphasis on greater involvement by the standing committees of the two respective parliaments. Thus in Denmark, the ministers also meet with the standing committees before negotiations in the Council, to discuss the Council agenda with committee members. There are about

50 meetings, in total, each year between the Government and the standing committees of the Danish Parliament.

In the parliaments of some other countries, the European affairs committees can also invite other parliamentary committees to submit an opinion. This is true, for example, of the European Scrutiny Committee in the British House of Commons and the European Affairs Committee in the German Bundestag.

Information for the national parliaments

In order for the national parliaments to be able to influence and scrutinise the EU policies of their national governments, it is essential that they receive the necessary information about important EU decisions and initiatives, such as new legislative proposals from the Commission, and how these are being dealt with in the Council and the European Parliament. According to protocol number 9 of the Amsterdam Treaty, the national parliaments must receive all new Commission proposals from their governments in good time, and it is mandatory for the Commission to forward all important consultation documents such as green papers, white papers and communications.

In recent years, an important development has taken place in the exchange of information with the member states. All legislative proposals and relevant EU documents can now be found on the websites of the Commission, the Council of the European Union, or the European Parliament. *Thus the parliaments can now obtain all the documents themselves, quickly and efficiently.*

List of relevant web addresses:

Eur-lex (proposals for EU legislation): <http://europa.eu.int/eur-lex/en>

The European Parliament: http://www.europarl.eu.int/home/default_en.htm

The Council of the European Union: <http://ue.eu.int/en/summ.htm>

The European Commission: http://www.europa.eu.int/comm/index_en.htm

Several parliaments have also gained extended access to information on EU issues in the form of explanatory memoranda from their governments. The parliaments of United Kingdom, Denmark, Sweden, Finland, Germany, Austria and Holland receive such supplementary, detailed information from their governments on every legislation proposal from the Commission. These memoranda might contain information on the economic consequences of a proposal being accepted, or on the views of non-governmental groups. The

memoranda constitute an important source of supplementary information for the members of the parliaments.

Finally, the parliaments of Finland, Great Britain, France, Italy and Denmark have sent their own permanent representatives to Brussels. They report directly from here to their parliaments on important initiatives or legislative proposals from the European Union.

The Danish example

In Denmark, the government is obliged, as far as is possible, to send basic explanatory memoranda to the European Affairs Committee and the relevant standing committees, no later than four weeks after having received a legislative proposal from the Commission. This obligation applies to all proposals for directives and other legislation, which the government considers to be significant. These basic memoranda describe the proposal and must also contain information on how the proposal will affect the existing domestic law, public finances and economy, plus any consequences for the employment, the labour market, equal rights, the environment, health and small and medium-sized enterprises. Where possible, the memoranda should also give a comprehensive account of contributions received from relevant non-governmental organisations.

Finally, the minister has an obligation to meet with both the European Affairs Committee and the relevant standing committee, prior to each meeting of the Council, or whenever the committee requests the minister to do so, to report on the proposal and the status of negotiations in the Council and, where appropriate, to seek a negotiation mandate from the European Affairs Committee. At these meetings, the minister must also be ready to answer questions from the committee members. Prior to the meetings with both the standing committees and the European Affairs Committee, the government submits to the Committees a comprehensive information material, describing the draft legislation, which has been placed, on a Council agenda.

Dialogue with the Danish public

Finally, it may be appropriate briefly to discuss some innovations in, for example, the work of the European Affairs Committee in Denmark. The European Affairs Committee is going to get involved in public debate and dialogue on European policy. The committee, in co-operation with the standing committees, is

going to arrange topical public hearings on long-term developments in the EU and other important EU issues.

In addition, the European Affairs Committee is going to travel around Denmark once a year to discuss EU issues of significance to local residents, public authorities and other organisations.

The national parliaments and presidency of the EU

Even though the governments hold the primary responsibility for the presidency of the EU, the national parliaments can also play an important role during the presidency. The national parliaments are increasingly undertaking initiatives, which support the tasks their governments have during the presidency.

Thus in the Danish Folketing, in addition to the COSAC meeting, a special conference will be held on 15-16 October 2002 for the European affairs committees of the *EU applicant countries* to discuss the issues associated with the accession negotiations. The Folketing's Committee on Foreign Affairs will also host a meeting of the foreign affairs committees of the *applicant countries*.

The Folketing's Environment Committee, the Committee for Food, Agriculture and Fisheries, the Committee on Development (development and aid) and the Labour Market Committee (equal rights) will similarly hold meetings within their subject areas with the corresponding committees from the other national parliaments.

Finally, the Folketing plans to organise a conference on minority groups in the future enlarged EU in the middle of November.

c. On the European scene

COSAC:

On the European scene, COSAC is the most important forum for co-operation between the national parliaments. COSAC was founded in May 1989 when the *Conference of Speakers of the Parliaments* agreed at a meeting in Madrid to strengthen the co-operation between the European affairs committees of the national parliaments. Then in November 1989, in Paris, representatives of the European affairs committees of the national parliaments met for the first time with representatives from the European Parliament.

COSAC is made up of six representatives from each of the 15 member states and six representatives from the European Parliament. The representatives of the national parliaments are usually the chairmen, together with other prominent members of the European affairs committees. The European Parliament usually sends two vice-presidents who are responsible for liaison with the national parliaments, along with the chairman of the Committee on Constitutional Affairs. The remaining three representatives are appointed ad-hoc – based on whatever COSAC has on the agenda. In recent years, representatives from the accession-countries have also participated in the meetings.

COSAC meets twice a year. The meetings are held in the country, which holds the presidency of the EU, and does normally take place immediately before the half-yearly meeting of the European Council between the Heads of State or Government.

COSAC was strengthened in 1999

Where COSAC originally in 1989, was meant to be purely a forum for the promotion of the exchange of information, the Heads of State or Government aimed at strengthening the role of the national parliaments in the Amsterdam Treaty. The co-operation was here turned into a more formalised part of the EU co-operation by enshrining COSAC in a legally binding protocol (No 9) to the EU treaties. COSAC later adopted its present rules of procedure in Helsinki in December 1999.

COSAC was, at this time, given the right to examine legislative proposals and initiatives relating to the establishment of *an area of freedom, security and justice*, which could have direct influence on the rights and freedoms of individuals. COSAC also became entitled to adopt resolutions or so-called “contributions” relating to the application of the *subsidiarity principle, fundamental rights*, or the establishment of *an area of freedom, security and justice*, along with any other contributions which it deems appropriate. These contributions from COSAC are addressed to the institutions of the EU, i.e. the Council, the European Parliament and the Commission.

Declaration by the European Parliament:

The European Parliament has issued a declaration regarding Article 10, section 5 of COSAC's rules of procedure, affirming that they will refrain from voting in connection with every vote on "contributions", which is addressed to the European Parliament.

COSAC has not yet made use of its right to examine legislative proposals from the Commission, but it has adopted five contributions – the latest being at the COSAC meeting in Madrid in May 2002. These contributions have concerned more general questions relating to the EU's development, such as the debate on the future of the Union, accession of new Member States to the EU, the common asylum policy, etc. However, the Madrid contribution also speaks of plans to draw up a proposal for a more effective COSAC, focusing its activity more on the role of the national parliaments.

Conference of Speakers of the Parliaments

Another European forum for the national parliaments is the Conference of the Speakers of the Parliaments, which meets once a year. The speakers of the parliaments have regularly held meetings since 1975.

The conference is, first and foremost, a useful tool for the exchange of information between the speakers of the national parliaments. The assembly can also pass resolutions if there is a consensus. However, there is a problem in that several of the speakers of the parliaments are unable to speak on behalf of their parliaments. Most commonly, the discussions take place on the background of a report relating to the role of the national parliaments in the EU and developments in this area. Obviously, the greater the role that is given to the national parliaments, the greater the significance the Conference of Speakers of the Parliaments will have.

Other meetings and conferences

Another important meeting involving members of the national parliaments is the meeting of the chairmen of the *Foreign Affairs Committees* of the EU parliaments, which meets twice a year, primarily to discuss questions relating to the common foreign and security policy.

Representatives of the *Committees on Development* (development and aid) also meet twice a year to discuss issues related to development and aid. The

parliamentary *Defence Committees* have also begun to meet to discuss defence policy issues of common interest to the EU.

On a Danish initiative, a “COSAC” for the Committees on Environment has also been established so these committees now meet regularly to discuss EU’s environmental policy.

Joint committee meetings for members of the European Parliament and the national parliaments

The ad-hoc joint committee meetings which are now regularly held between representatives of the European Parliament and the national parliaments are other important meeting forums. It is primarily the many standing committees of the European Parliament, which are taking the initiative to hold these joint committee meetings. The meetings are therefore generally about new legislation initiatives from the Commission. The standing committees of the European Parliament are interested in knowing about the positions of the national parliaments, before the Parliament concludes its first reading of the legislative proposals early in the decision-making process. At the same time, the national parliamentarians can get a valuable insight into the views of the European Parliament concerning EU legislation.

IV. How can the role of the national parliaments be strengthened in the future EU?

How can the role of the national parliaments be strengthened in the future European architecture and thereby contribute to bringing European issues closer to EU citizens? This is a key question for the Convention now in progress, and for the Intergovernmental Conference which will take place in 2004. The Heads of State or Government of the EU Member States considered it to be one of the four key questions in the debate on the future of the Union. Basically, two different answers have been given to this question.

French, British and German politicians, in particular, have advocated the establishment of a collective representation for the national parliaments at the European level – either in the form of a second chamber in the European Parliament, or as an independent body. Several proposals have been put forward as to what this new body should be used for. In the Laeken declaration, the Heads of State and Government called for an examination of both the possibility of

establishing a body which could monitor compliance with the principle of subsidiarity, and a body which could keep a close eye on EU policy in areas where the European Parliament has no competence. The EU's common Foreign and Security policy and co-operation on Justice and Home Affairs in the third pillar are in particular relevant here.

Others have rejected the idea of establishing new institutions at the European level, because it would only confuse the EU's already complicated decision-making process. They argue that efforts should instead focus on strengthening the mechanisms by which the national parliaments can scrutinise their governments' EU policies in the national capitals. The European Parliament declared itself a proponent of this viewpoint in the Napolitano report of January 2002. But also a number of member states continue to oppose the second chamber proposal.

a. A second chamber of national parliamentarians

Several prominent politicians have commented on what a second chamber of national parliamentarians could be used for and how it should be constituted.

A legislative second chamber of national parliamentarians

The foreign minister of the Federal Republic of Germany, Joschka Fischer, was the first person to broach this idea in his well-known address at Humboldt University in Berlin on 12 May 2000. Fischer proposed that representatives from the national parliaments be involved directly in the EU's legislative process via *a legislative bicameral system*. This was to be achieved by establishing a first chamber consisting of members from the national parliaments, with the second chamber being constituted as a kind of Senate, consisting either of directly elected senators or of government representatives, as in the German Federal Council. However, a year later, the German Federal President, Johannes Rau, made another proposal for a bicameral legislative system, in which the European Parliament served as the first chamber, and a reformed or modified Council of the European Union was turned into the second chamber.

The Czech President wants a second chamber:

Back in March 1999, the Czech President, Vaclav Havel, spoke for the creation of a second chamber of national parliamentarians for the European Parliament, based on equal representation for large and small Member States.

Monitoring of the principle of subsidiarity

In another model, which several proponents have by now supported, the proposal is to leave the second chamber, consisting of national parliamentarians, with the task of *monitoring compliance with the principle of subsidiarity and the distribution of powers between the EU and the member states*. The British Prime Minister, Tony Blair, became a proponent of this view in his speech in Warsaw on 6 October 2000. According to Blair, this monitoring should be carried out on the basis of a political declaration on the distribution of competences. Along the same lines has Hubert Haenel, the French Senate's representative in the convention, spoken in favour of a model in which the second chamber would replace COSAC and take over the functions of this body.

Both Mr Blair and Mr Haenel have also suggested that this second chamber could be given the task of monitoring EU's common Foreign and Security Policy – in order to give greater democratic legitimacy to this part of the EU co-operation.

The European Parliament consisted of national parliamentarians until 1979

From the time the ECSC treaty came into effect in 1952, up until the first direct elections to the European Parliament in 1979, the European Parliament – or the Assembly as it was called then – consisted of representatives of the national parliaments. The treaty from 1958 reads as follows:

Article 137

The Assembly, which shall consist of representatives of the peoples of the States brought together in the Community, shall exercise the advisory and supervisory powers conferred upon it by this Treaty.

Article 138

1. The Assembly shall consist of delegates, which the Parliaments shall choose from among their own members in compliance with the procedures laid down by each Member State.

2. The number of delegates shall be as follows:

Belgium	14
Denmark	10
Germany	36
France	36
Ireland	10
Italy	36
Luxembourg	6
Netherlands	14
United Kingdom	36

b. Strengthening COSAC

Finally, some have argued in favour of strengthening the existing co-operation in COSAC, with the aim of giving COSAC an increased role in connection with

monitoring compliance with the principle of subsidiarity. Such a proposal has, inter alia, come from the former Danish Prime Minister, Poul Nyrup Rasmussen, in a speech in Prague in spring 2001.

Others have proposed that COSAC be strengthened by establishing a permanent COSAC secretariat to improve the COSAC meetings.

Finally, the Danish European Affairs Committee, inter alia, has proposed that co-operation between the national parliaments on European issues be strengthened by establishing “COSAC meetings” for the standing committees of the EU national parliaments, on issues relating to their subject areas.

V. Concluding remarks

The national parliaments presently have a relatively well-defined role in relation to the EU. With respect to the EU Treaty, a number of precise tasks have been defined in terms of ratification of treaty amendments and approval of special legislation – including laying down provisions regarding EU own resources, etc. In addition to this, the parliaments have to implement certain elements of the EU legislation, such as directives. Finally, the treaty stipulates that the parliaments must receive information on EU proposals for legislation in good time, so that the parliaments have time to consider these cases.

Beyond this, the 15 Member States, have established varying practises with regard to scrutiny of, and influence over, the EU policies of their national governments - in accordance with their own constitutional provisions. These practises are played out in the parliaments' European affairs committees and standing committees, which also provide a frame for the co-operation between governments on EU issues. COSAC plays an important role as the European co-operation body in this connection.

Access by parliaments to information on EU legislation proposals and other EU documents ought no longer be a problem. All the necessary documents can be found – quickly – on the websites of the EU institutions.

Regardless of the model, which ultimately achieves consensus for the role of the national parliaments in the future Europe, there is one thing, which is fairly certain: The national parliaments and their members will become more active in EU issues.

Both within the parliaments, and in relation to their governments and EU institutions. And not least, in relation to their citizens, a simple necessity if we are to live up to the objective of “bringing the Union closer to the peoples”.