

Conference of Speakers of the European Union Parliaments
Session II - Five years after coming into force of the Treaty of Lisbon: lessons of subsidiarity checks in
Parliaments

Speech by the President of the Senate of the Italian Republic
Vilnius, 7 April 2014

Dear Colleagues,

I should like to begin by thanking the Parliament of the Republic of Lithuania and Speaker Ms. Graužinienė for their kindness in welcoming us to this beautiful city. I am delighted to be able to take part in this conference, which is an opportunity for cooperation and an exchange of views among representative assemblies, which is particularly important as it comes at a crucial moment for the European Union. The European construction is under a more intense siege now than ever before: Europe stands at a crossroads. It has to deal with such time-changers as the economic and financial crisis, migration, organized crime and the geopolitical instability on our doorstep caused by war, poverty, terrorism and the violation of human rights and dignity. Europe is also under the threat of nationalism, populism and a sense of alienation from and distrust of the European project, which is sometimes perceived as falling far short of its original ideal, and as being incapable of ensuring the well-being and future of its citizens. As the campaign for the European elections of May 25 begins, so prevalent has the general sense of disorientation become that our citizens tend to ignore the enormous progress achieved by this inspiring project, thanks to which the old continent has been able to enjoy a period of previously unimaginable peace and stability. I believe it is incumbent on all of us here, as representatives of the democratic institutions of Europe and as witnesses of the past, to acknowledge that we have both an individual and a collective responsibility to tackle some of the unresolved problems regarding the institutional architecture of the European Union, and to reinstate our citizens' faith in the values of freedom, justice and human dignity, which are the cornerstones of the European project.

Five years have passed since the coming into force of the Lisbon Treaty, which, after the failure of the Convention on the Future of Europe, was successful in giving the European Union a cogent and far-sighted vision of itself as evolving in the future while remaining firmly rooted to its origins. The Treaty explicitly states that "national parliaments contribute actively to the good functioning of the Union", and parliamentary control of subsidiarity attests to the truth of this. Subsidiarity is one of the fundamental principles of European democracy: it states that decisions must

be taken at a level as close as possible to citizens. National parliaments are therefore called upon to serve as guardians of democracy and of the representative legitimacy of the decisions made in Brussels, to which end they act both as a filter and as a driving force, mediating between the requirements of voters and the strategic decision-making of European institutions.

From the outset, the Italian Parliament has sought to take a constructive approach to the new procedures for subsidiarity and proportionality scrutiny as instruments for enhancing the quality of European legislation and, more generally, as the Treaty specifies, for the "better functioning of the Union." For my country, which had no previous experience of close parliamentary scrutiny of its government's European policies, political dialogue with the European Commission has been a valuable spur to action. The new instruments have enabled the Senate and its committees to become more actively involved in European affairs. Emulating best practices from elsewhere in Europe, we amended the rules governing how our Parliament contributes to the framing of European legislation and policies. In the wake of the strongly pro-European tradition of our country, we adopted these changes for the sake of greater EU integration and the effectiveness of EU action. While I am a firm believer in the prerogative of national parliaments to enforce subsidiarity compliance, I am opposed to the exercise of this right for exclusionary or confrontational purposes. These instruments should not be used by national parliaments to compete with the powers of the European Parliament and, more generally, of EU legislators. They must not be allowed to degenerate into expedients for halting or obstructing European decision-making.

The European Parliament, which comes into play at a later stage of the decision-making process, is responsible for giving voice to opinions arising from "below". In so doing, it acts as an organ of guarantee, and should therefore be seen as further line of defence of the supervisory powers vested in the representative assemblies of Member States. The complementary nature of these two channels of representative democracy has animated mutual support and cooperation (also of a preventive nature) to enable our elected assemblies to interact at all levels. To deal with the current crisis of confidence besetting the European project, we need to begin by rediscovering the potential of these basic democratic mechanisms and of our representative assemblies, whose task is to translate the demands of voters into shared policies of action. A political and parliamentary debate is currently taking place in my country concerning plans for a major reform of our bicameral system that would revise the functions of the Senate, and the various political forces of Italy are agreed that the Senate should be assigned a greater role both in the preliminary framing and in the subsequent enactment of legislation relating to Europe.

The financial crisis has amplified the disparities between Member States, widening the rift between the fiscally "virtuous" countries and those with structural deficits, and between lending and

borrowing States. I am strongly opposed to a "variable geometry" Europe in which only some Member States are involved. A multi-speed Europe is inconceivable. In this regard, it is, I believe, extremely important to advocate a new approach to inter-parliamentary cooperation and to the parliamentary oversight of subsidiarity, and to exploit the full potential of this instrument of cooperation, which should be transformed into an occasion where elected assemblies can come together to lay out problems and develop common action strategies. In the framework of the democratic process between parliaments and governments, governments are accountable to parliaments, which guide government action within the Council of the European Union. Conversely, inter-parliamentary cooperation can and should be used to map out common lines of action that shape parliamentary control both at national and therefore European level. This renewed committal to parliamentary cooperation needs to be matched by an increased openness to dialogue from other European institutions, beginning with the Commission. It would be useful, for example, if European Commissioners and the relevant committees of national parliaments were able to arrive at a number of structural agreements relating to matters that are of most direct concern to the parliaments of Member States.

We must show that we are ready to take on these tasks of institutional renewal if we are ever to come up with shared solutions to the challenges now facing the European project. A European Union that, as the Treaties declare, "is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights" must reclaim control of the decision-making mechanisms that affirm the political dimension of European integration, in as much as the political dimension is equally necessary for giving effect to the principle of solidarity enshrined in the founding Treaties.

It is in this spirit that we must approach, for example, the challenges that lie ahead in the sensitive area of justice and home affairs, which will be discussed at length in tomorrow's session. Crime, especially organized crime, is a deadly threat to the future of our democracies to which the European Union cannot remain indifferent or resigned. I believe that we need to strengthen our cooperation and shared tools of law enforcement, including by attacking criminal assets using modern forms of forfeiture. I favour the setting up of a European Public Prosecutor's Office. In this respect, I am well aware that Member States have different criminal and judicial systems, but I am puzzled by a certain reluctance for the creation of an EU coordinating body that, although operationally reliant on decentralized agencies, would nonetheless intensify European-level action to counter crimes against the financial interests of the Union and deliver results that no country could ever achieve by itself. I believe that this is the proper conclusion we should draw from a proper construction of the principle of subsidiarity.

I am going to conclude by agreeing with the Greek Presidency, which argued that the focus of debate should not be so much on whether we need "more Europe" or "less Europe" as on the need to come up with a new method of decision-making that can make EU action more incisive and effective, which can be achieved also by increasing oversight by national parliaments. The key legislative measures of EU policies should be subject to extensive and detailed democratic oversight -- a primary responsibility of national parliaments -- to be achieved by interacting with the European Parliament. The only possible solution to the challenges now facing the EU is a better governance of the economic and political processes, so as to resist the tendency to water down the European Union and reduce it to little more than an intergovernmental organization. For this reason, Europe should revive the democratic ideal on which it was constructed and to be open to reach out for common solutions.

This is spirit with which we are preparing for the Italian six-month presidency, which will coincide with the crucial transition of European institutions and should mark the start of a European Parliament focused on youth employment, growth, industrial policy, energy, sustainable development and the strengthening of European institutions. The capacity of the EU to govern rather than passively submit to the changing balance of global power calls for a new presence and relevance of the EU in the world, beginning with our Southern borders, the Greater Mediterranean and our Eastern borders, so that, with one voice, it may promote stability, democracy and human rights. It is not a question of more Europe or less Europe but of better Europe, one that is less trapped in its own institutional arrangements and more open to dialogue with the people and with us, their representatives.

This is our common responsibility, this must be our common commitment.

Thank you.