

11 May 2001

Summary from the discussions at the COSAC Working group meeting April 9 2001

On account of the discussion at the Versailles COSAC, the French Presidency made an inquiry about the creation of a working group according to article 1.5 of the rules of procedure. The result of this inquiry was that a majority of the delegations was in favour of creating a working group in order to further study the question of the role of the national parliaments. At the troika meeting in February it was decided to set up such a working group composed of one delegate from each parliamentary chamber in the member states and two from the European Parliament. A meeting was decided to take place on the 9th of April in Stockholm.

In preparation for this meeting the Swedish COSAC Presidency made an inquiry about the preparations, measures etc. that are taking place in the national parliaments in view of the Nice Declaration. A discussion paper and a report from Mr Maurer were also distributed in advance to the participants.

The meeting started as decided on the 9th of April. The agenda for the meeting and a list of participants are enclosed to this summary.

After an introduction from the chairman, Mr Lekberg, Mr Maurer, Senior Research Fellow and Lecturer from the Universities of Cologne and Osnabrück, presented a report about the results from a larger research project at the University of Cologne on how the Protocol of Amsterdam on the Role of National Parliaments in the European Union has been implemented from 1999 until now.

Mr Maurer explained that one of the main questions for the project was to get reliable information about the optimum model for parliamentary scrutiny in EU affairs and therefore one decided to look on what happens on the unilateral scrutiny level. He pointed out the following:

If you want to control your government in European Union affairs, you need information. The first question is about the scope of information. This firstly leads to what the parliament receives from the government in due time, what it receives in the first pillar in the European Community, and what it receives in the second and third pillars. The content of the scope of information also needs to address the question of how far governments are willing and able to inform national parliaments about their own perception of incoming proposals. The second item is everything that concerns timing and management. You have in this Protocol this six-week procedure. What

we also need to look at is how far national parliaments get the proposals in due time. These six-week procedures, are they relevant for all the three pillars? Are they relevant not only for the official start of the scrutiny process, but also for the unofficial one? If you look into the co-decision procedure, are governments able and willing to submit to the national parliaments everything at each stage of co-decision? Thirdly, if you consider that even in co-decision both the European Parliament and the Council are logging into informal processes, of trilogue meetings and so on, firstly are national parliaments really interested in getting all this information? They should be interested, because most of the time what happens in trilogue meetings is the most important stuff for conciliation. Secondly, if they are interested, is there any government who is really willing to supply the parliament with information coming out of the trilogue? Finally when it comes to impact the project not only considered the impact of parliamentary scrutiny vis-à-vis a government but also the impact for the translation of European issues into the national public opinion. He continued:

Considering the Amsterdam Protocol we have established some kind of ideal model of parliamentary scrutiny. In each national parliament you have different procedures. What we tried to show with this ideal model is firstly what can also be concluded from the project. If you compare this ideal one with the real ones in the 15 parliaments, you do not find some kind of uniform model. You find out that there is not a common response to this thing. If you look at the European level, you find out that the European level proves to be very dynamic. In 50 years you have had at least six treaty reforms and a very dynamic and open system. If you consider what has happened with the European Parliament starting from the Rome Treaty to the Amsterdam Treaty and Nice, you have to recognise that the European Parliament has gained a lot in power and has performed a lot. If you compare this dynamism on the European level with the national levels, we have not identified any national parliamentary system that you can say is very dynamic. We think in each national system there is an ongoing process of adaptation of national parliaments to incoming challenges from the Brussels arena. They are not only incoming, but they are self-made, because each national parliament ratifies the challenge. Each national parliament tries to cope with these new procedures, new challenges from Brussels, by recalibrating the originality, the traditions, of the national parliaments in the member states, with some of the new incoming forces from Brussels.

Mr Maurer also pointed out that what might be interesting for the debate about creating a second chamber, a chamber of subsidiarity or whatever, is that if you want to establish this second or third level, you need more or less harmonised practices in the national parliaments with a view to some aspects of parliamentary scrutiny. For instance, when it comes to the average duration in each national parliament for EU documents coming from Brussels to a parliament, according to information provided by the national parliaments, there is one group of parliaments where this average duration is between ten days to two weeks and another group where it is about four to five weeks. Mr Maurer then mentioned another problem, namely the frequency of EU Affairs Committee meetings:

Again, simply consider the frequency of European Parliament sittings and that being Member of the European Parliament is becoming a full time job. You have not so much time to go to your constituency. If you are in one of the technical committees working with co-decision, you are becoming a technical expert working with the Council day to day. If you now establish a second chamber of national parliaments, it should in some way be a little more efficient and prove to be something above what parliamentary scrutiny practice is, which works actually in the European Union. Again, the frequency of meetings in European Union Affairs Committees is a hard issue. Again, what you can see is a big difference in the European Union, varying from parliaments which meet two times a week, to parliaments like in Greece, which meet only on special occasions, but not on a regular basis. If you create a constant mechanism of some kind of second chamber, subsidiary chamber, and if you want this chamber to prove to be an efficient body, another translation of democracy in the European Union, it is necessary that not only those coming from parliaments which meet often, which are very interested in European Union affairs, meet in this new body, but also the other parliaments are present. It is hard for to imagine members from the Greek Parliament would be present in this new body. Again, if there is only one parliament missing in this body, it has problems with its legitimacy. Then the European Parliament is more legitimate in presenting European views.

Mr Maurer's last point was about the impact of national parliaments. He explained:

It was interesting to see that the impact of national parliaments in the scrutiny process vis-à-vis their governments has changed a lot in some parliaments during the years. We started with the German Bundestag. You can see that the Bundestag has developed from a weak legislature to a policy-making legislature, which is at least formally able to change governmental views. The same changes have also happened in the French National Assembly and the Senate. If you compare the French situation in 1979 with the French situation today, the parliament has a policy influence. The difference between policy influence and policy making is that a policy making parliament can change the original view of the government and the policy influencing parliament is a parliament that can say no, but what happens afterwards depends on the government. Translate this to the discussion about the second or third chamber. What would happen if you create this chamber would be the first big debate on how far this new chamber is open to the public. How can it be open to the public? Is it through the European Parliament, then you do not need a third chamber a second chamber. Then the European Parliament provides everything. If it is independent, it may encounter the same problems as the Committee of the regions. In theory it is a nice chamber, because it represents regions and local levels and so on. But in practice, if you ask ordinary citizens in the street, and compare their identification with the European Parliament, which is of course not very good, with the Committee of the Regions and members of the Committee of the Regions, the Committee of the Regions is by far

weaker. This might be one of the first problems for this new body of national parliaments. These were the conclusions from the research project.

The following debate after Mr Maurer's presentation was mainly concerned with the advantages and disadvantages with a second (third) chamber. Some delegates found this to be just another political level and a yet another institution that would complicate the process even more without giving any more legitimacy to the decisions taken. Other thought it could be a way to improve democracy in the union and increase the position of national parliaments. Some delegates thought that with a constitution which made the division of tasks clear between different levels in EU and gave each institution a specific role, a second chamber would be unnecessary – to create another institution will not help as long as you don't know what it would do. Other thought that a second chamber could be useful just to uphold the principle of subsidiarity. Some speakers advocated a reinforcement of COSAC instead of a second chamber. Another proposal was to let the members from the European parliament have more organised and regular contact with their national parliaments.

Other subjects that were brought up during the debate was the significance of the different political parties that are represented in a parliament and the conflict between majority and opposition as well as the fact that there are also regional parliaments to take into account. The importance of involving other Committees than the EU Affairs Committees was also stressed by some speakers, as well as the usefulness of reunions for these Committees in the European parliament or in national parliaments. Several delegates also made remarks about the description in Mr Maurer's paper of the scrutiny system in the different national parliaments. Some adjustments and corrections were suggested, which Mr Maurer promised to take into account.

After this discussion Mr Maurer gave some concluding remarks. He asked:

If national parliaments want to be present at the Brussels arena at a Council level, and if they want to participate not only as scrutinisers but perhaps also as policy makers, why not adopting this process of qualified participation? This needs a treaty reform, of course; you need to reform the article on the composition of the Council, saying the Council is composed by members on the governmental level, changing it to members from parliament, including the government. And then it is up to each parliament and each government to decide on which subject matter you send a minister or a member. This is very simplistic, of course. If you now think back about what happened in the Council: Council work is not the work of the ministers, but about 80 % of what happens at the Council of Ministers is pre-cooked at working group stage. And how do you then send representatives from the parliamentary level to working groups? It is the most serious problem for parliaments, not what happens at the Council stage, but how national parliaments can follow what happens before the Council meeting. One can hardly imagine parliamentary representation in working groups in Coreper meetings. That is a big problem.

He continued by saying that the one original function of national parliaments in this integration process is to explain it and to make it transparent to the citizens. If this system is multi-level it is simply not true to blame Brussels for something which is not coming from Brussels but which has been decided jointly by 15 ministers plus a delegation from the European Parliament with an observer or mediator coming from the European Commission. It is simply not the European Commission who is dictating the European law; that does not happen. Now it is easy for parliamentary oppositions sometimes to play this game. I think one serious issue for this process towards 2003–2004 is not just to speak about how far you can institutionalise another form of scrutiny but to speak a little bit more about the real function of Members of the European Parliament and members of national parliaments in a process where you can not simply make a distinction between what is national, what is European and what is regional. That does not function anymore.

Next item on the agenda was a report on the answers of the questionnaire. Mr Lekberg thanked every one for their participation in the questionnaire and invited them to read and be inspired by the summary of the answers that had been distributed.

After this Mr Hegeland was invited to introduce a discussion document on National Parliaments and the European Union. He pointed out that the answers to the questionnaire show that national parliaments indeed have been active in earlier institutional debates. Some parliaments, quite a few, have already started with activities following the Nice Declaration, and others are planning measures. The picture that emerges is that parliaments will follow the debate on the future of the Union closely. For instance, public hearings will be organised, and a few parliaments have opened web sites where individual citizens can make their views known to the parliament. The parliaments are also very likely to make statements, in various forms, regarding the issues mentioned in the Nice Declaration. Mr Hegeland also discussed the idea of a convention:

Some EU committees support the idea of setting up a convention as a means for the debate. If such a body should be set up, the role of national parliaments could obviously be discussed from various aspects. For instance, to what extent should members be expected to speak on behalf of their parliament? How many members should each national parliament be represented by? Another aspect concerns the importance of involving parliaments in the applicant countries in the debate, with or without a convention. There are also regional parliaments in the European countries, which could play a role in the debate. One of the issues mentioned in the Nice Declaration concerns the delimitation of competencies, reflecting the principle of subsidiarity. This issue is of course of particular relevance for regional parliaments.

Mr Hegeland stressed that COSAC and this working group provided an arena for Members of EU Affairs Committees in national parliaments, both in the member states and in the applicant countries and for Members of the European Parliament to discuss the future development of the Union.

COSAC is recognised in the Treaty and will continue to meet during each presidency. He continued:

There is a practical framework in place and a troika that ensures continuity. At the same time the rotating presidency of COSAC ensures that different aspects are given attention. It is also important to remember that the size of the delegations at COSAC, six members, ensures that different political views from each country are represented, which is not the case when only one member represents a committee. According to the Rules of Procedure, COSAC may, as we have already done, decide to set up a working group to study a particular issue linked with the activities of the European Union. A possibility is that COSAC at its meeting in May decides to set up a working group on a more permanent basis to study the issues mentioned in the Nice Declaration. This could be linked to more of a long-term planning for COSAC.

Mr Hegeland also mentioned a letter from the Danish delegation where it is proposed that the COSAC co-operation should be extended to include the ground principals for a co-operation between the standing committees (for environment, agriculture, transports and so on) of the national parliaments.

He concluded by saying that it is important that the EU functions in a way that allows every national parliament to work with EU matters in a way it decides on its own. This may require more openness in the EU and other reforms and a clear division of responsibility may also be desirable.

During the following debate several speaker expressed great pleasure with the discussion document.

The Danish proposal about reunions between the standing committees was also discussed. Some speakers were doubtful as to whether COSAC should discuss this matter since that was a question for the standing committees to discuss. It was also indicated that it could be complicated to organise such reunions since different parliaments have different organisations for their standing committees. Other speakers on the other hand thought it would be a good idea to have more organised meetings for the standing committees since there are a lot of more special questions that ought to be discussed and the standing committees of the national parliaments are best suited to do that. It was even suggested that the Amsterdam Protocol on the Role of the National Parliaments should be strengthened with a codification of the meetings with the Speakers from the parliaments in the European Union as well as meetings with other standing committees. Another suggestion was to find better ways of collaborating with the European Parliament and to have Committee meetings together with the European Parliament more regularly and with more elaborated agendas and so on.

Another subject that was discussed was whether the working group should go on working until at least 2004. Some delegates advocated a continued work in a working group while other were more hesitant to that with reference to a possible creation of a new convention. Another suggestion

was to let the COSAC Troika also discuss some specific issues. Concerning the question of setting up a new convention for the preparation of the next IGC several speakers were in favour of that (i.e. Luxembourg, Italy (Senate), European Parliament) while others thought that COSAC could be used as a forum instead.

Mr. Lekberg summarised the discussion and explained that the discussion document now will be looked over and then submitted to the COSAC meeting in May.

The final item on the agenda was a discussion about a possible COSAC contribution. The delegates from Portugal and the Bundestag in Germany made short presentations of their proposals for a COSAC contribution. Mr Lekberg concluded the meeting with a promise that a Presidency draft contribution would be sent to all delegations for comments from the delegations and then bid everybody welcome to Stockholm in May.

Draft agenda for COSAC Working Group Meeting April 9

1. Adoption of the agenda
2. Report from Andreas Maurer, Senior Research Fellow and Lecturer, on research project on national parliaments and the European Union.
3. Report from answers on questionnaire
4. Discussion document on National Parliaments and the European Union
5. Proposal from Denmark on permanent COSAC Working Group
6. Possible Draft COSAC Contribution
7. Other business

Projet d'ordre du jour de la réunion du groupe de travail de la COSAC 9 avril

1. Adoption de l'ordre du jour
2. Rapport d'Andreas Maurer sur un projet de recherche sur les parlements nationaux et l'Union européenne
3. Rapport sur les réponses au questionnaire
4. Document de discussion sur Les Parlements nationaux et l'Union européenne
5. Proposition du Danemark d'un groupe de travail permanent de la COSAC
6. Discussion sur une éventuelle contribution de la COSAC

Questions diverses

**List of participating delegations to the COSAC
Working Group meeting
Stockholm April 8 - 9 2001**

	Delegations	Accompanying Staff
Austria		
Nationalrat	Karl Schweitzer	
Bundesrat	Albrecht Konecny	Gerhard Koller
Belgium		
Ch. des Représentants	Herman De Croo	Roel Jansoone
Sénat	Philippe Mahoux	Michel Vandeborne
Denmark		
Folketinget	Elisabeth Arnold	Björn Einersen
European Parliament	David Martin Guido Podesta	Sten Ramstedt Philippe Ventujol Maria Odilia Henriques
Finland		
Eduskunta	Matti Vanhanen	Pekka Nurminen
France		
Assemblée Nationale	Maurice Ligtot	Christophe Lescot
Sénat	Hubert Haenel	Jean Laporte
Germany		
Bundestag	-	Michael Fuchs
Bundesrat	-	Regine Gautsche
Greece		
Vouli Ton Ellinon	Dinos Vrettos	Christina Vrettou
Ireland		
Dail Éireann	Bernard J Durkan	Brian Cahalane
Seanad Éireann		Helen Keogh
Italy		
Camera dei Deputati	Giovanni Saonara	Gianfranco Neri
Senato	Francesco Bortolotto	Marco D'Agostino
Luxemburg		
Ch. de Députés	Ben Fayot	Marianne Weyer
Netherlands		
Tweede Kamer	Frans Timmermans	Leo Van Waasbergen
Eerste Kamer	Wim Van Eekelen	
Portugal		
Ass. da República	Manuel dos Santos	Maria Teresa Paulo
Spain		
Congr. de los Diputados	Josep Borrell	Pablo Garcia Mexia Guillermo Martinez
Sweden		
Riksdagen	Sören Lekberg Göran Lenmarker	

United Kingdom
House of Commons
House of Lords

Jimmy Hood
Lord Tordoff

Dorian Gerhold
Thomas Mohan

**University
of Cologne**

Andreas Maurer

Interpreters

Vincent Buck
Villy Wisser

