

Working group conclusion: national parliaments

The role of the national parliaments in the control of the principle of subsidiarity.

Pointing out the importance of involving the national parliaments of the member states in European affairs,

Not being sure, however, on how to achieve this most effectively.

Therefore, inviting the Convention to consider instead of the veto right to assess the possibility of granting the national parliaments acting with majority as laid down in article 3, the power to present amendments to draft legislative acts. The procedure of this process would have to be established

Article 1(1) Right of information

Whenever the Commission presents a proposal to the European Parliament and to the European Council, it shall be obliged to present it to the national parliaments as well. Should this not be the case, the adoption of the legislative act shall be null and void.

Article 1(2) Monitoring the application of the principles of subsidiarity and proportionality

The national parliaments, with the majority required in article 3, may exercise a veto right for draft legislative acts of the Commission in the following cases:

1. if they assert a lack of conformity with the principle of proportionality;
2. if they assert a lack of conformity with the principle of subsidiarity.

This veto right shall only be applicable for legislative procedures provided for in article 251 or 252, the national parliaments being subject to the same periods as the European Parliament.

Article 1(3) National competencies – safeguard clause

In case the proposal of the Commission exceeds the limits provided for in article 308, the national parliaments may, with the majority required in article 3, bring the matter before the Court of Justice so as to assert this violation.

Article 2 Ex-post monitoring of subsidiarity

The national parliaments shall have the right, subject to the majority required in Article 3, to bring the matter before the Court of Justice in order to revise the legislative acts of the Community which, according to the national parliaments, constitute a violation of the principle of subsidiarity.

Article 3 Required majority of the national parliaments

The required majority shall fulfil the following criteria:

1. the consent of at least two thirds of the member states;
2. the consent of the national parliaments of the member states representing at least 62% of the Community population.

Article 4, Exercise of competence

All rights granted to national parliaments in this treaty shall be exercised towards European institutions by the national parliament's president of the country that runs the presidency.

The role of COSAC

We invite the Convention to consider the differentiation of COSAC into sub-COSACs in which delegates of respective specialised national parliamentary committees shall meet on a regular basis in order to provide an efficient platform of inter-parliamentary exchange. COSAC should be a forum for debate on the annual agenda of the European Union.