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SUBMISSION FROM MR. CHARLES JOSSELINE, PRESIDENT OF THE
NATIONAL ASSEMBLY DELEGATION FOR THE
EUROPEAN COMMUNITIES

POINT No 1 OF THE AGENDA

"SUBSIDIARITY AND DEMOCRATIC RESPONSIBILITY"

Mr. President,
Dear Colleagues,

To start with, let me tell you how pleased I am to see us all together again to-day to discuss the Community problems and to thank the Irish Dail and the President of the Joint Commission for the European Communities for the quality of their hospitality.

The principle of our half-yearly meetings thus becomes a custom which is very important in the parliamentary field, including for countries with a tradition of written law such as mine ! It is, I think, a very good thing, for the Parliaments and also for the construction of a Democratic Europe.

Our meeting to-day is also particularly appropriate as the twelve heads of State and Government who have just met in Dublin have decided "to go forward towards European Unity".

They decided that the Community would make new and significant progress by re-stating the will to carry out fully and efficiently the targets set out by the Single Act, by speeding up the preparations for the intergovernmental Conference on economic and monetary Union, by starting without delay, the examination of the questions preliminary to political union.

It seems to me good and meaningful that, among these questions, the European Council of Dublin put forward two points taken from the message that President Mitterrand and Chancellor Kohl addressed to the President of the European Council, Mr. Haughey: to strengthen the democratic legitimacy of the Union, to make institutions more efficient.

The "aggiornamento" of the Community is thus, from now on, on the agenda and the first point of our debates to-day is particularly welcome from this point of view. How to strengthen the democratic legitimacy of the Union and the efficiency of its institutions without asserting and guaranteeing the principle of subsidiarity and ensuring better democratic responsibility in the Construction of Europe ?

1. First of all, the principle of subsidiarity

This principle is not explicitly sanctioned by the Treaty of Rome. Of course, the latter only confers jurisdictions *ratione materiae* to the Community institutions but the object of these jurisdictions is to progressively carry out objectives the definition of which - often not specific - has permitted a very extensive interpretation of the Community as well as the Court of Justice.

Furthermore, these jurisdictions may be extended, in accordance with Article 235 of the Treaty, on proposal of the Commission and on unanimous decision of the Council, if this seems necessary for carrying out, within the functioning of the Common Market, one of the Community objectives without the necessary powers being provided for. We know the important use which has been made of this provision.

The Single Act, adopted in 1986, takes into account the principle of subsidiarity in exercising new jurisdictions given to the Community in the field of social policy, research and technological development and environment. Article 130 R is the most explicit in this regard as it provides that the Community acts in environmental matters in so far as "the objectives aimed at can be carried out better at Community level than at individual member states level.

It seems essential to assert even more clearly this principle when the Community action affects the most sensitive fields regarding the sovereignty of states : to-day, fiscality, police, tomorrow, probably economic policy and currency, soon foreign policy, security...

The Treaty project establishing the European Union outlined by the European Parliament in 1984 introduced the principle of subsidiarity and gave a general definition. It is necessary to review it again.

The principle must be clearly expressed but it is even more important to distribute carefully the jurisdictions between the Community and the member states and to specifically define the tasks which are their responsibility when the two levels of jurisdiction may be in competition with one another.

This exercise is not easy but the credibility of the construction of Europe is at stake. The objective of transparency is essential. As far as possible, the "grey areas" of the Treaty must disappear as they are favourable to the bureaucratic drifts and to new holds via case law which as we all know, are the

sources of misunderstanding, then conflicts and finally rejection.

Once the jurisdictions are carefully defined, it will be necessary of course to ensure that they are observed through the appropriate mechanisms. The Rapporteur of the institutional Commission of the European Parliament, President Valéry Giscard d'Estaing, mentioned the creation of a constitutional Court and the possibility of bringing matters before it and a European Senate where the National Parliaments and possibly the regions would be represented.

It would be suitable also that a possible modification of the distribution of responsibilities between the Community and the member states obey a proceeding offering every guarantee to the latter and particularly to their parliamentary institutions. The principle of subsidiarity and the respecting of it are evidently closely linked to the desire to reinforce the democratic character of the Community.

2. Democratic responsibility in the Community

The "democratic deficiency" of the Community is now recognised by everyone. As the Community construction develops and grows, this deficiency appears more worrying. It is a matter of urgency to reinforce the democratic dimension of the Community: its attraction, its success, its legitimacy even depend on it.

How can we, in fact, pretend to be a model for the other European states if the democratic functioning of the Community is not guaranteed at the level of its institutions and of its member states?

Because it is not a question of replacing one legitimacy with another, as recently and appropriately stressed by the President of the European Parliament, Mr. Enrique Baron Crespo : "Two democratic legitimacies exist in the Community, complementing one another, at national and Community levels".

To keep to the Parliamentary institutions which are clearly the main source of our worries, it seems to me important that President Delors has stressed to the European Parliament that "an imbalance must not arise between the Strasbourg Assembly and the National Parliaments".

It thus is appropriate to improve the role of the European Parliament and at the same time to strengthen that of the parliaments of the member states, the two institutional levels having to work together for the common good of the Community.

- To improve the role of the European Parliament is clearly to strengthen its legislative aim notably by developing the cooperation procedure, and to increase its possibilities of checking the other community decision making centres. The Parliamentary system is organised around the legislative function. If the European Parliament does not give enough attention to its aim in this respect, one could perhaps be tempted to impute to it the malpractice of the legislation

because it will not have asserted the voice of the elected representatives against bureaucracy. Perhaps it will be necessary for it, to avoid the obstruction of its role and to guarantee the efficiency of the legislative procedure, to reserve for the European Parliament the examination of the most important documents in accordance with a system inspired by the distinction made in France between the law and rules.

Any increase in the jurisdiction of the Strasbourg Assembly must in any case be accompanied by an improvement in the representative character of this Assembly. Thus, it is appropriate to promote a uniform electoral procedure, closer to the citizens of the community; it would be fitting in this regard to refer more to the regions.

- Relations between the European Parliament and the Parliaments of the Member States must be more frequent and closer. The cooperation methods are diverse : consultation by the European Parliament of the National Parliament or of their competent bodies on projects of community act, joint commissions, appointment of rapporteurs for the same subjects in the various parliaments, participation at commission meetings, hearings, meetings... Some of these methods are already in use, undoubtedly too little; often all that is needed is amendment of assembly regulations to develop them and to formalise new ones.

Can we go further and organically associate the parliaments of the member states to the community institutions? The advantages of the double national and European mandate are not recognised by everyone. As to the creation of a European Senate already suggested by President Genton during our meeting of last November, it would be necessary to specify its composition and the role of responsibility it could have in the community institutions.

The proper role of the parliaments of the member states must however not be neglected. As Mr. Emilio Colombo, Rapporteur of the institutional commission of the European Parliament, has indicated on the proposal of setting up of the European Union, "it is necessary to find the means of associating the national parliaments in order that they may bring a specific contribution to the process of integration and to the definition of policies".

The parliaments of the member states evidently intervene at the moment of transition of the community texts into national law. Is it necessary then in order that their action at this level retains all its meaning that the instrument of the directive be privileged and that the community texts remain outline drafts fixing a minimum of common essential rules and respecting, in so far as is possible, the principle of mutual recognition of national legislations.

But that is not sufficient. The action of the member states must also be developed in relation to the community decision process.

The community negotiations are not diplomatic negotiations. The Parliaments of the member states must be informed of them, and must be able to express themselves in this regard. Why not

introduce into the Treaty a provision guaranteeing this expression at a given moment in the procedure ? Certainly, the already complex regulations must not be made more complicated but a better participation by the national parliaments in the community decision making process would undoubtedly greatly facilitate the application of community legislation.

It is up to each national parliament to strengthen its own methods of action in this area. Our Parliament has just adopted the legal proposal attempting to increase the role of our European delegations. An intense revision is in progress in France and in each of our countries in this regard. Our meeting today and the holding of the next European parliamentary Assizes will bear witness to this.

In any case, I am firmly convinced that to strengthen the powers of the European parliament and, at the same time, those of the parliaments of the member states, is to act for Europe, for the political union and so that the really democratic community be, as is desirable, the centre of gravity of a new balance on the European continent, capable of fully asserting its international role which is today recognised by everyone._

