

FOLKETINGET



EUROPEAN AFFAIRS
COMMITTEE
DANISH PARLIAMENT
JANUARY 2014

TWENTY-THREE RECOMMENDATIONS

- to strengthen the role of national parliaments
in a changing European governance

I) INTRODUCTION

The European Union has always adapted its institutions and its way of working to current challenges and realities. Over the past years this has been true for cooperation in the economic and financial field. New forms of cooperation in Europe designed to respond to the economic and financial crisis raise the question of how we maintain a Union that is truly accountable and democratic in economic and financial matters.

The gradual move towards an integrated budgetary and economic framework in the European Union touches upon the very heart of national parliamentary democracy. National parliaments still have the prerogative to adopt national budgets and economic policies. How can we design a democratic framework that matches the European Union's increased role and powers regarding economic governance while still respecting the prerogatives of national parliaments? And how can we ensure that the European citizens do not consider themselves alienated to the European decision-making?

National parliaments must respond to this challenge in a clear and responsible manner. National parliaments constitute an essential link between Europe and its citizens. Likewise, the European Parliament is an important voice for European citizens and plays its part extremely well. But presently the European Parliament does not fill the gap in the field of economic and financial matters. It is important to realize that both national parliaments and the European Parliament each have their own distinct roles. National parliaments and the European Parliament have a joint responsibility to ensure that the European Union becomes truly accountable and democratic. Cooperation between parliamentarians is key in this regard. Provided that inter-parliamentary fora focus more on purpose and outcome of meetings, it can contribute further to obtain this aim.

With European elections scheduled for 22-25 May the timing seems right for a genuine debate on the accountability of the evolving economic and financial framework of Europe. This paper provides 22 ideas concerning how national parliaments can contribute to reduce the democratic deficit and to ensure the legitimacy of decisions taken at the European level.

A) PROACTIVE PLAYERS IN EUROPEAN DECISION-MAKING

National ownership of European decisions is crucial to obtain democratic legitimacy of the European Union. National parliaments play a special role both in bringing citizens' concerns to Europe and in bringing Europe closer to its citizens. A stronger and more direct role for the national parliaments in European decision-making will encourage MPs to engage themselves more in European affairs and to share responsibility for policy output which is vital for increasing citizens' faith in European policy solutions. The proposals below all contribute to meet this goal.

The right for national parliaments to table ideas and proposals

National parliaments can contribute to further developing European cooperation by getting more actively involved in the decision-making of the European Union. Not just as the guardians of the subsidiarity principle, with the possibility to block and delay draft laws, but also as proactive players in a constructive sense with a right to invite the European Commission to table legislative proposals either to create new legislation or to amend existing.

Proposal

1. The Institutions of the European Union allow a number of national parliaments meeting a threshold of 1/3 of all national parliaments to invite the European Commission to table a legislative proposal either to create new legislation or to amend existing. If such a request is submitted to the Commission, the Commission is obliged to respond adequately to the request and give its reasons for taking or not taking that action.

This proposal is inspired by the existing possibilities within the Treaties for the Council and the European Parliament to invite the Commission to table proposals. Similar thoughts have been endorsed by the COSAC at its meeting in Dublin in June 2013.

Introduction of a new Green Card

The role of national parliaments can be increased if national parliaments have more influence on the content of legislation. The Yellow and Orange Cards only deal with the question of subsidiarity, i.e. at what level actions need to be taken. The introduction of a Green Card would give national parliaments a stronger voice in the legislative process with regard to the content of legislative proposals.

In this regard the political dialogue between the European Commission and national parliaments has untapped potential. If opinions and suggestions from national parliaments are given appropriate consideration by particularly the European Commission, national parliament would be able to contribute with valuable input to European decision making.

The Annual Work Programme of the Commission can be an instrument for parliaments to identify proposals of common interest and concern, thereby helping them to coordinate their efforts.

Proposal

2. A green card procedure is introduced that allows national parliaments to review and comment on the content of a legislative proposal within a 10 week deadline. If 1/3 of national parliaments agree on a position to change the proposal, the Commission should take into account the position of the parliaments and explain if it does not. If national parliaments do not reach a common position on the proposal within the 10 week deadline, a green light to proceed with the decision making procedure is automatically given.

Active parliaments in consultation procedures

A commitment from the Commission to take the opinions of the parliaments into account can motivate national parliaments to be more active in consultation procedures and thereby gain influence at an early stage.

Proposal

3. The Commission takes into account the positions of national parliaments to Green and White Papers by adding the agreed positions of a certain numbers of national parliaments to the explanatory memoranda accompanying the legislative proposals. The Commission explains how the positions have been taken into account.

Holding the European Commission accountable through enquiries

Oral and written enquiries are classic parliamentary instruments in holding the executive accountable and these instruments can be applied more frequently by national parliaments vis-à-vis the Commission. In June 2012, the Commission agreed to respond to enquiries from national parliaments and to let Commissioners appear before national parliamentary committees. But the enquiry instruments have unlocked potential with regard to ensure accountability.

Proposal

4. The Commission lays down internal procedures including a timeframe for responding to written enquiries and to appear before national parliamentary committees upon request. The timeframe for responses to written enquiries is 3 or 6 weeks depending on the urgency and complexity of the enquiry.

Empowerment of national parliaments with regard to delegated and implementing acts

The reasoned opinions issued under the Yellow Card procedure reveal a general concern among national parliaments regarding the use of delegated and implementing acts in EU legislation – also in cases where subsidiarity is not put into question. This concern can be diminished if national parliaments were empowered to initiate a revocation of the delegation by the legislators.

Proposal

5. National parliaments can initiate the revocation of the power to delegate by the legislators – the Council and the European Parliament.

B) BETTER PREPARATION OF SUBSIDIARITY CHECKS

National parliaments' influence on European decision-making through the Yellow Card procedure depends on the number and the quality of the reasoned opinions submitted. National parliaments only have eight weeks to conclude a subsidiarity check. In order to achieve successful subsidiarity checks it is therefore necessary that the national parliaments conduct the subsidiarity checks as early and thoroughly as possible, even before the adoption of the proposals by the Commission. A better and earlier coordination between national parliaments would improve the quality of the outcome from the subsidiarity checks.

Exchange of best practices in drafting reasoned opinions

The quality of reasoned opinions can be improved through development of common criteria and arguments and through debates between parliaments on responses to reasoned opinions and yellow cards.

Proposals

6. National parliaments exchange views and experiences on relevant criteria and argumentations with regard to their assessment of the subsidiarity principle. Such an exchange of best practices could also take into account the views expressed by the European Commission and other European institutions in response to former reasoned opinions and yellow cards.

7. To ensure the effectiveness of the yellow card procedure, the incoming President of the European Commission firmly declares the Commission's intentions always to respect a yellow card.

An example of a response, which could be debated among the parliaments is the Commissions' communication of 27 November 2013 in response to the yellow card on the EPPO - COM (2013) 851.

In this case the Commission rejected a number of the subsidiarity concerns raised by national parliaments and on that basis concluded that its proposal complied with the principle of subsidiarity despite the fact that more than 1/4 of national parliaments had found the proposal to be in breach of the subsidiarity principle.

Preselection of proposals from the Commission's Annual Work programme

If national parliaments identify proposals of particular importance and common concern, their coordination under the subsidiarity procedure can be improved. Several national parliaments already follow the practice of drawing up a list with proposals of particular interest, but it would be of great value to national parliaments in their planning if all parliaments had identified such proposals at an early stage.

Proposal

8. National parliaments are encouraged to draw up a list of prioritized proposals from the Commission's annual work programme before 31 January following the publication of the work programme.

C) DEMOCRATIC FRAMEWORK FOR EUROPEAN ECONOMIC GOVERNANCE

The past years have seen rapid developments in the role and powers of the European Union regarding economic governance. A more integrated financial, budgetary and economic cooperation in Europe touched upon the very heart of national parliamentary democracy. This situation calls for a new democratic framework which places the utmost importance on national parliaments to continuously review and refine their scrutiny procedures in order to ensure adequate control with governments in European financial and economic affairs. By giving priority to the most important task for parliaments - to hold the executives to account - decisions will obtain higher democratic legitimacy.

Democratic control with the European Semester through a National Semester

National procedures corresponding to the European Semester will enable a national parliament to hold its government accountable with regard to the coordination of economic policies in Brussels.

Proposal

9. National parliaments introduce a “National Semester” which is a national procedure corresponding to the European Semester that gives MPs the possibility to cross examine Government Ministers before they submit national input to the European Semester at certain important stages of the process, for instance upon publication of the Annual Growth Survey, the national reform programmes or the country specific recommendations.

This procedure has been introduced in the Danish Parliament.

National parliaments at the heart of economic governance

The Economic and Monetary Union will continue to develop. It is foreseen that Reform contracts between the EU and its member states will be introduced as well as ex ante coordination of major national economic reforms (introduced in the Fiscal Compact). National parliaments must therefore continuously review their national scrutiny procedures to match the developments in future European economic governance. The details on how to involve parliaments depends on the nature of new coordination mechanisms as well as on national procedures and tradition.

Proposal

10. National parliaments are involved when binding reform contracts (euro-zone) are to be drafted and when national reform programmes are to be coordinated and bench marked.

Ensure the accountability of the European Council

The European Council is playing a significant role in shaping future directions for the European Union. Each and every national parliament is responsible for holding their Head of State or Government accountable regarding European Council decisions. Procedures to fulfil this obligation are organised nationally. However, the role of national parliaments can furthermore be strengthened if this individual task is supplemented by a collective role for national parliaments through the two proposals. Representation at European Council meetings will give national parliaments an opportunity to present a joint statement to the European Council and to participate in the informal discussions in the margin of the meetings. As a supplement, COSAC can be given the opportunity to discuss important developments of the Union with the President of the European Council.

Proposals

11. A representative of national parliaments is invited to participate at the beginning of the European Council meetings - just as the President of the European Parliament is currently present at the meetings. National parliaments can be represented by the speaker of the national parliament in the country holding the Council Presidency.

12. The President for the European Council is invited to the biannual COSAC meetings to report on recent European Council meetings and to answer questions from MPs.

D) REFORMING INTER-PARLIAMENTARY COOPERATION IN THE EU

General aim of reforming inter-parliamentary cooperation

The number of inter-parliamentary conferences and meetings in the EU has increased significantly over the past few years. In particular new large scale Parliamentary Conferences have recently been established in the field of foreign and security policy and in economic and financial matters.

But it is time to stop creating new large scale inter-parliamentary meetings with too many participants, too many pre-prepared speeches while lacking in substantial political debate. Instead we must become more operational, innovative and solution-oriented. Meetings between national parliaments should have a clear purpose and common understanding of what should be their outcome.

To this end, national parliaments should consider organising more small scale meetings and informal contacts between members of parliaments and examine how existing large scale inter-parliamentary bodies such as COSAC, the CFSP-Conference and the Article 13 conference on budgetary policies could be reformed. A code of conduct on good inter-parliamentary meetings could lay down minimum standards for the organisation of good inter-parliamentary meetings.

Likewise the bilateral ties between national parliaments and the European Parliament should be enhanced.

Code of conduct on good inter-parliamentary meetings

If national parliaments could agree on a "code of conduct on good interparliamentary meetings", meetings between parliaments could be more focused on issues relevant to the specific needs of national parliamentarians.

The code of conduct should in particular encourage national parliaments to justify the purpose of inter-parliamentary meetings and specify what should be the outcome of these meetings.

Proposal

13. National parliaments invite the Conference of EU Speakers to adopt a code of conduct on good inter-parliamentary meetings, encouraging parliaments to clearly justify the purpose of the inter-parliamentary meetings they are hosting and specify what should be their outcome.

Clusters of interest

Members of national parliaments could benefit from meeting with European colleagues in small informal sessions organised along shared interests. Such clusters of interest would provide members with a good opportunity to exchange views in greater depth with MPs from other EU Member States¹. They could be set up and hosted by any national parliamentary committee involved in scrutinising European Union matters - irrespective of which Member State is holding the EU Presidency.

Proposal

14. Parliaments organise small scale informal meetings along shared interests between groups of national parliaments on topical EU policy issues. Such meetings should have a clear purpose and common understanding of what their outcome should be. They could serve the purpose of either coordination, exchange of views or simply mutual inspiration on issues of particular interest to clusters of parliaments.

Reform of COSAC

COSAC should focus more on discussing key EU legislative and pre-legislative dossiers or institutional issues with the aim of contributing more proactively to building a strong and democratically accountable Europe. Such a development could be promoted by a more effective leadership of COSAC ensuring continuity and the capacity to plan and organise a work schedule for a longer time span than the six months of a Presidency. Improving COSAC as a forum for exchange of information between European Affairs Committees of national parliaments and the European Parliament would at the same time enhance parliamentary scrutiny of EU legislative proposals at the national level.

¹ Such cluster meetings were held in Copenhagen on 11 March 2013 on "The Role of National Parliaments in a more Integrated Financial, Budgetary and Economic Policy Framework" and on 21 October on "free movement and national welfare systems".

Proposals

15. Parliaments encourage COSAC to organise small informal meetings when opportune during its meetings with the aim of facilitating a genuine debate between delegates on topical policy issues.

16. Parliaments encourage COSAC to identify priority areas or topics once a year, in which national parliaments would seek to introduce a closer coordination of national policies. This might include policies, which are currently being coordinated under the Europe 2020 Strategy for sustainable growth and employment: in areas of employment, innovation, education, poverty reduction and climate/energy.

17. Instead of the current rotating presidency, COSAC appoints a permanent leadership of COSAC for a period of 2 ½ years

18. Parliaments add further resources to the COSAC-Secretariat to strengthen its capacity to assist the presidency in preparing, planning and conducting meetings.

Reform of the CFSP-Conference and the Article 13 TSCG Conference

The CFSP-Conference and the Article 13 Conference are newly established and still under construction. It would therefore be premature to launch a full reform programme for these bodies.

But it would be desirable if current discussions within the two conferences about their establishment and constitution would enable them to split up into smaller sessions allowing delegates enough time for discussion of relevant EU foreign and security policy issues and financial, budgetary and fiscal matters.

It would in this regard be helpful to give the hosting parliaments the right to use the resources of the COSAC Secretariat to help preparing and conducting the conferences and not least preparing small informal sessions within the conferences.

Proposal

19. COSAC authorises the COSAC Secretariat to assist national parliaments and the European Parliament in preparations of the CFSP-conference and the Article 13 Conference.

20. Parliaments organise when possible the CFSP-Conference and the Article 13 Conference back to back with COSAC-meetings with the aim of reducing costs related to organising these conferences and making it easier for MP's to participate in both COSAC and either one of the two other conferences.

Strengthening bilateral relations between national parliaments and the European Parliament

A closer cooperation between smaller groups of parliamentarians would strengthen the quality of national scrutiny procedures as well as increase the knowledge of and involvement in European affairs by national parliamentarians. A better awareness by national parliamentarians of the European Parliament's positions and arguments on specific legislative proposals would give the national parliaments a better possibility to influence their governments and thereby the Council.

National parliaments' possibility to target their influence on their government and on European institutions would be improved if members of the European Parliament share inform with the national parliaments on the course and content of trialogues. The interactions between the parliaments could take the form of a meeting between a delegation from a national parliament and a delegation from the European Parliament.

Proposal

21. Parliamentary committees from national parliaments gather more often in small groups with relevant members of the European Parliament in order to discuss specific subjects.

22. Parliamentary committees from national parliaments invite the European Parliament's rapporteur on a specific legislative proposal to give evidence before the national committee and answer questions regarding the negotiations.

23. Members of the European Parliament inform on an informal basis, upon invitation, national parliament about the course and content of negotiations in trialogues on specific proposals.