



AN COMHCHOISTE UM GHNÓTHAÍ AN AONTAIS EORPAIGH

**CÚIG BLIANA TAR ÉIS CHONRADH LIOSPÓIN; CONAS IS FÉIDIR RÓL NA
BPARLAIMINTÍ NÁISIÚNTA AG LEIBHÉAL AE A FHEABHSÚ?**

EANÁIR 2014

JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS

**FIVE YEARS POST THE LISBON TREATY; HOW CAN THE ROLE OF NATIONAL
PARLIAMENTS AT EU LEVEL BE IMPROVED?**

JANUARY 2015

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Political Contribution

Five years post the Lisbon Treaty; How can the role of national parliaments at EU level be improved?

Context

This political contribution sets out the views of the Joint Committee on how the role of national parliaments could be improved, five years post the Lisbon Treaty. It arises as a result of lengthy consideration of this issue by it, including:-

- Ongoing inter-parliamentary exchanges with other national parliamentarians at various fora;
- Correspondence with the EU Commission on the issue;
- Bilateral meeting and exchange of views with First-Vice President of the EU Commission, Mr. Frans Timmermans.

Introduction

The Lisbon Treaty provisions in relation to national parliaments were ground breaking in their era. The possibility to scrutinise legislation on the basis of subsidiarity was a new power which is greatly welcomed by the Committee. It gave national parliaments an insight into the EU's legislative process and the means to influence it. However, this new power is narrowly tied to subsidiarity which has no agreed legal definition and also is perceived to carry negative connotations in that to exercise the power is to be seen to be blocking a legislative proposal from the Commission.

In addition, it has been demonstrated over the years that the exercise of that power is difficult to coordinate between national parliaments and has been used on just two occasions leading to two different final outcomes. Looked at from that narrow perspective one would have to say that after five years of experience the new powers given to national parliaments entailed a great deal of scrutiny work but have had limited measurable effect beyond nominal participative value which of itself we agree is important. Put simply, the question arises, therefore as how the effort expended by national parliaments, many of whom have very limited resources, can be optimised. How do we improve our network and influence the shape and quality of EU legislation and make a better connection between the EU and its citizens.

The Committee believes that national parliaments have set out on a long road with the overall objective of improving democratic oversight and governance and it will take the Lisbon Treaty changes and perhaps further iterations of the treaties to achieve the objective of a fully functioning democratic system balanced between the various institutions.

The Joint Committee is of the opinion that now is the appropriate time for national parliaments to set out what they would like to see emerging in the next few years in terms of changes to the process. This may involve recommendations for Treaty change, greater flexibility in the interpretation of

existing Treaty provisions or simply inter-institutional agreement to operate new types of procedures within the Treaties much as was done, for example, with the Barroso initiative.

Political landscape

The role of the new Commission will be pivotal in the view of the Committee. President Juncker has stated that he is committed to the role of national parliaments. This message was recently reiterated by First-Vice President Timmermans in a bilateral meeting with the Chairman of the Joint Committee which took place on the sidelines of COSAC. In his political guidelines which will guide his actions for the next five year mandate, the President explicitly states that "The relationship with **national Parliaments** is of great importance to me, notably when it comes to enforcing the principle of subsidiarity. I will explore ways to improve the interaction with national Parliaments as a way of bringing the European Union closer to citizens." The Joint Committee looks forward to his proposals to give effect to this aspect of the guidelines.

A number of parliaments but most notably the Dutch and Danish parliaments and UK House of Lords have been examining initiatives to enhance the role of national parliaments. Some proposals already made would strictly require Treaty change and may be actioned in the very long term. It is a lively, ongoing debate seated in the belief that the EU citizen has become disconnected from the political process and that better links need to be forged in that regard. These initiatives relate, amongst other things, to scope and suggest the inclusion of the proportionality principle; extending the time period for reasoned opinions to be submitted from the existing 8 weeks; the role of the Commission in considering Yellow Cards and the quality of its actions; the lowering of the threshold for triggering a Yellow Card; the possibility of national parliaments reconsidering a proposal later in the process but before it has been definitively signed-off by the co-decision makers; the capacity for national parliaments to ask for a legislative proposal to be tabled and the establishment of a permanent secretariat for national parliaments.

Furthermore, the Joint Committee was party to a letter issued in June 2014 which called on the new European Commission to set up a working group, to include national parliamentarians and representatives of the EU institutions, to look at the role of national parliaments in the EU. The task of the working group should be to draft an action plan on ways to strengthen the role of national parliaments in the European Union.

Views of the Houses of the Oireachtas Joint Committee on European Union Affairs

The Joint Committee believes fundamentally that the national parliaments and the European Parliament have complementary roles to play and that the appropriate balance of powers and responsibilities has to be found. This balance must respect the primary role of national parliaments to scrutinise their own governments but also to have a say at EU level and to contribute to the ideals expressed in Article 12 of the Treaty to the good functioning of the Union. In this context the Joint Committee makes the following observations;

- a) It supports the concept of a secretariat for national parliaments which could emerge from the COSAC secretariat and which would act as an anchor for national parliaments in the new interparliamentary conferences on Economic and Budgetary Governance (Article 13) and CFSP/CSDP.
- b) In the context of the current debate on multi annual legislative programming among the three institutions, believes that the Commission's 'letter of intent' to the other EU institutions should also be sent simultaneously to the Speakers of national parliaments. This would alert national parliaments to the formal opening of the planning process. It would be useful then for the Commission to be open to any views sent back from parliaments on the choice and prioritising of legislation.
- c) Is of the view that there is a need for a strengthening of the relationship between national parliaments and the Commission which would equal the relationship national parliaments now have with the European Parliament through interparliamentary dialogue and with the Council through scrutiny of our governments nationally. This could be done through a national parliaments one day conference in Brussels with selected Commissioners or officials where we could discuss horizontal issues and a selection of important cross-sectoral files. National parliaments could send delegations depending on the files to be discussed. This year, for example, we would have benefited from including in such a conference a discussion on the European Public Prosecutors Office.
- d) Is open to the ideas of other parliaments on the various cards etc. and on scope, thresholds, time period and asking for legislative proposals and we recognise that some of these will require Treaty change. However, it also the case that if it was begun on an informal inter-institutional basis by agreement then it would be easier to integrate new changes into any new Treaty as actors and stakeholders would have seen them work or not work in practice.
- e) President Juncker has said that EU Commissioners should visit more member States to explain the Commission's proposals. However, the way in which this will be organised will be important and it would be worth exploring with the Commission how this could be optimised. Whether, for example, it would be possible to consider a centralised procedure wherein parliaments would request a Commissioner for a certain date to discuss a certain topic and the Commission would undertake to act on this request?

The Joint Committee looks forward to receiving a response to its observations from the European Commission and the Irish Minister of State for European Affairs.

Joint Committee on European Union Affairs
January 2015

Appendix 1

Membership of the Joint Committee on European Union Affairs

Deputies: Dominic Hannigan TD (LAB) (Chairman)
 Eric Byrne TD (LAB)
 Seán Crowe TD (SF)
 Timmy Dooley TD (FF)
 Bernard J. Durkan TD (FG)
 John Halligan TD (IND)
 Seán Kyne TD (FG)
 Joe O'Reilly TD (FG)

Senators: Senator Colm Burke (FG)
 Senator Terry Leyden (FF)
 Senator Aideen Hayden (LAB)
 Senator Catherine Noone (FG)
 Senator Kathryn Reilly (SF)

Orders of Reference for the Joint Committee on European Union Affairs

<http://www.oireachtas.ie/parliament/media/committees/euaffairs/Orders-of-Reference-June-2011.doc>