

LIX COSAC, 17-19 June 2018, Sofia

Session V: EU Interparliamentary cooperation in the context of the debate on subsidiarity and proportionality

Key note speech by **Mr Bastiaan VAN APELDOORN**,
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Thank you chair.

The title of this session is EU Interparliamentary cooperation in the context of the debate on subsidiarity and proportionality, thus touching upon the core business of COSAC. We are a forum of interparliamentary cooperation within the EU and seek to strengthen this cooperation and make it more effective in the firm belief that national parliaments have a crucial role to play in bolstering the democratic legitimacy of the EU. Indeed without a strengthening of the role of national parliaments in EU governance it is hard to see how we can tackle the EU's democratic deficit, and ensure that the EU is seen as representing and working for its citizens. The principles of subsidiarity and proportionality are a necessary condition for the democratic legitimacy of EU governance as decision-making should be as close as possible to the citizen and in proportion to the democratically chosen goals. Hence our need as national parliaments to reinforce our cooperation in this area.

For these reasons I am keen to see the report Task Force on Doing Less more Efficiently. But this important work cannot just be left to the Task Force. Also, as the Dutch delegation mentioned in its letter to the COSAC-workgroup: we consider the Task force and its results not as the end of the debate, but as a contribution to 'work in progress', a part of the ongoing efforts of national parliaments to improve their involvement in the European legislative process.

COSAC by now has a rich history of seeking to bolster the role of national parliaments in the EU, exchanging best practises and information, for instance by improving the yellow card procedure. But we need the cooperation of the European Commission and the support of the European Parliament.

I welcome that the EP has recently adopted a resolution that recognises the obstacles that national parliaments encounter, and that shows support for many of the remedies that national parliaments have suggested. So this support is very welcome but now we need to take a real step forward. To make it more concrete, and looking at Mr Timmermans, let us now finally, after talking about it for years, exclude the recess period from the eight weeks (I refer to paragraph 2.4 of the Contributions of this COSAC, which we hopefully will adopt at the end of the meeting today). So hopefully this also what the Task Force will propose. Similarly, I call upon the Task Force to include proportionality in the yellow card procedure.

The way European institutions respond to actions of national parliaments have too often given the impression that national parliaments are still not taken seriously, an attitude that I think the EU can ill afford, but that as national parliaments we should also not allow to persist. The Commission's responses to reasoned opinions and to yellow card procedures are an example of what I mean. Assessing subsidiarity and proportionality is a political assessment, and one that should be left up to national parliaments to make. The Dutch Senate, as do all other Chambers, doesn't issue reasoned opinions very lightly. We assume the Commission has done its work and has deemed a proposal to be in line with the principles of subsidiarity and proportionality. But then it can happen that from our national point of view we disagree. So we expect the Commission to assume that we have done our work as well, and on this basis engage in an open and proper dialogue with us.

Such a proper dialogue is lacking in the political dialogue as well. The Commission responses often still take too long, and are often rather general in nature, not providing any detailed answers to our questions, whereas we do get such answers from our own government, and usually within 4 to 6 weeks. So in the Dutch Senate we often prefer to have a dialogue with the government on their interpretation and appreciation of the proposal, instead of with the Commission on the proposals.

In order to further improve relations between the Commission and national parliaments, trust needs to be built, which takes time and proof of good will. We are happy that under Vice-president Timmermans many initiatives have been taken to improve the relations with national parliaments, like more availability of Commissioners to come to the capitals to explain policy and proposals, and the promise of faster and more detailed replies to opinions. And here there has been progress but we are not there yet. In this regard, I welcome the proposal made by the Danish delegation to the Task Force for a code of conduct on good and timely response to national parliaments within the Political Dialogue.

Another proposal tabled is to have a second subsidiarity check at the end of the negotiations. But this might not be necessary if we make EU decision making fully transparent, which is anyway essential for controlling and scrutinizing our national government during Council negotiations on the legislative proposals. The Dutch delegation, with the support of many of you, has been active in seeking to put the issue of transparency high on our agenda. And I here want to thank all of those delegates who attended our successful side session yesterday. Following our side session, I encourage all of you to continue to address the issue of EU transparency with your respective governments. We should be pro-

active here because the problem won't go away by itself but needs our collective pressure. I recall that 26 delegations of Chambers of national parliaments in the European Union signed a letter with four questions on transparency and democratic control, and sent this to the presidents of the European institutions. But we are still waiting for a point-by-point answer from the Council, as we at COSAC also recall in article 2.7 of the contributions that we expect to adopt after this session. If the Council takes the role of national parliaments seriously *this is the time* to show it.

Finally, I want to end by emphasising that we can be more effective in influencing EU decision-making if we do more collectively, as we are now doing with regard to transparency. In this regard we should also be looking at ourselves and how we can make more effective use of the tools that are at our disposal. For instance, even before the 8 week-period: we could share each other's priority lists, collectively sharing information 'as clusters of interest on specific topics' or as national rapporteurs. At the start of the 8 week-period we could exchange information through IPEX and through our permanent parliamentary representatives in Brussels. During the negotiations we could actively share resolutions with the EP rapporteurs, and by scrutinising our national government in their position in the Council, for instance with regard to the issue of transparency.

In short, and in conclusion, we also need to take ownership as national parliaments, we need to put in the effort ourselves, and we need to continue to strive for an EU decision-making in which national parliaments can play their key role to ensure that EU governance is democratically legitimate and in line with the principles of subsidiarity and proportionality.