

EIPA Briefing 2020/7

The Parliamentary Dimension in EU Governance

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The parliamentary dimension in EU governance still needs attention, and is sure to be addressed in the Conference on the Future of Europe. The European Parliament (EP) has seen a constant growth in its legislative powers, but does not play an equivalent role in other spheres, such as economic governance. Often seen as ‘losers’ in European integration, national Parliaments have shifted towards more positive forms of engagement with EU law-making, while a variety of mechanisms of Interparliamentary Cooperation have emerged in response to new forms of joint action by EU actors and national authorities.

The Parliamentary Dimension of the Council Presidency deserves attention as a manifestation of this trend. It refers to the activities that are chaired, or co-chaired, by the Parliament of the country holding the rotating Presidency of the Council during its six months in office.

This Briefing looks at the Parliamentary Dimension in the context of Interparliamentary Cooperation, and suggests how it may help deal with governance challenges posed by trends in EU policies that take us beyond traditional approaches to subsidiarity.

The Parliamentary Dimension and Interparliamentary Cooperation

The highest political body remains the Conference of Speakers of the EU Parliaments, made up of the Speakers of the national parliaments and the EP President. It has been meeting annually since 1975. Conferences also take place at sectoral level, such as the video conference For a social and fair Europe taking place at German invitation on 9 November 2020 among relevant committee Chairpersons. Interparliamentary committee meetings are held, such as the meeting organised by the EP's Committee on Civil Liberties, Justice and Home Affairs (LIBE) on 10 November 2020 on The first Annual Rule of Law Report by the Commission and the role of national Parliaments.

Various support mechanisms have been established including the Representatives of National Parliaments to the EU and IPEX, the InterParliamentary EU information eXchange.

The structures in place today reflect two main developments in European integration.

National legislators and majority voting in the Council

The first concerns the challenges for national Parliaments posed by the adoption of EU laws. So long as national governments acted by unanimity in the Council, national Parliaments could feel relatively relaxed. The Parliaments ‘woke up’ in the late 1980s, however, when qualified majority voting became a reality in the Council in order to ‘complete the internal market’. This reduced national Parliaments’ indirect veto rights while ensuring the rise to legislative power of the directly elected EP.

In 1989 national parliaments established what is now named the Conference of Parliamentary Committees for Union Affairs (COSAC), composed of delegations from national Parliaments and the European Parliament, which meets twice a year in the country holding the Presidency. COSAC provides a framework to discuss the two main ways in which national Parliaments are involved in EU legislative process.

On the one hand, national chambers can give their opinions as to whether an issue is an appropriate object of EU action, or should be left to Member States: that is, to check whether it complies with the principle of subsidiarity. National chambers receive all 'draft legislative acts' and may, within eight weeks, send a 'reasoned opinion' arguing that a proposal does not respect subsidiarity. If one-third of the votes (two per country) are negative, a 'yellow card' of warning is held to be issued and the Commission must review the proposal.

On the other hand, each Parliament exercises scrutiny over its own government in EU negotiations and policy discussions. This is a purely national process that varies hugely across the Member States. The only EU provision affecting this is the obligation to leave at least eight weeks for it to take place.

National parliaments and new forms of cooperation

The second challenge concerns newer areas of mainly non-legislative action.

Biannual Interparliamentary Conferences

- Interparliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy (**IPC CFSP/CSDP**)

This IPC was established in 2011 shortly after the Lisbon Treaty radically reduced the role of the rotating Presidency in CFSP/CSDP. There are no legislative acts, while the Foreign Affairs Council is usually chaired by the High Representative and around half of the preparatory bodies are chaired by members of the European External Action Service. This IPC therefore offers a possibility for national parliaments to be involved in discussions, and for the country holding the Presidency to promote its priorities through the Parliamentary Dimension. It serves primarily as a forum for information and discussion, however, rather than shaping of policy.

- Interparliamentary Conference on Stability, Economic Coordination and Governance (**IPC SECG**).

The Presidency has reduced importance also in the EU process of coordinating national economic policies – the European Semester. The Eurogroup of euro area ministers and the relevant senior committees in the Council framework have elected chairs. A European Parliamentary Week is held each year in February, co-organized by the EP and the Presidency Parliament, including a European Semester Conference, interparliamentary meetings and the first-semester IPC meeting. The IPC SECG is, however, based formally on the 2012 Treaty known as the Fiscal Compact, which remains outside the EU system.

- Joint Parliamentary Scrutiny Groups (JPSG)

Interparliamentary Cooperation is also foreseen to ensure scrutiny over the actions taken jointly by national authorities and EU bodies in certain areas of particular sensitivity, notably police and judicial cooperation in criminal law. The threshold for issuing a yellow card is lower (one-quarter instead of one-third of the votes) in these areas and the Treaty provides for scrutiny of Europol by the EP and national Parliaments. Since 2017, the Presidency Parliament co-hosts the JPSG on **Europol**, together with the EP. The 2019 Regulation that transformed Frontex foresees a similar JPSG on the **European Border and Coast Guard Agency**.

Interparliamentary Cooperation and new challenges in EU governance

There has been a shift in national Parliaments' position vis-à-vis EU law-making from a more negative participation through the subsidiarity check to more positive forms of engagement. The number of reasoned opinions issued by national Parliaments has steadily declined, with none being received in 2019. Instead, national Parliaments are seeking to assert influence by sending own-initiative opinions to the Commission. A proposal was even made in 2015 for a 'green card' of support for initiatives where there is broad support among chambers. This side of the story may thus have settled down.

National Parliaments also need to deal with developments in EU governance that cannot be approached as issues for subsidiarity in an either/or approach, or in purely 'vertical' terms.

EU economic governance has been moving towards a closer intermeshing of EU and national policy-making even in areas of national legislative competence. Every year the Council addresses recommendations to each country about how it should shape its national policies on the grounds of the need 'to strengthen the Union's overall economic governance by providing *Union-level input into future national decisions*' (emphasis added). Member countries of the euro area are obliged to submit their draft national budgetary plans to the Commission.

This de facto blending of EU and national policy-making is only going to intensify in the coming years as linkages are strengthened between EU funding and EU recommendations, and national reforms are directly supported by the Commission in the context of the recovery plans.

The parliamentary dimension in all this is inadequate. National Parliaments and the citizens who elect them see their choices constrained. This has not been accompanied by a corresponding increase in the powers of the EP. In any case, it is not a zero-sum game. The answer cannot lie only in adjusting the balance in powers and representation between levels, as if they were discrete in their functions or equal in their social legitimacy. Stronger formal powers for the EP do not automatically compensate in citizens' minds for a perceived weakening of national representatives' rights. It is more important than ever, to quote Brigid Laffan, 'to make the multi-level system work in ways that will be perceived by Europe's citizens as legitimate and accountable. This necessitates enriching the quality of politics at EU level and bringing "outside" views into the domestic. These views are no longer foreign but not domestic either.' National Parliaments have a key responsibility in helping resolve this dilemma, and for explaining it to their citizens.

Conclusion

Interparliamentary cooperation provides a privileged space in which to think about new challenges for EU governance that concern sensitive policy areas in which EU and national actors act jointly, and new ways of interaction that go beyond traditional approaches to subsidiarity.

To be sure, there are practical matters to be dealt with: how best to manage meetings, to ensure that agendas include adequate substantive discussion of priority issues, and to attract the interest of national politicians.

Yet this kind of ‘transnational’ networking and institutionalised cooperation between national parliaments, if it is given enough public attention, may help reinforce the ‘horizontal’ dimension of European integration, building the sense of community and solidarity across borders that is an essential prerequisite for ‘resilience’ of the EU system of governance.

EIPA has recently collaborated with the Assembleia da República to prepare it for the Parliamentary Dimension of the Portuguese EU Presidency taking place at the beginning of 2021, read about it [here](#).