



THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION

Conclusions of the working group of the conference of
parliamentary bodies specialised in European
Union affairs

June 2022

COSAC

**Working group on the role of
national parliaments in the
European Union**

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FOREWORD

Ladies and gentlemen,

These conclusions are the unprecedented result of a rare exercise on the European scene: for the first time, two working groups, made up of representatives of the national parliaments of the Member States of the European Union and of the European Parliament, have for several months conducted hearings and led a collective reflection on themes of common interest, while respecting the differences and identities of each.

The initiative was taken by us, the chairmen of the European affairs committees of the French National Assembly and Senate, who have, during the first half of 2022, held the presidency of what is known as COSAC - which brings together the parliamentary committees specialising in EU affairs of the 27 national parliaments of the Member States and the European Parliament -, as part of the parliamentary dimension of the French Presidency of the European Union. On our proposal, the Chairpersons of COSAC decided, at their meeting in Paris on 14 January 2022, to set up two working groups, one about the place of values at the heart of the sense of belonging to the Union, the other about the role of national parliaments in the European Union.

The aim was to work together on the various ways of belonging to the Union, which was one of the three priorities of the French Presidency. How can we pursue the cooperation and integration effort that the Member States are making by participating in the European Union without highlighting the deep ties that unite them but also without respecting the expression of their national diversity? In setting up these two working groups, our aim was to measure the differences in approach between parliamentarians from all over Europe but also to identify points of agreement that could be translated into recommendations. We are convinced that it is through a clear understanding of the differences between us that European cooperation can flourish. The Member States each



have a history, an identity and a culture which have a strong European component but also include important national specificities of which the national parliaments are the primary custodians. These elements must be respected but also, in our opinion, be part of a common framework. In this respect, we believe that the national parliaments not only have the task of exercising individual control over the policy of their respective governments, but that they also have recommendations to collectively make at European level. Through its capacity to adopt contributions and address them to the European institutions, COSAC is potentially a collective parliamentary proposal force on European issues. The establishment of these working groups should enable it to better assume this role.

From this point of view, the mission has been fully accomplished. Between February and June 2022, each working group heard several times a month from political leaders or experts from various backgrounds, enabling parliamentarians to compare their points of view and measure their convergence. Each group then adopted by consensus conclusions which are the synthesis of these exchanges and a collection of proposals for action.

The conclusions you have in your hands deal with the role of national Parliaments in the European Union. The others are published separately. We hope you enjoy reading them!

Sabine THILLAYE
Chair
National Assembly European
affairs committee

Jean-François RAPIN
Chair
Senate European affairs
committee



CONCLUSIONS OF THE WORKING GROUP

*"National Parliaments contribute actively to the good functioning of the Union"
(Art. 12 of the treaty on EU)*

The European Union has gone through and is going through crises, both internal and external, which represent as many challenges: financial, migratory and health crises, the withdrawal of the United Kingdom, Russia's invasion of Ukraine, etc. Facing these challenges requires the Union to be fully legitimate for winning the support of its citizens, which it has not always been able to do. The Conference on the Future of Europe, which concluded on 9 May 2022, was an unprecedented exercise in listening to the citizens of Europe and was intended to provide part of the answer. **In any case, giving a new democratic and political impetus to the Union can only be done by strengthening the role of the representatives of its citizens, and therefore the role of the Parliaments of the Union and in particular its national Parliaments, which must play a greater role in expressing and shaping the collective European will.**

Confined essentially to the national scene since 1979 and the election of MEPs by direct universal suffrage, the national parliaments were gradually integrated into the European institutional system with the Maastricht Treaty and above all with the Lisbon Treaty, which recognises they "contribute actively to the good functioning of the Union". However, their prerogatives remain limited in practice compared to the principle laid down by the Treaty, especially as the more frequent use of regulations rather than directives and the development of trilogues are further eroding their ability to influence decisions.



The challenges facing the Union call for the movement set in motion by the Lisbon Treaty to be continued and for national parliaments to be given the role that their democratic legitimacy justifies. The reflections on this subject are long-standing and well known, and COSAC, for example, examined these subjects in 2015, in the framework of the working group set up by the Luxembourg Presidency. **It is therefore no longer a question of conducting reflections but of implementing them.**

On 14 January 2022, the Presidents of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) decided to set up a working group on the role of national parliaments in the European Union, chaired by Mr Jean-François Rapin, President of the European Affairs Committee of the French Senate.

The working group adopted by consensus the following proposals at its meeting on 14 June 2022¹.

The proposals of the working group will make it possible to involve European citizens, through their representatives, more closely in the Union's action, without further complicating the European decision-making process. **These measures can be implemented quickly, provided that the political will is there.** In order to give them real political weight, all of the working group's proposals could be adopted by the plenary COSAC, in the form of a contribution addressed to the European institutions, and be the subject of a joint declaration by the Conference of Speakers of the European Union Parliaments.

¹ *The European Parliament was not in a position to take part in the consensus.*



CARRY OUT JOINT NORMATIVE INITIATIVES AT EUROPEAN LEVEL (“GREEN CARD”)

By entrusting the national parliaments with the control of the principle of subsidiarity, the Treaty of Lisbon has made it possible to develop their information and their European culture and to nourish their desire to play a direct role in the European normative process, which must no longer be limited to the defensive role to which their right of "veto" with regard to a European legislative initiative that does not respect the principle of subsidiarity is assimilated. The national parliaments wish to be able to make proposals, i.e. to have a right of initiative at Union level. There is a very broad consensus among them on this proposal², which is also listed among the proposals of the final report of the Conference on the Future of Europe, drawn up on the basis of citizens' recommendations³. This proposal is also a counterpart to the right of legislative initiative that could be granted to the European Parliament, as also proposed by the Conference⁴.

The working group proposes that national parliaments be given a collective right of indirect initiative, based on the model currently enjoyed by the European Parliament (Article 225 of the Treaty on the Functioning of the European Union).

This right of initiative would allow them to propose legislative acts or delegated acts (new measures and modification or deletion of existing measures). The initiatives would take the form of reports containing an explanatory memorandum, recommendations on the content of the proposal and, possibly, an operative legal instrument. **These reports would be sent to the European Commission to present a text containing the initiative**; if the Commission decided not to submit a proposal, it would have to communicate the reasons to the national parliaments within three months.

If the European Parliament were given a full right of initiative at the end of the process launched by the Conference on the Future of Europe, the initiatives of national parliaments would also be addressed to it.

² See COSAC's 37th biannual report of February 2022: out of 40 chambers surveyed, only 2 would be opposed to the introduction of a right of initiative for national parliaments at EU level.

³ Proposition n° 40.

⁴ Proposition n° 38.



The upstream procedure between national parliaments would take place in two phases:

- Consultation phase: the chamber launching an initiative would forward it to all the other chambers for comment within a certain period of time and in an informal manner; at the end of the period, the chamber in question would draw up a compromise proposal based on the comments made, which it would like to take on board;
- Support phase: the chamber that launched the initiative would forward the compromise proposal to all the other chambers, which would formally support the initiative (adoption of a motion/resolution) within a certain period of time if they so wished.

The procedure would then be initiated if:

- the support obtained represented a quarter of the votes allocated to the national parliaments⁵ ;
- OR the support obtained represented a quarter of the population⁶ of the European Union and came from at least a quarter of Member States.

Each chamber takes into account the rights of the opposition in implementing this new right in its rules of procedure, while respecting the national rules and political traditions of each Member State.

BETTER INVOLVE NATIONAL PARLIAMENTS IN THE DECISION-MAKING PROCESS FROM THE PRE-LEGISLATIVE PHASE

National parliaments are not like other stakeholders. Because of the particular legitimacy they embody, they should be involved in the European legislative

⁵ *Two votes per national parliament, in accordance with the second paragraph of Article 7 of the Protocol on the application of the principles of subsidiarity and proportionality, annexed to the Treaty.*

⁶ *The demographic weight of each parliament would be equal to the population of its member state; for the chambers of bicameral parliaments, their demographic weight would be equal to the population divided by two.*



process from the pre-legislative phase, i.e. at the stage where their contributions are most likely to influence the decision. The European Commission would benefit from having the point of view of national parliaments at its disposal from this phase onwards and from encouraging them to take ownership of the measures envisaged as early as possible, which they will often be responsible for implementing at national level.

This dialogue with the European institutions must be systematic and regular. **The working group invites the parliamentary presidencies and the European Commission to organise *ad hoc* interparliamentary conferences, prior to the presentation of the main legislative texts or packages, on the basis of the Commission's annual programme.**

Furthermore, **the Commission should commit itself to include a short summary of all relevant contributions from national parliaments** in the explanatory memorandum of its legislative proposals. This would make it possible to inform the co-legislators of any important concerns raised by national parliaments during the consultations.

BETTER SCRUTINY OF COMPLIANCE OF THE SUBSIDIARITY PRINCIPLE

The European Union's implementation of its competences is governed by the principles of subsidiarity and proportionality⁷, which help to ensure greater acceptance of EU legislation and to combat the idea that 'the EU does too much'.

Thirty years after the adoption of the Maastricht Treaty, which defined the principle of subsidiarity, and more than twelve years after the entry into force of the Lisbon Treaty, which made national parliaments the guarantors of its respect, **the record of implementation of the early warning mechanism set**

⁷ Article 5 of the Treaty on European Union and the Protocol on the application of the principles of subsidiarity and proportionality.



up for this purpose is modest. Only three "yellow cards"⁸ have been adopted and their consequences have remained limited.

In order to better monitor compliance with the subsidiarity principle, the working group:

- calls for **greater flexibility in the conditions under which national parliaments can exercise subsidiarity control, by lowering the threshold for triggering the "yellow card" to one quarter of the votes of national parliaments - instead of one third**
- calls for the deadline for national parliaments to carry out a subsidiarity check on a draft legislative act to be **extended from eight to ten weeks**
- wishes to **promote a common culture** among all the European institutions and the Member States as regards the principles of subsidiarity and proportionality, for example through tools such as the common reading grid drawn up by the subsidiarity task force in 2018⁹
- would like all information on subsidiarity to be available on the **IPEX platform**, including information from the European institutions.
-

STRENGTHENING THE SCRUTINY ROLE OF NATIONAL PARLIAMENTS VIS-À-VIS THE COUNCIL

The democratic functioning of the institutions implies the ability to hold decision-makers accountable. In this respect, the European institutional system has a particularity: the Council of the Union belongs to both the legislative branch, as co-legislator, and the executive branch, as an institution composed of national executives. This hybrid nature complicates the political control that can be exercised over it, as the prerogatives of the European Parliament are limited.

In this context, **national parliaments play an essential role in ensuring the democratic functioning of the Union, thanks to the control they exercise**

⁸ Paragraph 3 of Article 7 of the above-mentioned Protocol.

⁹ Report of the Task force on subsidiarity, proportionality and doing less more efficiently, July 2018.



over the European policy of their national governments, as stipulated in the Treaty on European Union¹⁰. The working group invites each chamber to make full use of the tools available to it for this purpose at national level.

This control is made difficult by the lack of transparency of the Council's work, to which is added the opacity of the trilogues, which have become an ordinary way of adopting texts. Despite some improvements, this lack of transparency remains the rule. While it is necessary to preserve the capacity of the European institutions to reach compromises, it is also essential that the national parliaments have the information they need to carry out their tasks.

This access to information, which is a prerequisite for exercising political control over the national government, is naturally and above all a matter for national rules and practices which, incidentally, vary greatly from one Member State to another. However, **common minimum rules could be promoted to ensure greater transparency of the work of the Council and the trilogues vis-à-vis the national parliaments. In particular, this transparency should apply to the provisional conclusions drawn up by the Council Presidency and to the "four-column tables" of the trilogues. The Working Group therefore proposes that a right of access to these documents be opened to the Chairpersons of the European Affairs Committees of each national Parliament or to any other member or body of the Chamber, at the discretion of each chamber.**

Furthermore, the working group encourages national parliaments to **appoint "shadow rapporteurs" for the most important texts**. Appointed at the time of the presentation of a proposal by the European Commission, or even at the design stage, **these rapporteurs would be responsible for specifically following the discussion of a text and ensuring the political control of the minister concerned** in his national government. They could also be privileged interlocutors for the European institutions.

¹⁰ *Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.*



STRENGTHENING THE SCRUTINY ROLE OF NATIONAL PARLIAMENTS THROUGH A RIGHT OF WRITTEN QUESTIONING

At a time when the Conference on the Future of Europe is considering facilitating the exercise of certain European competences¹¹, it would be appropriate to accompany this movement by an increase in the role of scrutiny of national parliaments, directly over the European institutions.

To this end, **the working group proposes to give national parliamentarians the right to address written questions to the European institutions**, which will thus be able to hear the concerns of citizens even more closely, through the voice of their national representatives.

In order to prevent an excessive inflation of the number of written questions put to the European institutions, **this right would be reserved for the chairpersons of the European affairs committees of the national parliaments**, who are also participating to the meeting of the COSAC Chairpersons. It would **also be open collectively to COSAC. Questions from national parliamentarians would be addressed exclusively to the European Commission**, with national governments remaining the privileged interlocutors of national parliaments with regard to the work of the Council. **Only COSAC could collectively address written questions to the Council and the President of the European Council.** In total, this right would therefore be open to 37 committee Chairs, as well as collectively to COSAC, bearing in mind that the number of MEPs has decreased from 751 to 705 after the withdrawal of the UK: this additional burden should therefore be absorbed without difficulty by the European institutions.

The rules¹² applicable to MEPs' questions would apply to those of national parliamentarians, in particular: the limit of 20 written questions per quarter (10 per chamber in bicameral parliaments), the six-week deadline for the

¹¹ For example, the Conference proposed (proposal 39) to extend the scope of decisions taken by qualified majority voting.

¹² Art. 138 and Annex III of the European Parliament Regulation.



European Commission to reply (three weeks for one "urgent question" per month), the 200-word limit, etc.

The admissibility of questions from national parliamentarians could be assessed by the rotating COSAC Presidency, assisted by the Permanent Secretariat.

STRENGTHENING THE DIALOGUE BETWEEN NATIONAL PARLIAMENTS AND THE EUROPEAN INSTITUTIONS

Strengthening the dialogue with the European institutions should also take the form of increased participation of European Commissioners, MEPs or Ministers of the State presiding over the Council in the work of national parliaments or COSAC. Similarly, the working group supports the proposal of the Conference on the Future of Europe that the European Parliament should invite national parliaments to some of its legislative hearings and recommends a more regular dialogue between the rapporteurs of the European Parliament and the corresponding rapporteurs of national parliaments¹³.

This dialogue should be strengthened, in particular with regard to the European Semester and the implementation of the recovery and resilience plans.

DEVELOP AND MAKE MORE EFFECTIVE INTERPARLIAMENTARY COOPERATION

Interparliamentary cooperation is a valuable tool to enable the Parliaments of the Union, and through them the citizens, to advance in mutual understanding and to express positions and proposals to the European institutions. However, the effectiveness of this work could be improved.

¹³ *Proposition n° 39.*



As far as COSAC is concerned, the debates too often give rise to brief successive interventions without any real interaction between the speakers. The contributions adopted could gain in substance if they were based on more in-depth collective work upstream. The objective of the working groups set up by the COSAC Chairpersons in January 2022 is precisely to give more substance to this work and to promote a better understanding of the different points of view, by offering parliamentarians from all over the Union the opportunity to work together over time and to feed the debates of COSAC with work from its members. The Working Group welcomes the exchanges it has been able to have over the last few months, which have made it possible to strengthen the links between parliamentarians from all over the European Union and to conduct a joint reflection that could lead to concrete measures. **It invites the parliamentary presidencies to continue and develop this working method, if they consider it appropriate.**

In addition, other prospects for deepening interparliamentary cooperation deserve to be considered. For example, **the issue of recovery and resilience plans could be a focus for the development of interparliamentary cooperation**, in order to address both the national and European dimensions of these plans.

Similarly, **the working group invites the national parliaments and the European Parliament to set up the joint scrutiny structure of the European border and coast guard Agency, provided for in the 2019 regulation (art. 112).**

Without prejudice to the decisions of each Chamber, strengthening the role of National Parliaments could also involve strengthening the relevant support tools.

ROAD MAP

In order to give them real political weight, all of the working group's proposals could be adopted by the plenary COSAC, in the form of a contribution addressed to the European institutions, and be the subject of a joint declaration by the Conference of Speakers of the European Union Parliaments.

In addition, the table below outlines the ways in which these proposals could be implemented.

	PROPOSAL	IMPLEMENTATION
CARRY OUT JOINT NORMATIVE INITIATIVES AT EUROPEAN LEVEL (“GREEN CARD”)		
1	Establish a collective right of indirect initiative (“green card”)	<ul style="list-style-type: none"> • Specific Declaration of the Conference of Speakers of Parliaments of the European Union • Amendment of the Treaties and/or declaration/communication of the European Commission • Amendment of the Rules of Procedure of National Parliaments
BETTER INVOLVE NATIONAL PARLIAMENTS IN THE DECISION-MAKING PROCESS FROM THE PRE LEGISLATIVE PHASE		
2	Organise <i>ad hoc</i> interparliamentary conferences, prior to the presentation of the main legislative texts or packages	<ul style="list-style-type: none"> • Decision of the European Commission • Decision of the parliamentary presidency

3	Include a brief summary of the contributions of National Parliaments in the introductory provisions of legislative proposals	<ul style="list-style-type: none"> • Decision of the European Commission
BETTER SCRUTINY OF COMPLIANCE OF THE SUBSIDIARITY PRINCIPLE		
4	Lowering the threshold for triggering the "yellow card" to one quarter of the votes of National Parliaments	<ul style="list-style-type: none"> • Declaration/communication of the European Commission • Amendment of the Treaties
5	Extend the deadline for National Parliaments to carry out the subsidiarity check from eight to ten weeks	<ul style="list-style-type: none"> • Amendment of the Treaties
6	Promote a common culture among all EU institutions and Member States regarding the principles of subsidiarity and proportionality	<ul style="list-style-type: none"> • Organization of conferences on the subject
7	Put all information on subsidiarity on the IPEX platform	<ul style="list-style-type: none"> • Discussions between the services of the European institutions and National Parliaments
STRENGTHENING THE SCRUTINY ROLE OF NATIONAL PARLIAMENTS VIS-À-VIS THE COUNCIL		
8	Give the Chairpersons of the European affairs committees of each National Parliament the right of access to the provisional conclusions drawn up by the Council Presidency and to the "four-column tables" of the trilogues	<ul style="list-style-type: none"> • Declaration of the Council and/or amendment of its rules of procedure

9	Appoint shadow rapporteurs in the national parliaments for the most important texts, specifically responsible for following the discussion of a text and ensuring the political control of the minister concerned	<ul style="list-style-type: none"> • Decision of each Chamber
STRENGTHENING THE SCRUTINY ROLE OF NATIONAL PARLIAMENTS THROUGH A RIGHT OF WRITTEN QUESTIONING		
10	Give national parliamentarians and COSAC the right to put written questions to the EU institutions	<ul style="list-style-type: none"> • Amendment of the COSAC Regulation • Declarations by the European Commission, the Council and the European Council • Amendment of the Rules of Procedure of National Parliaments
STRENGTHENING THE DIALOGUE BETWEEN NATIONAL PARLIAMENTS AND THE EUROPEAN INSTITUTIONS		
11	Increased participation of European Commissioners, MEPs or ministers of the presiding state in the work of national parliaments or COSAC ; invitation of National Parliaments to certain legislative hearings of the European Parliament and more regular dialogue between the rapporteurs of the European Parliament and the corresponding rapporteurs of national parliaments	<ul style="list-style-type: none"> • Parliamentary Presidencies' Initiative • Decision of each Chamber • Decision of the European Parliament

DEVELOP AND MAKE MORE EFFECTIVE INTERPARLIAMENTARY COOPERATION		
12	Develop the establishment of interparliamentary working groups to strengthen links and conduct joint reflection	<ul style="list-style-type: none"> • Decision of the parliamentary presidency
13	Address recovery and resilience plans in the appropriate interparliamentary cooperation structures	<ul style="list-style-type: none"> • Decision of the parliamentary presidency and the European Parliament
14	Establish a joint monitoring structure for the European Border and Coast Guard Agency	<ul style="list-style-type: none"> • Specific Declaration of the Conference of Speakers of Parliaments of the European Union for setting up a working group on the topic

MEMBERS OF THE WORKING GROUP

Chair

Mr Jean-François RAPIN France - Senate

Members

Mr	Mustafa	AMHAOUCH	Netherlands – Tweede Kamer
Mr	Audronius	AŽUBALIS	Lithuania – Seimas
Mr	Péter	BALASSA <i>(from the 18.05.22 onwards)</i>	Hungary – National Assembly
Mr	Zoltán	BALCZÓ <i>(until the 17.05.22)</i>	Hungary – National Assembly
Mr	Rafał	BOCHENEK	Poland – Sejm
Mr	Jean-Louis	BOURLANGES	France – National Assembly
Ms	Helena	BOUVENG	Sweden – Riksdag
Mr	Christian	BUCHMANN	Austria – Bundesrat
Mr	Jaroslav	BŽOCH	Czechia – Chamber of Deputies
Ms	Lisa	CHAMBERS	Ireland – Seanad
Mr	Andi-Lucian	CRISTEA	Romania – Chamber of Deputies
Mr	Yves	CRUCHTEN	Luxembourg – Chamber of Deputies
Mr	Mark	DEMESMAEKER	Belgium – Senate
Ms	Francesca	GALIZIA	Italy – Chamber of Deputies
Mr	José María	GARCÍA SÁNCHEZ	Spain – Congress of Deputies
Ms	Gabriella	GIAMMANCO	Italy – Senate
Mr	Antonio	GÓMEZ-REINO VARELA	Spain – Congress of Deputies
Mr	Domagoj	HAJDUKOVIĆ	Croatia – Hrvatski sabor



Mr	Richárd	HÖRCSIK	Hungary – National Assembly
Mr	Miguel	IGLÉSIAS	Portugal – Assembly of Republic
Ms	Danuta	JAZŁOWIECKA	Poland – Senate
Mr	Othmar	KARAS	European Parliament
Ms	Hara	KEFALIDOU	Greece – Hellenic Parliament
Mr	Kimmo	KILJUNEN	Finland – Eduskunta
Ms	Eva	KJER HANSEN	Denmark – Folketinget
Mr	Peter	KMEC	Slovakia – National Council
Ms	Oudekki	LOONE	Estonia – Riigikogu
Mr	Reinhold	LOPATKA	Austria – Nationalrat
Mr	Ioannis Michail	LOVERDOS	Greece – Hellenic Parliament
Mr	Paulo	MONIZ	Portugal – Assembly of Republic
Ms	Rūta	MILIŪTĖ	Lithuania – Seimas
Mr	Ruairí	Ó MURCHÚ	Ireland – Dàil
Mr	Igors	PIMENOVŠ	Latvia – Saeima
Mr	Oliver	SCICLUNA	Malta – House of Representatives
Mr	David	SMOLJAK	Czechia – Senate
Ms	Petra	STEGER	Austria – Nationalrat
Mr	Timo	SUSLOV	Estonia – Riigikogu
Mr	Antonio	TAJANI	European Parliament
Ms	Éliane	TILLIEUX	Belgium – Chamber of Deputies
Mr	Angel	TÎLVĂR	Romania – Senate
Mr	Markus	TÖNS	Germany – Bundestag
Mr	Franc	TRČEK (<i>untill the 13.05</i>)	Slovenia – National Assembly
Mr	Kristian	VIGENIN	Bulgaria – National Assembly
Ms	Anna	VIKSTRÖM	Sweden – Riksdag

LETTER RECEIVED BY THE PRESIDENCY



**LIETUVOS RESPUBLIKOS SEIMO
EUROPOS REIKALŲ KOMITETAS**
**SEIMAS OF THE REPUBLIC OF LITHUANIA
COMMITTEE ON EUROPEAN AFFAIRS**

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Mr Jean-François Rapin
Chair of the Committee on European Affairs

Vilnius, 13 June 2022 No S-2022-2720

Mr Sabine Thillaye
Chair of the Committee on European Affairs

Dear Chairs,

On behalf of the Committee on European Affairs of the Seimas of the Republic of Lithuania (hereinafter referred to as the Committee), may I thank you for the opportunity to contribute to in-depth activities of COSAC by participating in COSAC working groups set up by the French Presidency of the Council of the European Union. We believe that this was a very meaningful and universally beneficial exercise in strengthening interparliamentary cooperation and it can play a crucial role in the development of the EU policies. This is particularly important in today's geopolitical context associated with the crisis that has erupted due to Russia's military invasion of Ukraine and has put an end to decades of stability in Europe.

The conclusions presented by COSAC working groups were discussed by the Committee at its meeting on 8 June 2022.

We support the efforts to consolidate the dialogue between national Parliaments and the institutions of the European Union, as well as the role of national Parliaments in enhancing their involvement in a more effective decision-making process in the EU through a greater direct impact on the EU legislative process, as well as through improving the mechanisms for monitoring the implementation of EU policies by national governments. We consistently advocate for the rule of law and support the initiatives to strengthen the rule of law accordingly. We equally support the proposals for more effective monitoring of compliance with the values of the European Union, in particular, with the rule of law.



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We welcome the debate on the green card mechanism in the context of bolstering the role of national Parliaments. We stress that national Parliaments should make the maximum use of the instruments already available under the Treaties of the European Union. As we said at the meeting of the working group on 30 March, the door for national Parliaments to submit proposals for European legislation could remain open on the basis of political dialogue, i.e. without amending the EU Treaties.

By keeping consistency with the Committee's views and positions, we note that the interinstitutional balance enshrined in the EU Treaties remains to be the key pillar of EU governance architecture. We consider it necessary, first of all, to examine the presented ideas and their implementation within the limits of the existing EU Treaties and to focus on the initiatives where consensus is feasible. Only after the existing implementation possibilities will have been exhausted should we address the need for any amendments to the EU Treaties.

Looking forward to further close cooperation in EU decision-making among national Parliaments and the European Parliament, we have no doubt that the close inter-institutional relations are more important than ever in these times of political challenges and in the context of the war in Ukraine.

Yours sincerely,

Radvilė Morkūnaitė-Mikulėnienė

Deputy Speaker of the Seimas
Chair of the Committee on European Affairs



MINUTES OF THE CONSTITUTIVE MEETING AND HEARINGS OF THE WORKING GROUP

Minutes of the constitutive meeting held on 8 February 2022

At the invitation of the working group Chairperson, Mr Jean-François RAPIN (EPP, FR-Senate), the members spoke in turn on the initiative undertaken by this working group and their vision of the role of the Parliaments in the European Union, and in particular on the limitations of the current situation and the potential avenues for improvement.

Several participants expressed their support for the French initiative (including Mr Richard HÖRCSIK (HU, National Assembly), Mr Domagoj HADJUKOVIC (HR - Sabor), Mr Rafał BOCHENEK (ECR, PL - Sejm) and Mr Ioannis Michall LOVERDOS (EPP - EL, Greek parliament)) - some hoping that it could be extended - and they expressed **frustration regarding the inter-parliamentary meetings**, which do not allow for real exchanges of ideas or debate and even less decision-making. Similarly, many speakers emphasised that **control of the principle of subsidiarity was not operating satisfactorily** and, furthermore, that it was carried out less and less by the national parliaments. In addition, this prerogative **only allows them to impose a veto** and, as several contributors pointed out, this is no longer enough for them.

Beyond the lack of personnel dedicated to European affairs, which was lamented by Mr Franc TRCEK (S&D, SI - National Assembly), certain limitations that the national parliaments face can be explained by the functioning of the Union itself and by several relatively recent developments. As was emphasised by, among others, Mr Zoltan BALCZO (HU - National Assembly), Mr Reinhold LOPATKA (EPP - AT - National Council) and Mr Christian BUCHMANN (EPP - AT, Federal Council), **the importance of Regulations compared to**



Directives has grown over the last twenty years - and there are now more Regulations than Directives¹⁴ -, and the same applies to delegated acts, all of which in concrete terms restricts the possibility of national parliaments playing a role and controlling the growing power of the European institutions. Furthermore, the **development of trilogues, whose work lacks transparency and which are not provided for in the treaties** (as remarked by Mr Richard HÖRCSIK (HU, National Assembly)), also limits the possibility of the national parliaments controlling their national executives, in spite of the tools introduced for this purpose (such as the exchange organised before and after each European Council meeting with the Belgian Prime Minister and the Advisory Committee made up of Belgian parliamentarians belonging to both national chambers and to the European Parliament, or the Initiative debates with the European Commissioners). Mr Jose Maria GARCIA SANCHEZ (ECR, ES - Congress of Deputies) suggested **addressing the matter from a legal, but also political angle, without neglecting the issue of federalism.**

The discussions resulted in a virtual consensus (backed in particular by Mr Reinhold LOPATKA (EPP - AT - National Council), Mr Christian BUCHMANN (EPP - AT, Federal Council) and Ms Eliane TILLIEUX (S&D, BE - Chamber of Representatives) who recalled that COSAC had organised a working group on the subject in 2015) **on the need to introduce a right of initiative for the national parliaments, the "green card"**, the modalities of which remain to be worked out, bearing in mind the need to avoid seizing up the European decision-making system (as emphasised by Mr Antonio GOMEZ-REINO VARELA, ES - Congress of Deputies, and Mr David SMOLJAK (PPE, CK - Senate)).

Other avenues were also envisaged, such as those - raised by Mr Jean-Louis BOURLANGES (RE, FR - National Assembly) in particular - of involving national parliamentarians in negotiations in the Council or in the trilogues, or large-scale inter-parliamentary conferences, for example every two or three years to take stock and consider the future of the Union or, as suggested by Ms

¹⁴ According to Mr Lopatka, 16 Regulations and 39 Directives were passed in 2000, compared to 73 and 9 respectively last year; the number of delegated acts, which stood at 38 in 2011, reached 132 in 2017 and 185 in 2021; the number of reasoned opinion regarding the principle of subsidiarity fell from 90 in 2013 to just 16 in 2020 and 21 in 2021.



Francesca GALIZIA (IT, Chamber of Deputies), to control the national recovery and resilience plans (NRRPs). Ms Gabriella GIAMMANCO (PPE, IT - Senate) also maintained that the working group's conclusions could serve as input for the Conference on the Future of Europe.

The members of the working group emphasised that **strengthening the role of the national parliaments will be a way of bringing the European Union closer to its citizens.**



**Minutes of the meeting held on 24 February 2022:
hearing of Mr Olivier Costa, Research Director at CNRS
and at the Political Research Centre of Sciences Po,
and Ms Cristina Fasone, Professor of Comparative Law
at LUISS University in Rome**

Mr Jean-François Rapin (FR - Senate), chairperson. – Today, we are getting to the heart of our group's work following a meeting two weeks ago dedicated to exchanging points of view on the topics that we wish to discuss. You have received the minutes of that initial meeting in which we discussed establishing a "green card", i.e., a right of initiative for national parliaments at the EU level that would mean we would not be limited to a "veto" role. Furthermore, several colleagues criticised the current methods of oversight of subsidiarity and inter-parliamentary cooperation. The lack of transparency of the European legislative process and the increasingly frequent use of regulations rather than directives were also noted as factors that weaken national parliaments. Other proposals were presented, such as involving national parliaments in the trilogues or holding big inter-parliamentary meetings on the future of the Union.

For our meeting today, we will hear from two academics who are specialists on the role of national parliaments in the European Union: Mr Olivier Costa, Research Director at CNRS and at the Political Research Centre of Sciences Po and Director of Political Studies and European Governance at the College of Europe in Bruges, and Ms Cristina Fasone, Professor of Comparative Law at Luiss University in Rome and Director of the Political Science, Philosophy and Economics undergraduate programme.

Before we begin our work, I would of course like to say a few words about the situation in Ukraine, which has suffered a veritable invasion overnight. We are all deeply shocked and shaken. I can also imagine the fear that our colleagues in the countries bordering Ukraine or Russia must feel. I will be in touch with my counterparts in these countries after our meeting to get the latest news on the situation in their countries and their analysis of the Ukrainian crisis. Of course,



we are keeping the deceased and their families in our thoughts. It is a very serious situation that can make our work seem insignificant, even obsolete by comparison.

Mr Jean-Louis Bourlanges (FR - National Assembly). – I would like to believe that our work is not obsolete but paving the way for the future. Of course, it is out of step with the situation with which we are confronted, but everything that helps to strengthen Europeans' shared democratic awareness is extremely positive for the future and is essential to what must be the European Union's collective reaction to the immense challenges we face and the urgency of the situation in front of us. None of us can escape feeling the anxiety brought on by this unjustified and extremely worrying international crisis provoked by one country, Russia, that we would like to see become our friend once again. However, this country is currently carrying out a blatant aggression against a key European territory. I believe that this gives our work a sort of obvious background and assigns us with the duty of mobilising and acting together since we are defending something as essential as the freedom of citizens and peoples! We will be taking concrete steps towards this with two key experts.

Mr Olivier Costa. – I am very honoured to come here and reflect on these issues with you. First, I would like to discuss national parliaments' contribution to the EU's work. Everyone here agrees that there is progress to be made. This progress does not lie solely in establishing a "green card", which I know plays a significant role in your thinking, having read the first report of your group's work.

The initial observation that I would make would be a constraint. In my view, national parliaments should be involved more effectively in the functioning of the EU, while making sure that the European treaties do not upset national constitutional orders. The national parliaments of the EU Member States have rather diverse roles and prerogatives. This must be taken into consideration in our studies. In a certain manner, the Treaty of Lisbon already "crossed a threshold". For the first time, a treaty clearly interfered with national constitutional orders by giving significant prerogatives to the national parliaments, and, through this rule, ending the treaties' blind eye towards the constitutional organisation of the various Member States. These new prerogatives were justified by the changes to the competences of the European



Union, which increasingly intervenes in key domains of sovereignty which fall under the competence of national parliaments. However, we must be aware of the limits that come with modifying the treaties and of the consequences that such changes can have on the institutional organisation of each Member State.

Here, I would like to discuss four avenues for thought. The first issue is information. For example, national parliaments should have access to the documents exchanged between the institutions of the European Union when drafting norms, especially at the trilogue stage. Without the "four-column tables", it is difficult for national parliaments to understand just what is going on at the European level. Similarly, national parliaments should be able to access the provisional conclusions drafted by the Council Presidency, as well as any elements of context that could appear in the stakes of the affairs that are under discussion. Of course, some of these documents are already available through national governments or, sometimes, online. But we know that national parliaments encounter difficulties in processing the information that is sent to them. We also know that the European Commission and the Council are especially concerned about issues of confidentiality. However, these documents are absolutely essential if we want national parliaments to be able to have oversight over the work of European institutions. It also guarantees that national parliaments are independent of their government as well as EU institutions. Finally, there is also the issue of equality between the chambers, since we know that their ability to find these documents can vary. As for the issue of confidentiality, there are guarantees to allow these deliberative bodies to discuss confidential issues.

The second aspect of my thinking concerns the role of national parliaments in the legislative process strictly speaking. Currently, national parliaments are equipped with a system for warnings and dialogue. Some may say that it is not very satisfactory. I think that it is important that, once and for all, EU institutions admit that national parliaments, given their democratic representativeness, cannot be considered as simple stakeholders like any other. They must be endowed with a special status. For example, when the Commission launches a consultation on an upcoming reform, there is no reason for national parliaments to be treated in the same way as interest groups. The same goes when the



European Commission performs an assessment of public policies under what we call "REFIT".

Of course, if we are thinking about national parliaments' role in the legislative process, the issue of the green card is relevant. It has a symbolic aspect: it reaffirms the democratic character of the functioning of the European Union. This green card also has a more strategic stake: it places pressure on European institutions to require them to listen more to national parliaments. I don't think the green card should be used often, if it were to be implemented. It could be set up alongside the European Parliament's right of initiative which, if it were to be formalised, would probably not lead to a lot of initiatives. This possibility simply needs to exist to change the balance of power between the institutions.

This debate arises at a suitable time for two reasons. First, Europe's citizens have a very strong desire to see the European Union function in a more democratic way, no matter the quality of the work and functioning of the European Parliament and the Commission. The second reason for introducing this green card lies in the fact that it is possible to revise the treaties. Previously, no one considered such a revision. Now, given the changes in the political configuration on this issue, particularly in Germany and a certain number of Member States, as well as the situation in Ukraine, institutional questions risk becoming more important.

The third avenue of thought that I would like to put forward today concerns the dialogue between national parliaments and European institutions. I am in favour of a broader dialogue than that which currently exists. At the European level, we can see a change in recent years. Bodies such as the Committee of the Regions and the European Economic and Social Committee are more involved in drafting standards. The European Central Bank and certain European agencies are now involved in the adoption of legislation by the Commission. The Court of Auditors is more closely involved in fiscal policy. National parliaments must also find their place in this system, establish a richer, more systematic dialogue with the European Commission, Council, and Parliament, and also adopt a strategy towards other European institutions. It seems crucial to me that COSAC should have a dialogue with the European Central Bank, the



European Court of Auditors, and the European Investment Bank, among others. There need to be structured discussions and visits, especially with the European Central Bank. The ECB's decisions have consequences on Member States' fiscal and budgetary policy.

The last avenue for thought that I would like to discuss concerns oversight. I am referring particularly to oversight of the European executive branch, i.e., the Council and the European Council. Here, it is useful to think in terms of networks. At the level of the European Union, the executive branch has a very powerful network that exists for both constitutional and logistical reasons. This network has existed for 70 years and is very effective. The Council is made up of a general secretariat of 3,500 officials, and the European Council is also beginning to increase its staff. Exchanges of staff between European institutions have become routine. There is also a network of courts. The Court of Justice of the European Union fulfils a very important function as a network coordinator. In this regard, the preliminary ruling system functions as a network.

In the face of this, the national parliaments and European Parliament are relatively powerless. Of course, COSAC exists. However, this body's resources remain largely limited, unlike the executive branch's networks. Here, structuring parliaments' networks is very important, especially in terms of better oversight of the works of the Council and the European Council. We can concede that part of this oversight work is done by the European Parliament, but it is insufficient. Furthermore, there is no possibility of sanctions or disapprobation. The issues relating to the Eurogroup are also significant. The Eurogroup does not really have an institutional existence, although this body's role is crucial in setting the European Union's monetary policy.

What solutions could there be to this need for oversight? Some raise the possibility of creating a third chamber comprised of national MPs and MEPs that would be focused on the economic and monetary union or other policies. I do not think that such a chamber will exist in the medium term given that certain Member States are particularly opposed to it, and a revision of the treaties would be needed to create it. It would increase the EU's institutional complexity a bit further. In my opinion, there are already four chambers—is it necessary to create a fifth? I am more in favour of developing COSAC, strengthening it,



structuring it, institutionalising it. Changes are possible without revising the treaties.

For example, we could invite the commissioner or the minister representing the rotating presidency to thematic inter-parliamentary conferences, which should be held more regularly to establish a dialogue between the network of parliaments, the Commission, and the Council. My colleague Diane Fromage from Sciences Po even recommends using the seat of the European Parliament in Strasbourg for this purpose. She is in favour of withdrawing the European Parliament to Brussels, which is an idea that I do not share, and considers that the European Parliaments' infrastructure in Strasbourg could be used for a permanent, structured network of national parliaments that could organise topical conferences to hold this kind of dialogue. I also think that there needs to be a stronger secretariat.

I would like to conclude these introductory remarks and think about the perspectives for inter-parliamentary cooperation. I looked into this question in the late 90s and, more than twenty years later, the conclusions that I drew remain perfectly valid. In my view, the first conclusion is that we must not underestimate the structural difficulties of cooperation between the national and European parliaments. It is true that the national and European parliaments have shared interests, but they are also in an objective situation of competition in the eyes of their citizens. I think this is something to consider when we think about the potential for inter-parliamentary cooperation.

The second conclusion that I reached was that overseeing the European Union's policies is not a gratifying activity. I do not want to caricature people's commitments here, but it is true that working on these issues and going through the European Commission's legislative proposals is not an activity that spontaneously attracts members of parliament, and it is a real problem. It is to be expected, too—members of parliament are not here to do the work of administrators. Therefore, it must be administrators who do this work.

The mechanisms of oversight of the European Union by national parliaments, the possible creation of a green card, the prospect of strengthening this network of national parliaments for better oversight of European institutions: this will only come about if there is more administrative support so that each of the chambers



can carry out this work. We know that this situation is currently very unequal from one parliament to another. I think that the resources should be pooled. There is no reason for administrators to do the same work multiple times throughout the European Union, reading the same legislative proposals or documents of the same nature. Therefore, it would be advisable to establish a common administration in charge of analysing, compiling, and distributing information to allow for a stronger institutionalisation of COSAC.

Ms Cristina Fasone. – The role of national parliaments at the EU level is particularly important. Let me try to present my point of view on the issue to you.

Article 12 of the Treaty on the Functioning of the European Union recognises the contribution that national parliaments can make to the proper functioning of the European Union. It is very different from what existed before the Treaty of Lisbon. This clause has not been used enough in recent years. Indeed, academics have focused on the right of veto granted to national parliaments, particularly through the early warning system.

Other avenues of reflection could be followed, however, particularly those that seek to include national parliaments directly in drafting European legislation. National parliaments can make a significant contribution to the European legislative process. Their varied points of view could be added to the point of view of the European Parliament. Thus, the initiative of a political dialogue, considered as a strength, should be focused solely on the oversight of the principle of subsidiarity. We could consider strengthening this contribution by establishing a green card.

We know that cooperation between the various parliaments does not always work, but I believe that COSAC could be the natural place to implement a green card. It is the only inter-parliamentary conference that has a legal basis in the treaties that allows it to make contributions published in the Official Journal of the European Union. Furthermore, it is the only inter-parliamentary conference that has a permanent secretariat to ensure continuous work. Article 10 of Protocol No 1 of the Treaty of Lisbon relative to COSAC could be used as a basis to allow it to play a role in the European Union's legislative process. It could also be beneficial if COSAC were to take a more thematic approach to avoid overlaps with other conferences and to focus more on legislative issues.



Additionally, there are limits to the early warning system. First, national parliaments encounter difficulties in reaching an agreement among themselves. Well-founded opinions often do not reach the necessary threshold to trigger the mechanism. Additionally, national parliaments have trouble performing a strict legal examination of EU acts. It is difficult to understand what is meant by subsidiarity. We should therefore make sure that national parliaments can carry out the oversight in an appropriate way. The case law of the Court of Justice of the European Union can also go against the principle of subsidiarity.

In this context, the green card, which would be based on political dialogue, could serve as an additional tool that national parliaments would have at their disposal to participate more fully in the European Union's work. This would give national parliaments a genuine lever of action in the European legislative process, which could strengthen inter-parliamentary cooperation. Furthermore, the treaties do not need to be amended to implement it.

What advantages could this initiative offer, and how could we adjust it based on past experiences? At the start of the year, the meeting of the COSAC chairpersons could base itself on the Commission's work programme to identify the relevant points that it could address – in conjunction with the European Parliament – and, where appropriate, initiate a green card. Thanks to the digitalisation accelerated by the pandemic, we could certainly hold many thematic meetings throughout the year. I do think that it is important that national parliaments focus on thematic issues, rather than initiating general discussions. Concerning the activation of the green card procedure – which by its nature would reinforce European institutions' and public opinions' acceptance of it – we could use the threshold provided for other procedures (similar to the early warning system or the threshold for criminal justice).

It might also be appropriate to use the green card to address the European Parliament, not just the European Commission. Ultimately, the green card could be published in the Official Journal of the European Union.

Finally, it could be beneficial to create synergies between the green card initiative and the European citizens' initiative. Citizens can participate in drafting proposals for EU legislation under Article 11 of TEU. However, this idea has yet to really "bear fruit". Thus, it could be beneficial to look at potential citizens'



initiatives which may reach the million-signature threshold to see if COSAC could take them up and support them institutionally. This way, the green card would be a bridge to unite national parliaments and their citizens. In the same vein, it might also be possible for national MPs who support a green card to raise awareness of certain problems and share them with civil society. In turn, the green card initiative could trigger the activation of Article 11 of TEU.

To conclude, the constructive role of national parliaments must be reinforced and not limited to a simple blocking role. To this end, the green card is an interesting idea. There are obstacles to implementing it, of course, since national parliaments need to agree on the initiative to be proposed. However, this idea merits exploration.

Mr Jean-François Rapin (FR - Senate), chairperson. – Your remarks reinforce the legitimacy of the working group that we have established. It is time to "shift up a gear" in regard to COSAC.

Ms Danuta Jazłowiecka (PL - Senate). – First, I would like to thank you, Mr Rapin, for organising this meeting. It bears witness to the strong desire of the French Presidency to strengthen the role of national parliaments.

First, I very much agree with the observations made by Mr Olivier Costa: we must make use of the instruments already at our disposal. You discussed the possibility of establishing a green card. However, we already have yellow, orange, and red cards, which we do not use enough as it is. We also have other instruments that allow for a dialogue with the European commissioners, which we do not use efficiently.

In my view, national parliaments should be more fully involved in preparing European legislation alongside MEPs. For example, we could imagine sending amendments when regulations are being drafted, since regulations are out of national parliaments' control. These amendments could be sent at the same time as those from MEPs. National MPs would thus be recognised as full participants in drafting EU legislation.

Mr Jean-François Rapin (FR - Senate), chairperson. – I will let our experts give their opinions on this proposal.



Mr Olivier Costa. – The idea that national parliaments could draft amendments to a text under debate in the European Parliament is not a wise one, in my view. National MPs and MEPs can sometimes have divergent interests. I cannot really imagine that the European Parliament would accept formalising a right of amendment for national parliaments. This reform would require modifying the treaties. In a certain way, this reform would be something of a step backwards in the degree of European integration, and we have not seen such a step since 1951. There only needs to be one negotiator in the room against this proposal for it to be ruled out. I don't think this new competence for national parliaments is realistic, whatever its substance. I cannot imagine national parliaments having a formal right to amend proposed EU legislation being debated at the European Parliament.

Also, nothing prevents national parliaments from sending a proposal for an amendment to national MEPs. That's not the spirit of the treaties, but theoretically there is nothing against national parliaments acting in this way.

I would like to go back to my initial proposal, which would be easier to implement and which would allow for a better consideration of national parliaments when texts are being drafted by the European Commission. The current studies into how to improve EU legislation are leading the European Commission to spend more time drafting their legislative proposals. The Commission consults all the stakeholders in the changes to legislation through conferences and workshops, for example. This is the stage where national parliaments, either individually or collectively through COSAC, should have more weight in the debates. I cannot imagine that the European Commission would not take an opinion from COSAC into consideration. Furthermore, this possibility would not require the treaties to be changed.

Ms Cristina Fasone. – I fully agree with Mr Costa on the issue of amendments. An amendment power given to national parliaments individually, as part of the legislative process, could make the process much more complicated than it currently is. Of course, we cannot exclude national parliaments from sending opinions to MEPs through informal channels. However, it would not seem wise to institutionalise such a right to amendment.



During the legislative process, there are ways for national parliaments to coordinate, such as through COSAC, to arrive at the proposals they feel are important. They can also send amendments to their executive branches, which in turn could discuss it within the Council.

Ultimately, in my view, an amendment power granted individually to parliamentary chambers could prove to be complicated. National parliaments already have other ways to express national interests throughout the legislative process – they must be leveraged.

Mr Zoltán Balczó (HU). – I would like to go back to what Ms Fasone said about the role and possible changes for COSAC. I am following the Conference on the Future of Europe with interest. In my view, it could be wise for our working group to be represented at this conference to promote the interests of national parliaments.

Ms Danuta Jazłowiecka (PL - Senate). – I myself have been a Polish MP and an MEP. In both places, I could see the lack of daily contact between these two bodies. I am convinced that other MPs from other Member States have also noticed this.

However, we must ask ourselves what role national MPs should play within the EU legislative process. If we want them to play the role of a partner able to contribute to drafting European standards, then I think it is necessary that they be able to amend proposed legislation. It is not essential to extend this power to directives and decisions, but it is crucial to implement it for regulations. This power will be all the more necessary in the future as the number of regulations adopted by European institutions never ceases to increase. National parliaments find themselves powerless against this.

Mr Jean-Louis Bourlanges (FR - National Assembly). – I would like to express the great interest I had in listening to the two remarks from the researchers invited to this meeting.

On the subject of MPs' contributions to drafting the rules of law from their Member State, there are two essential elements, in my view. First, national parliaments are interested above all in the relationship with their governments. These governments are legislators of primary importance in the EU's Council of



Ministers. Second, directives are transposed rather late, and thus there is only a little room for manoeuvre in transposing them. In reality, we need to act much earlier on and not wait for their transposition to have the parliament's opinion on the matter taken into account. We must take action as the text is being negotiated. Each national parliament must reflect on how it can be involved in the negotiating process. For example, we could appoint a rapporteur in an assembly when the European Commission issues a proposal. This rapporteur would be tasked with following and supporting the minister, not to replace them, but to liaise with them and communicate with them about the opinion of their Member State's parliament. The work performed by this "shadow rapporteur", to use the Brussels terminology, would be very important for parliaments' European affairs committees – in my view, much more important than a European right of amendment, of which I am rather sceptical.

Ms Francesca Galizia (IT – Chamber of Deputies). – I was particularly interested in Mr Costa's remarks. I do have one question, however: to what extent can we overcome the differences in the level of information between the national parliaments while negotiations are under way?

Mr Olivier Costa. – Mr Bourlanges, very rightly, reminded us of the importance of the national aspect of parliamentary oversight. For around thirty years now, schoolbooks have discussed the role of national parliaments in Europe's institutional balance and remind us of the specificities of Denmark and, previously, the United Kingdom. There has been little change in the situation from this standpoint. Only certain national parliaments can force their national government to consider their opinion in European negotiations. Today, we must see the Council of the European Union as a sort of upper chamber that must listen to the government as well as national parliaments. To go back to the subject of national parliaments' right of amendment in the European legislative process, it can only be made concrete if this right is exercised through the national governments.

Again, I would also like to discuss the crucial problem of national parliaments' information on the state of negotiations in Brussels. In my introductory remarks, I insisted on the importance for national parliaments to maintain informal contacts with European institutions. The idea put forward by Jean-Louis



Bourlanges to introduce a shadow rapporteur is excellent as well. However, we must not underestimate the thanklessness that such work entails. I cannot really see how national parliaments, with their current resources, could be able to appoint a hundred shadow rapporteurs each year to monitor progress on European texts. The COSAC secretariat could have a role to play in the matter by encouraging national parliaments to do this and prepare the work for the shadow rapporteurs.

To answer the question from the Italian delegation, before the Treaty of Maastricht, MEPs informed national MPs of the progress of discussions in Brussels. With the current state of things, I am not very much in favour of establishing such an information channel. The risk of it being arbitrary is too great. National parliaments must more strongly assert their right to be informed about the progress of work in Brussels, not just the progress of legislation that is already completed and which we can no longer impact. They must take hold of all the documents related to the texts being drafted and insist that the European Commission send a careful selection of documents.

Mr Othmar Karas (EU). – As Vice-President of the European Parliament in charge of cooperation with national parliaments, I would like to use this meeting to assure you of our desire to cooperate with you.

As to the presentations that were made today, I would like to share two lines of thought.

First, in my view it would be advisable to act on the relationships that national parliaments have with their respective governments as to the work that these governments do in the Council. Governments should provide national parliaments with a report to keep them informed of the progress on European legislative work. The relevant procedures vary from one Member State to another and should be harmonised.

Secondly, Member States' national parliaments are each governed by different rules as to the dialogue with MEPs. In certain cases, these MEPs could speak in the national parliament. In other cases, this dialogue takes place within the European Affairs Committee. Finally, quite often European Commissioners can be invited to each of the existing parliamentary committees. I think that we



should see which model works the best and then extend it to all national parliaments. At the legislative stage, it would be logical to involve MEPs in national parliamentary committees' work. Personal attendance does not have to be required: in the German Bundestag, there are constant exchanges between German MEPs and the European Affairs Committee through videoconferences.

Many have discussed the need for a better distribution of information on the status of European legislative work. I think there is already room for manoeuvre in the matter without having to modify the treaties. The option of introducing a green card for national parliaments has been brought up multiple times. It is not the only option. What I have just presented to you could already be of use to national parliaments in maintaining deeper exchanges with MEPs. I would hope that no MEP would hesitate to listen to members of their own national parliament or present any amendments that they might suggest.

Mr Olivier Costa. – The impact of Covid on how parliaments are organised must be considered in the political and strategic thinking. Ever since it has been implemented, parliamentary cooperation in Europe has always suffered from logistic constraints. The platform that we are using today did not exist two years ago. Only the European Parliament held conferences online. A radical paradigm shift has taken place, and it could make exchanges between national MPs and MEPs much easier so they can reflect and have discussions with each other. We must continue to use these affordable, accessible tools over the medium and long term.

Mr Jean-François Rapin (FR - Senate), chairperson. – In the commission that I have the honour of presiding, we do indeed have more exchanges with MEPs through videoconferences.

Ms Cristina Fasone. – I would like to submit two thoughts.

One, all EU Member States enjoy a relationship of trust between their parliament and the executive branch in place. However, certain issues have transnational repercussions; it might be preferable to tackle them together, for example through COSAC. Additionally, in my view we should allow national parliaments to follow certain matters more closely, especially through their permanent representation in Brussels or by sharing certain strategic



documents. I would also like to note that we should not expect too much from the European Commission in the matter since it has a limited filtering capability. Thus, we should expand interparliamentary cooperation.

Second, efforts must be made to improve the relationships between national MPs and MEPs. There are procedures in place that should be used. Other procedures like the economic or banking dialogues should be expanded. There are national representatives at the European Parliament. We could encourage national MPs to participate in meetings organised by these national representatives at the European Parliament. Furthermore, if we look at national parliaments' rules, few parliaments allow MEPs to participate in their work. Thanks to new digital communication tools, it is now very easy to interact with MEPs. Let's not forget that!

Mr Jean-François Rapin (FR - Senate), chairperson. – I would like to thank our two specialists for the quality of their remarks.

Mr Jean-Louis Bourlanges (FR - National Assembly). – This meeting was very stimulating, and the ideas that it provokes will undoubtedly be enriched by the creative imagination of our experts. If we do not follow these recommendations, we only have ourselves to blame!

Furthermore, I would like to clarify that my idea of a "shadow rapporteur" does not mean appointing a parliamentary rapporteur for each text proposed by the European Commission. My idea was more about appointing a national MP whenever the text under discussion at the European level has particular importance.

Finally, I think we should remember that national parliaments can only be powerful if they want to be. We must guard against two vices: laziness and needless complexity. Let's not create an incomprehensible labyrinthine system. We have two tools at our disposal: COSAC and existing procedures. We must avoid building things to hide our frustration at overcomplicated constructions. We should stick to the essentials! Let's not forget that their government is national parliaments' first port of call. As Trotsky might say, "aim at the headquarters", in other words, each parliament should focus on its negotiator in Brussels. That is where the work begins and where we must act.



**Minutes of the meeting held on 9 March 2022:
presentation of the functioning of the "Grand
Committee" of the Finnish Parliament by
Mr. Kimmo Kiljunen, Member of the Eduskunta**

Mr Jean-François Rapin (FR – Senate), chairman. – Dear colleagues, we begin our work today with a presentation by our Finnish colleague Kimmo Kiljunen on the role of his parliament at European level and in particular the workings of the "Grand Committee".

Then, I would like us to discuss the proposals already addressed in our working group, on the basis of the hearings conducted and the contributions received. I personally have also submitted a contribution which deals in particular with the green card and the introduction of written questions. To facilitate our discussions, I have also sent you a document containing the reflections of different members, which is not intended as a draft conclusion, but simply as a support for our exchanges.

I should add that tomorrow there will be a meeting of the representatives of the national parliaments at the plenary meeting of the Conference on the Future of Europe, where we will be talking about the subject that occupies us today. I could act as spokesperson for our group.

Mr Kimmo Kiljunen (FI). – First of all, I would like to thank you, Mr Rapin for the exchanges we had when I came to Paris the last week for the COSAC meeting.

The reason why I wanted to participate in this working group on the role of the national parliaments is that it ties in with work I have already done: I had the chance to participate in the reflections on the Treaty establishing a Constitution for Europe in 2003 and 2004, which eventually led to the Treaty of Lisbon. During the preparatory work, we talked in detail about the role of the national parliaments and how they could be more involved in the affairs of the European Union. When a State joins the European Union, the role of its national



parliament is automatically weakened: many legislative issues previously dealt with at national level are transferred to the European level. In addition, the deepening of European integration has given civil servants a more and more central role in the legislative process .

A "miracle" happens on the plane from Helsinki to Brussels: the ministers who represent the Finnish executive are suddenly transformed into legislators, without a mandate from the people. To avoid this, in Finland, we decided that a Finnish minister could not take that plane without first going before the "Grand Committee" of parliament, so that it can give them its mandate. This is how we avoid the democratic deficit.

In most of the other Member States, the national parliaments are not directly involved in the European Union's legislative process and content themselves with being informed of the ongoing negotiations. In Finland, we are keen to involve parliament in the affairs of the European Union. Thus, when the European Commission presents a legislative proposal, the Government is obliged to put the proposal to the Finnish parliament. Immediately, parliament is involved in the legislative process and has the tools to allow it to carry out this task fully. All legislative issues dealt with by the European Union are effectively covered by the Finnish parliament and the Grand Committee meets twice a week to deal with these issues. The members of the Finnish parliament are systematically informed of all the decisions taken within the Council of the European Union or the European Council.

Furthermore, the Grand Committee is not the only body to examine European texts. Parliament as a whole is involved. When a legislative initiative is passed to the Grand Committee, it is also put to the relevant parliamentary committee. Two committees can even be seized if the subject is a cross-disciplinary one. At the end of the process, the opinions expressed by the commission responsible for the subject matter are examined by the Grand Committee, which in turn expresses the final position of the Finnish parliament, which is passed on to the Government.

All the decisions taken by the Finnish parliament concerning the European Union are public. The system is transparent. The legitimacy of the Union's decisions is thus guaranteed because all European texts are examined by the



members of national parliament, the direct representatives of the people. It is also important to note that minority positions are acknowledged in this process. Although the Grand Committee tries to adopt a single position for the Finnish parliament as a whole, sometimes there can be different views.

Very often, ministers regret the workload that these regular appearances before the Finnish parliament represent. However, this rigorous system also means that ministers have better knowledge of their files and in the end they are better prepared for the debates that take place at the Council.

I would also add that it is a relatively flexible system. In certain countries, when the governments receive a mandate from their parliament, they are obliged to stick scrupulously to it. In Finland, things are different. The decisions the Finnish parliament adopts are politically binding, but not legally binding. In theory, ministers are supposed to follow the decision made by the Finnish parliament. Nevertheless, if they decide not to follow it at the Council, they must appear before the Finnish parliament once again and explain their change of position.

Finally, I would like to insist on the fact that the members of the Finnish Grand Committee feel that they are fully involved in the legislative process of the European Union. I hope that our organisation can inspire other Member States.

Mr Jean-François Rapin (FR – Senate), chairman. – Does your government pass on the information on the trilogues to you? Also, are you kept informed of the discussions at the Council in real time?

Mr Kimmo Kiljunen (FI). – Yes, we are informed of these negotiations. After each Council session, ministers have to go before the Finnish parliament to inform its members of what has happened. To be truthful, the debates are not very animated, but at least they exist. If the issue in question is particularly sensitive, parliament can ask the Government to explain the reasons why the negotiations took the route they did. Sometimes, the Government informs members of parliament of the positions of each State and what is being said "behind the scenes" about the progress of certain negotiations.

Mr Jean-François Rapin (FR – Senate), chairman. – Thank you for your presentation, Kimmo - it was extremely interesting and enlightening. I noted at the meeting of the COSAC last Friday that Finland tends not to favour the



introduction of a green card. Is this position linked to the fact that the Finnish parliament already has numerous tools that allow it to influence the European legislative process?

Mr Kimmo Kiljunen (FI). – To be honest, I have not looked into this question enough to give a definitive opinion.

Based on my own experience taking part in the work on drawing up a Constitution for Europe, I can tell you that at the time we analysed the different possibilities for involving the national parliaments in detail. If you wish, I can provide with a copy of the draft treaty. A whole chapter was devoted to the role of the national parliaments.

Mr Ruairí Ó Murchú (IE – Assembly). – Within the Irish parliament, we hear our government both before and after Council meetings. I think it would be a good thing to try and bring some influence to bear as early as the consultation phase, without waiting for the European Commission to have published its initiative.

Ms Eliane Tillieux (BE - Chamber of Representatives). – I would like to come back to the innovative green card initiative proposed by the French Senate.

In 2015, a COSAC working group already looked into this idea. Nevertheless, we have to admit that its conclusions went unheeded. In 2016, Danielle Auroi, who at the time was Chairman of the National Assembly European Affairs Committee, took the initiative of putting a legislative proposal to the Commission, on corporate social responsibility. Seven other parliaments expressed their support for this project of "green card". Our working group could revive this green card. It is important that the members of national parliaments be able to express their opinions in a positive way, unlike the yellow and orange cards. This could help in drafting a better future for Europe. If a European Union citizen can ask the European Commission to take an initiative, national parliaments should be given similar powers. It is not rare for the Belgian parliament to send resolutions. Nevertheless, what becomes of these national initiatives is far from clear.

And so, the idea of a green card, which we could officialise, goes in the direction of reinforcing parliamentarians' rights and their participation in the



European legislative process. We often talk about citizen participation, but at European level, the participation of the national parliaments that legitimately represent those citizens should also be reinforced. In this respect, I would like to highlight the initiative we took yesterday with the President of the Belgian Senate to revive the initiative on the Istanbul Convention to combat violence against women. Many national parliaments have ratified it: why would the European Union not do so? This green card could invite the European institutions to take a position on this matter.

I have a question for our Finnish colleague. In the Belgian parliament, we regularly organise hearings of our Prime Minister on the occasion of each European Council meeting. So, I would like to know if, in Finland, you have a voting procedure for adopting the mandate for the European Council.

Mr Kimmo Kiljunen (FI). – We do have a voting system that allows us to determine the mandate we give to the government. The parties in the government coalition on the Grand Committee have to agree on a common position. Failing that, it is possible to include the opposition in the discussions to try and establish a common position.

As far as the green card is concerned, the government has not taken a stance on this subject. It is obviously important that the national parliaments be able to exert some influence on the proposals of the Commission. We have our own initiative within our parliament, but if the COSAC could have the opportunity to do this, personally I would be favourable to such a joint initiative.

Mr Jean-François Rapin (FR – Senate), chairman. – Éliane, what do you think of the idea of giving the national parliaments the possibility of sending written questions to the European Commission, via the chairpersons of the European Affairs Committees of each parliament or the COSAC?

Ms Eliane Tiillieux (BE - Chamber of Representatives). – I am totally in favour of any procedure that would strengthen the dialogue between the European institutions and the national parliaments. It would be interesting to formalise this idea and be able to provide a rapid response to the parliaments' questions.



Mr Zoltán Balczó (HU). – I entirely agree with the proposal to give the chairpersons of the European Affairs Committees of each national parliament the possibility of sending questions to the European Commission, under the same conditions as those granted to the Members of the European Parliament. On the other hand, I think that it is not so easy to organise the direct participation of members of national parliaments in the European legislative process, with the possibility of filing amendments. I don't see how it would be possible. The European decision-making process is very complex. If we add in the national parliaments, I fear that will make things even slower.

Mr Jean-François Rapin (FR – Senate), chairman. – I propose that we come back to each of the proposals that have already been considered by the working group to discuss them together. The introduction of a green card seems to be most widely accepted by most of the national parliaments. Perhaps it would be interesting to set a reasonable trigger threshold: a threshold of 25% of the national parliaments or a threshold of the national parliaments representing 25% of the Unions' population of the Union, could be envisaged. What do you think?

Ms Francesca Galizia (IT – Chamber of Deputies) – I would like to thank you for setting up this working group which has come up with some very interesting proposals.

First of all, I would like to reiterate that I am in favour of strengthening the role of the national parliaments in the European decision-making process, as well as the amount of information provided to them. In this respect, I am in favour of the introduction of a right to submit written questions. Then, it seems to me to be an opportune moment to take advantage of the next Conference of Presidents of the Parliaments of the Union to make our working group's voice heard. Finally, I wanted to thank our Finnish colleague for his very interesting presentation on the functioning of his parliamentary chamber.

Mr Jose Maria Sanchez (ES – Congress of Deputies). – I am in favour of all the initiatives proposed in the French Senate's contribution. I would like, however, to raise another subject with you, which concerns the excesses of the Court of Justice of the European Union (CJEU).



This question concerns the national parliaments for in my opinion it would be interesting to look at the role they could play in settling a conflict between a Member State and the CJEU. More and more rulings made by national courts – in particular by the French Constitutional Council or the Council of State – concern the primacy of European law. Until now, this debate has been focused on the issue of the "dialogue between judges". This has no normative consequences and until now has consisted only of an intellectual debate. All of these purely intellectual approaches have proved to be of little use. It would therefore be interesting to find a mechanism for resolving conflicts between the CJEU's rulings and constitutional provisions of each Member State. This could be the role of the national parliaments. Of course, a reform of the treaties would be necessary. I think that, given the current status of European integration, there must be a reflection on this issue.

Mr Jean-François Rapin (FR – Senate), chairman. – It seems to me that this proposal is somewhat beyond the scope of our reflections here. Nevertheless, perhaps an evolution of the control of the principle of subsidiarity could already constitute a step in this direction. In addition, I have proposed, along with my counterpart from the National Assembly that the COSAC Chairpersons go to Luxembourg to discuss these issues with the Court of Justice of the European Union.

Finally, at the French Senate, a fact-finding mission has been launched to look into this interaction between judicial decisions and national law. When the conclusions of the mission are published, I will let you know.

Mr Kristian Vigenin (BG). – I would like to say a few words about the proposals that have been put to us on the basis of the earlier debates, particularly concerning the procedure. First of all, all the ideas proposed deserve our attention. We will examine them with great care. Nonetheless, putting them into practice should take several elements into consideration.

Firstly, it does not seem appropriate to me to see the role of the national parliaments as a means of undermining or duplicating that of the European Parliament. A great deal of prudence is required in the distribution of responsibilities and in the control exercised by the European Affairs Committees.



After that, the articulation between the constitutional arrangements of each State and the ideas mentioned must be studied very closely and carefully. Some of them may not be applicable.

Furthermore, it is important to take account of the capacities of the national parliaments. We must be careful not to ask for changes to the prerogatives of the European Affairs committees or the COSAC that we would not be capable of implementing. To a certain extent, this is what happened with the yellow card and the red card.

Also, concerning the final conclusions on the work done by the working group, I would like us to be able to coordinate our proposals with those of the European Parliament, and even the European Committee of the Regions, to find a joint position. Before we before started this work, these institutions had already transmitted their own vision of how to improve their role.

Finally, we will be sending you a written contribution in reaction to the ideas already discussed in the group. Our intention is to classify all of these proposals: those we could defend, those we could debate and those which, as they stand, are not applicable in our opinion.

Mr Jean-François Rapin (FR – Senate), chairman. – We look forward to your written contribution with impatience, dear colleague. The final document will of course be respectful of everyone's opinion. For my part, I would like to come back to three things.

The question of the green card must be looked into in more depth; the exchanges at the COSAC show that the great majority of national parliaments are in favour of the idea. Only two parliaments are reticent.

After that, more thought is needed on the control of compliance with the principle of subsidiarity introduced since the Treaty of Lisbon and in particular on how to facilitate its implementation.

Finally, the third proposal mentioned is the introduction of a right to put written questions. As members of national parliaments, it is legitimate that we should have direct access to the European institutions to get answers to our questions.



Mr David Smoljak (CK – Senate). – In my opinion, introduction of the green card will only be a symbolic step insofar as the national parliaments can already send joint letters to the European Commission. The Commission always responds to these initiatives, which barely influence the positions it adopts, in a similar way as with the responses given to European citizens. Ultimately, I am not sure that officialising green cards in the treaties will force the European Commission to listen to the national parliaments any more than it does now.

Mr Jean-François Rapin (FR – Senate), chairman. – It is true that the national parliaments can already jointly lobby the European Commission. Nevertheless, the introduction of a green card would give this initiative more force, which could lead to it being better heard. What do you think?

Mr David Smoljak (CK - Senate). – Perhaps, in effect. You are probably right, but I am not certain that it is necessary to formalise this process.

Mr Ruairí Ó Murchú (IE – Assembly). – The different proposals in the document would allow us to have more interactions with the European institutions. Of course, the question of the thresholds for triggering these initiatives will be important.

Aside from these proposals, I think that it is necessary for us to think about how to improve the oversight of the national parliaments on European issues. As things currently stand, this is insufficient. We should be thinking about how to make the European institutions more accountable to the national parliaments.

Mr Jean-François Rapin (FR – Senate), chairman. – I have not yet raised the question of inter-parliamentary cooperation. And yet, several people have raised the idea of a potential third chamber made up of members of national parliaments, articulated with the COSAC. Do you have any opinions on this subject?

This idea is not one put forward by the French Senate, but it keeps coming back in the debate. The principle would be to create a sort of "European Senate" whose members would be appointed by the national parliaments. The basis for this chamber could be the COSAC. I do not have any more precise information, but this idea could be one of the proposals of the Conference on the Future of Europe.



Mr Ruairí Ó Murchú (IE – Assembly). – I think that it would be difficult, politically, to set up such a chamber. It would require setting up a flexible structure flexible without actually creating a new institution.

Mr Jean-François Rapin (FR – Senate), chairman. – Dear colleagues, I thank you for your attention and I look forward to seeing you again for the two hearings on 30 March.



**Minutes of the meeting held on 30 March 2022: hearing
of Ms Diane Fromage, Marie Skłodowska Curie
Individual Research Fellow at Sciences-Po; and
Mr Nicola Lupo, Professor of Public Law at LUISS
Guido Carli**

Mr Jean-François Rapin (FR – Senate), President. – Ladies and gentlemen, today's meeting will be devoted to hearing two academics specialised in the role of national parliaments in the European Union: Diane Fromage, Marie Skłodowska Curie Individual Research Fellow at Sciences-Po; and Nicola Lupo, Professor of Public Law at LUISS Guido Carli and a former official at the Italian Chamber of Deputies.

I should point out that we already had the pleasure of hearing you a few months ago, during a conference organised at the Senate with the participation of some fifteen academics, on the same theme of the role of national parliaments in the European Union. This symposium was particularly fruitful, and I invite all members of the working group to watch the video, available in both French and English on the Senate website.

Today, I propose that you each deliver a ten-minute speech, after which we can hold a question and answer session.

Ms Diane Fromage. – Thank you for giving me the opportunity to speak this morning on the role of national parliaments in the European Union. I will be specifically addressing the issue of overseeing compliance with the subsidiarity principle, as well as the green card initiative. I would like first of all to come back to the matters discussed at the last hearing by Cristina Fasone and Olivier Costa.

I will begin by saying that I agree with the assertion made by Olivier Costa that national parliaments are not being provided with sufficient information in regard to trilogues and economic issues. In the European institutional architecture,



national parliaments are still treated as stakeholders "like any other," when they should in fact have a privileged place in the communication of information.

Furthermore, national parliaments have an ambivalent position in the European institutional balance. On the one hand, we "opened Pandora's box" by granting rights to national parliaments in the Lisbon Treaty, but on the other hand, these rights remain insufficient.

The lack of collective oversight by national parliaments of the action of the European Council is also problematic. This difficulty is further exacerbated in regard to scrutiny of informal meetings, such as those organised by the Eurogroup with their inclusive format including both members of the euro zone and countries of the European Union that are not part of it.

I would also like to dwell for a moment on the Eurogroup as an institution. Although Brexit has strengthened its influence, the Covid-19 crisis has multiplied the criticisms levelled at it. Faced with the devastating economic effects of this health crisis, Europeans have given the Eurogroup a mandate to find quick-fix solutions to resolve the slowdown in growth caused by the pandemic. It is a power shift that raises questions about this institution's future. Will the Eurogroup continue to exist, or, on the contrary, will it be eliminated? Admittedly, the "euroisation" of Eastern European states may lead to a rapprochement between the 27-nation European Union and the broader euro zone. However, if economic differences persist between the Member States of the European Union, the Eurogroup - over which national parliaments have less power - will continue working.

I also feel that it is important to point out that an expression of universal national interest, unifying the interests of local authorities, is preferable to direct dialogue between the latter and the European institutions. Such a direct dialogue would not be manageable for the European institutions.

I would also like to say a few words about the early warning system, and the idea of introducing a green card. The early warning system has its faults, but I am not convinced that the threshold for triggering it should be lowered. Nor do I believe that it would be appropriate to allow an extension of the applicable deadlines. The only way for the early warning system to remain useful and



applicable would be to allow national parliaments to take action beforehand - i.e., before legislative proposals are "on the table." More generally, the scope of the early warning system is too limited to be "appealing" and allow fair oversight of compliance with the subsidiarity principle. Therefore, a single platform needs to be created to allow interactions between national institutions, or even regional institutions, and European institutions. This platform would constitute a "subsidiarity hub," and would replace the current tools such as IPEX or the websites of the European institutions. Currently, in the context of political dialogue, opinions are often simply sent to the Commission, and no actual dialogue is entered into with it; this needs to be corrected.

As for the idea of a green card in particular, in my opinion it is important that we should not be too inflexible about its introduction. However, it should not be used too frequently either. It should be used only for issues that are of concern to all Member States, rather than a minority. It could be interesting for the European Commission to select the ideas introduced by the national parliaments based on their political expediency, regardless of the number of national parliaments taking the initiative to use the green card procedure. It should be emphasised that in this case the applicable threshold should be flexible.

Finally, I would like to stress that strengthening the role of national parliaments in European affairs necessarily involves strengthening their role at the national level. National parliaments should follow European legislation proposals throughout the legislative process, and not just at the beginning and end of the process. In this sense, the notion introduced by MP Jean-Louis Bourlanges that a "shadow rapporteur" could be appointed is a welcome one.

Lastly, interparliamentary cooperation needs to be strengthened. We have already seen great progress in this respect thanks to the development of the IPEX platform. Better use could also be made of COSAC, in particular by including recurring items on its agenda to allow national parliaments to follow up on the subjects discussed. The issue of the recovery and resilience facility, for example, could be one of these recurring control points. Furthermore, the format of COSAC should be refocused so that it is more flexible and more political, and no longer simply turns out to be a series of successive



declarations. Lastly, the initiative taken by the Portuguese presidency to organise informal discussions with the European Commissioners in the "COSAC Chairpersons" format should be continued.

I would also be in favour of better coordination among the various interparliamentary conferences. They could be made more effective by increasing the diversity of the subjects addressed. For example, the subject of the banking union was never approached at the conferences organised under Article 13, which was unfortunate.

I do not support the idea that national parliaments could present amendments during the review of European legislation. This would upset the institutional balance and create problems of legitimacy, put national parliaments in competition with European institutions, and pose problems in terms of representation. However, national parliaments should have the right to put written questions before the European Commission, as discussed in a previous working group. This is of course already possible. Nevertheless, for the good of political dialogue, a genuine exchange should perhaps be established between national parliaments and European institutions. Still, care must be taken not to upset the balance of power between the national level and the European level: in the past, national parliamentarians have requested that European parliamentarians ask questions on their behalf. We must be sure to keep the prerogatives of each institution separate!

Mr Nicola Lupo. – For years now, I have supported increasing the powers of national parliaments in European matters. National parliaments were seen from Brussels as the “poor relations” at the beginning of the European integration process. It is my belief that we need to work to inject more politics and national democracy into the European legislative process. This must of course be done prudently, not blocking the legislative process, but enriching it.

To be clear, I do not believe that it is appropriate to create a new assembly for the European Union or for the euro zone. I still believe much remains to be done in terms of parliamentary cooperation. In my opinion, better use should be made of national parliaments in terms of monitoring compliance with the subsidiarity principle, and the early warning mechanism should be better supported by political dialogue. In this respect, we must give precedence to a



political reading of these instruments. Parliaments are political bodies, and therefore act as such. Admittedly, they may decide to act in certain cases as a judge or legal adviser, but above all they are political actors.

I have always felt it is inappropriate to use the term "democratic deficit" to describe the issues with democracy we see in the European Union today. I do not believe there is a lack of democracy in the European Union. I prefer the term "democratic disconnect," or perhaps "democratic arrhythmia." In regard to these issues, the subject of the accountability of governments to their respective parliaments is a central one.

We must therefore not simply model the prerogatives of national parliaments on those of European institutions, but rather we must take the complexities of European democracy into consideration. In this regard, I find three aspects to be most pertinent.

First of all, the green card is a great idea. It is a suitable way to encourage the participation of national parliaments in European affairs. However, the proposal will need to be articulated with certain existing or future mechanisms, such as the citizens' initiative or the European Parliament's right of initiative.

Next, in my opinion, the procedures for the early warning mechanism and for political dialogue should be simplified, and could moreover be unified. It is also clear that it would be better to choose the subjects to be brought to the attention of national parliaments more carefully in advance, and to allocate more funds to their proposals before submitting them to the European Parliament. On the other hand, I am not convinced of the need for national parliaments to be in continuous dialogue with the European Parliament. Dialogue between these two entities must be well structured. This is why it is necessary to set a deadline for dialogue between these two entities. Once this deadline has passed, the European Parliament must bear full responsibility for decisions developed jointly with national parliaments.

Lastly, I believe it is appropriate to introduce the possibility for national parliaments to put written questions before the European Commission and before other executive bodies. It will nevertheless be necessary to determine which members of each national parliament will be authorised to put their



questions in writing. Parliamentary procedure in this regard will need to be clarified.

The standing committees of each national parliament could be included more effectively in European legislative procedure. In particular, I would like to stress their inclusion in discussions on the recovery and resilience plans. I was very surprised that last year's decision on this subject did not involve national parliaments. In the interest of preserving democracy, it is essential that parliaments be involved in these matters, not only in approving the plans, but also in monitoring their implementation.

Admittedly, national parliaments are increasingly supervising their government's activities in European affairs. However, this scrutiny focuses on how governments represent national interests in Brussels. European interests as a whole are thus not taken into account. In this regard, better use could be made of inter-parliamentary cooperation. The digital revolution and the acceleration of this revolution due to the health crisis have nevertheless made it possible to strengthen the role of COSAC and to develop greater cooperation more broadly.

In concluding, I would like to point out that the role of national parliaments is above all to supervise executive action and give it a political orientation. That should be their role within the European Union! We need to give them the means to exercise their proper function.

Jean-François Rapin (FR – Senate), President. – Thank you for these comments, as well as for your interest in our previous work, which focused in particular on the introduction of the green card, the lowering of thresholds for triggering the early warning mechanism, and the possibility given to national parliaments to submit written questions before the European Commission. Your opinions on these last proposals seem somewhat divergent. In terms of the written questions, would it be appropriate, for example, to entrust this right to the European Affairs Committee of each Member State? That was, in any case, the proposal I put forward.



Ms Fromage, you seemed guarded on the question of lowering thresholds for control of the subsidiarity principle. Could you please clarify your position on this issue?

And lastly, you both addressed the issue of monitoring the adoption and implementation of the recovery and resilience plans. You advocate for concrete monitoring of these plans by national parliaments. I completely agree with you on this point. National parliaments and the European Parliament have very different views on this matter, particularly on the issue of own resources. I will let you reply to that.

Ms Diane Fromage. – In regard to the lowering of thresholds, I would like to point out that if we look at how oversight of the subsidiarity principle has been conducted by national parliaments over the past twelve years, it is clear that the problem does not lie so much in when the threshold necessary to trigger the mechanism is reached, but in the small number of approved opinions. This observation is confirmed by the committee in charge of impact studies for the European Commission. Besides, none of the chambers of national parliaments, nor even the Committee of the Regions, has seen fit to refer any matter to the Court of Justice of the European Union on the basis of this principle. Lowering the thresholds would not change much. But I would go even further, and say that we are interested in this question of subsidiarity because it is enshrined in the treaties, but this system no longer meets the oversight needs of national parliaments, and we must now focus on developing the monitoring of resilience plans, trilogues, and non-legislative acts.

Oversight of the recovery and resilience plans needs to be addressed from two perspectives: on the one hand from a national perspective, on the other hand at European level, in close collaboration with the European Parliament. First, at the national level, national parliaments need to exercise tighter control over their governments. In this respect, we need to give preference to their coordination: they could connect to one another with the use of new technologies. Next, at the European level, the recovery and resilience plan will permit the emergence of a movement of interparliamentary cooperation that should have started years earlier. National parliaments and the European Parliament need to continue exchanging the information on budgetary and legislative matters that they have



at their disposal. Decisions on budgetary matters made at the European level have an impact on national situations. National parliaments urgently need to make a qualitative leap forward in budget oversight!

Mr Nicola Lupo. – In my view, COSAC should be responsible for coordinating the written questions to be put before the European Commission by national parliaments. However, it is important that we avoid setting up too cumbersome a procedure for such matters. Technology can help in this regard. The coordination of national parliaments should not constitute an additional obstacle to their ability to put the questions of their choice before the European Commission.

Lastly, I would like to say a few words about the recovery and resilience plans. Member States' standpoints on the use of these plans diverge in several aspects. Some States are not yet using them, while others, like Italy, are making extensive use of them. Consequently, national parliaments are unevenly involved in monitoring their implementation. The Conference organised under Article 13 therefore appears unsuited to handling subjects like this. On the other hand, European institutions are now evaluating the national implementation of these recovery plans, which would favour greater involvement of national parliaments in monitoring their implementation. For the time being, evaluating this implementation remains primarily the prerogative of the European Commission. The Economic and Financial Committee is issuing an opinion on the matter as well. On this Committee, Member States ask a certain number of questions tending to determine the orientation of various public policies. Such questions about national policies are unprecedented! Recommendations issued by the Committee become mandatory. Therefore, I believe it is essential that this new trend be counterbalanced by a greater involvement of national parliaments in these issues.

Mr Igors Pimenovs (LV). – In regard to the role of national parliaments within the European Union, I would like to stress one point. National parliaments are not monolithic bodies: some members represent the governing coalition and others belong to the opposition. Thus, any position supported in the national parliament is adopted by majority vote. Consequently, any request submitted to the European Parliament or to the European Commission is issued not from a



Parliament as an institution representing the Nation, but rather as a political entity made up of the different political sides in the Member State concerned. Thus, the expression of the Parliament may result in a repetition of the political positions expressed in the Council of the Union by the Government. Thus, the national Parliament becomes simply another instrument for strengthening the political forces already in place within a Member State.

Mr Audronius Azubalis (LT). – As Vice-Chairman of my Parliament's European Affairs Committee, I would like to make my modest contribution to this working group's discussions. I propose that our work focus on areas that our citizens have identified as priorities. Before considering any new interparliamentary initiative, I believe it is necessary to stress the importance of the principles of objectivity, proportionality, impartiality and effective coordination.

I also fully agree with the idea of introducing a green card, but without amending the European treaties. In this matter, national parliaments should not be bound by formal procedures, and should be able to choose the means they prefer to use. Nevertheless, certain procedural rules should be agreed upon by all national parliaments. The representative nature of initiatives proposed to the European Commission must be guaranteed. For this purpose, I feel that it would be appropriate to set the threshold at a one-third of all national parliaments; such a threshold would guarantee the representation of a broad section of the geopolitical positions of each parliament.

In conclusion, I would like to emphasise that the European institutional balance is a sensitive one; let us try to preserve it.

Ms Francesca Galizia (IT – Chamber of Deputies). – I would like to thank our two speakers for their valuable remarks, which will certainly help to further the work we will need to do in the coming weeks. I have three questions for them.

Mr Lupo is fully aware of the workings of the Italian Chamber of Deputies, which over the years has preferred to give its opinion on the substance of the issues in political dialogue. How can this procedure be improved in this respect to make it more efficient? How can a lasting link be established between the European Parliament and the national parliaments?



Next, I would like to address the issue of transparency in negotiations conducted by European institutions. How can we improve the transparency of the information transmitted to national parliaments in such regard?

Finally, the Covid 19 pandemic has led to the development of digital tools in parliaments. In your opinion, what is the impact of this digitisation on interparliamentary cooperation? Do you think it could improve collaboration between parliaments, and their connection to European institutions? Could these tools allow us to overcome the "democratic disconnect" problem?

Lastly, I agree entirely with your remarks on national parliaments overseeing the implementation of recovery and resilience plans, and the role of interparliamentary cooperation in this regard.

Ms Diane Fromage. – First of all, I would like to come back to the issue of the green card, and how it can be linked with the other tools made available to national parliaments. This question ultimately leads us to question the merits of this tool: is the aim to make legislative proposals, or to influence the political agenda of the European Commission? In my opinion, the second option is more desirable. The objective would be to draw the European Union's attention to subjects whose relevance to local needs can best be determined by national parliaments and local authorities. The European Commission is not close enough to citizens and national concerns.

With regard to the comment on possibility of duplication in the opinions expressed by national parliaments and those expressed by governments, I would like to point out that a similar debate took place when the Lisbon Treaty entered into force. At the time, we questioned whether the early warning mechanism might not be hijacked by governments via their national parliaments. Nevertheless, no such excesses have been observed. The situation actually depends on the relationship that a government maintains with its parliament, which in turn depends on the political context of the country, whether the parliament is unicameral or bicameral, etc. So I do not see any immediate danger in this regard.

Next, I would like to respond to the series of questions posed by Ms Galizia. Firstly, in terms of the links between national and European parliaments, I would



disagree to some extent with Nicola Lupo. I do not believe it is necessary to set an end date for cooperation between the European Parliament and national parliaments. On the one hand, if the legislative process required the national parliaments to change their position, their further intervention during the procedure could be justified. Otherwise, on the issue of improving cooperation between the European Parliament and the national parliaments, I believe it would be appropriate to gather information so as to avoid the proliferation of multiple platforms. It would also be worthwhile to develop substantive dialogue. Lastly, it seems to me that digitisation can be used to speed up exchanges between parliaments. It would thus make it easier to submit collective opinions within the framework of political dialogue based on the working program of the European Commission.

And as for improving transparency, interparliamentary cooperation has a decisive role to play in that regard as well. All national and European parliaments have different levels of access to information, based on their institutional positions. Perhaps there might be special reading rooms, or special access to certain documents for the chairmen of the European Affairs Committees. The confidential negotiation forums set up during the "Banking Dialogues" held with the European Commission could also constitute a source of inspiration for national parliaments.

Mr Nicola Lupo. – I will begin by answering the question raised by Mr Pimenovs on the role of opposition groups in national parliaments in the exercise of their European prerogatives. In this regard, it is necessary to make a distinction depending on the subject. If we are talking about the oversight role, for example via written questions, I think it is appropriate that no limit be set, so that any parliamentarian is able to participate. When it comes to determining the political orientations transmitted to the members of the Government, on the other hand, the parliamentary majority must have priority to express its positions. The early warning mechanism and the green card are situated somewhere between these two mechanisms.

For the latter tool, in my opinion it is necessary for national parliaments individually to set very low thresholds to trigger its use. For example, it could be worthwhile for the Italian Parliament to decide to set a threshold to trigger the



green card at one third of its members. The same could apply to triggering the early warning mechanism. Each Parliament must make its own decision based on its political system and its institutional balance.

Finally, to answer Ms Galizia's last question, the development of digital tools has enabled national and European parliamentarians to participate more widely in European affairs. It has strengthened inter-parliamentary cooperation. Parliamentarians facing difficulties in leaving their capital cities can now take part in these discussions!

As for transparency in negotiations, the issue of trilogues is an essential one. As you know, European decisions are made up of compromises that are often laborious. However, the more transparent things are, the harder it is to compromise. Of course, the new technologies naturally and exponentially increase the level of transparency. But the spaces where compromises can be found leave but little room for the visibility of debates; trilogues are one of these. In my opinion, we must take a measured approach to determining transparency obligations with regard to trilogues. Otherwise, the decision-making process will be moved outside.

Lastly, clarification is needed between the mechanism for monitoring subsidiarity and the possibility of acting within the European legislative process through "contributions of funds." In my view, the preparation of such contributions is not within the remit of national parliaments. The parliamentarians of each Member State may certainly assess the political and technical relevance of a European proposal but, in any case, their role is not to act on the substance.

Mr Zoltan Balczo (HU). – My point concerns the difference – supposed or otherwise – between the position of national parliaments and their governments at the Council. In my opinion, when the opinion of the national parliament is expressed by a simple majority of deputies, it is not representative, and may easily be aligned with the government majority. If it is expressed by a qualified majority, on the other hand, it represents more than just the position of the majority of the governing party. I therefore believe that the opinions of national parliaments at European level should be more often expressed by qualified majority, in order to be representative.



Ms Diane Fromage. – I agree with Nicola Lupo. In some parliaments, the parliamentary minority has the right to bring appeals before the Court of Justice of the European Union. Parliaments must therefore adapt the tools provided to them for taking action at the European level to suit their own organisation. As for the green card, the parliamentary procedure provided for its activation within each parliament must vary based on the purpose for which it is to be used. Setting a very low threshold for triggering it would for example make it possible for the parliamentary opposition to express itself on a given subject.

Nicola Lupo. – In response to Mr Balczo's comment, I would like to add that the scope of the opinion issued by a national parliament depends above all on the national political system and the internal structure of the chambers concerned. There are countries where the parliamentary chambers have a majority that is different from that of the government. It is thus a matter of investigating how these parliamentary procedures should be developed in European affairs in order to preserve the institutional balance in each country.



**Minutes of the meeting held on 27 April 2022: hearing
of Mr Christian Calliess, professor of public and
European law at the Free University of Berlin, and
Mr Daniel Innerarity, professor of philosophy at the
University of Zaragoza**

Mr Jean-François Rapin (FR – Senate), President. – My dear colleagues, I would like to begin by welcoming two new members to our working group, who join us following the renewal of the composition of the Portuguese Assembly. I therefore warmly welcome Mr Miguel Iglésias and Mr Paulo Moniz. We look forward to your contributions.

Our meeting today will be devoted to hearing two academics specialised in the European Union: Mr Christian Calliess, professor of public and European law at the Free University of Berlin and Mr Daniel Innerarity, professor of philosophy at the University of Zaragoza.

Mr Innerarity has unfortunately been unable to travel to join us in person, and has sent us a video message instead. After listening to it, you will be able to send him your questions by electronic mail. I propose that we listen to this message first before giving the floor to Mr Christian Calliess.

Mr Daniel Innerarity. – The Treaty of Lisbon has been dubbed the "Treaty of Parliaments" for it introduces numerous provisions relating to representative democracy and the role of the parliaments within the European Union. However, these provisions have not managed to reverse the general trend towards the weakening of parliaments that we have seen at both national and European levels.

In my opinion, the possibilities for greater inclusion of the national parliaments in the construction of European legislation are limited today. It is often argued that greater involvement of the national parliaments in the European decision-making process would enhance the democratic legitimacy of the European Union. This was the reasoning that led the Treaty of Lisbon to give the national



parliaments a role in European affairs. The Treaty specifies that the national parliaments are the guardians of the principle of subsidiarity in the European legislative process and can therefore trigger the early warning mechanism. However, there is good reason to doubt the effectiveness of this tool. In practice, the power of the national parliaments has proved to be limited. There are few interactions between the national parliaments, which largely explains their low level of involvement in the European decision-making process.

I am therefore sceptical as to the effectiveness of this mechanism. Firstly, a national parliament is unlikely to express a different position to that taken by its government at the Council. In addition, this practice weakens the deliberative capacity of the European institutions. Let us take the example of the Danish Parliament. In Denmark, the Parliament gives its government a binding mandate to orient the actions it takes in European matters. Thus, although it ostensibly involves the Danish Parliament in the affairs of the Union, at the same time it prevents it from participating directly in the deliberations conducted in Brussels. You will therefore concur, I think, that greater parliamentarisation of the European institutions does not systematically lead to them becoming more democratic.

In addition, reinforcing the role of the national parliaments in the institutional architecture of the EU could actually limit the room for manoeuvre their respective governments have in European negotiations. It is true that greater involvement of the national parliaments would allow the European institutions to be closer to the "grass roots", but at the time it would reduce their propensity to negotiate at the transnational level.

This would therefore amount, in my opinion, not to strengthening the legitimacy of European decisions at national level, but rather at European level. It would no longer be a question of getting closer to Europe's citizens, but rather of closing the transnational gaps that still persist to encourage greater European integration. The national parliaments must therefore think carefully about how they could contribute positively to the development of European standards.

Finally, there is one last reason that leads me to think that national parliaments will not see an increase in their powers in years to come. This has to do with the political culture of these entities. National parliaments are not ready to take the



demands of the other Member States into consideration, any more than they are used to justifying the positions they adopt on European matters to their voters.

For all these reasons, reinforcing the role of the national parliaments would not improve the European decision-making process. To my mind, they will remain relatively weak actors within the European Union.

Mr Christian Calliess. – The principles of subsidiarity and proportionality are key factors in the participation of the national parliaments in European affairs (Articles 5 and 12 of the Treaty on the European Union). Compliance with those principles implies that the national parliaments retain their areas of competence. This means that the effective application of these principles at European and national level is crucial, to guarantee both the fair division of competences within the Union, but also the place of the parliaments within this organisation.

We should note, however, that at national level, there are limits to the implementation of this control. To overcome this, I propose a set of measures designed to close these gaps. These measures are part of a new working method based on the White Paper on the Future of Europe, presented in 2017 by the Juncker Commission. Five scenarios were proposed at the time. One of them envisaged a new working method which was supposed to improve the effectiveness of the European institutions by concentrating their efforts on pre-defined political priorities. A similar reflection could be conducted on the control of subsidiarity: in this area it would also be quite possible to select measures on the basis of the political opportuneness of controlling them.

At the same time, the European Union could relinquish certain competences. On this subject, the report presented by the task force on subsidiarity set up by the Juncker Commission already put forward a certain number of proposals to lighten the European agenda. This report was also taken up by the Conference organised by the Austrian Presidency in 2018. My proposal covers some of the same ground as that report.

First of all, the national parliaments could retain certain competences that the European Union would choose not to exercise.



Furthermore, it is important to develop a sort of "culture of subsidiarity" at European level, but also within the Member States. This implies a need to develop a common language - in other words, to determine precisely what the principle of subsidiarity covers. The European institutions and Member States have very different understandings of this principle today. It is therefore important to establish a sort of "subsidiarity interpretation grid". This is something that was in fact suggested by the task force I have just mentioned. This idea of a "grid" was also used by the European Commission in a report issued in 2018.

Then, we could imagine the national parliaments being more involved during the consultation phase that the Commission launches systematically before adopting a legislative instrument. This would enable the national parliaments to alert the Commission at the very beginning of the legislative process if a provision fails to comply with the principle of subsidiarity. We could also consider the creation of a document compiling all the opinions expressed by the bodies involved in the preparation of the legislative act in question concerning compliance or otherwise with the principle of subsidiarity. This document should then be included in the Commission's legislative proposal. In this respect, the subsidiarity grid mentioned earlier should be binding on all the European institutions. It is only if this condition is met that a discussion could be established between the stakeholders in the European legislative process.

In addition, it would be worthwhile giving the national parliaments the possibility of issuing a green card. That would give them a constructive role in the legislative process, unlike the early warning system, which only gives them a right of veto. The green card system would solve a certain number of problems relating to compliance with the principle of subsidiarity: firstly, it would allow new texts in line with the principle to be put forward, and those that do not comply to be repealed. A threshold would need to be set for this purpose. It could be interesting to introduce a system whereby one third or a quarter of the national parliaments could come together to submit a legislative initiative to the Commission.

It would also be important to create a European platform on subsidiarity to bring together the expertise of the European bodies, to support, strengthen and



improve this procedure. A "subsidiarity council" could be set up to oversee the expertise delivered on the subject, from the subsidiarity grid through to the "subsidiarity statement".

The European Union also has a duty to come closer to its citizens by restricting European legislative instruments to general guidelines and allowing more leeway to the Member States and their parliaments, under the Directives. European legislation could therefore concentrate on achieving results rather than on the mechanisms of compliance allowing them to be achieved. It could also be based on new practices, such as comparative analysis. A system of ex-post evaluation of European legislation should be developed along with "end-of-life clauses" for obsolete legislation.

In the final analysis, the European Union must concentrate on achieving pre-determined political objectives whilst complying with the principles of subsidiarity and proportionality. In addition, the development of an inter-institutional platform dedicated to the principle of subsidiarity would be welcome. Above all, it is necessary to arrive at a common definition of subsidiarity.

Mr Jean-François Rapin (FR – Senate), President. – The idea of the common interpretation grid has probably not received the attention and interest it deserved.

Mr Christian Calliess. – Yes, that is a problem. The European Commission developed the idea based on the work done by the Task Force led by Franz Timmermans in 2018, and the national parliaments were involved in that process. It needs to be promoted: it constitutes a first common definition of the principle of subsidiarity. In 2018, the Austrian Presidency did not make it a priority and the Member States did not support it, even though the subject was addressed at the Bregenz Subsidiarity Conference organised by the Austrian Presidency.

Mr Markus Töns (DE - Bundestag). – First of all, I would like to thank Mr Calliess for his work, which has the merit of reminding us that the regions are also involved in these issues. The Committee of the Regions has already made a certain number of comments on European legislation under discussion, but



does not have any right of veto. If it is not granted such a right, how can the Regions be heard and involved in the European legislative procedure? It is important to improve the acceptability of the legislation, including at local level.

Mr Christian Calliess. – The Committee of the Regions is very important and already has a wide-ranging consultative role in the European legislative process. This Committee is also a guardian of subsidiarity. It could legitimately be included in the group working on the development of the subsidiarity grid mentioned earlier. This means that the Committee of the Regions must be strengthened, in particular by giving it the possibility of issuing orange cards and green cards. In any case, the notion of subsidiarity needs to be clarified and unified across all of the European institutions.

Mr Miguel Iglésias (PT). – First, I would like to congratulate the French Presidency of the Council of the European Union, and particularly Jean-François Rapin, on the excellent work done over the last few months within the COSAC.

I must also say that I agree with the conclusions of the recent meetings. It seems to me that it is indispensable to strengthen inter-parliamentary relations on European matters, whilst avoiding increasing the complexity and bureaucratic aspects of these processes, which would create an even greater distance between us and Europe's citizens. It also necessary to take account of the fact that certain parliaments suffer from a shortage of personnel.

I would also like to reiterate the importance of the regions within the European Union, including the most remote ones. As the elected representative of the Autonomous Region of Madeira, this is a subject that is particularly close to my heart. We should try to include these regions in our discussions, so as not to further ostracise them.

Mr Jean-François Rapin (FR – Senate), President. – Rest assured, dear colleague, we will try not to overburden the national parliaments, but rather to make their actions more effective.

Ms Francesca Galizia (IT – Chamber of Deputies) – What kind of profile should the subsidiarity body mentioned by Mr Calliess have and how would it operate?



Mr Christian Callies. – It is essential that the process of subsidiarity be questioned throughout the European legislative process. To allow this, a set of common tools, such as the subsidiarity grid, must be available to put fair control into practice. The subsidiarity body could then be tasked with drawing up the grid and, in doing so, would be contributing to the improvement of European legislation. It could also be tasked with clarifying any grey areas that emerge in the implementation of the control procedure for the principle of subsidiarity. This body would be made up of representatives of the national parliaments, the European Commission and the European Parliament, as well as representatives of the Committee of the Regions. Ministers would be excluded. It could meet two or three times a year and would have a permanent secretariat. It would be an informal organisation, operating beyond the bounds of the institutional agreements.

Mr Igors Pimenovs (LV). – A national parliament is not an indivisible atom: in it there sits a majority supporting the government alongside an opposition. Their positions are often very different. Parliaments take decisions by majority vote and in most cases the result will correspond to the opinion of government, rather than that of the opposition. As an academic, have you taken these specific circumstances into account in your work?

Mr Christian Callies. – Under the Treaties, national parliaments have a duty to control compliance with the principle of subsidiarity. I consider that, in this area, we need a subsidiarity grid that will provide objective legal criteria based on Article 5 of the Treaty on the European Union. This is therefore a purely factual form of control: that being the case, it matters little whether those exercising it are part of the opposition or on the government side. The political debate must take place at the time of drawing up the grid, not when it is applied.

Independently of your question, the use of a subsidiarity grid would enable the Commission to respond to concerns raised by the parliaments more quickly. The adoption of a common language would help to improve the identification of the points of contention between the institutions in relation to subsidiarity.

Finally, there is nothing to prevent national parliaments enriching the grid proposed by the Commission working group. It would even be wise if they were to take on its drafting, since it will be a central element in the future functioning



of Europe. As for the subsidiarity body, it could support them with drafting the grid.

Mr Jean-François Rapin (FR – Senate), President. – My dear colleagues, our working group will meet three more times: the next two meetings will aim to discuss a common proposal, before the final meeting on 14 June in Paris.