



10.12.2015

SUMMARY¹

Interparliamentary Committee Meeting

**on the future institutional evolution of the Union:
enhancing political dialogue between the EP and national
parliaments and reinforcing scrutiny over the executive
at European level**

**Thursday 19 November 2015, in Brussels
10:30 - 12:30 and 15:00 - 17:30**

¹ prepared by the AFCO Committee secretariat; a recording of the meeting is available online at www.europarl.europa.eu

Danuta HÜBNER, Chair of the AFCO Committee, opened the meeting and welcomed the guest speakers.

There was general support for an increased and deepened political dialogue between the European Parliament and national parliaments, and the working document on 'Improving the functioning of the European Union building on the potential of the Lisbon Treaty', submitted by Mercedes Bresso and Elmar Brok, was welcomed. It was noted in particular that this was a crucial moment for the EU, as it faced many challenges, which should be tackled by making full use of the potential of the Lisbon Treaty and the current institutional framework rather than through treaty changes.

Marc ANGEL (Chair of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration of the Luxembourg Chamber of Deputies) noted, in particular, the COSAC meetings which had taken place under the Luxembourg presidency in July and October, when a working group on the 'yellow card' and 'green card' had met. He also noted three 'green card' initiatives which had already been launched this year, and pointed out that such initiatives would have a greater impact if supported by the EP, which had the right to ask the Commission to submit a legislative proposal under Article 225 of the Lisbon Treaty. He stressed that there should be conditions for a green card procedure, such as a minimum threshold, a deadline and a timeline for participation. Regarding paragraph 9 of the working document, Mr Angel asked for the role of the national parliaments (NPs) with regard to the Lisbon Treaty to be mentioned, and also for an explicit mention to be made of COSAC's role in this context. In relation to interparliamentary cooperation, Mr Angel suggested that a prior debate be held on paragraph 10 of the working document in forums where parliaments dealt with the questions referred to therein, in particular the EU Speakers' Conference. Mr Angel also said that deeper, more coordinated political dialogue and a green card procedure were desired to enable NPs to play a distinctive role in deepening integration.

Nicolas SCHMIT (Luxembourg Minister of Labour, Employment and the Social and Solidarity Economy) stressed that cooperation with the NPs and EU political integration were extremely important, particularly in view of the challenges currently faced by the EU and an growing Eurosceptical trend. He also noted the important role which NPs had to play. In Mr Schmit's view, it was important to be careful, when discussing the NPs' role, not to create a situation where the NPs formed a kind of third legislator in the EU legislative process, and the role of the NPs could be enhanced through subsidiarity. He also noted that a fresh look needed to be taken at some of the provisions relating to the Eurozone, in order to improve its governance and scrutiny.

Pascal LEARDINI (European Commission) pointed out that the new Commission wished to forge a new relationship with the NPs. There were now more meetings with NPs than ever before, with a strong participation by members of the Commission. The NPs were encouraged to come forward with comments early in the legislative process through the well-established 'political dialogue' and in the context of the 'Better Regulation' agenda. The Commission supported interparliamentary cooperation and welcomed discussions on this initiative.

I - THE FUTURE INSTITUTIONAL EVOLUTION OF THE UNION

Mercedes BRESSO, Co-rapporteur on 'Improving the functioning of the European Union building on the potential of the Lisbon Treaty'

Co-rapporteur Mercedes Bresso opened the presentation by drawing attention to the Paris attacks, following which French President Hollande had invoked Article 47(2) of the TEU to ask the other Member States for solidarity and intervention. Ms Bresso used this example to illustrate the Treaty of Lisbon's great potential for responding to different calls for efficiency and moving further in EU integration. The EU was now facing a number of challenges: migrant flows, terrorism, a lack of competitiveness and the weakness of economic and monetary governance. The economic and financial crisis demonstrated the inadequacy of economic governance, Ms Bresso said, and the Economic and Monetary Union must therefore be completed and made more democratic, the Eurozone must integrate further and the single market must be safeguarded. The treaties also offered a chance to strengthen the social dimension of the EU. She also proposed reviewing the structure of the EU Council, by making it a single-configuration legislative chamber, while its other configurations became preparatory committees. She also drew attention to yellow-card inefficiency and emphasised that the green card could be a more effective tool for involving the NPs in the legislative process. Ms Bresso concluded with some thoughts on the need for more extensive use of qualified-majority voting and enhanced cooperation among Member States.

Elmar BROK, Co-rapporteur on 'Improving the functioning of the European Union building on the potential of the Lisbon Treaty'

Co-Rapporteur Elmar Brok expressed concern at the fact that the Union had too often been taken by surprise by new challenges and, as a consequence, had had to rush to find solutions. Although the Lisbon Treaty provided many possible ways of taking proactive measures, these were not sufficiently used. He cited several examples of this, including the financial and migration crisis, the use of Article 42(7) TEU and Permanent Structured Cooperation (PESCO). In his opinion, had the tools that were now in place been implemented earlier, the financial crisis would have been easier and less costly to solve. Similarly, although there had been calls for distribution quotas earlier, many Member States, such as Germany, had ignored the problem until it came to their doorstep. Now, President Hollande had invoked Article 42(7) TEU (mutual assistance clause) and, although the Lisbon Treaty was over five years old, nobody had any idea of what this meant. Although PESCO offered a great opportunity to make the European military more cost-effective, while taking into account the existing differences between Member States, it had not yet been used. Mr Brok believed that national states on their own were unable to cope with new challenges but feared that the Union would seize additional competences when it discussed problems. This was not the intention of the report, which demanded that the Lisbon Treaty be put into practice fully, without any changes to it. Mr Brok further expressed his wish for NPs and the EP to work more closely together to exert effective parliamentary oversight. He saw the decision-making structures in the Council as problematic, because they were not transparent enough and national governments hid behind the decisions of the Council. He sharply criticised the Council's refusal to adopt decisions by majority voting instead of unanimity where the Lisbon Treaty offered this possibility and said that consideration should be given to taking legal action against this practice.

Gonçalo LOBO XAVIER, Vice-President of the European Economic and Social Committee (EESC)

Mr Lobo Xavier believed that the EESC was very much in line with the tone of the interventions which had been expressed so far. He noted, in line with the views expressed earlier, that the existing EU treaties contained a wealth of unused provisions. While noting that treaty changes would probably be needed in the future, he felt that the conditions for renegotiating the Treaties were not met at present. The EESC opinion therefore only dealt with what could be done under the existing Treaties. Mr Lobo Xavier also highlighted the need to reform the Eurogroup and the EMU, and pointed to the EESC's INI report on this specific issue. He also called for civil society's participation in the European policy-making process to be strengthened and to the EP and NPs to be given a greater role. In general he expressed the view that it is through more integration that the EU will become stronger, and that we must work together to improve and deal with the challenges currently faced by the EU.

Debate

In the ensuing debate, representatives from the NPs and MEPs expressed their support for closer cooperation between the EP and NPs in order to exert effective parliamentary control. It was suggested that NPs could be more closely involved in the European legislative process by enhancing dialogue between the Commission and NPs on the one hand and between NPs and the EP on the other. A number of speakers called for regular interparliamentary meetings to discuss specific issues and for an increased presence of the Commission in debates that involved both the EP and NPs, since the relationship between these actors was still perceived as weak by the general public. It was suggested that a national parliaments' summit be set up, at which such issues could be discussed together, so that all NPs could be involved in the same level of debate.

Several speakers welcomed the COSAC proposals regarding the revision of the yellow card procedure. It was, however, pointed out that the yellow card and the proposed red card procedures were essentially defensive. The proposal for a green card was welcomed because it provided NPs with an opportunity to have a positive impact on EU legislation. Several speakers warned, however, that this should not create an imbalance by giving the NPs the right of the initiative, which the EP did not possess.

A number of representatives from the NPs also expressed their concerns regarding paragraphs 9 and 10 of the Bresso-Brok report, which in the view of certain speakers prescribed what the NPs' action should be and was therefore in breach of Article 42(2) TEU, although in principle they supported interparliamentary cooperation between committees on specific issues. One speaker also called for the report to include the wish that the Commission be present in NPs.

Furthermore, it was emphasised that solutions to current challenges must be found in the treaties, since they offered important tools whose potential had not been fully exploited and the difficult period the EU was facing did not allow a revision of the Treaties. It was appreciated that the working document proposed changes aimed at improvements without the need for a treaty change.

II - REINFORCING PARLIAMENTARY SCRUTINY OF EU GOVERNANCE

Hearing

Prof. Dr Christine NEUHOLD, Special Chair EU Democratic Governance, Department of Political Science, Faculty of Arts and Social Sciences, Maastricht University

Prof. Neuhold's presentation aimed to shed some light on the framework and instruments involved in parliamentary scrutiny, and to evaluate national parliamentary control of EU decision making after the Lisbon Treaty. The NPs exerted control in different manners. A look at the institutions and procedures showed the disparities in scrutiny of national governments, such as the use of different instruments, e.g. information rights, question time, or the 'mandating' of the relevant representation in the Council. Regarding direct involvement at European level, there were also different national procedures for reasoned opinions, which varied depending on the role of the sectoral committees, the role of the plenary and staff support.

The presentation also looked at the conditions for the use of the early warning mechanism at national and European level. Some parliaments did not see it as their role to interact with the EU, and the conditions for the use of the early warning mechanism seemed to be very country-specific. He also pointed to the differences in the number of staff in NPs, and the varying roles which staff members played.

In conclusion, the effect of Lisbon had been more interparliamentary cooperation and coordination, more information exchange between parliaments, an increased role for staff and an increase in the multi-parliamentary field. There had been a bundling of tools after Lisbon, rather than going down a single track.

Prof. Olivier ROZENBERG, Associate Professor in Political Sciences at the Centre d'études européennes, Sciences Po, Paris

First, Prof. Rozenberg pointed out that NPs made use of their oversight instruments (meetings of national committee on European affairs, advice to governments, advice to the Commission, scrutiny debates before European Council meetings etc.), were active at EU level and exerted influence over their governments (though with more notable North/South differences than East/West). Secondly, he drew attention to the increased oversight over Prime Ministers. The economic crisis had reinforced the importance of the European Council and thereby indirectly led to a strengthening of ex-ante and ex-post NP monitoring of its activities. Thirdly, despite the great diversity among NPs, there was a shared understanding of what they represented. This was thanks to an ongoing debate about their role in the EU, to the treaties after Maastricht and to communication and relations within inter-parliamentary networks.

Prof. Rozenberg referred to a few reasons for being less optimistic about the NPs' role: the Early Warning System on subsidiarity constituted a distraction, inasmuch as it was a complex system with no real weight, a threat because it was based on the view that NPs wished to block the EU and a basis for the red card, considered as a dangerous mechanism aimed at blocking the legislative process, which was already slow. Prof. Rozenberg also pointed to the fact that the bureaucracy imposed on NPs by EU affairs involved comprehensive scrutiny of hundreds of EU documents, was costly in terms of human resources and was sometimes detrimental to political debate. In addition, the breakdown of tasks represented a threat of overspecialisation of procedures and Members within NPs. The solution, namely a

mainstreaming system whereby EU dossiers would be analysed in plenary rather than in committees was difficult to institutionalise. Finally, the growing inadequacy of EU governance vis-à-vis NPs was raised, for instance as regards secret bargaining in trilogues, which constituted a less transparent and democratic mechanism of decision making. In conclusion, NPs were now more Europeanised, but poorly backed by their institutional environment. The way in which EU systems had evolved made it more difficult for NPs to oversee them, and the EU empowerment of the NPs appeared to be mainly national, although a form of EU participation was possible.

Prof. Philippe POIRIER, Holder of the Chair of Parliamentary Studies Research in the Chamber of Deputies of Luxembourg and Head of the Collection on Parliamentary Studies - Editions Larcier, Associate Professor of Political Sciences at the College of Bernardins and at the University of Paris Sorbonne (Celsa)

Prof. Poirier gave a presentation about the role of NPs in the EU decision-making process. He pointed to several problems faced by the NPs in the European policy-making process, leading to an overall process of 'de-parliamentarisation'. First, the political agenda was increasingly controlled by the executive branch. Political procedures at EU level were very lengthy, which meant that NPs often had to follow an EU initiative over two or more legislative terms. Finally, NPs were very heterogeneous, which made cooperation between several NPs difficult. Prof. Poirier said that the Lisbon Treaty institutionalised the NPs' participation in European governance but revaluation was more symbolic than real. Despite the changes introduced by the Lisbon Treaty cooperation is not formalised and this is to the detriment of NPs.

Furthermore, the expert pointed out that since 2010 only 10 to 15 % of legislative initiatives by the Commission were subject to a subsidiarity check. Due to their organisation the Scandinavian, German and French Parliaments were advantaged and therefore overrepresented in subsidiarity checks. Prof. Poirier also warned that all NPs used different criteria to assess subsidiarity. Overall, he felt that the process was more suited to the heads of state and government because it had been invented by them.

Regarding economic government and the role of NPs, Prof. Poirier warned that the governments increasingly took decisions without being held accountable by NPs, and that the EP did not currently fill their role. Prof. Poirier pointed out that the NPs were looking for new ways of taking part in European politics, but faced a number of problems, such as the lack of consensus regarding the specifics of the proposed green card procedure and the difficulties of dealing with the flood of information resulting from the right to information enshrined in the Lisbon Treaty.

Debate

During the ensuing debate several speakers expressed again their support for a revision of the yellow card procedure. Support was also expressed for the green card procedure as a mechanism that could to rekindle a sense of belonging to the EU at national level.

In response the question whether the low turnout in European elections and even national elections showed a loss of trust on the part of citizens in the European project, the experts pointed out that this problem was not specific to European elections. However, they agreed that the issue should be taken into consideration when speaking about democracy or legitimacy. One expert argued that politicisation of the policy-making process might improve

election turnouts. As the EP was a very constructive player, a more confrontational process, such as the proposed red card, might raise interest.

In addition, some speakers advocated that NPs should have more control over substance, not merely the subsidiarity dimension. It was underlined that subsidiarity rarely represented a problem; in fact, the majority required under the yellow card procedure had been reached only twice and the bulk of current legislative activity was only about changing existing legislation, which meant that there was limited chance of violating the principle of subsidiarity. One speaker suggested that the red card would not really represent a problem given the large majorities required. However, one expert pointed out that this was a dangerous argument since it suggested that giving NPs merely the illusion of having control mechanisms at their disposal might be sufficient. Several speakers regarded the red card as a negative tool. Rather than a positive and constructive contribution, it was a diplomatic instrument aimed at responding to Prime Minister Cameron's requests. It was therefore more important to think about ways in which NPs could determine the substance of EU legislation.

One representative regretted the lack of deep analysis of European issues in his Chamber. It was pointed out, for example, that German MPs and MEPs had more direct contact due to a strong party system. This might keep European and national political debates more interconnected on specific issues. On the other hand, the expert also stressed that general discussions about Member States' relations with the EU were also important.

Some questions were also asked about exchanges between NPs and the EP, with references to the example of MEPs being able to attend meetings of committees in their NPs. Prof. Neuhold commented that this was not the case in all Member States, and that it was certainly something which could be worked on in order to make it common practice. It was also pointed out that direct cooperation and exchanges between MEPs and national MPs worked really well in some Member States. There was a call for a national-European parliamentary space, made up of conferences, meetings, debates and promoting the relationship between the EP and NPs. This proposal was considered difficult to take up because of the specificities of each national parliament compared to the EP (for instance, the fact that the Front National in accounted for only 1 % of seats in the French National Assembly while it was the largest French delegation within the EP). Nevertheless, COSAC already represented a space for exchanges of information.

Finally, the challenge of respecting both the independence of certain institutions and democratic legitimacy was raised, particularly with regard to the ECB. In this connection, the experts pointed out that a formalisation of agreements with fixed points could be a first step towards the achievement of parliamentary scrutiny of the ECB, which would also respect its autonomy. The same solution was encouraged by the OECD with regard to parliamentary scrutiny of budgetary committees.



Европейски парламент Parlamento Europeo Evropský parlament Europa-Parlamentet Europäisches Parlament
Euroopa Parlament Ευρωπαϊκό Κοινοβούλιο European Parliament Parlement européen Parlaimint na hEorpa
Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament
Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

Committee on Constitutional Affairs

Interparliamentary Committee Meeting*

THE FUTURE INSTITUTIONAL EVOLUTION OF THE UNION: ENHANCING POLITICAL DIALOGUE BETWEEN EP AND NATIONAL PARLIAMENTS REINFORCING THE SCRUTINY OVER THE EXECUTIVE AT EUROPEAN LEVEL

Thursday, 19 November 2015, 10.30 - 12.30 and 15.00 - 17.30

**European Parliament, Brussels
Paul-Henri Spaak building, room P3C050**

(09.00 – 10.30) (ORDINARY AFCD MEETING)

09.00 – 10.30 Registration of participants
Rue Wiertz entrance of the Altiero Spinelli Building (ASP)

DRAFT AGENDA

10.30 – 11.00 Opening remarks by
Danuta Maria Hübner, Chair of the Committee on Constitutional Affairs
Marc Angel, Chairman of the Committee on Foreign and European
Affairs, Defence,
Cooperation and Immigration of the Luxembourg Chamber of Deputies
Nicolas Schmit, Luxemburg Minister of Labour, Employment and the
Social and Solidarity Economy – Former Member of the European
Convention
Pascal Leardini, Director of the European Commission, Secretariat
General - Relations with other Institutions

I – THE FUTURE INSTITUTIONAL EVOLUTION OF THE UNION

11.00 – 12.30 Presentations by EP Co-Rapporteurs

Mercedes Bresso and **Elmar Brok**, AFCO MEPs and Co-Rapporteurs on "Improving the functioning of the European Union building on the potential of the Lisbon Treaty"

Contribution to the debate from the **European Economic and Social Committee**: Gonalo Lobo Xavier, Vice-President, on the opinion of the EESC

Debate and Conclusions

12:30 – 15:00 Lunch

II – REINFORCING THE PARLIAMENTARY SCRUTINY OF THE EU GOVERNANCE

15.00 – 17.15 HEARING PARLIAMENTARY SCRUTINY OVER THE EXECUTIVE IN THE EU

EXPERTS:

Prof. Dr. Christine Neuhold, Special Chair EU Democratic Governance, Department of Political Science, Faculty of Arts and Social Sciences, Maastricht University

Prof. Olivier Rozenberg, Associated Professor in Political Sciences, Centre d'études européennes de Sciences Po, Paris

Prof. Philippe Poirier, Holder of the Chair of Parliamentary Studies Research in the Chamber of Deputies of Luxembourg , Head of the collection on parliamentary studies - Editions Larcier, Associate Professor of Political Sciences at the College of Bernardins & at the University of Paris Sorbonne (Celsa)

Debate and Conclusions

17.15 – 17.30 Closing remarks by

Danuta Maria Hübner, Chair of the Committee on Constitutional Affairs