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REPORT FROM THE COMMISSION

ANNUAL REPORT 2008

**ON RELATIONS BETWEEN THE EUROPEAN COMMISSION AND NATIONAL
PARLIAMENTS**

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1. INTRODUCTION

Since the start of its term in 2004, the Barroso Commission has shown the great importance it has placed on relations with national parliaments, by making the definition and implementation of a genuine ‘national parliaments approach’ one of its key priorities.

A Vice-President has for the first time been given specific responsibility for relations with national parliaments, something which constitutes a starting point. Subsequently, since February 2005 and at the initiative of Vice-President Wallström, the College has established a short-term action plan and three more global objectives:

- *Mutual service – a continuous and open dialogue*: in order to perform their responsibilities more efficiently and transparently, the Commission and the national parliaments have a shared interest in being aware of their respective positions and in understanding their mutual interests;
- *Networking*: the creation of networks between national parliaments and the Commission is a way of ensuring that the political and administrative expertise of each party is capitalised on, while ensuring full adherence to the EU’s Treaties and the various constitutions of the Member States;
- *Strengthening links with citizens and their elected representatives*: the voice of national parliaments strengthens that of Europe’s citizens.

Since March 2006, the College has reaffirmed its determination to strengthen links with national parliaments in its first annual report on the progress made towards achieving these three objectives.

In order to bring the EU closer to the citizens, national parliaments needed to be more closely involved in the preparation of EU policy and the importance of the principles of subsidiarity and proportionality highlighted to a greater extent. To this end, the Commission announced in ‘A citizens’ agenda’, its Communication of 10 May 2006, its intention to set up an innovative system for dialogue with national parliaments. The aim of this initiative was to provide national parliaments not just with consultation documents prepared by the Commission (green and white papers and communications), given that this was already a requirement under the Protocol to the Treaty of Amsterdam, but also all new Commission proposals. The national parliaments were asked to respond to this and thus contribute to improving the procedure for formulating Community policy¹.

¹ Please refer to the Communication to the European Council: ‘A citizens’ agenda - Delivering results for Europe’ of 10 May 2006 (COM(2006) 211).

The European Council of June 2006 welcomed this commitment by the Commission and asked it to duly examine observations made by national parliaments, particularly with regard to the principles of subsidiarity and proportionality.

The Commission set up internal procedures for responding to opinions made by national parliaments and in September 2006 began sending its new legislative proposals and consultation documents, as well as responding to parliamentary opinions.

As regards substance, the Commission's responses generally relate to providing a better explanation of initial motivations and the various stages of inter-institutional dialogue, whilst, in order to ensure that its power of initiative is fully respected, the College could be asked to take into account observations made as part of this dialogue. It should be noted that the political dialogue with national parliaments initiated in this way is also communicated to the European Parliament and the Council.

The implementation of the various initiatives mentioned above has enabled the Commission, over the last four years, to develop an entirely new approach to relations with national parliaments, one underlining the importance of the contribution of parliaments to better European governance. Thanks to this new approach, the Barroso Commission has been able to deepen and broaden relations with national parliaments; these relations are now of a better quality, something which is now acknowledged by national parliaments themselves and the Conference of Speakers of National Parliaments and COSAC, the Conference of Community and European Affairs Committees of Parliaments of the European Union.

Relations with national parliaments have been intensified whilst fully respecting the respective prerogatives of the EU institutions and, more generally, ensuring the balance of the 'institutional triangle'.

In 2008, the European Parliament (EP) adopted recommendations based on the reflection carried out within the framework of its 'reform' group. These recommendations proposed more intensified cooperation with national parliaments, particularly with a view to the entry into force of the Lisbon Treaty, by making the EP's approach to national parliaments more consistent and by also taking into account the Commission's activities in this area. Specifically, the European Parliament wishes to be more involved in the current dialogue between the Commission and national parliaments and is proposing, *inter alia*, that the interparliamentary forum, taking place every autumn, regularly focus on the Commission's legislative and working programme. Interparliamentary forums organised regularly by the EP and national parliaments and in which the Commission participates provide an excellent opportunity for intensifying dialogue between national and EU parliamentary bodies and the Council and Commission.

The success of the Commission's new approach vis-à-vis national parliaments since the early part of the current term is evidenced by, amongst other things, the nearly 500 meetings between November 2005 and April 2009 between Commissioners and national parliaments, by Commissioners' level of participation in interparliamentary forums (on 15 occasions, half of which have involved the President himself), the regular participation by Commissioners at meetings of the Conference of Speakers of National Parliaments and COSAC, and finally by the number of opinions (nearly 450) received between September 2006 and April 2009. The Barroso Commission has also adopted four annual reports on relations with national parliaments (including this report), identified a national parliament coordinator in each Directorate-General, drafted 12 newsletters, participated in over 50 meetings of permanent

representatives of national parliaments in Brussels and intensified cooperation and exchanges with IPEX.

2008 in particular has essentially been marked by the intensification of the political dialogue launched in September 2006. The number of opinions issued by national parliaments has increased significantly. The number of visits to capital cities by members of the Commission and their discussions with national parliaments have increased.

With a view to the entry into force of the Lisbon Treaty, national parliaments have continued to prepare to implement the mechanisms for monitoring subsidiarity provided in that Treaty, both internally and within the framework of the work of COSAC and IPEX.

National parliaments have also sought to extend the issue of parliamentary scrutiny in the field of Justice, Freedom and Security.

2. SUMMARY OF OPINIONS RECEIVED FROM NATIONAL PARLIAMENTS

In 2008, 24 of the 40 chambers invited to participate in the political dialogue did so by sending at least one opinion (14 Member States have a single-chamber system, and 13 of them a two-chamber system).

2.1. Reactions from national Parliaments

An ever increasing number of opinions

The Commission's political dialogue with national parliaments constitutes a process which is increasingly part and parcel of the EU's institutional practices. From September 2006 until the end of 2008, the Commission received 368 opinions from 33 chambers in 24 Member States. Given that 200 opinions were received in 2008 (as opposed to 168 between September 2006 and the end of 2007), the political dialogue between the Commission and national parliaments would now appear to have become more standard practice (see Annex).

Numerous Commission proposals approved

In 2008, national parliaments issued opinions on 135 Commission documents. A number of dossiers attracted particular attention, such as the proposal on cross-border health care, the communication and subsequent proposal on the common agricultural policy health check, the proposals relating to the energy and climate package and the 2009 annual policy strategy.

Varying degrees of participation

The national parliaments have differed in the extent to which they have used this procedure. A number of 'upper chambers' such as the French *Sénat*, the German *Bundesrat*, the United Kingdom House of Lords and the Czech *Senát* have continued to be very active. Together these four chambers have issued 54 of the 200 opinions. The Swedish *Riksdag* and Danish *Folketing* have also been very active. Finally, the number of opinions coming from the two Italian chambers has significantly increased over the year. Portugal's *Assembleia da República* has issued 65 opinions, most of which were positive opinions without any specific comments being made.

It should also be noted that the concerns raised were not necessarily the same ones. Few proposals received more than three opinions.

A number of parliaments, the Swedish and Danish ones in particular, decided only to give opinions on Commission consultation documents; with regard to draft legislation, they monitor, in accordance with their internal procedures, the positions taken by their governments within the Council.

Although the French *Sénat* and the Dutch and Portuguese parliaments focused on issues relating to subsidiarity and proportionality, the majority of national parliaments examine political issues related to the content of Commission proposals.

Some assemblies therefore reflect the concerns of their national federal entities. The Committee of the Regions encourages certain assemblies, in particular the Austrian *Bundesrat*, to respond to a questionnaire on subsidiarity sent to certain regional authorities.

Increased participation

Generally speaking, the number of national parliaments engaged in regular dialogue with the Commission increased in 2008 compared to 2007. A number of these parliaments participated in the political dialogue for the first time, such as the Italian *Senato della Repubblica*, the Austrian *Bundesrat* and the Hellenic, Cypriot and Bulgarian parliaments.

Since September 2006, only seven assemblies have not participated in this dialogue – the lower and upper assemblies in Spain and Romania, the Maltese parliament, the Austrian *Nationalrat* and the Slovenian *Državni svet*.

IPEX and Europa

The opinions of national parliaments and the Commission's responses are currently published on the IPEX database. By summer 2009, they will also be available on 27 web pages (one for each Member State) drafted by the Commission, on the Europa website.

Work within the framework of COSAC

COSAC has also conducted two coordinated exercises targeting the issue of subsidiarity:

- Within the context of the exercise relating to the proposal for a Council Framework Decision amending Framework Decision 2002/475 on combating terrorism, the Commission received 12 opinions from national parliaments, only one of which made a formal objection vis-à-vis the Commission with regard to subsidiarity. Several parliaments asked whether it would not be preferable to launch a similar proposal within the context of the Council of Europe or criticised the poor justification for the proposal on the grounds of subsidiarity.
- With regard to the exercise relating to the proposal on the application of the principle of non-discrimination against people on the grounds of religion, race, age or sexual orientation, 15 opinions were sent to the Commission. Only one assembly issued a negative opinion.

During December 2008, COSAC launched a coordinated exercise to monitor subsidiarity with regard to the Directive on organ transplants. Between December 2008 and in the end of April 2009 18 opinions were received.

2.2. Effects on policy formulation

The opinions of national parliaments encourage a wide debate with the Commission, something which the latter wishes to encourage.

During 2008, a number of national parliaments prioritised key Commission initiatives such as the energy and climate package, the CAP health check and the proposal on patient rights with regard to cross-border health care (the German *Bundesrat*, the French *Sénat*, the United Kingdom House of Lords, the Czech *Senát* and the Dutch and Italian parliaments).

In most cases, parliamentary positions mirrored the national opinions presented in the Council by Member State delegations. This can be seen with the energy climate package. The position of the Polish *Sejm* mirrored that of its government. The Italian *Senato della Repubblica* called for an improvement in the flexibility mechanisms and the introduction of amending clauses. The Italian *Camera dei Deputati* asked its government to make its agreement subject to certain amendments being made to the proposal's wording, such as for example to strengthen the flexibility mechanisms, to reflect the economic and financial situation. The United Kingdom House of Lords presented two opinions: on 10 December, the day before the European Council, with regard to the European emission trading scheme, the Lords supported financing pilot CO2 capture and geological storage projects using funds reserved for new entrants and full auctioning in emission quotas for sectors with no carbon leakage risk. With regard to renewable energy, the House of Lords asked the UK government and the European Union to set an objective for 2030 in order to encourage technology and investment which will not have been fully deployed by 2020.

The responses to the proposed CAP health check also show that the positions of parliaments and governments tend to be in line with each other. The Czech *Senát* rejected the concept of degressive direct payments, preferring gradual modulation. The Italian *Camera dei Deputati* felt that the introduction of compulsory modulation and therefore the transfer of resources from the first pillar towards rural development should be gradual.

As regards the other areas of the CAP, the Czech *Senát* also recommended that its government, in the interests of ensuring agricultural competitiveness within the EU, open discussion on genetically modified organisms during the Czech EU Presidency. The Italian *Senato della Repubblica* requested that its government take concrete action vis-à-vis the EU institutions to introduce systems for monitoring external borders and procedures to control their implementation, along the lines of what is in place in certain third countries, so as to ensure compliance with European standards on agricultural products.

As regards the proposal concerning patients' rights in terms of cross-border health care, the Commission received three opinions in 2008 and four between January 2009 and the end of April 2009. The French *Sénat* stressed that if the principles of subsidiarity and proportionality were to be complied with, the proposal would have to reaffirm Member States' competencies in terms of organising and providing health care. The doubts relating to whether the principle of subsidiarity would be respected and the appropriateness of the choice of a legal instrument (directive) for intervening in the organisation and financing of the health system were also put forward by the two chambers of the Dutch parliament. The German *Bundesrat*, also

convinced of the need to strengthen measures to confirm Member States' responsibility for the organisation of their health systems, felt that social services should be excluded from the framework of this proposal.

3. COMMISSION WORKING VISITS AND OTHER CONTACTS

The new approach to relations between the Commission and national parliaments meets three general objectives: mutual service and establishment of an open, permanent dialogue, practical networking and, by means of better links with elected representatives, greater proximity to citizens. The Commission's representations in the Member States provide regular and structured contact with national parliaments. In addition, when a member of the Commission visits a national parliament, the representation is responsible for the practical and logistical arrangements and for providing the necessary policy information. These visits are the subject of media interest and provide a good opportunity for communicating current EU policies within the national context.

Visits to national parliaments

President Barroso has visited the Latvian, Swedish, Czech, Luxembourg and Italian parliaments. Vice-President Wallström has visited the Irish parliament (on two occasions) and the Polish, Danish, Lithuanian, French and United Kingdom parliaments. Within the framework of various formats, members of the College met representatives from national parliaments on more than 100 occasions during 2008.

The frequency of these visits clearly shows the importance that the Commission is attaching to being more in touch with national Parliaments and better explaining policies to them.

Attendance at interparliamentary meetings

The Commission has continued to respond positively to several invitations to various interparliamentary forums. President Barroso and Vice-President Verheugen attended the Joint Parliamentary Meeting on the Lisbon Strategy in February, with President Barroso also participating in the meeting on migration and immigration in September. Vice-President Wallström attended the interparliamentary meeting on energy in November, Commissioner Almunia participated in the meeting of the European Parliament's Committee on Economic and Monetary Affairs with national parliaments in January, and Commissioner Rehn attended the interparliamentary meeting on the Western Balkans in May.

Vice-President Frattini also participated in the Conference of Speakers and in the Presidential Troika of COSAC in Ljubljana in February, Commissioner Potočnik attended the XXXIX COSAC meeting, held in Brdo in Slovenia, Commissioner Ferrero Waldner the Meeting of the COSAC Chairpersons in Paris in July and Vice-President Barrot the XL COSAC meeting in Paris held in November.

Newsletters

The Commission's Secretariat-General produced two newsletters that were distributed within the Commission, at the European Parliament and in the national parliaments.

Permanent representatives

A variety of Commission services participated in 18 meetings of permanent representatives from national parliaments in Brussels. In response to a request by the national parliaments, the Commission is focussing its efforts on presenting ongoing dossiers or future initiatives.

4. POSSIBLE ENTRY INTO FORCE OF THE LISBON TREATY

Monitoring of subsidiarity

Following the conclusions of the Brdo COSAC meeting, the French Presidency was asked to set up a working group formed of permanent representatives of national parliaments to the EU in order to draft a report on the best ways of implementing the provisions of the Lisbon Treaty on national parliaments. The Commission was asked to participate in the work of this working group.

The Paris COSAC meeting concluded that the existing network of representatives of national parliaments in Brussels and IPEX was the appropriate means of sharing information on examinations carried out by national parliaments on a regular, early and informal basis. Similarly, national parliaments have continued pilot subsidiarity exercises, under the coordination of the COSAC Secretariat, prior to the implementation of the Lisbon Treaty.

JLS

The Paris COSAC also stressed the importance of national parliaments agreeing to monitor police activities and to evaluate judicial activities in Member States. The national parliaments have expressed their wish for judicial and police cooperation in the European Union to be the subject of monitoring or assessment by the European Parliament, in association with national parliaments. In order to become involved in this, they have requested that the European Commission publish a consultation document before finalising its proposals for a regulation concerning the activities of Eurojust and Europol.

5. CONCLUSIONS

Relations between the Commission and the national parliaments are continuing to be developed, while fully respecting the prerogatives of the EU institutions. 2009 will see a major turning point for the future of the Lisbon Treaty and a new Commission, following the European Parliament elections.

This annual report highlights the Commission's commitment to pursuing greater collaboration and dialogue with national parliaments. The Commission wishes to maintain and further intensify political dialogue with national parliaments. It will implement, where appropriate, the measures necessary to ensuring the smooth implementation of the provisions of the Lisbon Treaty relevant to national parliaments.

Annex

Opinions from national parliaments 2006-08		2006	2007	2008	2006-2008
PORTUGAL	Assembleia da República	0	19	65	84
FRANCE	Sénat	18	22	13	53
GERMANY	Bundesrat	6	15	18	39
SWEDEN	Riksdag	0	17	16	33
UNITED KINGDOM	House of Lords	4	14	12	30
DENMARK	Folketing	2	10	11	23
CZECH REP.	Senát	2	9	11	22
THE NETHERLANDS*	Tweede Kamer Staten Generaal	2	1	5	8
ITALY	Senato della Repubblica	0	0	8	8
IRELAND	Dail and Seanad Eireann	0	1	7	8
ITALY	Camera dei Deputati	1	0	6	7
POLAND	Sejm	1	0	5	6
GERMANY	Bundestag	1	2	2	5
ESTONIA	Riigikogu	2	0	2	4
LUXEMBOURG	Chambre des Députés	2	0	2	4
BELGIUM	Sénat	2	0	2	4
AUSTRIA	Bundesrat	0	0	4	4
GREECE	Vouli ton Ellinon	0	0	3	3
LITHUANIA	Seimas	2	1	0	3
UNITED KINGDOM	House of Commons	1	1	1	3
CYPRUS	Vouli ton Antiprosopon	0	0	2	2
LATVIA	Saeima	0	0	2	2
CZECH REP.	Poslanecká Sněmovna	1	0	1	2
FRANCE	Assemblée Nationale	1	1	0	2

HUNGARY	Országgyűlés	1	1	0	2
BELGIUM	Chambre des Représentants	0	1	1	2
BULGARIA	Narodno Sabranie	0	0	1	1
FINLAND	Eduskunta	1	0	0	1
POLAND	Senat	1	0	0	1
SLOVAKIA	Národná rada	1	0	0	1
SLOVENIA	Državni zbor	1	0	0	1
AUSTRIA	Nationalrat	0	0	0	0
MALTA	Kamra tad-Deputati	0	0	0	0
THE NETHERLANDS *	Eerste Kamer Staten Generaal	0	0	0	0
ROMANIA	Camera Deputatilor	0	0	0	0
ROMANIA	Senat	0	0	0	0
SLOVENIA	Državni svet	0	0	0	0
SPAIN	Congreso de los Diputados	0	0	0	0
SPAIN	Senado	0	0	0	0
	TOTAL	53	115	200	368

* The opinions of the Dutch Parliament were sent on behalf of both chambers.

Contact with national parliaments (1 January 2005-31 December 2008)

by Member State		2005	2006	2007	2008	total
AUSTRIA	Bundesrat					
	Nationalrat	2	2	4	1	9
BELGIUM	Sénat					
	Chambre des Représentants	3	3	2	1	9
BULGARIA	Narodno Sabranie			4	2	6
CYPRUS	Vouli ton Antiprosopon	2	3	1	5	11
CZECH REP.	Senát					
	Poslanecká sněmovna	4	3	7	1	15
DENMARK	Folketing	9	7	2	5	23
ESTONIA	Riigikogu	2	2	10	8	22
FINLAND	Eduskunta	7	8	2	7	24
FRANCE	Sénat					
	Assemblée Nationale	13	10	11	12	46
GERMANY	Bundesrat					
	Bundestag	16	17	19	17	69
GREECE	Vouli ton Ellinon	3	5	4	7	19
HUNGARY	Országgyűlés	3	0	1	5	9
IRELAND	Dail Eireann					
	Seanad Eireann	2	2	9	13	26
ITALY	Senato della Repubblica					
	Camera dei Deputati	8	2	8	2	20
LATVIA	Saeima	2	1	5	3	11
LITHUANIA	Seimas	8	4	8	2	22
LUXEMBOURG	Chambre des Députés	0	3	3	0	6
MALTA	Kamra tad-Deputati	1	1	4	0	6
POLAND	Sejm					
	Senat	5	4	1	13	23

PORTUGAL	Assembleia da República	0	3	6	3	12
ROMANIA	Camera Deputatilor					
	Senat			2	3	5
SLOVAKIA	Národná rada	3	3	0	3	9
SLOVENIA	Državni zbor					
	Državni svet	4	8	3	1	16
SPAIN	Congreso de los Diputados					
	Senado	1	1	1	0	3
SWEDEN	Riksdag	6	1	5	3	15
THE NETHERLANDS	Tweede Kamer Staten Generaal					
	Eerste Kamer Staten Generaal	4	6	3	8	21
UNITED KINGDOM	House of Lords					
	House of Commons	11	7	12	9	39
COSAC		2	3	3	2	10
Conf. of Presidents		1	1	1	0	3
other		2	2	8	10	22
	TOTAL	124	112	149	136	521