

## DEBATE ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EU UNDER THE LISBON TREATY

*OIDE note<sup>1</sup>*

### DEBATE WITHIN THE CONFERENCE OF THE SPEAKERS OF EUROPEAN UNION PARLIAMENTS

1. The Speakers emphasize in conclusions from the meetings, how important it is to implement new powers of national parliaments, provided for in the Lisbon Treaty, for the effective and democratic functioning of the Union, and meeting the best interest of citizens. They encourage parliaments to work jointly and find methods that, having respect to national constitutional rules and traditions, will contribute to the development of interparliamentary cooperation and will allow greater democratic legitimacy of EU decisions.
2. According to opinions expressed on the EUSC forum, in order to **strengthen interparliamentary cooperation, provided for in the Lisbon Treaty**, existing structures should be used and creating new ones should be avoided. There is no need to increase number of interparliamentary meetings but rather to take advantage of new technologies (for example videoconferences). Flexible, quick and **effective coordination** of the cooperation shall be developed through:
  - strengthening EUSC coordinating and planning functions, for example identifying priority problems for the interparliamentary cooperation, adopting annual calendar of interparliamentary events (including also EP),
  - increasing involvement of specialized committees in the interparliamentary cooperation, as well as in the monitoring of subsidiarity principle,
  - developing the role of national parliaments' representatives in Brussels,
  - improving IPEX platform.
3. The Speakers underline that **IPEX** should constitute **the main channel for exchange of information**, including those concerning subsidiarity principle, among national parliaments. At the same time they welcome the results obtained by the COSAC working group on cooperation in this area. EUSC encourages national parliaments to exchange information as quickly as possible by means of using and improving IPEX platform through, inter alia,:
  - constant update of information on the scrutiny of legislative proposals and mutual exchange of information within eight weeks period,
  - publishing the summaries, in English or French, of the national parliaments most important positions and opinions concerning subsidiarity,
  - exchanging the best practices of ensuring the flow of information through the IPEX Board cooperation with the permanent representatives in Brussels and COSAC Secretariat.
4. EUSC underlines the role of national parliaments in the assessment and the monitoring of the construction of a European freedom, security and justice area (AFSJ), as well as in the

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<sup>1</sup> The note takes account of the positions presented at meetings of EUSC and COSAC as well as in documents of the EP and the Commission only with respect to the most important issues concerning functioning of national parliaments under the Lisbon Treaty.

defining new priorities in this domain. It also notes **the demand for increased political dialogue** within AFSJ, as well as with regard to the common foreign and security policy (dialogue of interested committees).

5. All problems concerning the role of national parliaments and interparliamentary cooperation under the Lisbon Treaty are to be discussed within an open debate of national parliaments coordinated by the Swedish Presidency. As a platform for the debate, a designated forum on the IPEX website is used (accessible only for national parliaments) - **IPEX Parliamentary Forum on the Lisbon Treaty** (Lisbon Forum). Results of the debate will be presented to EUSC in May 2010 in the Presidency report.

Some of the first problems under debate on the forum are:

- coordination of planned interparliamentary meetings and amendment to the annex to the Hague guidelines for interparliamentary cooperation, dealing with that issue and,
- exchange of information during the scrutiny of subsidiarity principle (complementarity of IPEX and the network of national parliaments' representatives in Brussels).

## SOURCES

Documents from meetings:

- [The extra EU Speakers Conference 11-12 December 2009, Synthesis of discussions](#)
- [Preparing for the Lisbon Treaty. The continued process](#), Stockholm, 11-12 December 2009
- [Conference of the Speakers of European Union Parliaments. Conclusions drawn up by the Presidency](#), Paris, 27-28 February 2009 (chapter *Conclusions of the Presidency concerning the institutional future of the Union and the implementation of the provisions of the Treaty of Lisbon by the national Parliaments*).
- [Conference of the Speakers of European Union Parliaments. Presidency conclusions](#), Lisbon, 19-21 June 2008  
(chapters: *The Strengthening of the European Construction: new responsibilities of National Parliaments and partnership with the European Parliament and IPEX*).

Basic documents and reports:

- [Guidelines on interparliamentary cooperation in the European Union adopted by the Conference of Speakers of the European Union Parliaments in Hague on 3 July 2004, as amended by the Conference in Lisbon on 19-21 June 2008 \(Annex, Hague, 2-3 July 2004\)](#)
- [Working Group on Inter-parliamentary Cooperation. Final report](#), 4 April 2008
- [Report of the Working Group on Improving Interparliamentary Cooperation](#), Bratislava 2007
- Proposals from permanent representatives of national parliaments of the Presidency Trio (France, Czech Republic, Sweden) on the improvements of interparliamentary cooperation between national parliaments and the European Parliament (available on Lisbon Forum)

## DEBATE WITHIN COSAC (CONFERENCE OF PARLIAMENTARY COMMITTEES FOR UNION AFFAIRS)

1. COSAC emphasizes that the development of mechanisms that allow national parliaments to make use of their extended rights provided for by the Lisbon Treaty depends on themselves. To this effect, **an enhanced dialogue between national parliaments and full cooperation from European institutions** are necessary in order to ensure an exchange of information with parliaments.

Debate within COSAC takes also account of its new tasks included in the Protocol No 1 on the role of national parliaments in the EU, especially the organisation of interparliamentary conferences concerning issues of common foreign and security policy.

2. **With reference to the early warning mechanism**, COSAC noted - on the basis of the report of the working group of the national parliaments' representatives to the EU on the implementation of the Protocol 2 - that there were diverging opinions among national parliaments on their cooperation in the application of the Protocol. Parliaments agreed on the following issues:
  - there is a need for an early and flexible exchange of information in order to allow national parliaments to alert each other of any subsidiarity concerns,
  - IPEX is the most appropriate platform to transmit information and official decisions of national parliaments on subsidiarity and it should be developed (e.g. by setting up a reliable database containing complete information on the state of play in national parliaments in this regard),
  - the representatives of national parliaments in Brussels are the most efficient channel to exchange regular, early and unofficial information,
  - it would be essential to exchange information on various aspects of subsidiarity with the EP,
  - COSAC could serve as a forum for exchanging best practices in the application of the Protocol 2 among national parliaments.

A number of COSAC's proposals put forward to the European Commission and concerning the procedure between the Commission and parliaments with regard to the subsidiarity check (proposals resulting from coordinated subsidiarity checks carried out by COSAC) was taken into account by the Commission (see letter of J.M. Barroso and M. Wallstrom of the 1st December 2009).

3. In COSAC's opinion, it is important to establish well-functioning procedures between the European Union institutions and national parliaments for **the parliamentary scrutiny of Europol and evaluation of Eurojust**. COSAC requested that the European Commission should seek the views of the national parliaments and the European Parliament before finalising proposals for dealing with the parliamentary scrutiny of Europol and evaluation of Eurojust. Moreover, COSAC asked the Council and the European Parliament to enter into dialogue with national parliaments, after the Commission issues its proposals, giving them reasonable time to express their views. It called on the Spanish Presidency to give priority to further discussion on that matter.
4. **The future role of COSAC and a new model of relations between the national parliaments and the European Parliament** after the entry into force of the Lisbon Treaty will be the subject of XLIII COSAC in Madrid on 30.05-1.06.2010. The discussion will be based on the 13th Bi-annual COSAC Report.

Futhemore, the chair of the European committee of the House of Commons, in a letter to the COSAC chair, senator Canete, brought up an issue of interpretation of the notion of legislative act that has a crucial significance for the procedure of subsidiarity check. He called on national parliaments to effectively cooperate – under the umbrella of COSAC – in order to change an adverse for parliaments, restrictive interpretation of this notion.

## SOURCES

Documents from meetings:

- [Conclusions of the XLII COSAC](#), Stockholm, 5-6.10.2009 (points 1-2),
- [Contribution of the XLII COSAC](#), Stockholm, 5-6.10.2009 (point 1),
- [Conclusions of the XLI COSAC](#), Prague, 10-12.05.2009 (points 1-2),
- [Contribution of the XLI COSAC](#), Prague, 10-12.05.2009, OJ 2009 C 230, p. 5 (point 3),
- [Conclusions of the XL COSAC](#), Paris, 3-4.11.2008 (points 1-3),
- [Conclusions of the XXXIX COSAC](#), Brdo pri Kranju, 7-8.05.2008 (point 1),
- [Contribution adopted by the XXXIX COSAC](#), Brdo pri Kranju, 7-8.05.2008, OJ 2008 C 189, p. 6 (points 1-2),
- [Conclusions adopted by the XXXVIII COSAC](#), Estoril, 14-16.10.2007 (point 1),
- [Contribution adopted by the XXXVIII COSAC](#), Estoril, 14-16.10.2007, OJ 2008 C 25, p. 13 (points 1-2)

Reports and others:

- [Tenth Bi-annual Report: Developments in European Union Procedures and Practices Relevant to Parliamentary Scrutiny](#), Paris, 3-4.11.2008 (Chapter 2. Report on the results of the working group of the national parliaments' representatives to the EU on the implementation of the Protocol 2 on the Application of the Principles of Subsidiarity and Proportionality as attached to the Treaty of Lisbon, p. 15).
  - [Annex No. 1 to the Tenth Bi-annual Report by COSAC: replies to the questionnaire by the National Parliaments and the European Parliament](#), Paris, 3-4 November 2008.
  - [Annex No. 2 to the Chapter No. 2 of the Tenth Bi-annual Report by COSAC: Replies by National Parliaments to the Questions of the French Presidency, other Working Group Documents](#), Paris, 3-4 November 2008.
- [Draft Agenda for the XLIII COSAC](#), 30 May – 1 June 2010, Madrid
- [Outline of the 13th Bi-annual Report](#)
- [Note on the definition of legislative acts under the EU Treaties](#), attached to the [letter of the Chairman of the European Scrutiny Committee of the UK House of Commons](#), 28 January 2010.

## DEBATE IN THE EUROPEAN PARLIAMENT

1. On the 7th May 2009 the European Parliament adopted a resolution *on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon* (rapporteur: Elmar Brok). The Parliament:
  - called for the development of new forms of dialogue between the EP and national parliaments:
    - creating a permanent network of specialized committees and ensuring financial means for the organization of those committees meetings (p. 6, 7 i 10),

- giving Members of the European Parliament broader possibilities to act (also unofficially) on the forum of national parliaments (p. 9 i 10),
  - including EP into the “Barroso initiative” (p. 16),
  - intensifying cooperation in the financing of CFSP and ESDP (p. 19),
  - called on national parliaments to strengthen control over the governments in the field of EU policies and actions implementation (p. 4, 5, 13),
  - commented on COSAC’s tasks and organization of work as well as on the EP participation in it (p. 21-24).
2. On the 25th November 2009 the European Parliament adopted a decision on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon. At the same time the decision was made that **amendments to the EP Rules of Procedure that concern EP relations with national parliaments** will be examined later.
3. On the 17th December 2009, having regard to the entry into force of the Lisbon Treaty, the EP Conference of Presidents:
- invited the President to conduct exploratory talks with the speakers of the national parliaments, in order to establish a new system for interparliamentary cooperation before May 2010,
  - **set up a steering group**, that in close cooperation with the President would discuss any measures concerning national parliaments and aiming at the implementation of the Lisbon Treaty.

#### SOURCES

- [Conference of Presidents minutes of the extraordinary meeting and ordinary meeting](#), 17 December 2009, p.12, 22.
- [Conference of Presidents minutes of the meeting](#), 18 September 2008, p. 6.
- [European Parliament decision of 25 November 2009 on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon](#), P7\_TA(2009)0088
- [European Parliament resolution of 7 May 2009 on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon](#), P6\_TA(2009)0388

#### EUROPEAN COMMISSION POSITION

1. **In a letter of the 1st December 2009** the President and Vice President of the European Commission sent to national parliaments detailed **practical arrangements for the cooperation** in the scrutiny of the subsidiarity principle. They pointed out, inter alia, at the following issues:
- eight weeks deadline will start with the transmission of the last language version of a given document which will be accompanied by a transmission letter (*lettre de saisine*) specifying the deadline concerned, and the month of August should not be taken into account,
  - Commission will take into account all reasoned opinions from national parliaments, even if they provide different motivations as to the non-compliance and refer to different provisions of the proposal.

At the same time the authors of the letter underline that the Commission sees the early warning mechanism as part of a wider political relationship with national parliaments and intend to pursue political dialogue (so-called Barroso initiative).

2. Per Westerberg, the Speaker of the Swedish Riksdag and the President of the EUSC, in his reply to the letter of the Commission's President and Vice President, welcomed the proposals concerning the modes of cooperation within the early warning mechanism, underlined the role of the general scrutiny of EU matters by national parliaments and the necessity to exchange views between speakers and the Commission on the JHA monitoring.

## SOURCES

- [Letter of J.M. Barroso and M. Wallström](#), 1 December 2009
- [Letter of the Riksdag President Per Westerberg](#), 17 December 2009

## NATIONAL PARLIAMENTS

1. General publications on the Lisbon Treaty:

### United Kingdom:

- [Codecision and national parliamentary scrutiny](#), 17th Report of Session 2008–09, Report with Evidence, House of Lords, 21 July 2009.
- [First Special Report: Subsidiarity, National Parliaments and the Lisbon Treaty: Government Response to the Committee's Thirty-third Report of Session 2007–08](#), HC 197, 26 January 2009.
- [Thirty-third Report: Subsidiarity, National Parliaments and the Lisbon Treaty](#), HC 563, 21 October 2008.
- [Twenty-second Report: Initiation of EU Legislation](#), HL 150, 24 July 2008
- [Tenth Report: The Treaty of Lisbon: an impact assessment](#), HL 62-I, 13 March 2008

### France:

- [The implementation of the provisions of the Treaty of Lisbon by national parliaments](#), Luty 2009.
- [Rapport d'information déposé par la Délégation de l'Assemblée nationale pour l'Union européenne, sur le traité de Lisbonne et présenté par M. Pierre Lequiller](#), 8.01.2008.

2. Comparative materials and questionnaires:

- *Parliamentary procedures relating to the simplified method of revision of the Lisbon Treaty*, ECPRD request 1196, 1.04.2009 (replies from 26 chambers)
- *Application of Article 8 of Protocol 2 of the Treaty of Lisbon*, ECPRD request 1067, 25.09.2008 (replies from 23 chambers)
- *Transposition of provisions of the Lisbon Treaty concerning national Parliaments into national legislation*, ECPRD request 965, 10.06.2008 (replies from 21 chambers)