



EUROPEAN PARLIAMENT: RELATIONS WITH THE NATIONAL PARLIAMENTS

Moves towards closer European integration have altered the role of the national parliaments. A number of instruments for cooperation between the European Parliament and the national parliaments have been introduced with a view to guaranteeing effective democratic scrutiny of European legislation at all levels. This trend has been reinforced by provisions introduced by the Lisbon Treaty.

LEGAL BASIS

Article 12 of the Treaty on European Union (TEU) and Protocol No 1 on the role of national parliaments in the European Union.

OBJECTIVES

A. Rationale for cooperation

The very process of European integration involves transferring responsibilities hitherto exercised by national governments to joint institutions with decision-making powers, thus diminishing the role of the national parliaments (NPs) as legislators, budgetary authorities and bodies responsible for scrutinising the executive. While several of the responsibilities transferred from national to EU level initially rested with the Council, the European Parliament (EP) has progressively acquired a full parliamentary role.

- The NPs have come to see more effective scrutiny of their governments' EU activities and closer relations with the EP as a way of increasing their influence on EU policy-making and at the same time ensuring that the EU is built on democratic principles.
- For its part, the EP has generally taken the view that close relations with the NPs would help to strengthen its legitimacy and bring the EU closer to its citizens.

B. The evolving context of cooperation

The role of the NPs initially diminished as European integration progressed: the EU's powers have increased and its areas of competence have broadened, while majority voting has become the rule in Council and the EP's legislative powers have also increased.

Until 1979, the EP and the NPs were linked organically, because MEPs were appointed from within the NPs. Direct elections to the EP broke those ties, and for some 10 years relations dwindled almost to nothing. The need to restore them became apparent



after 1989: talks were held and a start was made on establishing new ties to replace the original organic ones. The Maastricht Treaty helped by devoting two declarations (No 13 and No 14) to the subject, which provided in particular for:

- Proper acknowledgement of the NPs' role in the functioning of the European Union (their respective governments must inform them 'in good time' of EU legislative proposals and joint conferences must be held where necessary);
- Closer cooperation between the EP and the NPs, in the form of more systematic liaison, exchanges of information, regular meetings and, possibly, the granting of reciprocal facilities.

Additionally, NPs progressively acquired powers of scrutiny over their governments' EU activities as a result of constitutional reforms, government undertakings, changes to their own operating methods and interpretations of national constitutional rules issued by some Member States' constitutional courts. Their committees specialising in EU affairs have played a major role in these developments, in cooperation with the EP.

The protocol on the role of the NPs annexed to the Treaty of Amsterdam encouraged greater involvement on the part of the NPs in EU activities and required consultation documents and proposals to be forwarded promptly so that the NPs could consider them before the Council took a decision. The NPs played an important role in the discussions held in the Convention on the Future of Europe (1.1.4), and they were also the subject of one of the Convention's 11 working groups. In May 2006, the Commission agreed to forward all new proposals and consultation papers to the NPs. With the advent of the Lisbon Treaty, this 'political dialogue' has become a legal requirement for the Commission. The Treaty on the Functioning of the European Union gives the NPs the right to receive a broader range of information from the EU institutions, which are required to forward all draft legislative acts and notify the NPs of applications for accession to the EU. The Lisbon Treaty further enhanced the role of the NPs by involving them in the procedures for revising the Treaties as well as in the evaluation mechanisms for the implementation of EU policies in the areas of freedom, security and justice. It also formalised inter-parliamentary cooperation between NPs and the EP in accordance with the Protocol on the role of national parliaments in the EU.

In addition, the Lisbon Treaty stepped up the role of the NPs in the EU legislative process considerably by introducing an early warning mechanism (EWM), i.e. a system which enables the NPs to check that legislative proposals are consistent with the subsidiarity principle (Protocol No 1 on the role of national parliaments in the European Union and Protocol No 2 on the application of the principles of subsidiarity and proportionality). Within eight weeks from the date of transmission of a legislative proposal, NPs may send a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission stating why they consider that the draft in question does not comply with the subsidiarity principle. Legislative proposals can be blocked if there is a consensus among a majority of chambers. However, the final decision rests with the legislative authority (the European Parliament and the Council) (1.2.2). This mechanism has been triggered three times since the Lisbon Treaty entered into force: in May 2012 in relation to a proposal for a Council regulation on the exercise of the right to take collective action within the context of the freedom of establishment



and the freedom to provide services ('Monti II')^[1], in October 2013 in relation to a proposal for a regulation on the establishment of a European Public Prosecutor's Office^[2], and in May 2016 in relation to a [proposal for a review of the Posted Workers Directive](#)^[3]. The Treaty also contains new articles clarifying the role of the NPs in the EU institutional set-up (Articles 10 and 12 TEU).

Since the start of the sovereign debt crisis in the EU in March 2010, the role of the Eurozone NPs in ratifying or revising rescue packages has highlighted the importance of close cooperation and continuous exchanges of information between the NPs and the EP. Article 13 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, which entered into force in January 2013, provides for specific cooperation between the NPs and the EP in exercising parliamentary oversight in the areas of economic and financial governance.

ACHIEVEMENTS: COOPERATION INSTRUMENTS

A. Conferences of speakers of the parliamentary assemblies of the European Union

Following meetings in 1963 and 1973, the conferences were formally introduced in 1981. Comprising the presidents of the NPs and the EP, they were initially held every two years. They are prepared at meetings of the secretaries-general and provide a forum for detailed discussion of issues relevant to cooperation between the NPs and the EP. In recent years, the presidents have met every year. Since 1995, the EP has maintained close relations with the parliaments of the associate and applicant countries. The presidents of the EP and these countries' parliaments have met regularly to discuss accession strategies and other topical matters.

B. The ECPRD

The 'grand conference' held in Vienna in 1977 set up the European Centre for Parliamentary Research and Documentation (ECPRD). The Centre is a network of documentation and research services that cooperate closely in order to facilitate access to information (including national and European databases) and coordinate research so as to avoid duplication of work. It centralises research and circulates findings and has created a website to improve exchanges of information. Its directory helps the member parliaments' research departments liaise with one another. The Centre is jointly administered by the EP and the Parliamentary Assembly of the Council of Europe. It comprises parliaments from the Member States of the EU and of the Council of Europe, and its services may also be used by parliaments of states which have observer status in the Parliamentary Assembly.

C. Conference of Parliaments of the Community

This idea was given practical form in Rome in 1990, under the name 'European assizes'. Their topic was 'the future of the Community; the implications, for the

[1]Proposal for a Council Regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services (COM(2012)0130).

[2]Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (COM(2013)0534).

[3]Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (COM(2016)0128).



Community and the Member States, of the proposals concerning Economic and Monetary Union and Political Union and, more particularly, the role of the national parliaments and of the European Parliament' and there were 258 participants, 173 from the NPs and 85 from the EP. There has not been another such meeting since.

D. Conference of Parliamentary Committees for Union Affairs of the Parliaments of the European Union — COSAC

Originally proposed by the President of the French National Assembly, the Conference has met every six months since 1989, bringing together the NPs' EU affairs committees as well as Members of the European Parliament. At its meetings, each parliament is represented by six Members. Convened by the parliament of the country holding the presidency of the EU and prepared jointly by the EP and the parliaments of the presidency 'troika', each conference discusses major topics relevant to European integration. COSAC is not a decision-making but rather a parliamentary consultation and coordination body that adopts its decisions by consensus. The Protocol on the role of the NPs in the European Union specifically states that COSAC may submit any contribution it deems appropriate to the EU institutions. COSAC contributions are in no way binding on the NPs, however, and are without prejudice to their position.

E. Joint Parliamentary Meetings

Drawing on the experience of the European Convention, parliamentarians from both the EP and the NPs felt that it would make sense to establish a permanent forum for political cooperation to deal with specific topics. Since 2005, therefore, MEPs and national MPs have held joint parliamentary meetings to deal with important issues affecting parliaments in the context of the process of EU policy-making and institution-building.

F. Other cooperation instruments

Most of the EP's standing committees consult their national counterparts through bi- or multilateral meetings and visits by chairs and rapporteurs.

Contacts between the EP's political groups and the NPs' equivalents have developed to differing degrees, depending on the country or political party involved.

Administrative cooperation is developing in the form of traineeships at the EP and exchanges of officials. Most NP representatives' offices are located in the same EP building as the Directorate for Relations with National Parliaments. Reciprocal information-sharing on parliamentary work, especially on legislation, is becoming increasingly important and draws on modern information technology, such as the Internet-based IPEX network, which is backed up by an electronic data exchange and communication platform (<http://www.ipex.eu/IPEXL-WEB/home/home.do?appLng=EN>).

ROLE OF THE EUROPEAN PARLIAMENT

On 19 April 2018, the EP adopted a [resolution on the implementation of the Treaty provisions concerning national parliaments](#)^[4], where it points out that NPs are improving

[4]European Parliament resolution of 19 April 2018 on the implementation of the Treaty provisions concerning national parliaments ([2016/2149\(INI\)](#)) ([P8_TA\(2018\)0186](#)).



and contributing actively to the good constitutional functioning of the European Union, thus providing for more pluralism and democratic legitimacy. It also acknowledges that national governments' accountability to national parliaments remains the 'keystone of the role of national parliamentary chambers in the European Union'. While recalling that the EWS has seldom been used since the entry into force of the Treaty of Lisbon, the EP believes that it could be reformed within the current Treaty framework. In this respect, it calls upon the European Commission to implement 'a technical notification period' in order to grant additional time between the date on which draft legislative acts are received by NPs and the date on which the eight-week period begins. Additionally, the EP supports the possibility for NPs to submit constructive proposals to the Commission in order to influence positively the European debate and the Commission's power of initiative. Finally, it puts forward a number of suggestions aiming at reinforcing the existing instruments of cooperation between the EP and NPs.

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