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The participation of Parliaments in the Union's activities:

What role for national Parliaments?

Intervention during the Meeting of the Network of National Parliamentarians charged with European Affairs and Members of the EPP in the European Parliament

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It is clear that we cannot separate the reflection on the role of national parliaments from the European Parliament. They are essentially two sides of the same democratic legitimacy coin.

Both parliamentary levels are facing a changing landscape, shaped by three key factors:

First of all, this is the Treaty of Lisbon, which broadened the scope of their competences.

The European Parliament's role and its legitimacy were considerably boosted by the Lisbon Treaty. The latter changed the understanding of who the Parliament represents. Previously, MEPs were "representatives of the peoples of the States brought together in the Community." After the Lisbon Treaty, Parliament was deemed to represent "the citizens of the Union," all of whom are equal. The Treaty also considerably expanded the tasks of the European Parliament by establishing the co-decision procedure as the default decision-making procedure, granting the European Parliament veto power over the majority of EU legislation.

Additionally, the Lisbon Treaty also put the spotlight on the direct involvement of citizens in the democratic process by incorporating the increased role of the EP in electing the future Commission President.

When it comes to national parliaments, the Treaty of Lisbon broadened the possibilities for the latter to participate alongside the European institutions in the work of the Union. The Treaty introduces a new provision which sets out the rights and duties of the national parliaments in the EU policymaking (concerning information, the monitoring of subsidiarity, mechanisms for evaluating policy in the field of freedom, security and justice, procedures for reforming the treaties etc.) The biggest novelty is introduced by the power to enforce subsidiarity. National parliaments are given the possibility to signal that they do not think that a certain proposal put forward by the Commission respects the principle.

So we have a Treaty foundation on which we can build. Its potential leaves a lot of space to be better exploited.

The second game changer has been the European crisis, which brought forward centralized solutions and posed new democratic challenges.

The crisis exposed Parliaments to new risks and challenges. While the European Parliament was involved in some crisis management and resolution decisions, it was also often side-lined from the decision-making process. A number of measures only required its consent, while others simply by-passed Parliament and were taken within the European Council, through Intergovernmental agreements. This created a considerable democratic deficit and increased the gap between Parliament and its citizens.

The establishment of the Troika put on the table novel legitimacy challenges, concerning both parliamentary levels. The lack of adequate scrutiny of the new body was at the heart of these worries.

In general, the crisis certainly brought about a greater centralization of powers, raising questions about how these powers are legitimized and making the cooperation of national and European parliamentary levels more important than ever.

And the third game changer, in addition to the Lisbon Treaty and the crisis, is the rapidly changing global world, which brings along with it a different society, a global

public with unlimited access to information. Along with this broadened access, come new threats and opportunities for democratic legitimacy and thus for the parliaments at both national and European levels.

Parliaments must become increasingly aware of the changing global landscape. The ICT revolution we have witnessed over the past decades has generated a new audience, one which, owing mostly to social media, has unlimited access to information. With more access to information, come more demands, a more informed, but also a potentially misinformed, public. As our citizens become more aware of politics, they will wish to become more involved in the decision-making process. Parliaments will have to allow for this to happen and think of new ways to involve stakeholders and boost the role civil society organisations could play in discussions and decisions.

This changing world and form of political participation is also echoed by the Treaty. Under article 11 of the TEU, it is clearly stated that the institutions shall provide citizens and representative associations with the opportunity to anticipate in decision making in all areas of Union action and that the institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. Moreover, the Treaty also introduced a new form of public participation, namely the European Citizens' Initiative (ECI). The latter constitutes an example of the unused potential of the Treaty. It makes it possible for 1 million citizens from at least one quarter of the EU Member States to invite the European Commission to bring forward proposals for legal acts in areas where the Commission has the power to do so.

So that was my first point on seeing European and national parliaments as the sides of the same coin of democracy.

My second point is related to the fact that we live in a world of increasingly blurred frontiers. Europe is certainly confronted with a growing number of transnational issues. Democracy is one of them. The European tradition is the one of national democracy. A Europeanization of domestic policies, often of those with a very strong attachment to national sovereignty, is a fact of life however.

Parliamentary responsibility for integration is ultimately based on the contribution of both layers of parliament, national and European. The dual citizenship concept implies also dual legitimacy as the foundation for a genuine European democracy. The basis for an effective cooperation between the two layers is provided by the principle of subsidiarity control, as well as by fruitful exchanges of views on interparliamentary cooperation platforms.

Allow me to start by saying a few words on subsidiarity.

Along with the responsibility for subsidiarity, national parliaments have become European players. This implies monitoring by them of European legislation and their right to go to the European Court of Justice if they observe infringements of the principle. They thus strive to protect their responsibility for national legislation. The concept is itself holistic and has taken on different interpretations over time. Subsidiarity today is less understood as a separation of powers and more as a way of sharing responsibilities between layers of governance. Seen from this point of view, subsidiarity also adds to a changing role of national parliaments in European affairs, as they shift from having an observer to a participatory status.

Unfortunately, the principle suffers from a number of shortcomings, as a result its potential is not fully used. The drawbacks relate mostly to an inadequate use of the principle by national parliaments due to lack of information or to a bias towards domestic politics, as well as a faulty communication channel with the Commission, when breaches of the principle are flagged out. More specifically, national parliaments are inclined to make a broad interpretation of the principle of subsidiarity. They also often struggle to separate subsidiarity from proportionality. They frequently refer to the content of a proposal as opposed to a violation of the subsidiarity principle.

Let me now turn to the platforms of interparliamentary cooperation, which have also served as a tool for improving communication and enhancing the involvement on national parliaments in EU affairs. Such platforms are particularly useful as they facilitate the acquisition of information on European policies at the national level,

which in turn improves the working relation between the national and European dimensions.

We already have a number of platforms, namely:

- the Conference of Speakers of EU Parliaments
 - the Conference of Parliamentary Committees for EU Affairs (COSAC)
 - Inter-parliamentary Committee Meetings:
 - a. Conference for Common Foreign and Security Policy and Common Security and Defence Policy
 - b. Interparliamentary conference for the Common Foreign and Security Policy and the Common Security and Defence Policy
 - c. The European Parliamentary Week on the European Semester
 - d. Interparliamentary conference on economic and financial governance on article 13 of the Treaty on Stability, Coordination and Governance
- Joint Parliamentary Meetings

Those platforms provide useful fora for exchange of information, best practices and cooperation.

Here, we are learning by doing and there is scope for improvement.

So when looking into the future, what are the concrete actions we could do moving forward to boost democratic legitimacy in Europe and bring national parliaments closer to the European one?

There are a number of steps which can improve the functioning of the principle of subsidiarity. EU institutions could fully commit themselves to respecting the principle of subsidiarity (we have heard it through Commissioner hearings). An emphasis should also be placed on the real value added that the EU can provide on a particular issue. The Commission could also provide further help by establishing guidelines with specific common criteria on carrying out subsidiarity checks. The follow-up on subsidiarity complaints could also be formalized.

The power of interparliamentary cooperation platforms could also be boosted by clear organisational structures that would reassure the participants that they can voice their concerns and be heard by fellow participants. These platforms could moreover be promoted as foras where national parliaments engage with one another so that they can later on promote the debate on EU affairs at the national level and facilitate the parliamentary scrutiny of their national governments.

Discussions on the Semester could have more focus on specifics and then national parliaments could be involved in the cycle on more occasions, than is presently the case. This would enhance the participatory role of national parliaments. These discussions should not be a one-off event

Going beyond subsidiarity and interparliamentary cooperation platforms, value could also be derived from more hearings of Commissioners in plenary or committee sessions in national parliaments on the Commission's annual work programme. Where more can be done on legislative programming through an interinstitutional agreement, and the legislative road map. This would allow for early scrutiny of important proposals and would get select committees in national parliaments to contribute to the policy choices for European legislation . Early scrutiny could even make it possible to take the results of subsidiarity controls on board Impact Assessments.

Whichever way we decide to move forward, the traditional tools in our democratic toolkit will have to be enhanced. The principle of subsidiarity and its use, as well as current interparliamentary exchange platforms will need to be reassessed and their firepower enhanced. A better understanding of the interplay between domestic politics and the European level is also needed, such that risks can be mitigated and opportunities exploited. Policies are made at EU level, while politics are nationally under the control of anti-European forces. It is up to national parliaments to see that risks are mitigated and opportunities exploited.

On the quest for legitimacy, politicians will have to find a way not to lose the citizens they have on board and to try and regain those they have lost already. This is our

main job now, apart from helping to reshape Europe after the crisis, which remains work in progress.