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Interinstitutional Relations Group
meeting of 4 May 2007
Item 4.4.

MEMO TO THE MEMBERS OF THE IRG

Re: 2006 Annual Report on relations between the Commission and the national parliaments

Enclosed please find the 2006 Annual Report on relations with the national parliaments, drawn up by the Secretariat-General under the authority of the cabinet of Vice-President Margot Wallström.

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Annex

Cc: Director Generals
SG Directors

2006 ANNUAL REPORT ON RELATIONS WITH THE NATIONAL PARLIAMENTS

1. INTRODUCTION

The Barroso Commission has made its relations with the national parliaments a top priority. For the first time a Commission Member, Vice-President Wallström, is specifically responsible for these relations. In February 2005 the Commission adopted a ten-point plan codifying major aims related to partnership, interconnection and mutual service. In a context of improved governance, the plan aims to involve all relevant parties, particularly the national parliaments, in European integration.

This new approach to the national parliaments was developed further throughout 2006 and strengthened as part of Plan D: Commissioners attended more than 100 meetings with national parliaments in 2006. Cooperation with the national parliaments, often facilitated by the European Parliament, has also been consolidated by the interparliamentary meetings, in which the Commission took an active part.

The Commission took a new initiative to involve national parliaments more closely in European affairs. In its Communication to the European Council "A Citizens' Agenda Delivering Results For Europe" (COM (2006)211), adopted on 10 May 2006, the Commission expressed its wish to "transmit directly all new proposals and consultation papers to national parliaments, inviting them to react so as to improve the process of policy formulation".

The European Council of 15 and 16 June 2006 welcomed the Commission's commitment. It called on the Commission to "duly consider comments by national parliaments - in particular with regards to the subsidiarity and proportionality principles".

In order to make this commitment a reality the Commission began providing national parliaments with non-legislative and consultative documents and its new legislative proposals (except for classified documents) in September 2006. These documents are also transmitted to the European Parliament and the Council.

The Commission has introduced a new internal procedure for taking action to respond to feedback from the national parliaments. At this stage it would be premature to draw formal conclusions regarding an initiative that was only implemented last autumn. However, one year after the Communication of 10 May 2006, it is worth taking stock of progress in our cooperation with the national parliaments.

2. PRELIMINARY ASSESSMENT OF FEEDBACK RECEIVED FROM NATIONAL PARLIAMENTS

Encouraging participation levels

The national parliaments responded positively to the new mechanism. During the first eight months of implementation (four of which were in 2007), 83 opinions were expressed by 22 national parliaments on 44 Commission proposals. Approximately one third of the opinions were expressed in the context of two studies organised by the COSAC¹ that focused on questions of subsidiarity and proportionality:

- 15 opinions concerned the proposal on divorce. Of these, 13 were positive apart from critical remarks on the lack of justification in terms of subsidiarity. The Dutch and Czech parliaments opposed the proposal on the grounds of subsidiarity and proportionality;
- 14 opinions concerned the proposal for completion of the internal market for postal services. The French, Belgian and Luxembourg parliaments and the German Bundesrat expressed reservations about various elements of the proposal (date of implementation, financing of universal service);
- The 53 remaining opinions concerned various Commission documents, with only three proposals eliciting more than one opinion: the Green Paper on modernising labour law, the Proposal for a Directive setting out a framework for soil protection and the proposal for a Directive on road infrastructure safety management. These opinions concerned the Proposal's content, the current political environment and subsidiarity and proportionality questions.

For the first time, one parliamentary assembly, the French Senate, took the exchange and dialogue further by requesting additional information from Commission in regard to the latter's replies concerning four proposals. These were the two Proposals for a Directive referred to above, the Proposal for a Regulation banning the import, export and sale of cat and dog fur and the proposal for a Directive on the prudential assessment of acquisitions and increase of shareholdings in the financial sector.

Added value to be developed

Analysis has shown that it would be desirable to closely monitor the new mechanism in order to maximise its potential. In response to Ms Wallström's request for an initial evaluation of the procedure, most letters received from the Speakers of the national parliaments indicate that they are very satisfied with this initiative to increase their involvement in European Affairs. They have been driven to re-examine and, in certain cases, adapt their working methods in their specific constitutional context. Consequently, beyond simply creating expectations it will be necessary to ensure that the new mechanism for political dialogue is useful and bears fruit, while respecting the institutional balance established in the Treaty.

In this regard, it should be emphasised that, apart from the studies coordinated by the COSAC, the opinions of the national parliaments come primarily from very active second chambers: the French Senate, the House of Lords, the German Bundesrat, and the Senate of Belgium (with the House of Representatives), the Czech Republic and the Netherlands (both Houses meeting together) submitted 55 opinions, 30 of which came from the French Senate alone.

¹ Conference of European Community Affairs Committees in the parliaments of the Member States.

Some national parliaments, however, already systematically examine Commission proposals in dialogue with their respective executive branches and prefer to give priority to this means of monitoring their governments' activities. Given the diverse constitutional backgrounds of the national parliaments, it is to be expected that their reactions will differ.

The Commission is pleased that its initiative has generated increased interest in Community questions in general and in its proposals in particular. It wishes to foster a political dialogue with all the national parliaments in order to bring the EU institutions closer to citizens via their nationally elected representatives.

3. RELATIONS BETWEEN THE COMMISSION AND THE NATIONAL PARLIAMENTS IN 2006

3.1. New approach in February 2005

The new approach to relations between the Commission and the national parliaments contains ten objectives that serve as reference points.

(1) Visits to the national parliaments

President Barroso visited the French, Austrian, Belgian, Finnish, German, Slovenian, Slovak and Danish Parliaments.

Vice-President Wallström has promised to visit all the national parliaments during this legislature. In 2006 she visited the French, Slovenian, Finnish, and Luxembourg Parliaments. Moreover, the Vice-President attended the meeting of Speakers of the COSAC delegations in Helsinki (11 September 2006) and the Conference of Speakers of the EU Parliaments in Copenhagen (30 June 2006).

It should also be noted that Commissioners have visited or been in contact with national parliaments on more than 100 occasions this year (see annex).

(2) Drafting of an annual report

This annual report attains the objective concerned.

(3) Availability of Commissioners and officials to respond to requests from national parliamentary committees

The more than 100 contacts with or visits to national parliaments under Plan D are evidence of the Commissioners' positive response to requests from national parliaments, in particular from their committees.

At the request of the national parliaments, Commission officials took part in various types of meetings: national parliamentary committees (14), visits with permanent representatives of the national parliaments (12) and COSAC meetings (4).

(4) Increased attention to the concerns of national parliaments

The new mechanism for transmitting documents and handling feedback from the national parliaments has created a need for new and specific communication tools. This new mechanism has also made it even clearer just how important the Commission's political and legislative programming documents are: the Annual Policy Strategy and the Legislative and Work Programme.

In direct response to the concerns of the national parliaments, which wished to have these documents in all languages, the Commission has for the first time translated the legislative programme, annexes included, into all Community languages.

(5) Drafting of a newsletter

Four Newsletters (2 February, 29 May, 10 July and 15 December) were drawn up and disseminated internally, at the European Parliament and at the national parliaments.

(6) Liaison officers

On 19 June 2006 a member of President Barroso's Cabinet attended the annual meeting of liaison officers and discussed the implementation of the Decision of 10 May 2006².

(7) IPEX

Ms Wallström was in Copenhagen on 30 June 2006 to represent the Commission at the launch of IPEX, the Interparliamentary EU-information exchange. On 2 February 2006 Ms Wallström met Mr Forsberg (Secretary-General of the Swedish parliament, the Riksdag) and Mr Tvarno (Secretary-General of the Danish parliament, the Folketing), respectively the outgoing and incoming Chairmen of the IPEX Steering Group.

On 13 January 2006 Commission representatives attended a meeting of the IPEX Technical Working Group at the European Parliament.

(8) Conference of the Speakers of the EU parliaments

Ms Wallström took part in the Conference of Speakers of EU parliaments on 30 June 2006 in Copenhagen.

As regards the application of the guidelines on interparliamentary cooperation as defined in The Hague in July 2004, please refer in particular to the points concerning COSAC and IPEX.

(9) Permanent representatives

Commission staff attended 12 meetings of the permanent representatives of the national parliaments in Brussels.

(10) Contact person

As mentioned above, Mr Godts was appointed liaison officer for the national parliaments.

3.3 Subsidiarity studies coordinated by COSAC

The COSAC meeting in London in October 2005 decided to encourage the national parliaments to examine Commission proposals from the point of view of subsidiarity and

² By letter dated 24 May 2005, all national parliaments were informed that Mr Godts (Secretariat-General of the Commission) had been appointed liaison officer responsible for relations with the national parliaments.

proportionality, in keeping with the provisions of the Treaties. Guidelines for participating in this exercise were established for those parliaments wishing to do so.

At the meeting in Vienna on 20 February 2006, the Chairpersons of the delegations to COSAC agreed to focus on the two legislative proposals that had attracted the most attention: the proposal for a Regulation on applicable law and jurisdiction in divorce matters and the proposal on completion of the internal market for postal services. The Commission has since received opinions on these issues from a significant number of national parliaments (see above).

3.4. Attendance at interparliamentary meetings

The Commission accepted numerous requests to attend meetings with the national parliaments organised by the European Parliament or jointly organised by the EP and the national parliament of the country holding the Presidency, at both parliamentary committee and ad hoc levels.

Notably, President Barroso took part in the strategy meeting in Lisbon on 31 January and 1 February 2006, the interparliamentary forum on the future of the European Union on 8 and 9 May 2006 and the follow-up action taken by the forum on 4 and 5 December 2006.

3.5. Objectives for 2007

In 2007 the general and specific objectives defined in February 2005 and March 2006 will be pursued, including measures to deepen the relations between the Commission and national parliaments, with full respect for the prerogatives of the individual institutions of the European Union.

In particular, the Commission looks forward to the national parliaments' contributions via the new mechanism when initiatives are at the pre-legislative stage. The Commission will investigate the possibility of disseminating its replies to the national parliaments to audiences outside the European Parliament and the Council, as is currently the case. This might include reporting on the scope and impact of the national parliaments' opinions on the policy-formation process. The Commission will continue its efforts and improve its internal coordination regarding visits to the national parliaments (and the reception of their representatives), interparliamentary meetings and the demonstration of progress in this area.

The Commission will explore the possibilities for its Representations to participate more actively as a local interlocutor for the national parliaments.