

**Conference "The Treaty of Lisbon - Treaty of European Parliaments"**  
Warsaw, 22-23 February 2010

*OIDE Note<sup>1</sup>*

On the 22-23 February 2010, under the patronage of the Marshal of the Sejm **Bronisław Komorowski** and the Marshal of the Senate **Bogdan Borusewicz**, an international conference was held: "The Treaty of Lisbon - Treaty of European Parliaments". During the meeting parliamentary experts have exchanged their views on the challenges resulting from the new powers of national parliaments under the Lisbon Treaty and the possibilities to use them effectively.

The conference was opened by the Marshals of the Sejm and the Senat. Next Lech Czapla, acting Secretary General of the Sejm, presented the subject and aims of the conference. He underlined that the implementation of new powers of the national parliaments, provided for in the treaties, constituted a challenge not only for the parliamentarians but also for the administration that had to handle the application of those new functions. He pointed out that it was necessary to decide, if the requirement of effective enforcement of new treaty powers by national parliaments demanded enhanced cooperation among them, and if yes, to what extent. At this point, he indicated that the cooperation could involve establishing common rules concerning procedures, developing interparliamentary contacts at the administration level or creating electronic forums for the exchange of information. Moreover, Lech Czapla alluded to the letter of the Chairman of the European Scrutiny Committee of the UK House of Commons, where the latter refers to the definition of legislative act that determines limits of the national parliaments' powers in relation to the scrutiny of the subsidiarity principle and actions brought before the ECJ.

Lech Czapla noted that parliamentary staff was confronted with problems concerning application of new procedures and the conference should provide an opening balance, founding discussion on the practices resulting from the implementation of the Treaty to date and on the checks coordinated by COSAC. At the same time, he stressed that the debate on new powers of national parliaments should be continued.

The discussion was held within four panels:

- Panel 1: Subsidiarity monitoring - When? In what form?
- Panel 2: Active contribution to the good functioning of the EU - To evaluate and scrutinise or to co-create?
- Panel 3: EU parliaments' cooperation system - With whom? Together or separately?
- Panel 4: New tasks of parliamentary administration - Adaptation or reform?

### **Panel 1**

#### **Subsidiarity monitoring - When? In what form?**

Moderator: Lech Czapla, Poland

The first panel was opened with the lecture of Prof **Cezary Mik** (Poland) on the role of national parliaments under the Lisbon Treaty. Prof C. Mik, while reminding briefly the development stages of the national parliaments position in the Communities and than in the

---

<sup>1</sup> Materials from the conference have been published on the website: <http://www.sejm.gov.pl/conference/>

EU, noted two aspects: parliaments were still treated as the anchor of national sovereignty and their functions in European matters were determined in the treaties only in principle while their elaboration depended on the domestic law.

Among European functions of the parliaments after the entry into force of the Lisbon Treaty, the lecturer listed, *inter alia*, functions perceived from the perspective of the creation of EU law at three levels: creation of primary law, creation of secondary law and conclusion of international agreements. On the level of the primary law creation the lecturer discussed the parliaments' competences within the treaties revision procedure, simplified revision procedures, provided for in the art. 48 par. 6 and 7 TEU, position of parliaments in the admission to and withdrawal from the Union procedures. On the level of the secondary law creation Prof C. Mik listed: receiving information and draft legislative acts; seeing to it that the principle of subsidiarity is respected, in accordance with the Protocol 2; evaluation, within various mechanisms, of the area of freedom, security and justice. As far as international agreements are concerned, in the case of agreements concluded with the Member States or on behalf of the EU, the Member States are Union's agent and national parliaments participate in the ratification process. Moreover, the speaker distinguished: parliaments' function in implementing EU law, ideologically-political function – indirect legitimization and national sovereignty defence functions (especially when parliaments have the right to submit their objections) and interparliamentary cooperation function – obligation to define the framework for effective and systematic cooperation together with the European Parliament and new tasks of the COSAC.

The significant part of the lecture was devoted to the issue of subsidiarity, where the speaker emphasized the fundamental difference in regulation between the Treaty of Lisbon and previous treaties. He reflected on the content of the principle and its relation to the proportionality principle. With regard to the procedure of subsidiarity scrutiny, Prof C. Mik expressed the view that the specific definition of the draft legislative act (which was subject to subsidiarity control), included in the protocols, should be interpreted to national parliaments' disadvantage. It appears from the protocol that the *ex ante* scrutiny (i.e. not only the orange card but also the yellow card – editorial note) shall be performed only within the ordinary legislative procedure. When analyzing art. 7 par. 1 of the Protocol no. 2, the speaker pointed to the improper description of the parliaments' competences, which in Polish is “uwzględnić” (which means: including in the draft the suggestions from the opinion– editorial note) although – in his view – EU institutions are not bound by the reasoned opinion but have only to take a stance with regard to it. When referring to the orange card procedure, he questioned the expression “simple majority”, stating, that the definition given indicates absolute majority. With regard to the *ex post* scrutiny, i.e. judicial control of the compliance with the subsidiarity principle, provided for in the article 8 of the Protocol no. 2, the author noticed, that all legislative acts, including those that were not adopted within the ordinary legislative procedure, were subject to it (in contrast to the *ex ante* control). Within the lecture an important issue, in case of the intent to bring action by the parliament before the ECJ, was also raised concerning relations between government and parliament, as well as the case of bicameral parliaments.

The next point of the first panel was the presentation by **Bartosz Pawłowski** (Poland), from the Sejm's Bureau of Research, of a report, based on the replies sent by national parliaments concerning subsidiarity principle scrutiny under the Lisbon Treaty. 22 chambers from 18 states participated in the study and they answered questions concerning, *inter alia*: adopted or planned changes in law and internal procedures in relation to the entry into force of the Lisbon Treaty, bodies engaged into subsidiarity scrutiny, stages at which subsidiarity is

scrutinized and interparliamentary cooperation. In the opinion of most assemblies, the subsidiarity principle has been outlined very vaguely and its application as a strict legal criterion for the appraisal of draft legislative acts causes difficulties.

During the discussion Prof Maciej Szpunar (Poland) and Prof Artur Nowak-Far (Poland) commented on the report.

**Prof Maciej Szpunar** emphasized that, thanks to the new powers conferred on national parliaments in the Treaty of Lisbon, they became independent entities of European politics and noted it was in the interest of the EU, as well as the Member States, that national parliaments made use of those powers. In his opinion, to make it a reality in the context of the subsidiarity principle scrutiny two conditions have to be met. Firstly, it is necessary to reformulate rules of cooperation between national parliaments and governments, so as the former were not only reviewers of the governments actions. Secondly, subsidiarity principle must gain its real shape in the ECJ case-law, in order to overcome existing controversies. He underlined that in the case of bringing action on behalf of national parliament on grounds of infringement of the principle of subsidiarity by a legislative act, ECJ wouldn't be able to avoid referring to this issue, as it had been done to date, when infringement of the principle of subsidiarity had been only one of many arguments within an action for annulment of the legislative act. In this way the principle of subsidiarity will gain its shape in the case-law, which is a condition for extending competences of national parliaments. Referring to the questionnaire sent to national parliaments by the Bureau of Research, he noted that, in his opinion, active approach of national parliaments at the stage of green and white papers, i.e. before the legal act was prepared, would contribute to strengthening subsidiarity principle.

**Prof Artur Nowak-Far** positively evaluated solutions adopted in the Lisbon Treaty concerning the subsidiarity control. Taking into account that it exists a problem of insufficient scrutiny of subsidiarity compliance by the EC and the practice of adopting directives that do not leave much room for manoeuvre in implementation, he underlined a significance of enhancing subsidiarity control and including national parliaments into this mechanism.

**Dan Matei** (Romania) in his speech pointed out that national parliaments interpreted subsidiarity in very different ways. That is why, in his view, European Commission, with the assistance of the European Parliament, the Committee of the Regions and COSAC, also taking into account the EU Court of Justice case-law, could prepare specific guidelines for the application of subsidiarity. He also underlined that cooperation among all actors involved in subsidiarity monitoring at the regional, national and European levels was of utmost importance. Special attention was drawn to a partnership between the European Commission and the national parliaments for both the drafting phase and for the following implementation phase. Moreover national parliaments shouldn't focus on subsidiarity alone and take part in the entire decision-making process at EU level.

## DISCUSSION

- Answering the question of **Frank Mittendorff** (Netherlands) concerning ECJ approach to the principle of subsidiarity, **Prof Maciej Szpunar** explained that, in his opinion, the possibility of bringing action on the grounds of subsidiarity principle infringement by national parliaments would make ECJ to adjudicate on this principle.

- **Niall O'Neill** (European Parliament) pointed out that, in his view, possible action brought before ECJ by national parliaments would be the last resort and would mean that control mechanisms hadn't worked at earlier stages. Furthermore he referred to the problem of political significance of reasoned opinions submitted by a few parliaments, when yellow or orange card mechanism was not launched. In his reply **Prof Artur Nowak-Far** noted that the importance of national parliaments concerns about subsidiarity would depend on the stage at which they would be submitted. If it is done too late, bringing action before ECJ may be used. **Prof Maciej Szpunar**, on the other hand, pointed out that the political power of the parliaments' objection, regardless of the number of chambers, would rest mainly on judicial arguments and the judicial definition of subsidiarity principle would depend on the ECJ.
- During the discussion **Lech Czapla** asked about the possibility to scrutinize subsidiarity principle at the stage of presenting white and green papers by the EC. **Prof Artur Nowak-Far**, as well as **Prof Maciej Szpunar**, noted that such a scrutiny was possible and highly advisable.
- **Libby Kurien** (United Kingdom) signalled the issue of discrepancies in interpretations of special legislative procedure (raised in the letter of the Chairman of the European Scrutiny Committee of the UK House of Commons), however without elaborating the problem.
- Moreover, **Bengt Ohlsson** (Sweden) and **Ray Treacy** (Ireland) in their statements pointed to differences in using new powers by individual national parliaments.

## Panel 2

### Active contribution to the good functioning of the EU - To evaluate and scrutinise or to co-create?

**Moderator: Loreta Raulinaityte, COSAC**

The second panel was opened with the lecture of **Prof Artur Nowak-Far** on *passerelle* formula in the Lisbon Treaty. Prof Artur Nowak-Far discussed art. 48 par. 7 TEU and art. 81 par. 3 and 352 TFEU, as well as powers of national parliaments in regard to the scrutiny of procedures provided for in them. Evaluating solutions adopted in the Lisbon Treaty he stressed that *passerelle* clauses contributed to making the EU decision-making process, in a vast number of areas, potentially more effective and efficient and the control of national parliaments over the use of the *passerelle* clauses represented an important measure which might prevent the European Council or the Council from the misuse of this prerogative. At the same time, as a drawback of the *passerelle* arrangement, he pointed to the increase in the number of parties involved in the decision-making process and, as a result, its opening up to national political processes, and a rise of transaction costs. Summing up his lecture, he assessed that although the Treaty of Lisbon provided national parliaments mainly with instruments for the evaluation and control, with a proper mobilization of parliaments and with frequent and appropriate usage of mechanisms stipulated in the Treaty, they might become a co-creator within the EU decision-making processes.

## DISCUSSION

- **Niall O'Neill** mentioned possible influence of changes taking place on political scenes in individual Member States on the application of *passerelle* clause.
- Answering the question of **Dan Matei** concerning predicted number of *passerelle* clause cases for example within a year, **Prof Nowak-Far** stated that it was difficult to assess because of high dynamics of events on EU Member States' political scenes.

**Andrew Makower** (United Kingdom) noted that according to the estimation made by the British government, *passerelle* clause wouldn't be launched soon.

- In response to the request by **Loreta Raulinaityte** to present solutions, adopted or planned, concerning *passerelle* clause in individual parliaments, **Andrew Makower** and **Bengt Ohlsson** underlined that in the systems of cooperation between government and parliament existing in their countries, objection of the parliament to *passerelle* clause, after parliaments were informed of the European Council initiative, would rather not be used. In both systems, in practice, the mandate is granted to the government by the parliament before European Council meeting.
- Answering the question of **Dan Matei** concerning solutions in relation to *passerelle* clause in the Polish Parliament, **Ziemowit Cieslik** (Poland) explained that preparatory work on the act regulating new rules of cooperation between two parliamentary chambers and the government was still in progress. Two stages are considered to be included in the act: formulating opinion before the European Council meeting and, second stage, in application of treaty provisions, adopting a resolution by the chamber and submitting it to appropriate addressees in the EU. However, he emphasized that because of the early stage, it was difficult to explicitly determine how the issue would be regulated in the Polish law.

The next point of the second panel was the communication from **Michel Quillé**, Deputy Director of Europol. First, he presented information on the Europol and its actions, and then referred to new relations of Europol versus European Parliament and national parliaments under the Lisbon Treaty. He indicated, inter alia, that new powers of the European Parliament with respect to the Europol did not result only from the Lisbon Treaty, but also from the new decision establishing the Europol, which replaced the convention on the Europol. He pointed out that in order to ensure that all national parliaments received from the Europol the same information, it could be transmitted to the COSAC. Moreover, Michel Quillé didn't rule out the possibility to organize meetings of, inter alia, national parliamentarians with Europol representatives, which may, in his opinion, facilitate mutual comprehension. He noticed that Europol representative might also participate in COSAC meetings.

**Mariusz Skowroński**, National Member for Poland in Eurojust, began with presenting Eurojust history and its main tasks. He emphasized that national parliaments indirectly – by using their legislative competences – might influence effective EU functioning through its institutions. He also noted the possibility of shaping by national parliaments, within their legislative competences, real judicial cooperation in criminal matters, based on mutual recognition of judicial decisions and approximation of the Member States' laws and regulations. In his opinion Eurojust evaluation by national parliaments has to be performed in the context of assessment of judicial cooperation in criminal matters in the EU. He expressed the view that national parliaments should reach an agreement as to the common standards for ensuring balanced evaluation of Eurojust actions at the European level, as well as at the national one. At the same time, each parliament has to develop its own internal methods for evaluation of Europol on national level.

**Michael Hilger**, Assembly of Western European Union representative, presented the role of national parliaments within CFSP/CSDP under the Lisbon Treaty. He noted, inter alia, that in accordance with the art. 10 of the Protocol on the role of national parliaments COSAC might organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. In his opinion the Treaty of Lisbon provisions should be interpreted broadly and national

parliaments should not be limited to organizing only one annual conference per year. In his view a more structured system of parliamentary scrutiny, involving the adoption of analytical reports and more numerous meetings, is a better solution. This would increase transparency and compensate for the limited role of the European Parliament in CFSP/CSDP. He also underlined that in the foreseeable future national assets and capabilities would be used for CSDP operations and parliaments would largely decide on their allocation. According to Michael Hilger, specific characteristics of security and defence policy at European level justify a special arrangement for national parliaments, that would also strengthen position of national parliaments in countries where governments have dominating influence on the security and defence policy.

## DISCUSSION

- **Niall O'Neill** drew attention to additional tasks for COSAC resulting from the proposals of Michel Quillé and Michael Hilger regarding control of Europol and CFSP/CSDP. **Loreta Raulinaityte** underlined that COSAC was discussing its future role and proposals in this respect (including also possible interpretations of art. 10 of the Protocol on the role of national parliaments) would be included, among others, in the 13th Bi-annual Report.
- Answering the question of **Dan Matei** concerning possible visits of national parliaments' members in Europol and their contacts with representatives of the body, **Michel Quillé** explained that such forms of cooperation had already functioned on the *ad hoc* basis, inter alia, with French Parliament.
- In response to **Loreta Raulinaityte** question concerning the best solutions for the control of Europol and evaluation of Eurojust by national parliaments, **Michel Quillé** and **Mariusz Skowroński** indicated that, among others, creating common committee of national parliaments and EP, could be a good solution. At the same time, Mariusz Skowroński emphasized that it would be difficult to determine strict criteria for Eurojust evaluation.

### Panel 3

#### EU parliaments' cooperation system - With whom? Together or separately?

**Moderator: Bengt Ohlsson, Sweden**

The panel was opened with the lecture of **Loreta Raulinaityte**, permanent member of the COSAC Secretariat, on the role of the COSAC in interparliamentary cooperation. After presenting COSAC's history and its tasks and operation methods, Loreta Raulinaityte discussed provisions of the Protocol on the role of national parliaments concerning the Conference. Next, while summing up subsidiarity checks carried out within the COSAC, she pointed out that 35 parliamentary chambers participated in the last check and that non of them reported problems connected to the scrutiny process. It may indicate that pilot checks within COSAC allowed parliaments to develop well functioning procedures in this respect. Referring to the issue of COSAC's future role, Loreta Raulinaityte discussed, inter alia, opinions of Hubert Haenel and Herman de Croo, included in the article „Evolution of COSAC over the last 20 years” as well as of the European Parliament presented in its report of 13 March 2009. She also noted that preliminary proposals as to the future role of the Conference were submitted at the COSAC Chairpersons meeting on 4-5 February 2010. It was suggested, among others, to continue coordinated subsidiarity control, to debate selected Commission's legislative proposals and to take full advantage of the political dialogue with the EC. She

informed that broad debate on the COSAC's role would be held at the next Conference in May, based on the 13th Bi-annual Report.

Next, **Paolo Visca** and **Rita Siria De Vitis**, from the Italian Chamber of Deputies, presented proposals concerning interparliamentary cooperation and exchange of information under the Lisbon Treaty. They emphasized that there was no need to create new structures or procedures but rather exploit the potential of existing ones. They pointed to, inter alia, possibility of better use of IPEX through more timely updating, definition of homogeneous criteria and uploading summaries or full translations, in English or French, of national parliaments' opinions. They also suggested informal exchange of information at an early stage between national parliaments' permanent representatives in Brussels. Referring to the COSAC's role, they expressed an opinion that national parliaments shouldn't focus only on subsidiarity. They underlined that the Conference might concentrate on the monitoring of "trends" of EU legislative activity and transparency of the EU decision making. COSAC, in their view, should debate on the priorities included in Commission's and Council's planning documents.

**Olev Aarma**, Head of the Secretariat of Estonian Riigikogu EU Affairs Committee, in his contribution discussed contemporary and planned system of EU affairs scrutiny in Estonian parliament. He emphasized that solutions adopted in Estonia guaranteed a strong position to the parliament. Its opinions on the EU draft legislative acts are binding for the government. EU Affairs Committee has also access to the government's EU database containing, inter alia, COREPER documents. At the end of February work on new regulations was in progress as regards the Lisbon Treaty coming into force. An amendment to the Riigikogu rules of procedure was submitted, that deals with three areas: scrutiny of subsidiarity principle, bringing action before ECJ and *passerelle* clause. Olev Aarma also pointed out that precise definition of subsidiarity principle was an import issue and underlined that without involving colleagues in the executive selection, analysis and scrutiny of subsidiarity matters would be difficult for parliamentary services, for example as regards human resources.

## DISCUSSION

- Answering the question of **Bartosz Pawłowski** concerning the aim of possible future coordinated subsidiarity checks within COSAC, **Loreta Raulinaityte** alluded to the letter of eight parliaments, in which they call on COSAC to consider continuation of such controls, as they constitute good practice and mobilize parliaments to subsidiarity scrutiny. **Andrew Makower** noted that coordinated subsidiarity checks provided a chance to meet the threshold required within yellow card procedure. **Paolo Visca** one more time underlined that too much attention was devoted to subsidiarity scrutiny, whereas parliaments could focus on evaluation of EU decision-making process effectiveness and transparency.
- **Libby Kurien** noted that, when considering future solutions in interparliamentary cooperation, it was necessary to take into account all existing forms of activity for example meetings of sectoral committees and interparliamentary meetings organized by the EP, in order to avoid duplicating its functions.

In the following part of the third panel **Richard Mongin Forrest**, representing IPEX Central Support, presented state of affairs in IPEX and planned changes related to the Lisbon Treaty entry into force. He informed that the database was regularly updated by 2/3 of EU parliamentary chambers and each month around 500 documents were uploaded. He stressed that after the Lisbon Treaty entry into force the website performance, speed and content

should be improved, so as to ensure that information on IPEX was most up to date and reliable. Next, he discussed recent changes in the database: introduction of the “reasoned opinion” symbol, comments from the European Commission, possibility of automatic update with XML and launching forum on interparliamentary cooperation under the Lisbon Treaty, commissioned by the EU Speakers Conference. He also informed that a working group was established to develop project of new IPEX website. Planned changes include, inter alia: increase in speed and accessibility, easier access to national parliaments’ documents, possibility of bulk processing, uploading documents from the Council and other institutions apart from those of the Commission, using information from OPOCE, enhanced search, subscription and RSS. Moreover, on the home page there is to be placed an information on proposals being under 8-week period for scrutiny, as well as a new section on *passerelle* clause.

**Mario Ruse**, Romanian Chamber of Deputies’ representative, suggested actions that could allow exchange of experiences and best practices in implementing the Lisbon Treaty by parliamentary administrations of Member States. Mario Ruse drew attention to the need of promoting IPEX within internal parliamentary structures and internal trainings and presentations dedicated to the platform. He underlined the significance of ensuring appropriate staff responsible for IPEX. Furthermore, he proposed, inter alia, creating within IPEX a section in which national parliaments could exchange best practices, establishing interdisciplinary group that would propose to the Secretaries General solutions for the improvement of the internal communication and inform on existing problems, shaping networks of experts between specialized committees, focusing on the use of new communication technologies and effectiveness of the permanent representatives in Brussels.

## DISCUSSION

- Answering the question of **Lászlo Sinka** (Hungary) concerning the extent to which national parliaments use IPEX, **Richard Mongin Forrest** encouraged parliaments to use various channels of information exchange. Simultaneously, he underlined that as far as placing information on websites is concerned, IPEX should be the only tool. He noted that it didn’t exclude existence for example websites maintained by the EC or the EP, on which information on the dialogue with national parliaments would be placed. He informed that work was in progress to provide cross linking of IPEX with EC and EP websites.
- **Andrew Makower** noted the problem of IPEX low usage in national parliaments. **Richard Mongin Forrest** informed that this issue was discussed during the last IPEX Correspondents’ meeting. He emphasized that using the database for general EU affairs scrutiny should be promoted. At the same time he underlined that using IPEX might be difficult because of language reasons and that was why placing most important information in English or French was crucial.

## Panel 4

### New tasks of parliamentary administration - Adaptation or reform?

**Moderator: Leszek Kieniewicz, Poland**

The last panel was opened with the speech of **Carsten U. Larsen**, Secretary General of the Danish Folketing, who discussed new tasks of parliamentary administration under the Lisbon Treaty. He underlined existing differences among individual parliamentary administrations, inter alia, in terms of the number of staff, structure and working methods, as well as types of

documents to which they have access. Administration must nowadays, more than ever, be flexible and quickly adapt to new challenges. Entry of the Lisbon Treaty into force is such a challenge. New powers require from parliaments actions in three areas. Firstly, the influence of national parliaments on EU matters increases but they can fully use it only if they work together. Secondly, if parliaments want to have impact on decisions made within EU they have to, in much greater extent, exchange information. Subsidiarity scrutiny is a good example, as it is based largely on information from different institutions, like European Commission, government or regional bodies, as well as experts and sectoral committees, and simultaneously the time for scrutiny is limited. It will force most parliaments to change their working methods. Thirdly, if chambers want to meet new challenges, they have to establish early warning mechanisms, such as IPEX, permanent representatives in Brussels, creating network of committees in national parliaments and the EP, including COSAC, preparing lists of priority proposals for control, for example on the basis of Commission's working programme. Moreover, he noted that those new challenges might require increase in administrative resources, although it was up to each chamber to decide on the ways in which new tasks would be managed. He also emphasized that enhanced cooperation between national parliaments and with EU institutions would require appropriate resources for translations. Finally, he expressed an opinion that it would be useful to organize exchange of staff between parliaments. He also commented on the subject of the panel, saying that: "We may think it is 'Adoption', but reality might show us that it is 'Reform'".

In the subsequent point of the conference **Andrew Makower**, representative of the House of Lords, discussed organizational and legal aspects of EU documents scrutiny in the House of Lords, as well as how new powers provided for in the Lisbon Treaty influenced chamber's cooperation with the government, House of Commons, EP and other national parliaments. Andrew Makower presented the way in which EU documents are scrutinized in the House of Lords, including preparation of EU Committee reports. He stated that the Lisbon Treaty had made no difference to the organisational and legal support for the Lords European Union Committee. However, on account of the Lisbon Treaty entry into force, the Handbook was prepared on the parliamentary scrutiny for members and staff. At the same time the Procedure Committee has already submitted proposals on adopting reasoned opinions by the chamber. Andrew Makower again drew attention to the problem of draft legislative act's definition in the Lisbon Treaty and encouraged to support British Parliament's initiative to resolve this issue in a manner favourable for national parliaments.

**Hinrich Schroeder**, the German Bundestag's representative, discussed EU matters scrutiny system in the lower chamber of the German Parliament, by presenting shortly, inter alia, types of documents received from the government and the role of the European Division in that process. Moreover he discussed new powers of the Bundestag under the Lisbon Treaty, referring also to the ruling of the German Federal Constitutional Court. He stressed that monitoring subsidiarity principle might be effective only when national parliaments would cooperate with each other and with the EP. In his opinion, permanent representatives in Brussels and IPEX have an important role to play.

**Adriana Costescu**, the Romanian Chamber of Deputies' representative, discussed main challenges that national parliaments are facing after the Lisbon Treaty entry into force and presented administrative solutions adopted in the Chamber of Deputies connected with the EU matters scrutiny. She noted that the main challenge for national parliaments was to effectively use information received from government and EU institutions. It will require reform and adjustment in three areas. Firstly, national parliaments have to make changes in normative

sphere. Secondly, adjustments are necessary at the institutional level, i.e. for example, specifying roles and powers of European and sectoral committees, as well as of the chamber. Finally, changes will be required in the parliamentary administration, where optimization of the architecture of bodies responsible for EU matters will be needed. While discussing the reform of the parliamentary participation in EU affairs launched in 2009 in the Chamber of Deputies, she emphasized that its main result was creation of the network of experts, including those from Committee on European Affairs and the Directorate for EU Law, as well as sectoral committees.

## DISCUSSION

- **Dan Matei** asked about the profile of an ideal clerk responsible for EU affairs and about the strategy of employing such persons. **Carsten U. Larsen** and **Pernille Deleuran** (Denmark) underlined that such recruitment should take into account many elements, knowledge but also personal qualities. **Andrew Makower** informed that in the House of Lords the team included people in different age and that created mixture of youth and experience. Persons from other EU countries are also employed, which gives extra perspective. On the other hand, in the case of research team, the crucial qualification is experience of working in Brussels with or in the EU institutions.
- **Andrew Makower**, answering the question of **László Sinka** about new solutions in the United Kingdom concerning cooperation between the parliament and the government, explained that the government would notify the parliament of all changes having policy implications (and not, as so far, only of “significant developments”), and would also give parliament information at the different stages of the legislative process. The government has also agreed, in principle, to supply LIMITE documents, subject to an appropriate deal on what the parliament will do with them. New arrangements concern also scrutiny reserve, which now will apply at each of the three legislative stages of the co-decision procedure.
- **Carsten U. Larsen** informed that some of the Folketing staff was recruited from the government institutions. Moreover, he noted that despite possible language difficulties he regarded staff exchange between parliaments as a useful tool.
- **Tuula Zetterman** (Sweden) and **Niall O’Neill** alluded to the problem of reasoned opinions’ translation.
- **Andrew Makower**, referring to the problem of selecting proposals for subsidiarity scrutiny on the basis of EC work programme, pointed out that in the case of eight subsidiarity checks within COSAC, for which proposals had been selected after EC work programme analysis, only once significant number of parliaments had submitted reservations. In his opinion this may suggest, that preparing list of proposals for scrutiny on the basis of EC work programme does not bring expected effects. **Frank Mittendorff** emphasized that list of priority proposals, based on EC planning documents, forced parliamentarians to get involved in the EU matters. **Loreta Raulinaityte** informed that in Lithuania all parliamentary committees analyse EC work programme and evaluate which proposals shall obtain the greatest attention.
- Answering the question of **Frank Mittendorff** about the EC work programme for 2010, **Milan Jaron** explained that because the process of appointing the new Commission had just finished, it was at the moment difficult to specify what approach to the planning would be adopted.
- **Leszek Kieniewicz** referred to the issue of parliaments’ access to COREPER documents. **Loreta Raulinaityte** explained that in Lithuania parliament uses common database with the government and this ensures access to those documents. **Maria**

**João Costa** (Portugal) informed that Portugal Parliament receives documents unofficially from the permanent representative in Brussels.

Conference was closed with the speech of **Ewa Polkowska**, Secretary General of the Senat. She underlined, that the conference revealed, despite many resemblances between individual parliaments, existing differences. She noted that participants' comments indicated that for some parliaments the Treaty wouldn't change much, while for others it would force changes in established practices and adaptation to new situation. At the same time she expressed the opinion, that regardless of the differences, thanks to greater role of parliaments, the European Union would be more democratic and transparent. She emphasized that taking the European Parliament as an example we could draw a conclusion that it was up to national parliaments and their ambitions how new competences would be used. She pointed out that powers provided for in the Lisbon Treaty constituted for national parliaments the first step towards influencing Europe. Simultaneously, granting parliaments those new powers, is a privilege connected with great responsibility. There is a need to create mechanisms for parliaments' participation in EU legislative activities and other decisions taken by executives in their relations with EU bodies. At the end Ewa Polkowska thanked to all participants for taking part in the conference and expressed her hope that remarks, comments and advice presented during the conference would prove to be useful in implementing new tasks resulting from the Lisbon Treaty and that the first meeting of experts wouldn't be the last.