



**Joint Committee on European Union Affairs**

**Meeting on the institutional evolution of the EU**

**European Parliament on Constitutional Affairs**

**Brussels**

**19 November 2015**

**Report of the Delegation**

## **Interparliamentary Committee Meeting:**

### **The Future Institutional Evolution of the Union**

#### **European Parliament**

1. The purpose of this Interparliamentary Committee meeting between the Constitutional Affairs Committee (AFCO) of the European Parliament and national parliaments was to discuss the future institutional evolution of the European Union. The main topics of debate included, improving the functioning of the EU, building on the potential of the Lisbon Treaty; possible evolutions and adjustments of the current institutional set up of the EU; and reinforcing parliamentary scrutiny over the executive at European level (*Programme Appended* ).

The Joint Committee on European Union Affairs was represented by Deputy Dominic Hannigan, Chairman, accompanied by Ms. Bríd Dunne, Clerk to the Committee and Ms. Cáit Hayes, Representative of the Houses of the Oireachtas to the EU.

2. The meeting was consisted of two sessions, as follows:
  - The Future Institutional Evolution of the Union
  - Reinforcing the Parliamentary Scrutiny of the EU Governance

#### **3. Session 1: The Future Institutional Evolution of the Union**

Opening remarks were made by the Chair of the meeting, Ms. Danuta Maria Hübner, Chair of the Committee on Constitutional Affairs and also by Marc Angel, Chairman of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration of the Luxemburg Chamber of Deputies, Nicolas Schmit, Luxemburg Minister of Labour, Employment and the Social and Solidarity Economy and Mr. Pascal Leardini, Relations with other Institutions, European Commission. Following opening remarks, the Chair invited short presentations from Ms. Mercedes Bresso and Mr. Elmar Brok, Co-rapporteurs of the AFCO working document entitled "Improving the functioning of the European Union building on the potential of the Lisbon Treaty". (*Link to AFCO working document*)

In an intervention, the UK delegation referred to the letter it had submitted to the Chair in advance of this meeting regarding the draft Regulation on Europol. In relation to the AFCO working document he referred to paragraphs 9 and 10, which he stated appears to prescribe the actions of national parliaments which is contrary to the fundamental principle of the UK's constitutional settlement. He when on to state that

the UK's concerns were limited to the process whereby interparliamentary scrutiny arrangements are agreed, *not* the substance of it (*UK correspondence Appended*)

In the discussion that followed, different views emerged from the delegations. The view was expressed that the Treaty should remain unchanged and that there is suffice scope to improve political dialogue between the EP, national parliaments and the European Commission. The idea of a 'summit' to discussion collectively the Commission Work Programme was put forward. The Green Card initiative was generally seen as a positive development and some delegations called for a formal role for COSAC in that process. Others referred to the need to transform the perception that the Yellow Card procedure is 'negative' power. The distance between the EU institutions and EU citizens in terms of decision-making and that National Parliaments are the 'link' between citizens and the EU that need to be exploited. Some called for a greater role from MEPs in MSs in explaining EU policy and decisions. Some delegations call for more EU integration to tackle crisis situations. The co-rapporteurs stated that written submissions from national parliaments on the working document would be welcomed.

In summation, Mr. Mark Angel referred to the consensus view emerging that no Treaty change is required to improve the dialogue between EU institutions and national parliaments and that current Treaty provisions provides adequate scope in that regard.

#### **4. Session 2: Reinforcing the Parliamentary Scrutiny of the EU Governance**

During session two, the meeting heard from the following keynote speakers based on respective research findings, Professor Christine Neuhold, Special Chair EU Democratic Governance, Maastricht University, Professor Olivier Rozenberg, Associated Professor in Political Sciences, Centre d'études européennes de Sciences Po, Paris and Professor Philippe Poirier, Holder of the Chair of Parliamentary Studies Research in the Chamber of Deputies of Luxembourg.

Professor Neuhold presented an 'Evaluation of national parliamentary control of EU decision making after the Lisbon Treaty' and concluded that there was more inter-parliamentary cooperation and coordination; more information exchange between parliaments and an increased role by staff.

In his presentation entitled, "BACK BUT POORLY BACKED, National Parliaments & the EU", Professor Olivier Rozenberg concluded that National Parliaments are more Europeanised, but poorly backed: not supported by their institutional environment; the evolution of the EU systems makes it more difficult for national parliaments to oversight it: but national parliaments virtues are all the more

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necessary; and that the EU empowerment of the national parliaments appears to be mainly national: but some kind of EU participation should be possible.

A general discussion took place on the presentations and scrutiny mechanisms in general with many participants outlining and referred to the systems in operation in their national parliaments. For Ireland, Deputy Dominic Hannigan welcomed the various presentations which he felt provided food for thought for the delegates and for the EU institutions. He reiterated Ireland's support for the Yellow Card procedure and the Green Card initiative. He expressed the view that more clearly defined criteria for both principles of subsidiarity and proportionality would be welcomed as a means of improving the overall scrutiny process. He outlined the evolution of the Irish system of scrutiny which had been reviewed in 2011 and also in 2013 to a system which is aligned with the European Commission Work Programme with specialised sectoral Joint Committees undertaking detailed scrutiny of EU legislative proposals. He stated that European issues can be debated in plenary based on reports by Joint Committees.

In concluding the meeting, the Chair thanked delegates for attending and for their contribution to debate and proposed that similar such meetings would be useful in continuing the debate on these issues.



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Dominic Hannigan T.D.  
Chairman

16 December, 2015.

# Joint Committee on European Union Affairs

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## Appendix 1



**HOUSE OF LORDS**  
European Union Committee

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17 November 2015

Danuta Hübner  
Committee on Constitutional Affairs  
European Parliament  
Rue Wiertz  
Altiero Spinelli 12E157  
1047 Brussels  
Belgium

Dear Danuta

**Interparliamentary Committee Meeting of the Committee of Constitutional Affairs, Thursday 19 November**

May I take this opportunity to congratulate you on organising this important meeting on the Future Institutional Evolution of the Union, which I look forward to attending.

I wanted to draw your attention to a concern of the European Union Committee of the House of Lords on interparliamentary scrutiny of EU agencies, which I think could be usefully discussed in the course of the meeting with a view to finding a solution.

You will no doubt be aware of the difference of views between the Council and European Parliament on how the draft Regulation on Europol should provide for inter-parliamentary scrutiny of the EU. Whilst I understand that the co-legislators' positions are likely to move in trilogue negotiations, the House of Lords EU Committee remains very concerned indeed that the final draft of the Europol Regulation could seek to compel national parliaments to act in a certain way. We bear in mind that similar issues will arise in the negotiation of the new Eurojust Regulation, and have arisen in the negotiation of the draft Regulation on the European Parliament's right of inquiry. I note that the AFCCO working document prepared for the meeting, *Improving the functioning of the EU building on the potential of the Lisbon Treaty*, also appears at paragraphs 9 and 10 to prescribe the actions of national parliaments.

We set out our concerns about the European Parliament's proposal for interparliamentary scrutiny of Europol last December in a detailed letter to Agustín Díaz de Mera MEP. In that letter, the full text of which is attached, we wrote:

"Under the UK's constitution, the Westminster Parliament is sovereign: its proceedings are neither regulated by legislation nor subject to the review of the courts. This is a fundamental principle of the UK's constitutional settlement. The Westminster Parliament cannot therefore be the subject of directly effective EU legislation that regulates its participation in a Joint Parliamentary Scrutiny Group."

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It follows, therefore, that we consider that any attempt to regulate the manner in which the UK Parliament participates in the Joint Parliamentary Scrutiny Group, by means of secondary legislation, would be in breach of Article 4(2) TEU, under which the EU has a duty to respect the inherent constitutional structures of the Member States.

I should stress that our concerns are limited to the *process* whereby interparliamentary scrutiny arrangements are agreed, not the *substance* of it. We would be entirely content for EU secondary legislation to provide for cooperation between the European Parliament and national parliaments, simply by referring to the existence of that cooperation, leaving the details of the cooperation to be agreed by those concerned outside the framework of EU legislation. This is the model of interparliamentary cooperation that has been adopted to date, consistently with Article 9 of the Protocol on National Parliaments, which allows interparliamentary cooperation to be decided "together" by the European Parliament and national parliaments.

By contrast, there has been a significant degree of procedural unfairness in the Europol negotiations, because the mechanisms for interparliamentary cooperation have been agreed between the co-legislators without national parliaments, who are directly affected, having a place at the negotiations.

We would therefore be very grateful if you would circulate this letter and attachment to the participants at the meeting, and would allow me to briefly raise the issues at an appropriate moment in our discussions. We are, as you know, strong supporters of working more effectively with the European Parliament; it is therefore our firm hope that an unnecessary clash over the process of agreeing interparliamentary cooperation can be avoided.

Kind regards,

*Yours sincerely,*

*Tim Boswell*

Lord Boswell of Aynho  
Chairman, House of Lords European Union Select Committee

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## Appendix 2: **DRAFT AGENDA**

**10.30 – 11.00 Opening remarks** by **Danuta Maria Hübner**, Chair of the Committee on Constitutional Affairs

**Marc Angel**, Chairman of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration of the Luxemburg Chamber of Deputies

**Nicolas Schmit**, Luxemburg Minister of Labour, Employment and the Social and Solidarity Economy – Former Member of the European Convention

**Frans Timmermans**, First Vice-President of the European Commission, in charge of Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights

### **I – THE FUTURE INSTITUTIONAL EVOLUTION OF THE UNION**

**11.00 – 12.30 Presentations** by **EP Co-Rapporteurs**

**Mercedes Bresso** and **Elmar Brok**, AFCEP MEPs and Co-Rapporteurs on "Improving the functioning of the European Union building on the potential of the Lisbon Treaty"

Contribution to the debate from the **European Economic and Social**

**Committee**: Gonçalo Lobo Xavier, Vice-President, on the opinion of the EESC

**Debate and Conclusions**

### **II – REINFORCING THE PARLIAMENTARY SCRUTINY OF THE EU GOVERNANCE**

#### **PARLIAMENTARY SCRUTINY OVER THE EXECUTIVE IN THE EU**

##### **EXPERTS:**

**Prof. Dr. Christine Neuhold**, Special Chair EU Democratic Governance, Department of Political Science, Faculty of Arts and Social Sciences, Maastricht University

**Prof. Olivier Rozenberg**, Associated Professor in Political Sciences, Centre d'études européennes de Sciences Po, Paris

**Prof. Philippe Poirier**, Holder of the Chair of Parliamentary Studies Research in the Chamber of Deputies of Luxembourg, Head of the collection on parliamentary studies - Editions Larcier, Associate Professor of Political Sciences at the College of Bernardins & at the University of Paris Sorbonne (Celsa)

### **Debate and Conclusions**

**17.15 – 17.30 Closing remarks** by **Danuta Maria Hübner**, Chair of the Committee on Constitutional Affairs

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