

CONFERENCE OF EUROPEAN UNION SPEAKERS

LONDON, 11-13 MAY 1995

SUMMARY REPORT

1. OPENING

The Conference was opened at 9.38 am on Friday 12 May by Miss Boothroyd, Speaker of the House of Commons.

Miss Boothroyd (House of Commons, United Kingdom) welcomed colleagues. She said it was the first time this particular forum had met in London and the first such meeting since the accession to the European Union (EU) of Austria, Finland and Sweden. She especially welcomed colleagues from those countries. The present time was another important moment in the evolution of the EU, with the 1996 Inter-Governmental Conference (IGC) only a few months away, and its preparatory body, the Reflection Group, beginning its work in June.

There were two items upon the agenda that had been drawn up at a preparatory meeting of clerks and secretaries general: Developments in Parliamentary Control following the Maastricht Treaty to be introduced by colleagues from the Netherlands; and Preparations for the 1996 IGC to be introduced by colleagues from France. It was proposed that the first debate be concluded at around 3.00 pm on the first day.

2. DEVELOPMENTS IN PARLIAMENTARY CONTROL FOLLOWING THE MAASTRICHT TREATY

Mr Deetman (Second Chamber of the States General, The Netherlands) said that, in the six years since being elected Speaker, he had found this conference to be both helpful and interesting. The Dutch report on Developments in Parliamentary Control following the Maastricht Treaty was long but contained succinct conclusions.

The democratic deficit within the EU's institutions was being addressed by each assembly approaching the problem from the point of view of its own traditions and organs. However, a common approach at an international level was important. There were grounds for optimism: the national parliaments of the six founding members of the EEC had themselves taken a long time to recognise their role with regard to the scrutiny of EC legislation. This process of recognition was on-going.

Mr Deetman argued that there were two obstacles to progress which still needed to be removed. First, if national parliaments were to have any control over the decisions of the Council of Ministers, there was a need to prepare the agenda for each Council meeting well in advance. This would allow ministers to hold discussions with their parliaments before the Council took place, rather than forcing ministers into the position of having to contact their national Parliaments by telephone during the course of the Council meeting itself.

Second, it was important to make the work of the Council of Ministers more transparent. Sessions had to be held in public and not behind closed doors. History would be unable to understand why the Council had met in private for so long. He appealed to the European Parliament not to send out endless streams of information about its work, but rather to allow national Parliaments to exercise their own powers according to the principle of subsidiarity. It was also important for the Conference of European Affairs Committees (CEAC) to bear in mind the principle of subsidiarity.

Mr Della Valle (Chamber of Deputies, Italy) told the conference that many steps had been taken in the second half of the 1980s to make the relationship between the Italian Parliament and the EU more appropriate. The new role of the Italian Parliament within the EU had emerged before the signing of the Maastricht Treaty. Various breakthroughs had been made: the Italian Parliament now had guidelines to assist in verifying the extent to which domestic law conformed to EU law. The criterion of compatibility was now used as a filter. The implementation of the conclusions of CEAC was now undertaken by Parliament instead of by the executive. New procedures were in place to scrutinise the draft instruments which implemented EU directives. Furthermore a Committee for European policies had been set up.

A further example of the central role of the Italian Parliament within the EU was the creation of the Conference of Budgetary Committees which had been established, as an Italian initiative, in Venice in 1985. However, there was a need for better information on the activities of the Council of Ministers and the other EU institutions.

Improved communication between the Speakers of national parliaments and the Speaker of the European Parliament was important. For this reason, the Italian Parliament was trying to foster closer links not only with the Conference of Speakers but also with CEAC. The implementation of the Maastricht Treaty would require further adjustments within the Italian Parliament: Parliament would have to ensure that it had sufficient control over government to ensure that all three pillars were implemented properly.

As far as the IGC was concerned, two issues which should be raised were the need for national parliaments to ask for parts of European legislation to be annulled, and the ability of national parliaments to ensure that powers were shared at a national level. He proposed that committees of national parliaments should be able to contact the Commission direct. Active participation of national parliaments would ensure that the EU would gain a new momentum.

Mr Fischer (National Council, Austria) said that the subject of control by national parliaments was one that had concerned Austria over the previous few months. When examining the conditions for accession to the EU, Parliament had found that it would no longer be in charge of matters over which it had previously had control. A constitutional amendment had been agreed to ensure that ministers had to inform both Houses of Parliament of matters for decision at the European level, including matters in all three pillars. The Government was bound by decisions taken in the upper house on particular issues. If a Minister wished to pursue a different course, he had to return to Parliament to gain its consent; Parliament could, however, insist on its original decision.

Policies were not formulated by the plenary but by a committee known as the Main Committee which was chaired by the President of the Parliament. A Sub-Committee sifted documents which might be proposed for the agenda. In the first three months, 150 had been selected for discussion in the Committee with the relevant Minister and fifteen had gone forward for debate.

It was clear that the system should not be made so cumbersome that decisions could not be taken. The Parliament therefore always ensured that some leeway was built into the Austrian position to allow a minister room for negotiation at the Council of Ministers. Although the system had been in place for only a short period, it had proved itself to be effective. The Austrian Parliament was very well informed and indeed, on occasion, ministers had sought information from Parliament about the position other ministries had taken on a given subject. Most decisions had been taken unanimously and others by large majorities.

Mr Guéna (Senate, France) told the Conference that there were few ground rules for parliamentary control in France, as foreign policy was traditionally a Government responsibility with a limited parliamentary role. Parliament had no means of compelling ministers to adopt a certain course of action, but it could give its view. The Government had so far followed the line taken by Parliamentary resolutions, but there was no obligation upon it to do so. There was a satisfactory relationship between Government and Parliament, and there had been no major problems or conflicts.

The Government's view was that second and third pillar issues were not matters for Parliament, and therefore made a clear distinction between Community and inter-governmental issues. It was likely that the new French Government and President would adopt the same approach. The recent meeting of CEAC in Paris had looked at this issue and had suggested that there might be a link between an organisation such as CEAC and the Council of Ministers, to enable the Presidency to explain its decisions. Such a link had not yet been established.

Mr Jacob (Dáil, Ireland) apologised for the absence of Mr Treacy, President of Dáil Éireann, and conveyed his good wishes to the assembled company. He said that in Ireland the issue of the scrutiny of European legislation was the subject of lively debate. During the last formal Speakers' conference in Dublin (as well as at the informal meetings in Bonn and Paris) this subject was discussed and the report of the working group, established at Lisbon in 1992, had been adopted unanimously; this had been a landmark in the proceedings of the conference. CEAC was also an important part of liaison between national parliaments on this subject.

It was important to define the parameters of the competence of national parliaments with regard to European legislation. The Maastricht Treaty strengthened the European Parliament and recognised the role of national parliaments. In Paris, the focus had been on national parliaments ensuring their individual efficiency in this process. In Ireland, a joint committee with a recently extended remit, including the power to interrogate ministers, considered items of European legislation and their implications for Ireland. The European Affairs Committee considered proposals at an early stage. The Foreign Affairs Committee was concerned with the second pillar, the Common Foreign and Security Policy and was

considering Ireland's approach to this issue at the IGC.

Ireland supported the establishment and development of CEAC as a mechanism for liaison between members and officials of European affairs committees of national parliaments. Another channel of information for the Dáil was the participation of Members of the European Parliament (MEPs) in the work of its committees. He believed that a further tier or institution for the participation of national parliaments in European legislation was unnecessary. CEAC was adequate and could be developed further. Current arrangements would be better if proceedings of the Council of Ministers were made more transparent. In closing, Mr Jacob welcomed colleagues from the new EU Member States.

Mr Laborda Martin (Senate, Spain) said that Spain had a joint committee between chambers which followed the implementation of European legislation by the Government and received information on proposals and draft legislation. There were also additional specialist bodies within the two chambers. However, national parliaments were not properly involved in the early stages of European legislation. It was important to enable national parliaments to become more involved in the process of developing the EU, such as the 1996 IGC, without prejudice to Article C of the Treaty on European Union which reflected the way forward.

Mr Laborda Martin believed that the EU was at a crossroads. Participation by national parliaments, as a whole and not just through their specialised bodies, was essential. For example, governments should be under an obligation to inform parliaments about all stages of European legislation and this should be reflected in institutional arrangements within the Community. He did not believe that a new level of participation in the process by national parliaments would prejudice subsidiarity.

He said that national governments were too optimistic in their approach and national parliaments too pessimistic; as was said in Spain, getting up at dawn would not make the sun rise any earlier.

The Conference, having adjourned at 10.45 am, resumed at 11.20 am.

Mrs Catala (National Assembly, France) told the Conference that, in recent years, the work of the National Assembly in scrutinising European documents had increased in quantity and in pace. In 1993, several hundred proposals were scrutinised, several tens of reports were made, and many of these were debated by the Assembly itself. In particular, there had been three main innovations in the last year or so. First, a monthly meeting was now held to discuss topical matters of European interest. Second, the Assembly was now provided with information on all European legislative proposals in order to make better scrutiny possible. Finally, the Prime Minister had given his agreement that the Assembly should have one month to consider every legislative proposal before negotiations began in the Council of Ministers. If a proposal was brought to the Council before the month had elapsed, the minister concerned was obliged to ask for consideration of the proposal to be adjourned.

However, one significant problem still remained, namely that of subsidiarity. The

scrutiny of proposals to ensure that the principle of subsidiarity had been adequately observed was a political rather than a legal task. It was therefore a task to which national parliaments were well suited, and a task which it was important to undertake before proposals were adopted. National parliaments could play this role individually, or, through organisations such as CEAC, in cooperation with each other. The way in which national parliaments undertook this task was a subject which could usefully be discussed at the IGC.

Mr Seite (Bundesrat, Germany) thanked his Dutch colleagues for their Report. The Bundesrat had expressed the view that the proper exercise of the principle of subsidiarity was a fundamental prerequisite for decision-making within the EU. It was important for the EU to be seen to concentrate on those tasks which were essential. The task of examining proposals to ensure that they were necessary had not been done effectively until now. The Constitutional Court in Germany had, in its decision on the Maastricht Treaty, expressed the view that the national identity of Member States, and their powers, were preserved by the principle of subsidiarity. The powers of national parliaments were necessarily reduced by an EU which was active in bringing forward legislation. It was for this reason that it was important to ask in any given case whether European legislation was necessary, or whether the same effect could be achieved through national legislation.

It was now the case that the Bundesrat, in response to a request from the Constitutional Court, examined every European legislative proposal on these grounds. More co-operation and better exchange of information between Member States on the subject of subsidiarity was desirable. If such co-operation was increased, it would be easier to bring greater pressure to bear on the EU to ensure that legislative proposals adequately embraced the principle of subsidiarity.

Mr Spautz (Luxembourg) contended that there was a democratic deficit within the EU. The only way in which national parliaments could put a check on European legislation was by scrutiny. It was therefore important to ensure that scrutiny was undertaken at an early stage, and also to improve participation by the citizens of the Union. In Luxembourg, the process of scrutiny had recently been improved. The Government now had an obligation to give information on draft proposals before they were debated in the Council of Ministers. He believed that the provision of such information was a sine qua non for national participation and ought to be enshrined in legislation. The process of scrutiny also depended upon the ability of the Government to maintain contact with the Commission and upon negotiations being held in public. These issues should be raised at the IGC. The present lack of information detracted from democratic control.

The problem of subsidiarity had yet to be solved. New institutions were not necessary. Rather, what was required was better use of existing institutions and improved communication and cooperation between national parliaments.

Mrs Dahl (Sweden) said that, as the Speaker of the Parliament of a new Member State, she was very glad to have the opportunity to take part in a discussion about the political systems which united the Member States of the Union. She drew attention to the fact that democracy lay at the foundation of the EU. This fact was so obvious to the members of the Union that it could easily be taken for granted. The Swedish referendum had been conducted on the basis of the reactions which had been expressed in the Member States

to the signing of the Maastricht Treaty. Now it was essential to find suitable ways of expressing the democratic principle within the Union and of allowing citizens to feel that they could influence events within the Union. Since 1992, various reports from Speakers Conferences and European Councils had all agreed that national parliaments should play a more pronounced role in the EU. The Maastricht Treaty had also encouraged greater participation by national parliaments. It was therefore vital to ensure that national parliaments received information on legislative proposals to permit scrutiny at an early stage.

Mrs Dahl noted that a Danish commentator had argued that there should be a division of responsibility between the European Parliament and national parliaments, with the European Parliament examining the role of the Commission and national parliaments exercising control over Ministers on the Council of Ministers.

In Sweden, the Riksdag had ensured that there was effective scrutiny of European matters. There was a seven member committee, with one member from each political party, with which the Government was obliged to discuss all issues which were to be raised at the Council of Ministers. The sixteen Standing Committees of the Riksdag kept a watching brief of European issues which fell within their remit. There was concern that information about proposals ought to be provided at an early stage. The Government was obliged to send all European documents to the Parliament, together with a summary. Standing Committees could suggest matters for debate on their own initiative, as could the Riksdag as a whole.

The situation was not static, and solutions to problems could change. One report, from 1993, had looked at all the methods for scrutiny in the different EU countries and had noted that all of them were subject to change in the light of experience. There needed to be a regular exchange of views on these matters to take note of recent and current developments.

Mr Barbosa de Melo (Portugal) thanked Madam Speaker and the Lord Chancellor for their hospitality, and thanked Mr Deetman for his introduction to the debate. In Portugal, following the Maastricht Treaty, it had become necessary for committees to report to Parliament on issues before a decision was taken in the EU. Discussions on such issues usually took place in the presence of ministers. The Committee on EU matters worked very closely with ministers, as well as receiving an annual report from the Government on European matters and instituting debates. Each month, the President of the Portuguese Parliament could promote a debate on a matter of international importance. There had already been one that year on preparations for the IGC. Parliaments were by definition pluralist and should play their part in EU structures.

Mr Swaelen (Senate, Belgium) said that in nine days time there would be elections in Belgium, which was why he would have to return home that afternoon, and why his colleague from the Chamber of Deputies was unable to be present. For these reasons he wished briefly to describe the Belgian paper on the IGC.

Mr Swaelen emphasised that the paper which he had submitted said nothing about the formal involvement of national parliaments in the IGC because the substance was more important. The essential questions to be addressed were what national parliaments wished to see as a result of the IGC, whether EU institutions needed to be reformed and whether a

larger EU could work in the same way as a Union of fifteen Member States. Belgium wished to see a fundamental discussion of the role of national parliaments. The EU had reached a critical mass. It needed, for example, to have an appropriate common foreign and defence policy and relevant proposals in the Belgian paper included the abolition of unanimity in decision-making and the incorporation of the WEU into the EU.

He also believed that the Common Foreign and Security Policy (CFSP) should be moved from inter-governmental control to come within Community competence. The Commission and the European Parliament should play their respective roles - the Commission to act in the interests of the EU and the European Parliament to exert democratic control. Most countries outside the EU saw the Union as much more of a political entity than some within the Union. The EU had to be able to take responsibility on the global stage. National parliaments should discuss this issue in the coming months.

Mr Kaklamanis (Greece) believed that it was difficult for national parliaments to establish a common position with regard to their role within the framework of the EU. The objective of the exercise of effective democratic accountability was one common to all national parliaments, but means and methods varied widely. An advance in the scrutiny of EU matters was impossible without a unified framework in which the second and third pillars came under EU competence. Without such a development, it was difficult to address such problems as Turkey's violations of human rights and the relation of this to a future customs union between the EU and that country. National parliaments needed to be able to pronounce on the direction the EU was taking in a timely way. They also needed to realise that they were not in competition with the European Parliament, but that their respective roles were complementary.

Mr Kaklamanis said that the Greek Parliament had no special provision for the scrutiny of European legislation. Accountability was pursued through the traditional channels of seeking answers from ministers and holding debates on European topics, as well as through the ratification procedures for legislation related to the implementation of Community law. There were debates on the CFSP and European issues were studied in the Foreign Affairs and Defence Committees.

In 1990 a Committee on European Affairs had been established which examined matters relating to meetings of the Council of Ministers and was also working on a revision of the Maastricht Treaty in line with Declaration Thirteen of that Treaty. The Greek Parliament continued to study ways of intensifying the presence of national parliaments within Europe.

Mrs Uosukainen (Finland) said that Finland's experience of parliamentary control of the EU was necessarily less than that of her Union partners. There was a Grand Committee of the Parliament which coordinated the work of the specialist committees and received reports of meetings of the Council of Ministers and the European Council as well as information on European legislation. The Grand Committee returned opinions to the Government on such matters and on the executive's aims and intentions for negotiations with EU partners.

There were two main problems in scrutiny of the EU. First, it was difficult to

identify the key documents in the paper-flow from the EU's institutions. Second, it was hard for the Parliament to give opinions in a timely way. National parliaments needed on-going access to working groups as well as to Commission proposals.

The input of national parliaments, as well of as the European Parliament, was necessary for the democratic legitimacy of EU activities. National parliaments were closer to the electorate than the European Parliament because national parliamentarians represented smaller constituencies. Cooperation between these institutions was important as was a recognition of each other's position. However, the right of national parliaments to supervise the development of EU institutions by way of the ratification of successive treaties had to continue. The aim of the European Parliament to develop its role within the EU was understandable and acceptable, but had to take place through treaty revision.

Mr Olsen (Denmark) said that no new tiers were necessary for the scrutiny of European legislation. National parliaments exercised scrutiny over such matters through their scrutiny of governments - the Council of Ministers being the final decision-making body within the EU. What was necessary was the right information. To this end, the Folketing had established an outpost in Brussels based in the European Parliament. National parliaments would also benefit from information exchanges between each other. CEAC went some way towards addressing this problem, but other contacts would be beneficial. It was important to try to advance the political process by ensuring that ministers reported on European Union matters to the relevant committees in their national parliaments. It would be advantageous to discuss these matters amongst a wider circle of parliamentarians. Although it was true that one country could not copy another, it was always possible to gain inspiration from looking at other nations. The fact that countries could inspire each other was one reason why this Conference was so valuable.

Mr Hänsch (European Parliament) reminded the Conference that the European Parliament could not, and did not, monitor national parliaments. Nor did the European Parliament have any desire to substitute itself for national parliaments. The European Parliament was the partner, and not the competitor, of national parliaments. Previous speakers had mentioned the need for fuller participation by national parliaments, and for more information to be provided by the European Parliament. It was not necessary to meet these concerns by amending the Treaty, as to do so would be to give away national sovereignty. The solution was within the power of the national parliaments: any national parliament could demand information from its own government. There was no part of the Maastricht Treaty which prevented governments from giving information to their own parliaments.

Mr Hänsch noted that previous speakers had also mentioned subsidiarity. Although it appeared to be a good idea to permit Member States to decide how to implement the principle of subsidiarity, such an approach would in fact lead to difficulties. Each Member State could not help but see developments from its own perspective, rather than from an EU perspective. Allowing Member States to make decisions about where subsidiarity should be applied would result in a fragmented nationalism, and lead to many more disputes having to be decided by the European Court of Justice.

He concluded that there was no need for more institutions to be created within the

Union. The larger the number of institutions, the less transparent the process of legislating would become and a reduction in transparency would be to the detriment of all.

The Conference, having adjourned at 12.30 pm, resumed at 3.08 pm with Lord Mackay of Clashfern, the Lord Chancellor, in the chair.

Miss Boothroyd (House of Commons, United Kingdom) said that the note that she and the Lord Chancellor had circulated explained the scrutiny role of both Houses of Parliament, and their complementary roles could be seen from that description. There had been little formal change in scrutiny in the House of Commons since the Maastricht Treaty, although there had been some reforms immediately before it. The European Legislation Committee continued to produce weekly reports for the House. Most debates on European issues took place in one of two permanent Committees, which always met in public. In those committees, proceedings began with up to an hour's questioning of a minister, and any Member of the House was able to attend and take part. On one recent occasion, there had been more Members present in such a Committee than in the debate in the House at the same time.

At the last formal Conference of Community Speakers, in Dublin two years earlier, there had been much discussion of co-operation between national parliaments. A recent development in the House of Commons was that Members were entitled to make one visit a year to an EU institution. The European Legislation Committee had, in the preceding month, visited Brussels, where it had held meetings with, among others, the European Parliament's Institutional Affairs Committee and the Secretary General of the Commission. The Home Affairs Committee was examining third pillar matters; it was supplied with copies of texts of proposed conventions and other significant documents, an arrangement which had worked reasonably well. The Home Affairs Committee also asked for notes from the Home Office immediately before and after each Home Affairs Council, as well as taking oral evidence from the Home Secretary. In the plenary sessions of the House of Commons, there were statements by the Prime Minister after each European Council, with up to an hour of questions from Members.

There were still problems. There were difficulties over the availability of documents, as other speakers had commented. Co-decision had undoubtedly assisted the European Parliament, but the delays followed by bursts of activity could cause problems for national parliaments.

Mr Willink (First Chamber of the States General, The Netherlands) responded to the debate. He began by referring back to the paper with which his colleague had introduced the debate, saying that the EU would have to take decisions by co-operation. It had to be realised that influence had to be shared, or national parliaments would have no influence. Further integration and co-operation in Europe would not cause problems, but a lack of democratic or judicial control would.

He said that there was bound to be a growing inter-dependence in policy areas, for instance between security and economic development, between economic development and the environment, between the environment and social development and between social

development and security. He believed that the present situation with initiatives arising under three pillars, seven procedures and five treaties implemented by twenty three Councils of Ministers and four hundred and fifty working groups made the case for further integration of EU decision-making processes for the sake of the effectiveness and credibility of EU policy. For example, the Common Agricultural Policy and the EU's development cooperation policies did not always proceed in harmony.

Mr Willink believed that a Europe of nation states based on good will could only progress if the rule of democratic law continued with the EU acting as a régime which was an anchor for the emerging democracies of central and eastern Europe. Discussions of widening versus deepening were based on misleading premises. The interdependence of nations and policies made cooperation necessary whether under a federal system, a confederal system, or any other system. Member States and the Community, national parliaments and the European Parliament, were all complementary.

Lord Mackay (House of Lords, United Kingdom) said that the debate and the papers upon which it had been based had been excellent. He thanked the Speakers of the Dutch Parliament for their work.

3. PREPARATIONS FOR THE 1996 INTER-GOVERNMENTAL CONFERENCE

Lord Mackay (House of Lords, United Kingdom) identified several strands to consideration of the second item on the agenda relating to preparations for the IGC, including the way in which national parliaments were preparing for the IGC, consideration of the substantive proposals which were important for the IGC agenda and consideration of the ways in which national parliaments should cooperate in preparing for the IGC.

Mrs Catala (National Assembly, France) presented apologies on behalf of Mr Séguin, the President of the National Assembly. She said that the EU was at a historic moment despite earlier predictions that the conference to revise the Maastricht Treaty would be a minor affair. Expansion and integration had to be reconciled. Institutions that were already complex could not be allowed to fall into paralysis. Democracy and the cultural identities of the citizens of the Union had to be preserved. The EU faced both continuity and rupture. The Union had to rekindle the vision of the original founding fathers of the Community - peace and unity. The single market had reached its limits, the recession that had afflicted the whole of the Union over the previous few years demonstrated that the EU could not rely upon a commercial and economic focus. National parliaments, which embodied the sovereignty of nation states, had to play their part.

Transparency was important and in this sphere she saw three priorities: the clarification of the Maastricht Treaty, particularly in regard to economic and monetary union (EMU); the definition of the EU's political priorities; and the strengthening of the democratic nature of the EU.

The IGC had to ensure the future of the EU. It was possible that, initially, EMU would only cover a limited number of states and that a single currency would emerge amongst states with a common interest. It was essential that the single market not be

damaged. Institutions designed for fifteen members had to be reformed in the light of the probability of smaller numbers. It would be paradoxical if states pursuing further integration were not able to proceed because of a lack of institutional provision for decision-making. Other states could solve their problems on an inter-governmental basis.

The unification of the continent was the goal. The EU had to respond to the aspirations of other European states who wished to participate and who shared the acquis communautaire. It would be vain fully to take account of economic and monetary considerations at this stage. It was vital to guard against the weakest states being left outside an inner core. This would be a source of division and potential break-up of the Union. Inter-governmental co-operation was still important, and should continue to be pursued. However, if the Union was to be enlarged at some stage so as to include up to twenty eight Member States, it would be necessary to make several changes to existing structures: majorities in the Council of Ministers would have to be based both on the number of states and on the relative populations of those states; presidencies of the Council of Ministers would have to last for two and a half years instead of for six months; there would have to be fewer Commissioners, and fewer Members of the European Parliament.

The principle of democracy would have to be reinforced within the EU. At present, the democratic deficit was increasing. Ways had to be found to make the Union more democratic, without making it even less transparent. The creation of new institutions was not a solution to this problem; neither was federalism as had been proposed in the Maastricht Treaty. Rather, it was necessary to devolve to Member States the task of formulating EU policy. The European Council, which should meet every three months rather than every six as at present, should provide guidelines for this task while the Commission should provide administrative support. The European Council should have the right to propose legislation, and its secretariat should be strengthened to enable it to do so.

Different Member States had different ways of monitoring European legislation. However, all Member States had to participate in proposing legislation and in monitoring it to ensure that the principle of subsidiarity was upheld; they also had to participate in the drafting EU legislation and in measures under the third pillar.

Co-operation and exchange of information between national parliaments had to be encouraged and CEAC had to be used to the full to this end. A House of National Parliaments could also be useful in this regard. Such measures, to make the EU more democratic, should be the focus of the 1996 IGC. The groundwork had been done at the Conference in Paris on 19 April 1995. The task was formidable, but it was nevertheless essential to reflect on the future of Europe. Many European institutions, such as the WEU and the Council of Europe, had overlapping functions. The appearance of a surfeit of organisations was due to a confused approach. In time, it was inevitable that the European Union would merge with the wider Europe. Until then, the priority was to improve the security of Europe through a common security organisation, modelled on the United Nations, in order to allow Europeans to control their own destiny.

Mr Della Valle (Chamber of Deputies, Italy) said that the integration of Europe was slowing down. The difficulties in proceeding with monetary union and the enlargement of the Community had highlighted various problems. The preparations for the IGC were

therefore vital to the future of the Union. The EU should not attempt to supplant nation states, but always had to safeguard the principle of subsidiarity. To this end, the role of the European Parliament had to be strengthened and its proceedings had to be made more transparent. The European Parliament should devote more of its attention to debating matters of broad policy rather than complex technicalities. CEAC was the natural forum for the flow of information between national parliaments and this flow of information was one means of closing the democratic deficit. At present, some of the powers of the European Parliament, particularly those relating to the second and third pillars and to EMU-related issues, were limited. National parliaments had to concentrate on strengthening cooperation with the European Parliament in order to strengthen the Union before 1996. Existing articles would have to be updated if the ideal of the European Union was to be realised.

He did not believe that a variable speed Europe should be imposed. No one should dictate the speed at which any country should proceed. The path to follow had to be that of a democratic Europe. There was an important role for the European Parliament, but that did not mean that there was no role for national parliaments.

Miss Boothroyd (House of Commons, United Kingdom) told the Conference that there had been no debate on the IGC in the House of Commons, but said that the matter was raised regularly during questions, as it had been the previous day in questions to the Chancellor of the Exchequer. She was not authorised to speak for the House on political matters and it should be remembered that there was a very wide range of opinions amongst Members of the same party as well as between parties. This had been demonstrated during the debate on the bill relating to the Maastricht Treaty two years earlier.

Committees were already engaged in activity relating to the Inter-Governmental Conference. The European Legislation Committee had taken evidence in London and Brussels in its inquiry on the IGC and the Foreign Affairs Committee would be taking evidence the following week from the Minister with responsibility for European matters, with evidence to follow from the Foreign Secretary before the Cannes European Council. It was not yet known when the two Committees would report. The Foreign Affairs Committee saw it as being an important part of its role to visit the capitals of EU Member States, as well as to have meetings with EU committees and parliamentarians at Westminster. The European Legislation Committee would visit Madrid in June as part of its programme of visits to countries taking up the Presidency. Other Committees, too, were involved, with the Procedure Committee having visited Brussels recently, and the Treasury and Civil Service Committee reporting on EMU.

It was unusual for the House of Commons to take a view other than that of the Government, because the latter had a majority in the House. This made it very difficult for there to be an entirely separate Parliamentary input to the IGC. This did not mean that there was no point in the work of the Committees, but the influence that they could have on the IGC should not be exaggerated.

The proposal put forward before the recent meeting in Paris for representatives of a small number of EU Chambers to be added to the Reflection Group had not seemed practical. She was sceptical as to how three or four members chosen from fifteen parliaments could represent the wide range of views that existed. At the informal meeting in Paris in April,

a separate proposal had been put forward, namely that there should be a Parliamentary study group to maintain contact with the Reflection Group. This still raised questions about how representative such a group would be, as well as issues of funding and of the status of any conclusions or recommendations it reached.

She believed that a better alternative, albeit not without its own problems, would be for a Sub-Committee of the Reflection Group to be established and for that Sub-Committee to travel to EU Parliaments to conduct public hearings. This would make the Reflection Group much more aware of the diversity of views in national parliaments.

Mrs Uosukainen (Finland) said that constitutional reform would be an important element of the IGC and that the Constitutional Committee of the Finnish Parliament would play a role in examining the issues to be discussed at the IGC. Enlargement of the Union to include the countries of central and eastern Europe was important and the Baltic states were of particular importance to Finland. However, before enlargement could take place, there needed to be institutional reform in the EU. There had been many problems caused by the socialist system and central and eastern Europe and its collapse, such as environmental problems, and decisions about enlargement had to take account of ways of reflecting these needs and problems.

She acknowledged that national parliaments could not take part in the negotiations for the IGC, but they could influence governments. There was a need to keep the constitutional role of parliaments in mind throughout the IGC.

Mr Jacob (Dáil, Ireland) said that the IGC would be taking place against a background of change in Europe and its agenda was therefore an evolving one. The Irish approach to the IGC was based on the need to ensure the existing balances within the Union were upheld, both between the institutions and between the large and small states. Ireland would be seeking to preserve a single speed approach to integration; while the establishment of EMU might necessitate different timetables for different states, the maintenance of a common goal was important. Ireland would also seek to maintain the right of small states to nominate individual Commissioners and the current weighting of votes in the European Council. The original vision of the Community was not one in which the smaller states were marginalised. Increased efficiency and democracy for the Community institutions would be welcomed as well as a simplification of procedures and an extension of qualified majority voting. Increased power for the European Parliament, in the form of an extension of the co-decision procedure, might also be supported.

The Irish Parliament was monitoring developments through its Committees on European and Foreign Affairs. Ireland's representative on the Reflection Group was open to questioning by the European Affairs Committee in public session, while the Foreign Affairs Committee was monitoring the CFSP and would be reporting shortly so as to inform a forthcoming Government policy document on foreign and security policy. Ireland had a long tradition of neutrality while maintaining support for peacekeeping under a United Nations mandate.

Mrs Süßmuth (Bundestag, Germany) believed that the two key priorities for the IGC should be the CFSP, in the light of the experience of the former Yugoslavia and the

prospects for enlargement, and the reduction of the democratic deficit amongst European institutions. The Bundestag was concerned that the exercise of power at a European level should be kept to those areas where there was concomitant democratic accountability. Furthermore, in Germany there was the question of the participation of the Länder to consider.

She saw no need for new chambers or committees but considered that democratisation and reform of EU institutions were necessary to cope with the enlargement of the Union. In undertaking this process, account had to be taken of the interests of the smaller states, as Mr Jacob had contended. She believed that a weighting of votes in the European Council on the basis of population might be the way forward.

Mrs Süßmuth stated that integration required political will. The idea of a multi-speed Europe had passed its sell-by date, but solutions were needed in order that those states which wished to move ahead in closer configurations could do so without excluding others or being required to wait twenty years. Not all the competences presently located in Brussels would remain there. The application of the principle of subsidiarity meant that many competences would return to national, or even local, levels. There were legitimate concerns amongst the citizenry about the bureaucratisation of Europe and some bewilderment as to who was responsible for what.

The participation of national parliaments depended upon determining both the contribution they wished to make and the means by which this contribution was to be transmitted. CEAC was a useful tool, but more was needed. For example, she did not believe that biennial meetings of the Conference of European Union Speakers were sufficient. She thought that national parliaments might be able to align their agendas so that European matters were debated at the same time in different countries.

Mr Barbosa de Melo (Portugal) said that the Maastricht Treaty had given rise to a great deal of confusion and uncertainty within the EU. It was vital that the Member States of the Union understood the Treaty and took steps to reinforce democracy within the Union. It was the role of the Speakers of national parliaments to endeavour to further these ends. Divergent opinions were held within national parliaments, but that did not mean that it was fruitless for representatives from national parliaments to talk to one another. Speakers of national parliaments could do this through conferences such as this one, which he believed should be made more frequent and therefore more fruitful.

Mr Deetman (Second Chamber of the States General, The Netherlands) said that the institutional structure of the Union, the size of the Commission, the size of the European Parliament, the competence of the Commission, the competence of the Council of Ministers, the relationships between the institutions, the enlargement of the Community, the integration of the Member States and the democratic deficit were all important issues which had been discussed in great depth in his chamber. However, the one issue which caused more concern than any other was the possible renationalisation of the Member States of the EU. The only way to prevent this from happening was if Member States recognised decisions made in Brussels and if ways were found to ensure that the Union functioned democratically. There was a need for mutual respect between Member States. Discussions in national Parliaments played an important role in allowing Member States to express their opinions.

He believed that the idea of establishing a study group which had been suggested in Paris might work if the mandate of the study group was to focus on the one thing which Speakers could attempt to deal with, namely the safeguarding of democracy within the Union. However, it appeared that the idea was that the study group would have a wider mandate, and that participation would be optional. If this was how the study group was planned to operate, it would be hard to support the proposal. The efforts which were being made by the French to improve the flow of information were commendable, and much appreciated. However, he believed that the proposal put forward by the Speaker of the House of Commons that a Sub-Committee of the Reflection Group should travel around national Parliaments gathering information, collating it and passing it on might have more to commend it.

The Conference, having adjourned at 4.45 pm on Friday 12 May, resumed at 9.32 am on Saturday 13 May, with Miss Boothroyd in the Chair.

Mr Olsen (Denmark) said that, given the extent of the agenda for the 1996 IGC and the variety of opinions within national parliaments, the most viable option would be for the Reflection Group to collect the opinions of national parliaments as part of its work.

Mrs Dahl (Sweden) said that the key task was for national parliaments to address the democratic deficit by refining their own arrangements for scrutinising European legislation.

There were seven parties in the Swedish Riksdag and a range of opinions on Europe within each party; it was thus unlikely that an effective representation of these views could be achieved within the body proposed by Mr Séguin. The Swedish Parliament was in favour of cooperation, but would not be participating in this particular venture. A more effective suggestion was that of Miss Boothroyd under which the burden of responsibility for liaison with national parliaments would be placed upon the Reflection Group.

With regard to the procedure of the Conference of European Union Speakers, it was possible that the current combination of formal and informal meetings was ill-advised and she believed that a pattern for future meetings should be agreed and adhered to, including the biennial meetings of the Speakers of all Council of Europe Member States. This agreement should include provision for additional meetings to address the IGC, perhaps linked to the rotation of the EU Presidency, but these additional meetings ought to be agreed in advance.

Mr Pons (Congress of Deputies, Spain) thanked the United Kingdom Parliament for organising the Conference. He noted that efforts which failed to succeed led to melancholy. In order to avoid melancholy, it was important for national parliaments to undertake realistic tasks and not to try to go beyond their powers. Bearing this in mind, the role of Speakers of national parliaments in making preparations for the IGC should be to initiate discussions rather than to make decisions on behalf of national parliaments. Speakers were well placed to understand the problems which national parliaments faced in participating in the EU. However, it was important to remember that the IGC was to be an Inter-Governmental Conference and not an Inter-Parliamentary Conference and the best contribution which

Speakers could make was to try to ensure that the IGC was conducted in an orderly manner. National governments were more likely to run into trouble with their parliaments and electorates if they were over-enthusiastic about the EU than if they were sceptical. The best contribution which Speakers of national parliaments could make was therefore to take an active role in monitoring the proposals of national governments.

He did not think that institutions set up without a mandate from national parliaments or groups of experts could be any substitute for debates within national parliaments. Mr Séguin had made a remarkable contribution to the debate on the IGC by producing his report, which provided a full analysis of the problems which existed within the EU. The report could be accepted almost in its entirety. However, the report set out problems rather than solutions. The most serious problem was that of the democratic deficit. It was not clear exactly what was meant by the term, nor indeed how the problem could be solved. However, he believed that the best chance of finding a solution might lie with CEAC, which was very well placed to understand the whole of the problem and to suggest possible solutions. The Reflection Group, on the other hand, could be used to consider the debates of national parliaments.

Mr Pons noted that it had been suggested that Conferences of European Union Speakers should be held more frequently. If that were to happen, it would be important that the initiative came about by agreement, and not from any one individual state. As Speaker of the Parliament of the country which was next to hold the Presidency, Mr Pons asked his fellow Speakers to let him know whether they favoured the proposal for an informal meeting in the following six months.

Mr Hänsch (European Parliament) said that he shared many of the ideas voiced by Mr Pons. In particular, the Reflection Group should be at the disposal of national parliaments if that were helpful.

He reported that, in March, he had held discussions with the Speakers of the parliaments of the six countries of central and eastern Europe which had Association Agreements with the EU. That meeting had provided an opportunity for an informed exchange of views, and there was a wish to have more such meetings in the future. Indeed, the Speakers of those countries had expressed a wish to attend Conferences such as the present one on occasions.

Since the Maastricht Treaty had come into force eighteen months earlier, Europe had become less rather than more stable. An enormous effort would therefore be needed if further reform was to be achieved. Instability meant that whatever happened, the Union had to remain firm: the first objective of any reform had to be to ensure that the Union did not collapse. It was possible to destroy the goal that was being sought by trying to achieve too many objectives and by being over-ambitious.

He believed that the 1996-97 IGC should aim for a substantial reform, but of a limited character. There should be no question of transferring more competences to the Union, but those competences that already existed should be made more transparent, more democratic and more efficient. No new institutions should be formed, but the balance between institutions should be improved. The Council should be able to take decisions on the normal

legislative process by qualified majority voting, with unanimity reserved for Treaty amendments and other fundamental decisions.

On transparency, Mr Hänsch thought that more was needed than for the Council of Ministers to meet in public. It was difficult to understand who was responsible for taking decisions. Therefore, the number of decision-making processes needed to be reduced to two or three. For greater democratic legitimacy, the European Parliament needed to have equal power of co-decision in all areas where there was qualified majority voting in the Council. With qualified majority voting, a Government or even two Governments could be defeated and so national parliaments could not have effective control. The European Parliament would therefore not be taking power from national parliaments, but be exercising power where national parliaments could not. The EU would remain a Union of States, and national parliaments would decide on Treaty amendments and the fundamental shape of the Union, not the European Parliament. National governments could only act on those fundamental issues when mandated by national parliaments. The European Parliament would be involved only with routine legislation.

Mr Kaklamanis (Greece) argued that a fundamental aim of the EU was the reinforcement of economic and social cohesion. This needed to be maintained to avoid disappointing the citizens of Europe. As the speakers from Germany, Finland and Ireland had already said, a Europe moving at different speeds would undermine what had already been achieved. It was essential that equal participation by all was maintained.

The participation of national parliaments in the IGC was of particular importance. As Mrs Süssmuth had observed, the most important issue was not how they participated, but that they did participate. Therefore, he believed that the proposal put forward by Miss Boothroyd could operate in conjunction with the proposal to establish a Parliamentary reflection group to work with the Reflection Group agreed upon in Corfu.

All parliaments were preparing for the IGC and this was certainly the case in Greece. The Parliament would be finalising its position on issues, possibly before the Reflection Group met on 2 June. National parliaments should endeavour to harmonise their views, through CEAC or through the parliamentary reflection group. As had been previously announced, the Greek Parliament was organising a conference to be held in September 1995 on the role of the IGC and it would be a great honour to see all those present at the current Conference also present on that occasion.

Mr Willink (First Chamber of the States General, The Netherlands) told the Conference that there was a need for members of national parliaments to become involved with the IGC at an early stage and he believed that they needed to take joint as well as individual initiatives. Three proposals had been put forward. The first was the idea that there should be an exchange of ideas between national Parliaments, through CEAC or an additional Conference of Speakers. The second was the proposal to nominate a group of experts to speak for national parliaments, but the remit of such a group had not been clarified. Finally, there had been the proposal from Mr Séguin that a group of Members should be formed to represent the views of national parliaments. Mr Willink thought it was difficult to see how one or two Members could speak for a whole parliament.

The Dutch were more hesitant after reading the French paper; the paper was very clear, but it was also clear that the Dutch could not agree with it. It spoke of remedying the democratic deficit by increasing the role of national parliaments whereas another option was to reinforce the role of the European Parliament. He said that the Dutch did not support the French proposal that the Council of Ministers should have an aggrandised secretariat and right of initiative alongside the Commission. The inter-governmental element in Community institutions should not be increased because of the effect of a diversity of national interests on common actions, as was demonstrated in the case of the former Yugoslavia, and because of the importance of integration and internal stability within the Union. The acquis communautaire had to be preserved and strengthened and the trend towards reductions in the influence of the larger states within the Union reinforced. Re-nationalisation was not in the interests of either the Union nor potential new members in central and eastern Europe. Subsidiarity, transparency and EMU were all important and the pillars needed to be unified because the current arrangements were neither efficient nor transparent.

He proposed that, during the run-up to the IGC, national parliaments should circulate their proposals and suggestions to each other, especially those aimed at reducing the democratic deficit, and that Spanish colleagues, having regard to the rotation of the Presidency, should submit an analysis of the options either to CEAC or to a Conference of European Union Speakers or to both. The creation of any new groups would be inefficient.

Mrs Catala (National Assembly, France) responded to the points made in the debate on the proposals of Mr Séguin by wondering why, if a plurality of views in an assembly caused representational difficulties, it was possible for the European Parliament to send just two Members to the Reflection Group. She proposed that an alternative might be for the specialist committees of parliaments to be mandated to report on the IGC and represent the views of national parliaments.

She believed that, whatever happened, national parliaments ought not to be marginalised. It appeared to be illogical to say, on the one hand that there was a democratic deficit, and, on the other hand that national parliaments could not make a contribution because of the diversity of views within them, and that therefore preparations for the IGC had to be left to a small group of technocrats.

Mrs Catala concluded that, if the IGC produced changes to the Treaty of Rome, then these would be subject to referenda or parliamentary ratification at which stage the choices would be stark. If the answer was then to be "no" by a people or a parliament the danger to the Union could be grave. It would be much better if national parliaments could participate in the treaty review process before the choices were set in stone.

Mrs Pivetti (Chamber of Deputies, Italy) said that she had just arrived from New York where she had explained to the editor of The Wall Street Journal that the reason why this Conference was so important was that it helped to ensure that Europe grew in a well-structured way. The growth of the Union had led to increased complexity in its institutional structures. The citizens of the Union were becoming less and less interested in the Union. This lack of interest was a result of the complicated organisational structure which now existed. It was important now to reflect on ways of simplifying the structure of the EU. The proposal which had been made by the French delegation was very interesting, but it was

important to guard against the creation of yet more institutions within the Union. She believed that there was a problem with relations between the European Parliament and national parliaments. Until that relationship had been properly established, it would not be possible to simplify the operational structures of the EU.

She noted that Speakers were busy people who had to make good use of their time, and therefore she believed that it was important for meetings such as the present one to come to positive resolutions. There was a need to pursue simpler, more understandable procedures. As presidents of parliaments, the delegates represented the sovereignty of the people, a factor which had to be taken into account when making decisions.

Mr Guéna (Senate, France) said that the 1996 IGC would have to make profound changes in the functioning of the EU. Increased membership of the Union and increased democracy were key issues.

The case for enlargement had been made on a number of occasions. Chancellor Kohl had made the case for speedy integration of the central and eastern European States at the Bonn CEAC in November 1994. Cohesion of the Union would be a problem if it increased in size to twenty or twenty five Member States. The issues had to be addressed at the present stage, and could not be avoided. Among the pressing concerns were the composition of the Commission, the term of the Presidency, six months being too short, and the size of the European Parliament. The democratic deficit had to be addressed if the problems of ratification following the Maastricht Treaty were to be avoided.

The role of National Parliaments in preparing for the IGC was important. The French proposals had been seen as problematic, but they had been intended as a solution, albeit one that was obviously open to discussion. It was not possible for representatives to replace national parliaments, but national parliaments had to be represented.

The French position was that the third pillar should become part of the Union and be subject to qualified majority voting. This was not a development which would happen soon, but it was a development to be aimed for in the future.

He believed that, in retrospect, the Maastricht Treaty had been too timid. The upheavals in Europe had come about before the Treaty had been agreed, but the Treaty had still taken insufficient account of the need for the expansion of the Union.

Mr Seite (Bundesrat, Germany) said that the Länder, represented in the Bundesrat, wanted to be involved in the preparations for the IGC in order that the Federal Government would establish its negotiating position in conjunction with the Länder. There was a need for a more democratic Europe, for more subsidiarity with clearly defined competences, and for the European Parliament to have equal rights with the Council. He concluded that the accession of other states to the Union was to be welcomed, but only on the basis of the transparent and equitable application of the established criteria.

Mr Kaklamanis (Greece) stressed that it was a disappointment that so many colleagues felt that national parliaments could not easily be represented because of the polyphony of views within them. He considered that it was because of this very plurality of views that

parliamentary representation was so important in order to balance the more monolithic approach of governments. The Greek Parliament would participate in the working group proposed by Mr Séguin.

Mrs Dahl (Sweden) said that it was important to preserve effectiveness by sticking to one primary instrument of liaison and cooperation, namely Conferences of Speakers such as the present one, and to agree how best to employ this instrument within parameters that reflected the roles and responsibilities of those present.

Lord Mackay (House of Lords, United Kingdom) responded to the debate by stating that inter-parliamentary cooperation and liaison were important and valuable. Like other chambers, the House of Lords had a specialist committee on European affairs which itself had a Sub-Committee examining issues relating to the IGC. It would be impossible for anyone without schizophrenic tendencies to give a fair account of the wide range of opinions within the House of Lords.

He considered CEAC to be a useful forum for interaction and thought that in the future electronic communication and information technology might assist in the sifting and transmission of the data generated by European institutions.

There were a range of practical problems with the French proposal for addressing the preparations for the IGC which had been already enumerated in the speech of Miss Boothroyd with which he concurred. Lord Mackay said that, in addition to those which Miss Boothroyd had highlighted, he felt that his role, and that of a large number of colleagues here present, was more concerned with procedure than substance; the key concern was to ensure that parliaments had available the information and procedures necessary for the exercise of parliamentary scrutiny and accountability.

Lord Mackay proposed that

- by the end of September 1995, all chambers should submit to the Spanish Speakers, in view of the fact that Spain would by then be holding the Presidency, a note on developments in their respective parliaments relating to the run-up to the IGC and any conclusions that may have been reached;
- that it would then be left to the initiative of Mr Pons and Mr Laborda Martin, in the light of the reports which they had received from national parliaments at that time, to decide whether it would be fruitful to convene an additional informal one-day meeting of Speakers during the Spanish Presidency or alternatively to convene an additional meeting of CEAC.

Lord Mackay considered that it was essential for the development of the EU to ensure that the citizens of the Union were involved with, and understood, its workings. The best way to achieve this was to consider the relationship between national parliaments and national governments. For example, in the United Kingdom, Parliament had always taken a lively interest in the Government's actions in Europe: before the Prime Minister had gone to the European Council at Maastricht, the United Kingdom Parliament had debated the issues in depth. Through these parliamentary debates, the British people were kept informed of

European issues. While it was true that only governments could agree amendments which were to be made to the treaties, governments were likely to take the views of their parliaments into account, if only because it would be necessary for any amendments agreed upon to be ratified.

Miss Boothroyd (House of Commons, United Kingdom) said that she believed that the proposals outlined by Lord Mackay commanded the support of those present and could be taken as being agreed to. She proposed that the reports submitted to the Conference, in particular the report which had been prepared by the French, and a summary of the proceedings should be published and should be made available to the committees of national parliaments considering the IGC.

4. VENUE FOR CONFERENCE IN 1997

Miss Boothroyd (House of Commons, United Kingdom) said that she understood that Speakers would meet again in Budapest in 1996 under the auspices of the Council of Europe and then in 1997 in Finland at the next formal Conference of European Union Speakers.

Mrs Uosukainen (Finland) confirmed that it had been agreed to hold the 1997 conference in Finland, and thanked Austria and Sweden for their trust in allowing Finland to host the Conference on behalf of those countries which were new to the Union.

Miss Boothroyd (House of Commons, United Kingdom) thanked the delegates for their attendance and participation, and closed the conference.

The Conference was closed at 12.08 pm on Saturday 13 May.