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Report

drawn up on behalf of the Political Affairs Committee

**on relations between the European Parliament and the national
parliaments**

Rapporteur: Mr A. DILIGENT

On 25 March 1980 the Political Affairs Committee was authorized by the European Parliament to draw up an own-initiative report on relations between the European Parliament and the national parliaments.

On 8 July 1980 Mr Diligent was appointed rapporteur.

The draft report was initially drawn up in the subcommittee on Institutional Problems which adopted it on 23 January 1981.

The Political Affairs Committee considered the draft report at its meetings of 17 and 18 March and 21 to 23 April 1981. At the latter meeting it adopted this report by 14 votes to 3 with 6 abstentions.

Present: Mr Rumor, chairman; Mr Haagerup, vice-chairman; Mr Diligent, rapporteur; Mr Antoniozzi, Mr Alber (deputizing for Mr Penders), Mrs Baduel-Glorioso (deputizing for Mr Marchais), Mr Blumenfeld, Mr De Pasquale (deputizing for Mr Ansart), Lord Douro, Mr Fergusson, Mr Forth (deputizing for Lord Bethell), Mrs Fourcade (deputizing for Mr de la Malène), Mr Galluzi (deputizing for Mr Berlinguer), Mrs Gredal, Mr Habsburg, Mrs Hammerich, Mr Klepsch, Mrs Lenz (deputizing for Mr von Hassel), Mrs Lizin, Mr Lomas, Mr van Minnen (deputizing for Mrs Van den Heuvel), Mr Radoux, Sir James Scott-Hopkins, Mr Segré, Sir John Stewart-Clark (deputizing for Lady Elles), Mr J.M. Taylor, Mr Tindemans.

The opinion of the Legal Affairs Committee is annexed to this report.

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A

The Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on relations between the European Parliament and the national parliaments

The European Parliament,

- whereas the fundamental significance of constructing a united Europe lies in an association of parliamentary democracies desiring to consolidate their status;
 - whereas the national parliaments participate directly in the construction of Europe through the implementation of Community legislation and the ratification of international instruments concluded on behalf of the Community;
 - whereas the problem of cooperation between the European Parliament and the national parliaments has assumed a different form since the election of the former by direct universal suffrage;
 - whereas the reduction in the number of Members holding a dual mandate means a loss of personal and direct links between the European Parliament and the national parliaments;
 - whereas such links are vital not only for the successful development of harmonious relations between the European Parliament and the national parliaments but also for the actual functioning of the Community;
 - whereas contact at various levels between the European Parliament and the national parliaments can be strengthened by appropriate measures without any need for uniform and inflexible procedures;
 - whereas its relations with national parliaments have been the subject of a report by President Spénale to the Conference of Presidents of the European Parliamentary Assemblies at Bonn in 1976, by President Colombo to the Vienna Conference in 1977, and by President Vondeling to the Hague Conference in 1978; of a report by the House of Lords Select Committee on the European Communities; and of a report by President Poher to the Madrid Conference in 1980;
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- having regard to the report of the Political Affairs Committee and the opinion of the Legal Affairs Committee (Doc. 1-206/81);
1. Considers that continuous and organic relations must be developed between the European Parliament and the national parliaments.

2. Requests that every Member of the European Parliament or a national parliament be accorded such facilities in all the parliamentary institutions in the Community as will enable him to maintain the relations and obtain the information which he requires for the discharge of his duties; requests in particular that Members of the European Parliament be granted access to the corresponding services in the national parliaments and be allowed to make use of them;
3. Recommends that serious consideration be given to the idea of setting up, possibly within the framework of the existing interparliamentary organizations, an association of European Members of Parliament all of whose members would enjoy identical treatment and facilities in the European parliamentary institutions they wished to visit;

4. Requests that reciprocal consultation between the European Parliament and the national parliaments be improved, in particular in regard to the completion of formalities relating to certain Community instruments, such as the ratification of agreements signed on behalf of the Community or the implementation of Community legislation;
5. Proposes that close contact be established and encouraged between the committee chairmen and rapporteurs of the European and national parliaments to examine matters of current concern;
6. Proposes, with this in mind, that new channels of communication be set up between the European Parliament and the national parliaments; to this end, consideration could also be given to national parliaments allowing the Members of the European Parliament to participate, without the right to vote, in their plenary sessions, and committee meetings and to speak on matters relating to Europe;
7. Requests that, in order to strengthen links with national parties, the political groups in the European Parliament should:
 - (a) establish offices (where this has not yet been done) in the national capitals,
 - (b) invite appropriate members of national parliaments to attend their study days,
 - (c) appoint members to act as coordinators with corresponding members of national political parties,
 - (d) encourage closer cooperation between their secretariats and those of national parties;

8. Proposes that coördination be established through the European Parliament's and the national parliaments' secretariats between certain services, in particular the libraries, the data-processing study and facilities sections;
9. Proposes that the European Parliament and the national parliaments should give support to the European Centre for Parliamentary Research and Documentation which constitutes the infrastructure for parliamentary work and systematic inter-departmental coordination;
10. Requests that the European Parliament's information offices in the Member States and the corresponding services in the national parliaments be asked to concentrate their efforts more on promoting the reciprocal exchange of information between the European Parliament and the national parliaments: with this in mind, hopes that suitably qualified staff will be brought in to ensure the necessary liaison between the European Parliament and the national parliaments;
11. Proposes that regular impetus for such interparliamentary cooperation be provided by an annual conference of the Presidents of the European Parliament and of the national parliaments of the Member States;
12. Instructs its President to forward this resolution to the national parliaments and to the Council and the Commission of the Community.

EXPLANATORY STATEMENT

The number of cogs in present-day parliamentary machinery is increasing. It is no longer situated in one place, and the work is no longer done by a single assembly. The number of decision-making stages has increased because of growing public intervention and widened scope for action (becoming worldwide). The parliamentary system was originally a national system which has since spread to other levels: regional, European, even continental. This has led to the strengthening of parliamentary government in spite of the risk of creating unwieldy or fragmented structures. This holds good as long as the different types of assembly, each with their particular own powers, work together so as to complement rather than neutralize each other.

The objective of this report is to strengthen the link between the two upper levels - European and national - of this variable-geometry parliamentary system which has become one of the characteristics of our age.

These two levels of parliamentary activity complement each other. Policies can no longer be pursued solely in the national context, because the future of our societies is no longer situated in this one context. As one of the sounding boards of the Western world, Europe provides a better arena than each of our countries individually for taking political decisions and applying the solutions to current major problems.

However, before direct elections were held, there was no dialogue between the European Parliament and the national parliaments on the way in which cooperation and coordination between them were to be organised and even less on the forms such cooperation and coordination should take, despite the status of the Members of the old assembly: the dual mandate did not really give rise to close cooperation between the European Parliament and the national parliaments, although in many respects the functions of the two were complementary.

NEED FOR CLOSE COOPERATION

The respective roles of the European Parliament and the national parliaments in the systems of Community and national government remain different. In the Member States the parliaments play a vital, even dominant, function in the decision-making process. At European level the European Parliament is not yet fully integrated in the decision-making process. This is clearly because the Community system is different from national systems of government.

The national constitutional systems of the Member States continue to predominate over the European system. The national parliaments still have wider powers than the European Parliament, which, moreover, only has the right to deliver an opinion or to take decisions jointly with the Council.

However, institutional structure relations within the Community have been influenced and imperceptibly modified as a result of the direct elections to the European Parliament by the citizens of Europe. Its election by direct universal suffrage was a new departure for the European Parliament, which gained public prestige and strengthened its political position vis-à-vis the other Community institutions. Nevertheless, the Member States' delegates to the Council of Ministers continue to have their political roots in their national parliaments which are therefore the only bodies able to bring influence to bear directly on the governments represented in the Council. They can thus support or oppose the policies of the European Parliament.

It is also necessary to deal with the problems which may arise from the existence of two types of directly elected assemblies, whose members represent constituencies of unequal size, but which have nevertheless been elected by the same national electorate, to whom they are accountable. The increased political authority derived by the European Parliament from its direct election may give rise to conflicts or rivalries with the national parliaments and might even lead to action being blocked. Steps must be taken to prevent such situations from developing.

For this reason, close collaboration between the European and national parliamentary institutions is essential. A more fundamental objective is to preserve the ideal of democracy in the Community and national decision-making processes.

In practice, there is a danger that the two might drift even further apart now that the Members of the European Parliament are no longer appointed by the national parliaments.

No more than a quarter of the Members of the European Parliament also occupy a seat in a national parliament, and this figure will steadily diminish. This could have two considerable consequences. Firstly, national parliaments may lose an invaluable source of contacts and channels of information, together with a very significant pressure group in the area of European politics. Secondly, Members of the European Parliament may become totally cut off from national political activities.

It is true that, as a result of the election of the European Parliament by direct universal suffrage, national political parties considerably strengthened cooperation by creating structures which include the political groups, at a time when the diminishing number of dual mandates was undermining cooperation between the European Parliament and the national parliaments. However, it is not sufficient for Members of the European Parliament to be in touch with political developments in their respective countries only through their political parties.

Since personal links between the two types of assembly are diminishing it is important to replace them by structural links in order to prevent increased institutional isolation. Such a relationship must keep step with European cooperation and integration and should take the form of organic cooperation, that is to say involving not only individuals but activities as well.

The immediate objective is a dual one. The directly elected Members of the European Parliament must be able to gain a better understanding of the national elements of their own country's European policy. At the same time the national parliaments must be kept informed of Community views and the views of the other Member States, as well as the situations facing them.

The longer-term objective is no less important. Given the danger of a gradual erosion of parliamentary authority by governments, it is in the mutual interest of the European Parliament and the national parliaments to ensure that their respective positions are consolidated. In the European Community this danger is aggravated by the fact that the European Parliament is faced with a Council which exercises both executive and legislative powers. We ought therefore to work together in order to find new ways of countering this imbalance.

First and foremost we must remember that parliaments are no longer responsible only for legislation or supervision over the executive, but that they will increase their effectiveness by trying to reach a concensus. In this respect, as in many others, the question of adapting the parliamentary institution to contemporary society arises in the same way at

Community level and in each of the Member States.

This report is more modest and perhaps more limited in its primary objectives. It is concerned with the cooperation and coordination which are essential to maintain the link between national and Community democratic processes and to avoid the loss of democratic control in areas where powers have been transferred to the Community. Genuine cooperation can only develop as a result of increased political and psychological will.

SPECIFIC METHODS OF COORDINATION AND COOPERATION

In proposing various types of contact between the European Parliament and national parliaments, it is necessary to take into account the specific role, working methods, procedures and customs of each national parliament. Subject to this very important caveat, it may be supposed that collaboration will essentially take the form of exchanges of information, public debates and work done in specialized committees.

A particular effort must be made by the European Parliament concerning the supply of information, so that national parliaments are kept in touch with everyday developments in the Community, know in advance what subjects are to be discussed in the European Parliament and are acquainted with the matters on which it has been consulted.

Regular information on the work of the European Parliament would further stimulate the interest of national MPs who are most keenly interested in European affairs.

Funds could also be provided in order to extend occasional invitations to Strasbourg to individual national MPs who are drafting a report on a subject related to one being considered by the European Parliament. To this end, it would be necessary to draw up a detailed table showing the areas where the terms of reference of parliamentary committees at European and national level correspond or coincide, with a view to alignment.

It is worth noting that negotiations with the national parliaments are in progress concerning the participation by Members of the European Parliament in specialized committees.

Steps should be taken to re-examine the action taken by Member States on the resolutions and recommendations forwarded by the European Parliament to national parliaments and to make such action more effective. Above all, however, it would be necessary to establish a simple and direct procedure by which the presidents of national parliaments would officially inform the European Parliament of the implementation of certain Community instruments (adoption of directives, ratification of Community instruments, etc.). This procedure could then be developed to allow the European Parliament to be informed of the action taken by national parliaments on the resolutions forwarded to them.

Finally, periodical meetings should take place between the presidents of Community parliamentary assemblies in order to provide a constant stimulus to the harmonization of the activities of the European Parliament and the national parliaments. Such conferences would centre not upon the theoretical principles of cooperation, but upon the practical organization of the respective tasks to be accomplished, for example, the preparation of simultaneous public debates in the European Parliament and in the national parliaments.

This initial set of measures could be reviewed. In the light of the experience acquired, other, more elaborate systems might perhaps be worked out, further consolidating collaboration between the European Parliament and the national parliaments.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Draftsman: Mr D. VIE

On 29 January 1981 the Legal Affairs Committee appointed Mr VIE draftsman of the opinion.

At its meeting of 13 and 14 April 1981 the Legal Affairs Committee considered the draft opinion by Mr VIE and adopted it unanimously with 1 abstention.

Present: Mr Chambeiron, vice-chairman and acting chairman; Mr Vié, draftsman; Mrs Boot (deputizing for Mr Janssen van Raay), Mr De Gucht, Mr Gouthier (deputizing for Mr D'Angelosante), Mr Prout, Mr Tyrrell, Mrs Vayssade.

1. Asked to deliver an opinion for the Political Affairs Committee on matters relating to relations between the European Parliament and the national parliaments, the Legal Affairs Committee deliberated in the light of the draft report (PE 65.036/rev.II) drawn up by Mr DILIGENT, rapporteur of the Political Affairs Committee, and already approved by its subcommittee on institutional problems.

2. The Legal Affairs Committee supports the highly pragmatic approach adopted by the Political Affairs Committee, which led it to define the principles of a code of good conduct to improve the necessary relations between the European Parliament and the national parliaments, which should take the form of close cooperation involving both the Members of the Institutions and parliamentary activities.

3. Relations between the European Parliament and the parliaments of the Member States are not directly governed by any substantive law; however, the Legal Affairs Committee feels that the Political Affairs Committee's report should place greater emphasis on the importance of more active cooperation in following up secondary legislation; to this end, priority should be given to better information on the incorporation of Community directives into national law which is all too often subject to delays. If the European Parliament were informed in good time, it would be better able to draw such delays to the attention of the Commission; the latter would then be responsible for initiating the procedure under Article 169 of the EEC Treaty.¹

4. The Member States (hence each of their political institutions within its own terms of reference) are obliged (see Article 5 of the EEC Treaty) to facilitate achievement of the Community's tasks (hence the activities of each of the Community institutions); this text might provide the basis for obliging the Member States to provide information; furthermore, this obligation might be introduced systematically into the final clause of directives, which might henceforth be worded as follows: 'The Member States shall forward to the Commission and Parliament the text of the laws regulations or administrative provisions which they adopt in the area covered by this directive.'

¹Or, where appropriate, the procedure of Article 141 of the Euratom Treaty or Article 88 of the ECSC Treaty

Minority opinion on the draft report on relations between the European Parliament and the national parliaments - Rapporteur: Mr DILIGENT

A Danish member of the Group for the Technical Coordination and Defence of Independent Groups and Members is opposed to the terms of this report, which he believes would reduce the independence of the Folketing to the benefit of the European Parliament.

This would have direct consequences on the Danish people's capacity to influence Community policy through the Folketing's common market committee, which oversees the activities of the Danish ministers within the Council.

The implementation of a report such as this would be contrary to the Danish constitution and would require an amendment of the Community Treaties, failing which it would have no legal basis.

In any case, it ought to be possible for a democratic debate to take place in the Member States on measures for creating European union and such measures should not be adopted merely through simplified agreements between the European Institutions.