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WORKING DOCUMENT

on encouraging dialogue between the European Parliament and the national and regional parliaments of the EU on strengthening democracy through the Conference on the Future of Europe

Committee on Constitutional Affairs

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A. Overview of existing relations and of positions of the European Parliament

Introduction

This Working Document aims to examine the state of play of existing relations between the European Parliament and the EU's national and regional parliaments. It recalls the European Parliament's views on the matter so far and explores other avenues which could be envisaged with a view to reinforcing parliamentary dialogue and, in doing so, strengthening democracy, which is one of the main objectives of the Conference on the Future of Europe. It offers reflection on the ways in which national and regional parliaments may be involved in the Conference through cooperation with the European Parliament.

1. Existing relations between the European Parliament and national parliaments

Protocol (No 1) on the role of national parliaments in the European Union, annexed to the Treaties, in its Title II, formalises interparliamentary cooperation and institutionalises the Conference of Parliamentary Committees for Union Affairs (better known as COSAC), where representatives of the European Parliament and of national parliaments regularly meet to discuss matters of common European interest.

Other interparliamentary conferences (IPCs) with similar formats have also been developed in the field of economic and monetary affairs (Conference on Stability, Economic Coordination and Governance in the European Union, European Semester Conference, European Parliamentary Week), as well as in the framework of the common foreign and security policy (Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy).

The Treaty on the Functioning of the European Union also provides the basis for interparliamentary scrutiny in the area of freedom, security and justice, which is reflected and organised in the respective regulations on Europol, Eurojust and the European Border and Coast Guard (Joint Parliamentary Scrutiny Groups).

At the level of the committees of the respective parliaments, interparliamentary committee meetings (ICMs) are also regularly organised between the committees of the European Parliament and the corresponding standing committees of the national parliaments, while European Parliament rapporteurs and members of national parliaments dealing with or interested in similar files also make contact with one another on a case-by-case basis.

This cooperation is overseen and coordinated by the Conference of Speakers of EU Parliaments (EUSC), which includes the President of the European Parliament and the speakers of the national parliaments of all EU Member States.

The main tools for facilitating the flow of information between EU parliaments (including the European Parliament) are the Interparliamentary EU Information Exchange (IPEX¹) and the

¹ <https://secure.ipex.eu/IPEXL-WEB/home/home.do>

European Centre for Parliamentary Research and Documentation (ECPRD²).

An overview of this multifaceted cooperation can be found in the annual reports published by the Directorate for Relations with National Parliaments³.

Protocol (No 2) on the application of the principles of subsidiarity and proportionality, annexed to the Treaties, provides for an early warning system, which allows national parliaments to issue reasoned opinions towards the EU institutions as regards the respect of these principles, which may result – under certain conditions – in the reconsideration or withdrawal of the envisaged legal acts by the Commission. National parliaments also send contributions in which they express their position and suggestions concerning draft legislation.

Finally, it is worth noting that an agreement on the strengthening of co-operation between the Parliamentary Assembly of the Council of Europe⁴ and the European Parliament regulates relations with this other European multinational assembly, where all Member States' national parliaments are represented, together with the assemblies of 20 other European countries. Rule 225 of the European Parliament's Rules of Procedure also provides for this cooperation.

As concerns cooperation with regional parliaments, especially those exercising legislative competences, the only direct and institutionalised relations go through the Committee of the Regions, which can be consulted (see Rule 146) by the European Parliament, which may take its opinions into consideration or establish informal contacts with its bodies and members/rapporteurs.

2. Positions of the European Parliament

The European Parliament has over the years adopted a series of resolutions on its relations with national parliaments, on the basis of the Napolitano (2002), Brok (2009), Casini (2014) and Rangel (2018) reports discussed by the Committee on Constitutional Affairs (AFCO):

- resolution on relations between the European Parliament and the national parliaments in European integration (2001/2023(INI) ⁵
- resolution on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon (2008/2120(INI) ⁶
- resolution on relations between the European Parliament and the national parliaments (2013/2185(INI) ⁷

² <https://ecprd.secure.europarl.europa.eu/ecprd/public/page/about>

³ <http://www.epgencms.europarl.europa.eu/cmsdata/upload/cc35e2c9-1e91-425d-bec4-0317b7d9fc98/L020206 - DG PRES - BROCH A4 - RelNatParl annual report 2019 EN WEB.pdf>

⁴ http://assembly.coe.int/nw/xml/RoP/RoP-XML2HTML.EN.asp?id=EN_CEGEDAAE#Format-It

⁵ [OJ C 284E , 21.11.2002, p. 322.](#)

⁶ [OJ C 212E , 5.8.2010, p. 94.](#)

⁷ [OJ C 443, 22.12.2017, p. 40.](#)

- resolution on the implementation of the Treaty provisions concerning national parliaments (2016/2149(INI))⁸

One of the main proposals in the latter report was to create a European political sphere through the reinforcement of cooperation between all stakeholders at national and European level.

Regarding relations with regional and local authorities, two resolutions have been adopted to date, on the basis of the Casini (2003) and Ujazdowski (2018) AFCO reports:

- resolution on the role of regional and local authorities in European integration (2002/2141(INI))⁹
- resolution of 3 July 2018 on the role of cities in the institutional framework of the Union (2017/2037(INI))¹⁰

B. Observations and avenues to be exploited further

I. The goal of establishing a real European political sphere through full parliamentarisation

The European Parliament's resolution of 15 January 2020 on its position on the Conference on the Future of Europe¹¹ strongly emphasised the need *'to give EU citizens a renewed opportunity to have a robust debate on the future of Europe so as to shape the Union that we want to live in together'*. It also acknowledged the role of national parliaments, ensuring balanced political representation, reflecting diversity, with respect for participation as equal partners and safeguarding the principle of parity. The Conference on the Future of Europe offers fresh impetus for parliamentary cooperation in the EU. National parliaments play a central role in sharing basic issues of concern to citizens; their proximity makes them well suited to channel citizens' concerns and priorities on European matters as well as to serve as platforms for reflection and exchange on these ideas in the context of the Conference on the Future of Europe, as well as beyond it.

As Parliament established in its resolution of 19 April 2018 on the implementation of the Treaty provisions concerning national parliaments¹², *'more plenary debates on EU matters increase the visibility of the Union and give citizens the opportunity to learn more about the EU's agenda and the positions of political parties on these issues'*. Moreover, national parliaments wield the power of veto regarding treaty revision in certain areas.

The **Conference on the Future of Europe** can only be successful if a real dialogue takes place between citizens and decision-makers. Exchanges of views should be organised in the most

⁸ [OJ C 390, 18.11.2019, p. 121.](#)

⁹ [OJ C 38E, 12.2.2004, p. 167.https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0009+0+DOC+XML+V0//EN&language=EN](#)

¹⁰ [OJ C 118, 8.4.2020, p. 2.https://www.europarl.europa.eu/doceo/document/TA-8-2018-0273_EN.html](#)

¹¹ [Texts adopted, P9_TA\(2020\)0010.](#)

¹² [OJ C 390, 18.11.2019, p. 121.](#)

inclusive way possible, ensuring all of the relevant stakeholders and institutions are involved. Civil society plays an important role in articulating a wide range of opinions and interests. Their participation is important at national and regional level as well, where parliaments as constitutional institutions represent the citizens, *'fostering a genuinely European parliamentary and political culture'* (resolution on the implementation of the Treaty provisions concerning national parliaments). The added value of these debates is that they allow for the expression of the different positions present in multi-party systems.

The entry into force of the Lisbon Treaty, the so-called Treaty of Parliaments, introduced a period of **parliamentarisation aimed at making the political functioning of the European institutional framework more democratic and transparent**. The European Parliament has become considerably stronger in the European institutional framework and political system to fulfil its political potential, but still, parliamentarisation is incomplete. *'The implementation of the rights and obligations of national parliaments deriving from the Treaty of Lisbon has enhanced their role within the European constitutional framework, thus providing for more pluralism, democratic legitimacy and the better functioning of the Union'* (resolution on the implementation of the Treaty provisions concerning national parliaments). Some important tools have been introduced in the Treaties, striving for better participation of national parliaments in European affairs. However, their involvement is still limited, owing not least to the fact that not all national and regional parliaments are equally active in exercising their influence in European matters. In this sense, the European Parliament could encourage a strengthened use of these new prerogatives. Collective action at the level of national parliaments in European affairs is also restricted by the nature of parliamentary diversity; various groupings of parties compete electorally, making it harder to stand on specific European issues.

The European Parliament could help to solve this issue by channelling both opposition and governing parties' ideas stemming from the national and regional levels into European political debates. Furthermore, COVID-19 has impacted European parliamentary traditions profoundly. The Conference on the Future of Europe is an opportunity to address elements of these traditions that have been abandoned in the context of the pandemic.

Strengthened parliamentarisation of the European political processes increases the democratic legitimacy of European integration and contributes **to the establishment of a real European political sphere**.

II. The existing role of national parliaments with regard to the European political process

1. Interparliamentary cooperation

The Treaties provide a range of tools designed to allow national parliaments to become active participants in the European political process. Currently, there are different **interparliamentary bodies and forums** established with the goal of conducting dialogue between national parliaments and the European institutions (for instance COSAC, EUSC, the Joint Parliamentary Scrutiny Group on Europol, the Interparliamentary Conference on Stability, Economic Coordination and Governance, Inter-Parliamentary Committee Meetings in the European Parliament, IPCs), especially Parliament. Dialogue takes place between national parliaments and the European Parliament in a number of other settings as well. These were

devised according to the need for a particular focus to be placed on a given topic of interest, such as the Joint Parliamentary Meetings, in the framework of which the Council presidency organised high-profile meetings with the participation of heads of government. The existing bodies, however, are too fragmented, can be too complex and do not function to channel the opinions of national parliaments into the European Parliament's work and thus hinder the thorough involvement of national parliaments. Furthermore, the number of meetings organised in the framework of existing interparliamentary bodies and forums between the European Parliament and national parliaments does not provide enough time or the genuine possibility for meaningful discussions on European topics.

National parliaments may settle on **a complementary role in the institutional balance** established by the treaties with a positive and active role alongside the European Parliament, increasing the parliamentary weight of the institutional balance. A real European political sphere could therefore emerge through the substantial participation of national parliaments on the principles of democratic representation and of political pluralism. The European Parliament could strongly advocate for the **strengthening of cooperation between parliaments and the European institutions** by recommending an enhancement of the political dialogue mechanism between national parliaments and the Commission, as well as by pleading for greater accountability of national governments to their parliaments regarding the positions they take in the Council. In the same vein, Parliament could reinforce its cooperation with the Council of Europe's Parliamentary Assembly, where national parliaments sit.

As the next step towards full parliamentarisation, the various existing bodies and forums for interparliamentary cooperation need to be **simplified** and the bodies, forums and tools reformed, establishing a future institutional background for a simple and comprehensive cooperation framework between the EU institutions – especially the European Parliament – and national parliaments. To reach this goal, **a committee-based approach** and **the networking method** would be the most beneficial. It appears that cooperation is at its most efficient when the participants (representatives of national parliaments and of the European Parliament) meet regularly in smaller, specialised groups. However, a network is the most efficient tool to make different political actors work together. Moreover, there is also still potential in strengthening cooperation between national parliaments themselves.

The European Parliament can play a leading role in this process by reinforcing the parliamentary voice in Europe, with **strengthened interparliamentary cooperation** offering an adequate framework to allow parliaments to fulfil their political potential.

Scrutiny and early warning system

When using the most important prerogatives at their disposal, national parliaments mainly act as 'brakes', **by scrutinising European policies**, with mandates then given to their governments represented in the Council formations, or **by submitting opinions challenging the compliance of a proposal with the principle of subsidiarity** in the framework of the early warning system.

As for the early warning system, the main difficulty is caused by **the timeframe** of eight weeks, which does not allow for technical extension. In this regard, the report of the Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently'¹³ already proposed that the

¹³ [Active subsidiarity - a new way of working. Report of the Task Force on Subsidiarity, Proportionality and](#)

Commission should apply the Treaty-based eight-week deadline for national Parliaments to submit their reasoned opinions with flexibility, taking into account common holiday and recess periods. However, the eight-week period can only be altered or extended through Treaty reform. This should be duly considered during any future Treaty change process.

Another obstacle relates to the difference between the speed of decision-making at European and national levels and the **very restricted interpretation of the principle of subsidiarity**. However, even with corrections, the prerogatives of national parliaments are not sufficient to release their full potential as actors in the European political process and European integration.

As they are only able to control the actions of their national governments within their constitutional frameworks, national parliaments can only express a majority position that should be represented by the executive at supranational level. **The nuances that are expressed in a national assembly cannot be brought to bear** at supranational level.

Through the channels that would be created by strengthened European political parties, a **minority position of a national parliament could be integrated into the majority position of another** parliamentary body. Thus, this body could express both national and European positions in a comprehensive way, acting as an indirect link between the European Parliament and the parliaments of Member States.

On the other hand, besides using their subsidiarity control prerogatives, national parliaments could also make a positive contribution to the European integration process by proposing that the Commission take action in a certain area. Previous debates and resolutions of the European Parliament, (for instance, that on the implementation of the Treaty provisions concerning national parliaments) have considered evaluating the possibility of establishing the so-called green card procedure. As explained in the explanatory statement of the report on which the above resolution is based, this green card would *‘award national parliaments a sort of instrument within the field of legislative initiative’*, opening the possibility for national parliaments to propose legislative initiatives to the Commission. However, as the position of Parliament in the same explanatory statement suggests, *‘such innovation would necessarily have three limits: it cannot be a true legislative initiative, as this is a right exclusively reserved to the Commission (neither Parliament nor Council may initiate legislation); it cannot be used in relation to the repeal of existing EU law as it would otherwise act as a reverse red card and, finally, it should not incorporate any right to amendment European legislation (that would usurp powers assigned to the EP and Council by the Treaties)’*. However, national parliaments could be positively involved in EU decision-making even within the current Treaties and without the introduction of a formal ‘green card’ procedure. By better coordinating among themselves, national parliaments should be able to make themselves heard by the Commission, especially if their voice is amplified by the European Parliament.

The experiences of the political dialogue between national parliaments and the Commission should also be evaluated in order to seek to reduce the gap between national politics and European affairs.

III. The yet hidden potential of national parliaments

[‘Doing Less More Efficiently’](#)

The Conference on the Future of Europe provides a great opportunity for reinforcing the role of national parliaments in European debates. In accordance with their traditional constitutional role, national parliaments could contribute more to the establishment of a real European political sphere by **serving as channels** between national political institutions and citizens, on the one side, and European political processes and European affairs, on the other. They represent citizens, and at the same time, as national assemblies, they express the general will of a nation, **capable of opening the European political process to all levels**. Moreover, they can serve as a strong bridge between European affairs and European citizens.

1. The participation of national parliaments in the law-making process and their involvement for improving political accountability of executives

National parliaments implement European acts in national legislation and in doing so, they bring not only a technical but also a political contribution, linking the European and national dimensions of the European construction. **The political role of national parliaments** is even more significant in fields where competences are shared between Member States and the EU. Their **participation can be crucial** not only because of the need for their intervention in the application of European Union law, but also because of the better knowledge and the closer control that they have over their national territory, where the European acts are enforced. Before and after the legislative process, they could provide information and participate in evaluating the efficiency of future and previous decisions, improving the quality of law-making. They could use the full potential of their constitutional role in controlling the executives.

As regards regional parliaments with legislative powers, they share competences with national parliaments in the implementation of EU law. Therefore, it is a legitimate objective to strengthen their position in consultations on EU matters. Regional parliaments participate in European affairs, primarily through the Committee of the Regions. However, their consultation on EU legislative proposals by national parliaments in the context of the subsidiarity control mechanism is also provided for in Protocol No 2 to the Treaties. As concluded by the Task Force on Subsidiarity, Proportionality and ‘Doing Less More Efficiently’, even within the constraints of the current Treaty provisions, a more structured but informal dialogue could ensure that regional Parliaments with legislative powers are more effectively involved in EU decision-making. The European Parliament could be a catalyst in this regard.

As a first step, national parliaments need **to stop acting as brakes, and instead become accelerators and stabilisers of the European integration process**, playing a more positive and active role in decision-making. The European Parliament should be given a role in filtering information going to and coming from national parliaments and could support the expression of opinions at the European level. This could be achieved through **more transparent and comprehensive interparliamentary cooperation**. As a European parliamentary institution, the European Parliament should be an ally that provides the space necessary for all parliamentary voices to foster and participate in a better and more efficient European political process, evaluating proposals for and following up on the application of EU law. In this way, cooperation with national parliaments could also have the effect of strengthening the role and function of the European Parliament as described in the Treaties.

2. The institutional framework for the participation of national parliaments in the European political process

The second step is the establishment of **an adequate institutional framework**, building upon the ICM structure. With network-based cooperation, representatives of national parliaments could be integrated in special fields of European competences, especially when competences are shared, with **parliamentary committees on sectoral policies** in cooperation with the European Parliament. National parliaments could be represented in such committees, carefully observing the principle of parity to establish the possibility of equal participation for governing and opposition parties alike. These new organs should have real influence, established on the basis of proportional representation of political groups and equal representation of parliaments of each Member State. The important role of parliamentary committees in European affairs should be recognised not only in the control of national executives but also in their involvement in the development of European policies. This already working method should be applied more broadly. There are also more practical, informal possibilities that could be implemented without changes to existing regulations. Through the organisation of the European Parliament, members of national parliaments could receive invitations to the most relevant and high priority debates, without voting rights. A further idea would be for rapporteurs and shadow rapporteurs to have the opportunity to exchange views with representatives of national parliaments, which could speed up information exchange and the process of adoption of legislative acts. National parliaments could also be encouraged to hold regular debates on salient EU topics to which they may invite Members of the European Parliament, from both their home Member State and others.

With those committees of parliamentary representatives from national parliaments and the European Parliament, a European parliamentary network would be established. This would not serve to undermine the competences of the European Parliament but would rebalance the Council's position with **more democratic representation of Member States and their citizens**. This institutional framework would **bring pluralism and diversity of political opinion** to the European political process. Furthermore, national parliamentarians would also be able to serve as mediators between their state and its citizens on European affairs. It could **increase the quality of the law-making process but also reinforce the political accountability** of the executive organs responsible for the application of Union law.

One important area where strengthened cooperation between the European Parliament and national parliaments would be of significant relevance is the control of the budgetary expenditure of the European Union, given that around 90 % of this is spent in the territory of Member States through national administrations. Once this expenditure leaves the EU budget, the European Parliament loses sight of it, while national parliaments are not concerned with its control on the grounds that the funds are European, not domestic. In addition, in policy areas with mixed or shared competences between the Union and the Member States, it could prove useful to cooperate on financial matters for reasons of policy coherence.

Such a European parliamentary network could make an efficient contribution to the Conference on the Future of Europe, with a **parliamentary committee on general affairs and various other committees on sectoral policies**.

IV. The Conference on the Future of Europe as a laboratory for the new dimension of cooperation

The deep involvement of all national parliaments in the plenary sessions of the Conference on the Future of Europe, and through the COSAC Trio of Presidencies, also in the Executive Board, is to be welcomed. In this sense, it is important to ensure adequate and equal political representation in the participation of the delegations from national parliaments in the Conference Plenary.

The strong involvement of national parliaments in the Conference on the Future of Europe is also a chance to review their prerogatives and to analyse **the opportunity to give them a more positive and active role**, in line with their constitutional position. This cooperation, in the framework of the Conference on the Future of Europe, could be based on recognition of the fact that national parliaments have the power to improve the democratic functioning of the EU by **implementing intensive dialogues and transparent discussions on European affairs** and bringing those issues closer to European citizens.

In the context of the Conference, the European parliamentary network could provide a platform for a structured and intensive dialogue between national parliaments and the European Parliament. This could lead to a more democratic institutional approach and a strengthening of parliamentary voices. A wide range of European topics could be discussed in parliamentary agoras, with the participation of delegations from national parliaments and the representation of all political groups of the European Parliament. The involvement of regional parliaments should also be encouraged and facilitated.

This institutional framework could be preserved after the Conference to **contribute to the establishment of a true European political sphere**. In accordance with their constitutional role, national parliaments could not only bring European integration closer to citizens and give useful inputs for the European political process, but their deeper involvement could also **help in tackling the constitutional problems linked to the loss of parliamentary power** and constitutional questions about the democratic deficit. Ensuring the general involvement of national parliaments would also help to rebalance the monopoly of the Council in the representation of Member States and thus strengthen democracy.

The Conference on the Future of Europe offers the opportunity for a meaningful dialogue between citizens and parliamentary bodies at all levels in Europe, as well as for fostering dialogue and networking between different parliamentary bodies and cooperation between their sectoral committees, while contributing to the establishment of a real European political sphere. This opportunity should be seized in full.

C. Summary of discussions in the Committee on Constitutional Affairs

The two versions¹⁴ of this Working Document were discussed on 25 February 2021 and 25 May 2021.

¹⁴ The original version was drafted by László Trócsányi, who in the meantime left his political group and the AFCO Committee. Loránt Vincze took over as rapporteur and updated the document on the basis of the two discussions held in the committee.

The current version has kept most of the original, while rewording some parts and adding new elements drawn from the debates in committee.

Most of the Members welcomed the general approach of the document and in particular the need to develop a true European political sphere, where parliaments (European, national and regional) should play a prominent role – each at its own level and in its field of competence.

They also expressed a number of concerns and suggestions.

One should not give the impression that the European Parliament is less legitimate than national parliaments, because both are elected equally by popular vote.

And all parliaments should seek to improve the ways in which they exert control over the executive – the European Parliament over the Commission, and the national parliaments over their governments and their use of European funds.

When it comes to European affairs, the European Parliament should ensure the coordination of cooperation with the national parliaments, and the focus should lie on better utilising the existing structures and procedures rather than on creating new ones.

A clearer distinction should also be made between cooperation within the Conference on the Future of Europe and regular interaction within the institutional framework.

Members also cautioned against changing the current provisions of the subsidiarity check, but agreed to apply them with more flexibility and were in general open to the introduction of a ‘green card’ which would allow national parliaments to suggest new legislative initiatives, be it by addressing the European Parliament or the Commission directly.

The role of the European political parties in creating synergies between the European Parliament and national parliaments was also stressed.

The particular role of the regional parliaments with legislative competences was also underlined.