

Belgium

Proposals for strengthening the role of national parliaments in European politics and for reforming COSAC

1. General

In our opinion the “economy” of the proposal is based far too much on a “dual perspective” of the parliamentary system in the EU.

According to this perspective, community decision making (first pillar) must be supervised by the EP, and intergovernmental decision making (2nd and 3rd pillars) by the national parliaments.

This dual perspective also means that the national parliaments can only supervise their own governments in the council of ministers.

To us this perspective seems to reduce parliamentary supervision far too much, only covering “formal aspects” of the decision-making process (what we can call policy making). Prior to this is an important stage of “policy shaping” (agenda setting, etc) involving many players, but where the national parliaments are all too often absent.

Moreover, the EU constitutes a “multilevel system of governance” in which the European institutions have the “lead” in certain decision-making stages, but the member states in other stages (e.g. the implementation of European policy: more than 80% has to be implemented by the member states). The national parliaments thus have a substantial role to play in both the “policy shaping” stage (otherwise they leave the first word to the lobbies) and in the “policy evaluation” stage.

But also during the formal decision-making process, parliamentary monitoring by the national parliaments is still needed.

As QMV (Qualified Majority Voting) is generalised in the Council, a parliament's supervision of its own government loses impact.

There is a dynamism within the Council that requires a specific appropriate parliamentary approach, and which justifies a "collective moment" by the national parliament.

Finally, European policy-making is increasingly based on the "open coordination method" (which can be seen as the application of the subsidiarity principle) but which requires the close involvement of national parliaments. Ex ante supervision by the national parliaments must form a democratic basis for the decisions taken.

It is from this very wide perspective of the role of national parliaments that the work of COSAC has to be defined. It is thus also clear that COSAC must have wider authorities than merely strengthening the national parliaments through improved "scrutiny" methods (analysis of "best practices"), which are nevertheless very "country and constitution" related. (It has been said that the traditional right of questioning in the Belgian Parliament – House of Representatives, is still a more powerful means of supervision over the government than most "scrutiny procedures").

The Belgian House of Representatives outlines a tendency relating to a possible description of the role of COSAC, which is as follows:

- COSAC is the possible medium for enabling collective parliamentary action for a form of "right of evocation"¹[\[1\]](#)

Such a right of evocation could be exercised in order to unblock (not block) decision-making in the Council and to provide parliamentary support to certain projects.

- *Supervision of subsidiarity*

In our opinion the supervision of subsidiarity may not be seen as a formal legal approach.

It is only with a more thorough, substantial and continuous debate of a policy project/proposal that the most appropriate policy level can be judged. (as opposed

to the position of Lamassoure, EP – NP; meeting 8 – 9 July 2002, who believes that substantial debate must be avoided).

Subsidiarity monitoring is a permanent process and not a one-off formal – legal point in time.

Moreover, the European integrating policy dynamism always has to be kept open. (Fresh policy initiatives may not be nipped in the bud).

- *Appeal to the E.C.J.*

In the light of what has been said beforehand, national parliaments may only lodge complaints against the non-observance of the subsidiarity principle (or other basic principles) on an ex-post basis in a formal-legal way.

It is conceivable for an appeal to be lodged to the E.C.J. through COSAC (if a certain majority of assemblies is achieved).

Finally, COSAC must also enable the achievement of the following objectives:

- “Early warning” by the national parliaments (signalling function)
An “alarm bell procedure” could perhaps be created within COSAC, which could perhaps prompt a third reading by the EP.
- Optimisation of internal parliamentary procedures (“best practices”).
- Provision of information that enables independent parliamentary supervision (with regard to own government).
- Development of an open, cooperative parliamentary culture.

2. *Comments on specific points (basis: French version)*

p. 11: point 8: OK

To date, COSAC has indeed made too little use of the facility to make “Contributions”.

They were limited in scope and above all aimed at its own institutional functioning (but not at substantial policy problems). The facility to make contributions is however too restricted (by the Protocol in the Maastricht Treaty): it is only the third pillar, constitutions and subsidiarity principle.

There is thus a much greater need for “parliamentary voluntarism” than for new institutions.

p. 12: Forum of parliaments

Rebaptising COSAC as the Forum is perhaps advisable. The COSAC name is too time related (1991).

For that matter, as an interparliamentary assembly, the Forum would also absorb the WEU assembly (EDSP) through an extension of competence (interparliamentary supervision of intergovernmental decision making).

p. 13: 8.3: Composition of the Forum

The Forum could have a variable composition, given the different authorities and policy areas to be supervised.

The proposal is 1 permanent delegate per assembly and 2 other members depending on the subject being dealt with. In the same perspective, the Forum should meet more than twice a year. It integrates all interparliamentary meetings at an EU level.

8.5: Suffrages

Our general memo shows that certain quorums are required (e.g. for the evocation procedure).

8.6: Secretariat

A permanent secretariat of 3 – 5 administrators (including a head with an appointment of 5 years, appointed by the Chairmen of the Committees specialised in

European affairs). It must be supplemented by parliamentary officers from the Troika (2 per parliament, thus 6 rotating officers). It could also house the permanent parliamentary representatives of some parliaments. This guarantees the functioning of the secretariat in relation to the requirements of the national parliaments.

Brussels, 9 September 2002

Herman DE CROO
Speaker of the House of Representatives
of Belgium