



*Parlamentul României*  
*Camera Deputaților*

**Mr. Jonas Milerius**  
**Secretary General of the Seimas**  
**Republic of Lithuania**

Bucharest, 4 February 2014

Dear colleague,

I would like to thank you for having invited me to take part in the meeting of the Secretaries General of the European Union Parliaments hosted by the Seimas of the Republic of Lithuania. Unfortunately, I was prevented by unforeseen last minute circumstances from being present at this meeting which, I am sure, will make a major contribution to the preparation of the Conference of the Speakers of the EU Parliaments, while offering the opportunity to strengthen the relations between the administrations of our Parliaments.

It was my intention to present an intervention at Session III, which I am appending to this letter, should you consider the idea of compiling a synopsis of the debates. I would also appreciate receiving the final conclusions of the meeting, which will guide our future activity.

Hoping to meet you in a near future, I assure you, dear Mr. Secretary General, of my highest consideration.

Sincerely,

**Cristian Adrian Panciu**  
**Secretary General**

**MEETING OF THE SECRETARIES GENERAL OF THE EUROPEAN UNION  
PARLIAMENTS**

Vilnius, 26–27 January 2014

**SESSION III  
COORDINATION OF EUROPEAN UNION AFFAIRS IN PARLIAMENTARY  
ADMINISTRATIONS: BEST PRACTICE**

Remarks by Mr. **Cristian Adrian Panciu**  
Secretary General of the House of Deputies  
Parliament of Romania

Dear Mr. Secretary General of the Seimas,  
Dear colleagues,

I would like to begin by thanking our hosts for the impeccable organization of the meeting and its workings.

Allow me to contribute to our debate on best practices in coordinating European affairs in parliamentary administrations of EU Member States by making a brief presentation of the practice related to European affairs in the House of Deputies of Romania.

At the end of 2013, after a long process of conciliation of the position of the main central administration institutions and after all the constitutional contestation procedures had been gone through, the Law on the cooperation between the Parliament and the Government in the field of European affairs came into effect.

The legislative proposal is in agreement with the current trend in the European Union, that is, to consolidate the role of national parliaments in European affairs, a trend also reflected in the provisions of the Lisbon Treaty; it is also in agreement with the best practices in the Union Member States.

The typology of the system is defined by a number of basic aspects such as: *the initiation of the procedure of parliamentary scrutiny of EU proposals, according to their impact, assessed in keeping with criteria established by the parliament; the political obligation of the Government to establish the negotiating position of the Romanian delegation within the decision-making process in the EU Council, based on the parliamentary mandate; dispositions dedicated to the verification of the observance of the principles of proportionality and subsidiarity within the mechanism of early warning; the right of the Parliament to take part not only in the elaboration of Romania's position towards the EU proposals that are debated and adopted in the EU Council, but also in the elaboration of Romania's mandate for the European Council meetings, in the head of State and Government format in the event that the attribution of the President of Romania to take part in the European Council meetings is delegated to the Prime Minister; the obligation of the Government to inform the Parliament in a comprehensive and timely manner on all the proposals of the European institutions and of the Member States, as well as on the standpoints proposed by the Government of Romania during the negotiations in the EU Council and its structures.*

It is obvious that up to now the absence of this law has not prevented the House of Deputies to put forward opinions on EU proposals and inform the EU institutions and the Government of Romania about its observations and conclusions as a contribution to the process of elaboration of the policies of the Union and, at the same time, to transmit its observations to the European Commission, within the informal dialogue proposed by the European Commission in its Communication "Delivering Results for Europe" (COM (2006) 211).

This activity was regulated and organized at the level of the House by a Decision adopted in April 2011 (*Decision of the House of Deputies no. 11/2011 on the working procedure and the decision-making mechanism for exercising parliamentary oversight of the draft legislative acts of the European Union, on the grounds of the Lisbon Treaty on the role of national parliaments*).

The main characteristics of the process of parliamentary scrutiny carried out according to the abovementioned Decision were:

- a reserved policy as concerns the issuing of reasoned opinions and the preference for observations and recommendations (only two reasoned opinions were issued in 2013);

- concentrating on the analysis of the contents of the EU projects and the identification of inadvertences or the absence of provisions while making recommendations for modification/addition.

The explanation of this orientation is to be found in our opinion according to which the new procedures and mechanisms established by the Lisbon Treaty require the creation of a true culture of subsidiarity capable of ensuring the efficient monitoring by the national parliaments of the implementation of this principle.

Yet reality shows that parliaments interpret subsidiarity in widely different ways. Naturally, the assessment by the national parliaments of the added value contribution of the draft European acts is based on their own historical, political and social experience.

On the other hand there is the disadvantage that the parliaments' fear of triggering the early warning mechanism over subsidiarity, may lead to further burdening the already complicated decision-making system.

Another disadvantage is the risk that national parliaments, possibly with the support of their governments, may use the subsidiarity mechanism for reasons unrelated with this principle, such as changing the substance of EU legislation.

At the same time, if diverted from the aim stipulated by the Treaties, the subsidiarity monitoring mechanism may allow neo-nationalistic trends to alter both the values of the Union and its institutional structure. The democratic legitimacy ensured by the substantial involvement of national parliaments in the EU decision-making process would not be achieved if those national parliaments adopted anti-European ideologies and manifested themselves as "nationalistic parliaments".

In order to ensure a balanced approach of the issue of subsidiarity we consider that cooperation among all factors involved in the monitoring process at regional, national and European process is essential.

Thank you for your attention