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**Report
for
Conference of Speakers
of EU Parliaments
on**

**The future of the European Union
& Interparliamentary Cooperation**

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Introduction

The future of the European Union and interparliamentary cooperation are the principal themes of the annual Conference of the Speakers of the EU Parliaments that will be held in Copenhagen on 29 June – 2 July 2006. It was therefore decided at a meeting of the Secretaries General from EU parliaments on 9 February 2006 to ask the Danish Presidency of the Conference of Speakers to prepare a report on these issues as a contribution to the debates at the conference.

The conference will be the first opportunity for the members of the national parliaments and the European Parliament to discuss how progress can be made in connection with the European project after the decision made by heads of state and government on 15 – 16 June to prolong the discussion on the future of the EU. The heads of states and governments suggested a two-stage model for this work.

First, the German EU Presidency will present a report during the first six months of 2007 which, on the basis of extensive hearings in the EU Member States, takes a closer look at how EU cooperation can be developed in the future. This report will constitute the point of departure for any further decisions regarding which steps should be taken in the continuing reform process. At the latest, these decisions will be made during the French EU Presidency in the second half of 2008.

The European Council also decided that, after a year's period of reflection, the EU needed a period during which the Union can provide citizens with specific political results and develop EU cooperation on the basis of the opportunities made available by existing treaties.

One question that is particularly pressing in this respect is how it might be possible to involve the national parliaments in the EU's decision-making process to a greater extent. The European Council pointed out in particular that the role of the parliaments should be strengthened in connection with monitoring the principle of subsidiarity – in each individual parliament, in cooperation with COSAC.

Both the Conference of Speakers and COSAC have discussed this question intensively over the past two years. The Conference of Speakers took up the question with the adoption of the Hague Guidelines in July 2004, while it has been on COSAC's agenda since the second half of 2004.

On this basis the following report evaluates how it might be possible to strengthen the involvement of the national parliaments in EU issues within the framework of the existing treaties, and discusses how to tackle the continuing debate on the future of the EU during the prolonged period of reflection.

The report will first review the previous activities during the period of reflection. The emphasis will be on the debates that have taken place at European level as the debates in the individual Member States were described very adequately in COSAC's report to the XXXV meeting of COSAC in Vienna in May 2006.

PART I:

THE PERIOD OF REFLECTION IN EUROPE

The Treaty Establishing a Constitution for Europe

The Treaty Establishing a Constitution for Europe was signed by the EU's heads of state and government during a ceremony that took place on 29 October 2004 in Rome. The heads of the 25 EU Member States also agreed to attempt to complete the national ratification of the treaty so that it could enter into force no later than 1 November 2006.

After the French and Dutch rejection of the treaty in referendums last spring, it became clear that this timetable was no longer realistic.

Ratification of the Treaty Establishing a Constitution for Europe

The parliaments of sixteen EU Member States have approved the Treaty to date. Only Luxembourg referred the Treaty to a referendum after it had been rejected by France and the Netherlands, where 56.52% of the inhabitants of Luxembourg voted in favour on 10 July 2005. However, subsequently, Estonia, Lithuania, Cyprus, Malta, and Belgium have ratified the treaty through their parliaments. Finally, Finland is expected to approve the treaty in the near future (see appendix 1).

The response of the EU's heads of state and government to the crisis was to introduce a "period of reflection" in all 25 Member States with the aim of discovering how it might be possible for the EU to move ahead.

The principal responsibility for holding this debate on the future of the EU was given to the Member States with due involvement of citizens, society, management and labour, the national parliaments, and the political parties. The heads of state and governments decided to carry out an overall evaluation of the debates in the 25 Member States during the first half of 2006, and then decide how the EU could move ahead. The EU institutions were also called on to contribute. In this regard, the European Commission was allocated a "special" role.

On the basis of this, the European Commission presented the first general account of the course of the national debates on 10 May 2006 together with the first ideas regarding how the EU might move ahead during the prolonged period of reflection. The Commission's analyses and recommendations can be found in two reports addressed to heads of state and government in advance of their meeting in the European Council on 15 – 16 June 2006.

The Commission's report on the debates in EU-25

The European Commission's report contained an account of the debates that have taken place in the 25 EU Member States in connection with the period of reflection¹. It took the form of a synthesis report prepared on the basis of a Eurobarometer survey from 5 May 2006 as well as reports from the Commission's representations in the Member States. The report briefly reviews the principal issues raised in the debates in the 25 EU Member States.

According to the Commission among the many important subjects that have been discussed were: the consequences of globalisation, the need for social protection as a counterweight to the "negative side effects" of globalisation, and the free movement of labour, which has been a thorny issue in almost all Member States.

The Eurobarometer survey shows that citizens still view EU membership as positive, but it appears that there has been a decline in this support in a majority of countries during recent months. Citizens are critical about what they regard as excessive regulation on the part of the EU and a lack of democracy and transparency in the EU's institutions. Many people want citizens involved in the decision-making process to a greater extent.

The question of EU's financing was also a principal theme in several Member States according to the Commission. In some countries, it was the fear of losing financial support in connection with the latest enlargement that people had on their minds, while in other countries there was greater focus on their contribution to the EU budget.

It comes as no surprise that the issue of the EU's external borders occupied a central place in the debates. According to the Eurobarometer survey, 55 per cent of citizens took a positive view of enlargement. But at the same time, as many as 63 per cent were apprehensive and felt that further enlargement could create problems in the national labour markets. On the basis of this, many people questioned the desirability of admitting new countries in the future. According to the Commission's report, Turkey constitutes a separate problem in this regard.

¹ See Report from the Commission to the European Council from 10 May 2006 – Period of reflection and plan D, KOM (2006) 212.

Finally, according to the Commission, citizens regard institutional issues as abstract and complex. Europeans are more interested in policies that have a specific influence on their lives and everyday routines such as employment, the environment, and energy.

This aspect was also emphasised in the second report from the European Commission entitled "Citizens' Agenda"². According to this report it will only be possible to regain citizens' trust in the EU if the EU begins to produce specific political results. The report therefore contains a number of proposals regarding the way in which results can be produced for citizens on the basis of the existing treaties.

Among other things, the Commission proposes:

- To remove the remaining trade barriers in the EU so that the single market can function optimally.
- To build up a strong social dimension for the single market, including the introduction of a "citizens' card" for the citizens of all EU Member States, which would provide citizens with more information on and access to their social rights.
- To strengthen European cooperation on combating terrorism, to promote basic rights, to protect the EU's external borders, and improve police cooperation and legal cooperation in criminal cases, etc. This could be done by making use of the opportunities available in the current treaties to introduce qualified majority voting in the Council of Ministers and co-decision for the European Parliament by transferring police cooperation and cooperation on criminal cases from the EU's third pillar (inter-governmental cooperation), to the EU's first pillar (the Community method)
- To begin a discussion on the benefits of future enlargements of the EU.
- To institute a comprehensive reform of the EU's own resources and budget.

² The report from the Commission of 10 May 2006 on the Citizens' Agenda – providing results for Europe, KOM (2006) 211.

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- To show greater respect for the principle of subsidiarity, promote better regulation and more transparency.

Extending cooperation with the national parliaments is also a central element in the Commission's report. The Commission has therefore declared that it will in the future forward all new EU proposals and consultation documents directly to the national parliaments. According to the current rules, the Commission is solely obliged to forward consultation documents to the national parliaments³.

As an innovation, the Commission has also invited the national parliaments to react to its proposals.

The Commission's report contains nothing about what will happen with the Treaty Establishing a Constitution for Europe. Instead, the report proposes that heads of state and government at the European Council's meeting on 15 June should agree on a process that could lead step by step to a new agreement on the EU's institutions.

The first step would be to issue a political declaration on the occasion of the 50th anniversary of the Treaty of Rome in 2007, in which heads of state and government would express their commitment to work for Europe's objectives and values. Heads of state and government, the European Parliament, and the Commission would sign this declaration. The model for the declaration is the famous Messina Declaration from 1955, which heralded the Treaty of Rome at a time when European cooperation was involved in a major crisis after the French National Assembly, had rejected the European Defence Community in 1954.

The debate on interparliamentary cooperation

The crisis regarding the EU's Constitutional Treaty has also been debated at the interparliamentary level during the period of reflection.

The European Parliament in particular has very actively urged the promotion of interparliamentary dialogue, especially concerning how to move ahead after the “foundering” of the Constitutional Treaty.

³ See Protocol no. 9 from the Treaty of Amsterdam on the role of the national parliaments in the European Union.

The European Parliament proposed in a decision from 18 January 2006 that a series of "parliamentary forums" should be held with the participation of national parliamentarians and European parliamentarians. The first of these meetings was held from 8 – 9 May 2006 in the European Parliament in Brussels under the chairmanship of the President of the European Parliament, Mr Josep Borrell Fontelles and the President of the Austrian National Council, Dr. Andreas Khol.

The conference focused on the following four issues:

1. Europe and the world – where are the borders of Europe?
2. Globalisation and the European economic and social model.
3. Freedom, security, and legal policy (justice).
4. The future of the EU's financial resources.

Discussions of these issues took place in four working groups under the chairmanship of a member of the European Parliament and of a member of a national parliament from one of the EU's Troika countries (Great Britain, Austria, and Finland), and Germany, which will become a member of the Troika as of 1 July 2006. The working groups also had a spokesperson that was responsible for reporting back to the plenary meeting on the second day of the conference.

No joint conclusions as such were adopted at the meeting. On the other hand, all of the participating parliaments were called on to draw up their own conclusions with the aim of forwarding them on to their governments in advance of the meeting of the European Council, which took place from 15 – 16 June 2006.

The Speaker of the Finnish Parliament, Mr Paavo Lipponen, also stated that a similar meeting could be arranged during the forthcoming Finnish EU Presidency, probably from 4 – 5 December 2006. Finally, according to the conclusions prepared by the European Parliament, it was agreed to set up a permanent working party to discuss the models for financing the EU in future.

Representatives from the national parliaments and the European Parliament have also discussed the future of the EU in COSAC during the

period of reflection. This happened most recently at the COSAC meeting from 22 – 23 May 2006 in Vienna, where the principal issue was how to strengthen the role of the national parliaments in connection with controlling the principle of subsidiarity on the basis of the current treaty in the protocol on the role of the national parliaments in the Treaty of Amsterdam.

The conclusions from the meeting include COSAC calling on the European Commission to forward all legislative proposals and consultation documents directly to the national parliaments and to take account of the opinions of the national parliaments, especially if these concern the principle of subsidiarity or the principle of proportionality. The Commission was also encouraged to acknowledge the receipt of any statements from the national parliaments and to provide a reasoned response to any inquiries within a reasonable time frame.

The question of looking more closely at the way in which cooperation between the national parliaments on the control of the principle of subsidiarity might be strengthened on the basis of the existing treaties was also discussed. This was highlighted by COSAC's decision to carry out a specific test on the compliance with the principle of subsidiarity on two forthcoming EU proposals.

COSAC decided in February 2006 to carry out a test of two proposals selected from the Commission's legislative and work programme for 2006. Specifically the proposal on the determination of jurisdiction in divorce cases and the proposal on the finalisation of the single market for postal services in the EU will be scrutinized by COSAC. The proposals are expected to be adopted by the Commission on 12 July 2006 and during November 2006⁴ respectively.

The decision of the Speakers' Conference to establish the IPEX database will provide the national parliaments who will be taking part in the test with a useful tool to exchange information and viewpoints regarding the compliance of the two proposals with the principle of subsidiarity. In Vienna, COSAC also welcomed the launch of IPEX and emphasised that

⁴ The two attempts to control compliance with the principle of subsidiarity in the two EU proposals is planned to begin when the individual EU bills become available in all 19 Community languages. The proposal on the determination of jurisdiction in divorce cases is not expected to be available on 12 July, but probably only after the summer recess.

parliaments were looking forward to the contribution that IPEX would be able to make with regard to better coordination and the exchange of best practices between the national parliaments within the framework of COSAC.

PART II:

***FUTURE INTERPARLIAMENTARY COOPERATION IN THE
EU***

The EU's interparliamentary cooperation

Until the EU's heads of state and government have made a final decision about the future of the Constitutional Treaty in 2008, consideration must be given to how European cooperation can be strengthened on the basis of the current treaties.

As the European Council expressed it at the summit meeting held on 15 – 16 June 2006, there is a need to "use the opportunities that lie in the existing treaties in the best possible way with the aim of providing the specific results that citizens expect".

One of the major issues that should be looked into in greater detail, which the European Council also pointed out, concerns the opportunities to strengthen the role of the national parliaments in connection with EU issues. This theme had already been raised as a key issue by the heads of state and government in the declaration on the future of the EU in Nice (2000) and in Laeken (2001), and was the object of extensive discussions during the European Convention on the future of the EU and at the following intergovernmental conference that led to the signing of the Constitutional Treaty on 29 October 2004.

As will be evident, the Constitutional Treaty would have provided the national parliaments with easier access to the most important EU documents from the Commission and enhance the opportunities for controlling the compliance of EU proposals with the principle of subsidiarity. With the rejection of the Constitutional Treaty in France and the Netherlands, the EU is left without a response to this important democratic issue.

Just as the national parliaments and the European Parliament were among the principle forces during the negotiations on these issues in the European Convention, the parliaments should take responsibility for discussing how the EU can move ahead in democratising the EU after the rejection of the Constitutional Treaty by a majority of citizens in France and the Netherlands.

The question that must therefore be looked into is how can the national parliaments and the European Parliament work together to strengthen the role of the national parliaments in European cooperation on the basis of the treaties and the existing guidelines for interparliamentary cooperation?

There has actually been significant development in certain areas during the past few years that could be built on. This applies, for instance, to the efforts that have been made to strengthen the opportunities of the national parliaments to control compliance with the principle of subsidiarity in COSAC and with the introduction of IPEX.

The European Commission's recent statement that it will forward all EU proposals directly to the national parliaments must be regarded as a major initiative in relation to strengthening a parliament's ability to perform parliamentary control of governments' EU policy⁵.

In the following, this report examines the opportunities for strengthening the role of the national parliaments in connection with EU issues in the following areas:

- controlling the principle of subsidiarity
- cooperation with the Commission
- interparliamentary cooperation (Hague Guidelines)
- greater openness in connection with EU issues
- the involvement of parliaments in the prolonged period of reflection

Controlling the principle of subsidiarity

The European Council's encouragement to the national parliaments in the EU in June 2006 to strengthen their cooperation in COSAC in connection with monitoring the principle of subsidiarity, placed the principle of subsidiarity at the top of the European agenda at a single stroke.

However, the issue has been debated in the EU over the past decade. The existing rules in the Treaty of Amsterdam from 1997 allow COSAC to send contributions to EU institutions regarding the application of the principle of subsidiarity⁶.

⁵ See the report from the Commission to the European Council from 10 May 2006 – Period of reflection and plan D, Kom(2006)212.

⁶ See protocol no. 9 to the Treaty of Amsterdam on the role of national parliaments in the European Union (1997).

But the interest in "the principle of subsidiarity" in the national parliaments was aroused in earnest with the Laeken Declaration on the "future of the EU" from December 2001, and in connection with the Convention's negotiations on a constitutional treaty for the Europe of the future in 2002–2003.

In spite of the rejection of the Constitutional Treaty in referendums in France and the Netherlands, the proposal to involve the national parliaments in controlling the principle of subsidiarity in particular has generated great interest and activity in these parliaments.

Efforts to find a suitable model for the involvement of the national parliaments has been played out on three different levels, all of which have helped place the issue high on the interparliamentary agenda:

1. in the individual national parliaments
2. under the auspices of the Conference of Speakers
3. in COSAC

Many of the national parliaments of the EU Member States began to develop national procedures for controlling the principle of subsidiarity shortly after the Constitutional Treaty had been signed by heads of state and government in October 2004. The Dutch parliament decided in November 2004 to establish a special joint committee for the two chambers of parliament to monitor compliance with the principle of subsidiarity and the principle of proportionality. Both the Lithuanian Parliament and the Danish Folketing adopted procedures based on cooperation between the European affairs committees and the sector committees in December 2004. Most recently, in Belgium, agreement was reached in 2005 on a collaborative agreement to monitor the principle of subsidiarity which, in addition to the two chambers of the Federal Parliament, included the country's seven regional parliaments.

Today, about half of the national parliaments have procedures that make it possible to evaluate whether EU proposals comply with the principle of subsidiarity⁷.

⁷ See the list in COSAC's fifth biannual report presented at the XXXV COSAC meeting in Vienna held from 21 – 23 May 2006.

Although the proposal in the Constitutional Treaty to include the national parliaments in monitoring the principle of subsidiarity is based on individual control, and is not a collective exercise, it contained a decisive incentive to promote the interchange of information and viewpoints between the national parliaments, notably the provision that the mechanism required objections from at least 1/3 of the parliaments before the Commission would be obliged to reconsider a proposal.

The Conference of Speakers therefore became engaged in finding an efficient method of promoting the exchange of information between the national parliaments on possible problems involving violations of the principle of subsidiarity at an early stage. The Hague Guidelines, which were adopted by the Conference of Speakers in July 2004, approved the creation of an IPEX website in this connection. The aim was to improve and increase the exchange of information between the national parliaments when examining EU issues, including any problems involving violations of the principle of subsidiarity.

Between 2004–2006 COSAC also had intensive discussions on the role of the national parliaments in connection with controlling the principle of subsidiarity.

There was a lively exchange of information between parliaments during the period up to the summer of 2005 in COSAC regarding how the "early warning system" in the Constitutional Treaty could be implemented. The focus changed after the rejection of the treaty in France and the Netherlands, and interest was directed towards how the national parliaments could be involved in a strengthened monitoring of the principle of subsidiarity on the basis of the existing treaties.

During this period, COSAC carried out a test of the compatibility of the EU's third railway package with the principle of subsidiarity.

COSAC tests the principle of subsidiarity

On the basis of the European Commission's legislative programme 2006, the national parliaments in COSAC decided to examine the compliance of two coming EU proposals with the principle of subsidiarity.

One proposal concerns the determination of jurisdiction in divorce cases, which the Commission is expected to present in July 2006, while the other concerns the completion of the single market for postal services in the EU, which the Commission is expected to present in November 2006.

Of the 37 parliamentary chambers in the 25 EU Member States, 31 took part in this exercise⁸. Subsequently, COSAC also decided to initiate a test in which the national parliaments would evaluate the compliance of two forthcoming proposals with the principle of subsidiarity.

There can therefore be little doubt that there is a general wish in the national parliaments for a strengthened role in connection with controlling the principle of subsidiarity. The existing basis for this can be found in the Treaty of Amsterdam while in the Hague Guidelines, constitutes an excellent point of departure for strengthening this cooperation.

The existing protocol no. 9 from the Treaty of Amsterdam authorises the national parliaments to examine EU proposals within the framework of COSAC and forward contributions to the EU's institutions regarding the application of the principle of subsidiarity in relation to the EU's legislative work. The Hague Guidelines establish the IPEX system as an important contribution to a more efficient electronic exchange of information between parliaments – including issues regarding parliaments' monitoring of the principle of subsidiarity.

First and foremost it is therefore not new procedures that are needed. It is rather the need to establish the necessary political will and consensus to make use of the existing opportunities in the treaties and to procure the necessary resources.

In this regard, the national parliaments should consider how to strengthen cooperation on monitoring the principle of subsidiarity within the framework of COSAC, as suggested by the European Council. However, this should be done in such a way as to respect the various schemes in the national parliaments – including the involvement of the parliaments' sector committees. A decisive element in this connection will be a fully functioning IPEX, which would ensure an efficient, rapid exchange of information and documents between the parliaments.

It is absolutely decisive to ensure that the exchange of information on the principle of subsidiarity in the Conference of Speakers and IPEX coheres

⁸ There are 13 Member States in EU-25 today that have parliaments with a single chamber system, while the remaining twelve of the Member States' parliaments have two chamber systems. This means that there are a total of 37 different chambers in the EU's national parliaments.

with the cooperation in COSAC, so that the two processes complement and support each other and duplication of work can be avoided.

Strengthening the role of the national parliaments in connection with monitoring the principle of subsidiarity

The Conference of the Speakers of the EU Parliaments:

- welcomes the European Commission's encouragement to the national parliaments to provide feedback in connection with new EU proposals and consultation documents.
- welcomes the request from heads of state and governments that the Commission should pay *due regard* to remarks from the national parliaments, notably to the extent that they concern the principle of subsidiarity and the principle of proportionality.
- calls on national parliaments to ensure that there are adequate resources in the national parliaments and suitable procedures to examine issues connected with monitoring the principle of subsidiarity,
- calls on national parliaments to ensure that people are appointed to upload information and documents in the IPEX database on the examination of EU bills and other important EU initiatives,
- calls on national parliaments to ensure that the exchange of information on the principle of subsidiarity in IPEX coheres with the cooperation in COSAC, so that the two processes support each other,
- calls on COSAC to discuss at a coming meeting how to strengthen cooperation on monitoring the principle of subsidiarity, as suggested by the European Council on 15 – 16 June 2006, and to submit a report at the next Conference of the Speakers of the EU Parliaments in Bratislava in 2007.

Cooperation with the Commission

There can hardly be any doubt that a very important element that would enable greater involvement of the national parliaments in EU issues would be the establishment of closer contacts with the European Commission.

There appear to be two chief areas in which contacts could be intensified:

1. referring EU proposals and other important EU initiatives to the national parliaments,
2. an intensified dialogue between the Commission and the national parliaments.

Forwarding EU documents

The European Commission's proposal from May 2006 which states that the national parliaments should be involved to a greater extent in the development and performance of the EU's policies could be a significant turning point in the relations between the Commission and the national parliaments.

The declaration of the President of the Commission in which he stated that the Commission will in forward all EU proposals and consultation

documents directly to the national parliaments constitutes an important recognition by the Commission of the fact that the national parliaments are independent players in EU policy. This is a step forward in relation to the existing rules contained in the Amsterdam Treaty, which solely oblige the Commission to forward proposals for EU legislation to the governments of Member States. It is then the responsibility of the governments to pass on the documents to the parliaments as each government "finds appropriate".

At its meeting on 15 – 16 June, the European Council pronounced its support of the Commission's statement concerning forwarding all new EU proposals and consultation documents directly to the national parliaments.

However, the European Commission and the national parliaments still have not agreed on the final technical for their transmission. The Commission is presently preparing an e-mail distribution list and a network of contacts in the national parliaments, so that it will be possible to begin forwarding documents in September 2006. The Commission will also forward documents directly⁹ to the national parliaments via the IPEX system. IPEX now provides access to all of the Commission's proposals and consultation documents, through the European Parliament's document management system. The European Commission has also re-affirmed that, at the beginning of 2007, it will forward documents to IPEX together with relevant bibliographical information (legal base, title, reference numbers, etc.). This will enable the automatic entry of IPEX documents in the IPEX database.

The Commission also promised in its report of 10 May 2006 to investigate how to ensure that the national parliaments are properly informed of the Commission's plans for coming legislative initiatives, which could help to involve the national parliaments in the decision-making process at an earlier stage.

This concerns:

- The Commission's annual policy strategy (APS), which is the first stage in the establishment of the coming year's political priorities in the EU, and is presented each year in March

⁹ The documents must be sent to centralsupport@ipex.eu

- The Commission's legislative and work programme, which contains the coming year's proposals for EU legislation. The policy and legislative programme is usually published in November.

It is decisive for the national parliaments in this regard that these documents are made available in the 19 Community languages so that the parliaments can examine them in their own languages. This is not always the case today. The annexes to the annual legislative and work programme, for example, that contain lists of planned initiatives from the Commission are not translated. Additionally, there are considerable delays in connection with translations into certain languages, which prevent them from being promptly examined in the national parliaments. According to their internal rules, some parliaments can only examine documents that are available in their national languages. In addition, the quality in the presentation of the two types of document should be improved so that they are more easily understandable for the parliaments (and the public).

Intensified dialogue between parliaments and the Commission
Another area in which cooperation between the national parliaments and the European Commission could be intensified is through the direct contact between political groups.

The Commission takes a positive view of such an intensification of the dialogue, and therefore calls upon the national parliaments in its report from 10 May 2006 to send the Commission contributions in connection with the annual policy priorities, legislative programmes, and other consultation documents such as green papers, white papers, and reports.

It can also be expected on the basis of this that the Commission is suitably prepared to reply to any statements on reports circulated for comments from the national parliaments regarding such documents from the Commission.

This view found support in the conclusions of the European Council on 15 – 16 June 2006, where the Commission was asked to take due account of the remarks from the national parliaments.

More participation on the part of the Commission in debates on EU issues in the parliaments would also strengthen the dialogue between the political groups and the Commission. This could be done, for instance, in

connection with debates on the Commission's annual policy strategy or the annual legislative and work programme¹⁰.

The Commission could also present these two documents to the national parliaments collectively. The annual policy strategy, for instance, could be presented at the annual Conference of the Speakers of the EU Parliaments at a spring meeting, at a spring meeting of COSAC, or at a "joint parliamentary meeting" in the European Parliament. The annual legislative and work programme could similarly be presented by the Commission at an interparliamentary meeting in the autumn.

Such steps on the part of the Commission would comply with the Commission's declarations in connection with launching plan D in October 2005. In plan D, the Commission committed itself to participate "in COSAC and the Conference of the Speakers of the EU Parliaments at a high level"¹¹.

Greater cooperation between the national parliaments and the Commission can be furthered by:

The Commission forwarding

- all proposals for EU legislation direct to the national parliaments and IPEX at the same time that they are forwarded to the Council of Ministers and the European Parliament.
- the annual policy strategy and the annual legislative and work programme in all Community languages as soon as they become available
- all consultation documents such as green papers, white papers, and reports

The Commission:

- should take part in meetings of the national parliaments in connection with debates regarding such areas as the annual policy strategy or legislative and work programme.
- should present the annual policy strategy and the legislative and work programme in a central interparliamentary forum. This could be at the Conference of the Speakers of the EU Parliaments, in COSAC, or at the "joint parliamentary meetings" in the European Parliament,
- should be obliged to reply to statements on reports circulated for comments from the national parliaments in connection with the most important consultation documents, among others.

Interparliamentary cooperation in the EU

Strengthening cooperation between the parliaments of the EU Member States and the European Parliament at European level constitutes a central element in relation to improving the individual parliaments' examination of

¹⁰ For a more detailed description of this, see the report on "Implementing the initiative "strengthening citizens' interest in European issues", which will also be presented to the Conference of Speakers in Copenhagen, 29 June – 2 July 2006.

¹¹ Report from the Commission: The Commission's contribution to the period of reflection and the time thereafter: Plan D for democracy, dialogue and debate. COM (2005) 494 of 13 October 2005.

EU issues at the national level. It is therefore important for the European Union to have efficient, well-functioning interparliamentary cooperation.

Today interparliamentary cooperation is carried out in several different forums such as the Conference of Speakers, in COSAC, and at the many ad hoc meetings arranged by the sector committees in the national parliaments and the European Parliament. Each of these meetings helps to strengthen the cooperation between parliaments.

Cooperation between parliaments in the EU has undergone a tremendous development in recent years, largely initiated by the important discussions on the future of the EU and the Constitutional Treaty that have taken place in the European Convention.

The Hague Guidelines, which were adopted by the Speakers of Parliament in July 2004, constituted the first attempt to lay down common guidelines for this cooperation.

But the rejection of the Constitutional Treaty in France and the Netherlands, and the further development of interparliamentary cooperation will require a need to reconsider some of the provisions of the Hague Guidelines. This applies to the three following issues, which will be examined more closely in the following section:

- coordinating interparliamentary cooperation,
- the increasing number of different interparliamentary meetings,
- the establishment of IPEX.

Coordinating interparliamentary cooperation

According to the Hague Guidelines, the Conference of Speakers is responsible for monitoring the coordination of interparliamentary cooperation in the EU. At their annual meeting, the Speakers can decide to recommend certain areas that should receive special political priority in connection with the coming year's overall interparliamentary activities.

In this regard, the parliament that organises the coming Conference of Speakers has a special responsibility for this coordination.

The new role of the Speakers, however, does not really appear to have made a breakthrough with the Speakers themselves or in other areas of

interparliamentary cooperation. To date the Speakers have simply failed to make use of this opportunity.,

One important reason for this is probably the lack of cohesion between what happens at the Conferences of Speakers and the other areas of interparliamentary cooperation.

The existence of different schemes for conducting the Presidency is a contributory factor in exasperating this problem. This is because the rotation scheme that determines which parliament will host the Conference of Speakers is not the same as the normal biannual rotation scheme that applies to conducting the EU Presidency in the EU's Council of Ministers and COSAC. Instead, the Presidency of the Conference of Speakers of the EU Parliaments is determined on an ad hoc basis at the annual sessions. At present, this is the responsibility of the Danish Folketing, while the Slovak Parliament (the National Council of the Slovak Republic) will take over this obligation after the Conference of Speakers in Copenhagen on 29 June – 2 July 2006. During the first six months of 2006, the EU Presidency lies with Austria, while Finland will take over during the second half of 2006.

Another problem is the difference between the duration of the presidency in the two systems. Whereas the normal EU Presidency is held for six months at a time, the Presidency of the Conference of Speakers is held annually.

There are similar problems on the administrative level. The Secretaries General were expected to play the leading role, according to the Hague guidelines, in connection with preparing overall interparliamentary cooperation. This however, has been hampered as well. The problem here is similar to the problems of the Speakers, as the Secretaries General also work on an annual system of presidency

Additionally, the responsibility for preparing the Conference of Speakers lies with the Secretaries General, while meetings between the European affairs committees and between the national parliaments and the European Parliament's sector committees is prepared in practice by their committee secretariats.

Conducting the leadership of interparliamentary cooperation in the EU

Year	Presidency of the Conference of Speakers of EU Parliaments	EU Presidency
2005 – first six months	Hungary	Luxembourg
2005 – second six months	Denmark	Great Britain
2006 – first six months	Denmark	Austria
2006 – second six months	Slovak Republic	Finland
2007 – first six months	Slovak Republic	Germany
2007 – second six months	Not decided yet	Portugal

Therefore, there appears to be a need for greater harmonisation between the Conference of Speakers and the other interparliamentary meetings in COSAC and the sector committees if the Conference of Speakers is to play the coordinating role envisaged in the Hague guidelines. The speakers themselves acknowledged this problem in Budapest in 2005 when the Conference of Speakers repeated that it wished to play a "leading role" in connection with establishing political priorities, but also emphasised that there was a need to strengthen the connection between the Conference and the other interparliamentary activities.

The question is simply what is necessary to strengthen these connections. The "optimum" solution would be for the Conference of Speakers to decide that its presidency should follow the EU Presidency. This would create clear cohesion between the two processes. Another, less far-reaching possibility would be for the host parliament for the Conference of Speakers to be appointed from among the three national parliaments that sit on the EU Troika and take part in the preparations for COSAC meetings. Finally, consideration could be given to arranging a biannual meeting between the Presidency of the Conference of Speakers and the COSAC Presidency/the Troika.

Increasing number of interparliamentary meetings

Another central point concerning interparliamentary cooperation in the EU is that there are many different types of meetings between parliamentary committees. First and foremost this concerns the biannual meetings between the European affairs committees of the EU Member States and the European Parliament within the framework of COSAC, which have been arranged by the parliament in the country holding the EU Presidency since 1989. But meetings between parliaments' various sector committees have also been a growth area in recent years. Sector committee meetings are

arranged on an ad hoc basis, either by the parliament in the EU Presidency country or by the European Parliament.

The European Parliament has also begun to host "joint parliamentary meetings" which is in itself an interesting innovation. These meetings are arranged jointly by the European Parliament and the national parliament in the country holding the EU Presidency. Among other areas, this concept was used in connection with preparing two major meetings on the Lisbon Strategy on growth and employment, meetings between the parliaments' legal affairs committees and finance committees and, most recently, the major joint parliamentary meeting on the future of the EU, which took place from 8 – 9 May in the European Parliament in Brussels.

Broadly speaking, the Hague Guidelines are silent about all these meetings. The only mention made of them is that COSAC handles the cooperation between the European affairs committees in the EU, while meetings of the sector committees are organised either by the national parliaments or the European Parliament. It goes without saying that there are no great problems involved in implementing these rather vague guidelines. The question therefore is rather whether there is a need to strengthen the guidelines. It might be possible to create a certain division of labour between the various interparliamentary bodies in accordance with the following guidelines:

- The general coordination of interparliamentary cooperation should be carried out by the Conference of Speakers.
- Major subjects of general significance could be discussed at "joint interparliamentary meetings" arranged by the European Parliament and the parliaments in the EU Troika.
- The examination of specific legislative initiatives – including issues involving monitoring the principles of subsidiarity and proportionality – would be carried out within the framework of COSAC and IPEX, or with the participation of the competent sector committees.

This might mean that the "joint interparliamentary meetings" should be mentioned in the Hague Guidelines, while clarifying that the European Parliament and the national parliaments would be placed on an equal footing in connection with preparing, arranging, and holding these

meetings. In this connection, the functions of the Conference of Speakers and COSAC could be described more precisely, especially in relation to the cooperation between the national parliaments on monitoring the principle of subsidiarity.

Finally, consideration could be given to allowing the Conference of Speakers to decide the intervals between permanently recurring interparliamentary meetings.

IPEX

An important element in the Hague Guidelines is the enhancement of the opportunities to improve the efficiency of exchanging information and best practices between the parliaments on EU through IPEX.

IPEX provides access to information on the examination of EU issues in the national parliaments.

The establishment of IPEX was begun in September 2000, and IPEX website will finally be officially launched by the Speakers Conference in Copenhagen on 29 June – 2 July 2006.

The core of IPEX is a database that provides parliaments with access to all central EU documents that are forwarded from the EU's institutions, and to statements or other documents from the national parliaments with regards to these documents.

The responsibility for updating the IPEX database with information on the national parliaments' examination of proposals lies first and foremost with the national parliaments themselves.

Strengthening interparliamentary cooperation

The Conference of the Speakers of the EU Parliaments:

- will set up a working party open to the participation of all parliaments to look more closely at the opportunities for reforming the Hague Guidelines,
- calls on national parliaments to ensure greater cohesion between the Presidency of the Conference of Speakers and the other interparliamentary meetings in COSAC, and between the parliaments' sector committees,
- calls on COSAC to open up for the participation of members of other committees than the European affairs committees in connection with examining issues in COSAC, in areas where they are competent in their parliaments,
- calls on the national parliaments to appoint qualified employees who can upload relevant statements and documents in the IPEX database,
- calls on the forthcoming Conference of Speakers to consider the establishment of meeting intervals for all permanent interparliamentary meetings in order to ensure that these can be carried out more efficiently.

If the IPEX system is to be successful, it is essential that the national parliaments appoint qualified officials who can upload relevant statements or documents as quickly as possible.

More openness in the Council of Ministers

Openness in connection with negotiations carried out by the Council of Ministers is an important condition for the ability of the national parliaments to perform effective democratic control of governments' handling of EU issues. On the basis of this, it is positive that the European Council took further steps to open up the negotiations in the Council of Ministers on EU legislation on 15 - 16 June 2006.

Openness

Openness has been a regular item on the agendas of the EU and, not least of the Council of Ministers for more than a decade. In declaration no. 17 on the Maastricht Treaty from 1992, the European Council asked the European Commission to provide proposals regarding ways in which public access to EU documents could be improved. Denmark's rejection of the Maastricht Treaty and the narrow French acceptance in 1992 pushed openness higher up on the European agenda and took a series of initiatives on openness with them. The requirement in the Treaty of Amsterdam on the publication of voting results and voting clarifications in 1997 and better public access to EU documents constituted an important breakthrough for the EU.

Finally, at the 2002 summit in Seville, the European Council decided to open up for debates on legislation during the joint decision-making process in the introductory and final phases.

The European Council adopted a new "general policy of openness" which, among other things, means more transparency in connection with negotiations in the Council of Ministers when it acts as a legislator. All negotiations must be open when they involve EU proposals that are to be adopted jointly by the Council of Ministers and the European Parliament under the co-decision procedure. In addition the Council's first negotiations on legal documents other than those that are adopted in accordance with the co-decision procedure, have also been made accessible to the public, notably those that because of their importance are presented orally by the Commission at a Council meeting.

All public negotiations in the Council must be transmitted with the help of video streaming and a recording of the negotiations made available on the Council of Ministers' web site on the Internet for at least a month.

Finally, the European Council called on the Council of Ministers to immediately make the necessary arrangements to ensure that the new policy is implemented, and to review the arrangements in six months to

determine what effect they have had on the efficiency of the Council's work.

Parliaments' continuing debate on the future of the EU

Openness

The Conference of the Speakers of the EU Parliaments:

- is gratified with regard to the decision of the European Council to introduce a new, general policy of openness,
- calls on the Council of Ministers to use the provision to the greatest possible extent to hold open meetings when decisions are made on legal documents other than those that are adopted in accordance with the joint decision-making procedure.

Just as the national parliaments and the European Parliament were among the principle forces during the negotiations on the Constitutional Treaty in the European Convention, parliaments should now take responsibility for discussing how the EU might move ahead during the prolonged period of reflection.

The debate should initially concentrate on how the EU can produce specific political results and how the provisions in the existing treaties can be implemented. National parliaments should also contribute in the discussions on the Constitutional Treaty and should explore the various options for the future development of the EU.

The question is simply how parliamentary involvement be optimized? The Conference of Speakers, COSAC, and the joint parliamentary meetings organised by the European Parliament are all excellent tools for this. But it would be advantageous to coordinate activities in the various forums so as to avoid duplication of work. Close cooperation between the Presidency of the Conference of Speakers, the Presidency of COSAC, and the European Parliament would be important in this regard.

It would appear to be a good idea to ask the European Parliament and the Finnish Parliament to organise another joint parliamentary meeting on the future of the EU. The meeting should be prepared, held, and headed jointly by the Finnish Parliament and the European Parliament in accordance with a model that corresponds roughly to what was planned in connection with the joint parliamentary meeting in Brussels on 8 – 9 May 2006.

Consideration might also be taken to involve the forthcoming Presidency

of the Conference of Speakers, the Slovak Parliament, in these preparations.

The theme of this "joint parliamentary meeting" could be an investigation into the future opportunities for the development of the EU, and the question of how a possible reform process should be carried out. In this way, the meeting would provide input for the German EU Presidency, which the European Council has asked to present a report during the first half of 2007. The report should take stock of the discussions on the Constitutional Treaty and investigates future opportunities for development.

Similarly, it would appear to be an obvious step for the Conference of Speakers and COSAC to jointly consider the question of how the role of the national parliaments can be strengthened. This theme could be taken up for the first time at the coming meeting of COSAC in Helsinki from 20 – 21 November 2006 – where particular attention could be given to how cooperation between the national parliaments on monitoring the principle of subsidiarity within the framework of COSAC could be strengthened. COSAC could present a progress report on this question at the next Conference of Speakers in June 2007 in Bratislava.

The next Conference of Speakers in 2007 should therefore have the final responsibility for making the decision and, in this connection, consider the possibility of revising the Hague Guidelines. A working party open to representatives of all parliaments could investigate the precise need for this and prepare a proposal for a reform of the Hague Guidelines with the aim of taking a decision at the next meeting of the Conference of Speakers.

Parliaments' continuing debate on the future of the EU

The Conference of the Speakers of the EU Parliaments:

- calls on the Finnish Parliament and the European Parliament to organise a joint parliamentary meeting on the future of the EU that includes an investigation of the future development opportunities for the EU,
- calls on the next Conference of the Speakers of the EU Parliaments and the coming meeting in COSAC to look more closely at how cooperation between the national parliaments on the principles of subsidiarity and proportionality can be strengthened,
- will set up a working party to look more closely at whether there is a need to revise the Hague Guidelines seen in the light of this report.

Appendix 1:
Overview of the 25 EU Member States' ratification of the
Constitutional Treaty (source: COSAC Secretariat)

Member State	Ratified in Parliament	Referendum held	Ratification process completed
Austria	The National Council said yes on 11 May 2005, while the federal Council voted for the Treaty on 25 May.	No	✓
Belgium	Yes, as the last of seven parliaments, the Flemish Parliament approved the Constitutional Treaty on 8 February 2006.	No	Lacks approval at government level.
Cyprus	The Parliament approved the Treaty on 30 June 2005.	No	✓
Czech Republic	Not ratified yet.	No	
Denmark	Not ratified yet.	No, but a referendum was planned for 27 September 2005, but was postponed after the no in France and the Netherlands.	
Estonia	Yes, parliament adopted the bill to approve the Constitutional Treaty on 9 May 2006.	No	
Finland	The Finnish Government is expected to introduce a bill to approve the Constitutional Treaty on 2 June.	No	
France		French voters voted no on 29 May 2005 (54.65% – 45.32%)	
Germany	The Federal Diet approved the Treaty on 12 May 2005, while the Federal Council said yes on 27 May 2005.	No	The ratification process has not been completed yet as the Chancellor has not signed the Treaty due to ongoing legal proceedings in the Federal German Constitutional Court.
Greece	Parliament approved the Treaty on 19 April 2005.	No	✓
Hungary	Parliament approved the Treaty on 20 December 2004.	No	✓

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Member State	Ratified in Parliament	Referendum held	Ratification process completed
Ireland	Not ratified yet.	No, but the Irish Constitution requires a referendum in connection with amendments to treaties.	
Italy	The Chamber of Deputies approved the Treaty on 25 January 2005, the Senate said yes on 6 April. 2005.	No	✓
Latvia	Parliament approved the Treaty on 2 June 2005.	No	✓
Lithuania	Parliament approved the Treaty on 11 November 2004.	No	✓
Luxembourg	Parliament approved the Treaty on 26 October 2005.	56.52% of voters in Luxembourg voted yes in a referendum held on 10 July 2005. 43.48% voted no.	✓
Malta	Parliament approved the Treaty on 6 July 2005.	No	✓
The Netherlands		61.5% of Dutch voters voted no in the referendum held on 1 June 2005. 38.5 % voted yes.	
Poland	Not ratified yet.	No	
Portugal	Not ratified yet.	No	
Slovak Republic	Parliament approved the Treaty on 11 May 2005.	No	The Slovak Republic has not completed the ratification process as the President has not signed the Treaty due to ongoing legal proceedings in the Federal Slovak Constitutional Court.
Slovenia	Parliament approved the Treaty on 1 February 2005.	No	✓
Spain	The Spanish Congress of Deputies approved the Treaty on 28 April 2005, while the Senate said yes on 18 May 2005.	76.73% of Spanish voters voted yes in the referendum held on 20 February 2005.	✓
Sweden	Not ratified yet.	No	
Great Britain	Not ratified yet.	No, a referendum was planned, but was postponed in connection with the rejection of the Treaty in France and the Netherlands.	

