

ANNUAL REPORT 2009
ON RELATIONS BETWEEN THE EUROPEAN COMMISSION AND NATIONAL
PARLIAMENTS COM(2010)291 final

REPORT OF THE EU POLICIES COMMITTEE OF ITALY'S CHAMBER OF DEPUTIES

The EU Policies Committee of Italy's Chamber of Deputies:

having examined the Annual Report 2009 on Relations between the European Commission and National Parliaments (COM(2010)291 final);

considering the policy orientations expressed in Resolution 6-00043 promoted by Mr. Pescante *et al.* approved by the Chamber of Deputies on 13 July 2010 following an examination of the Commission's Work Programme for 2010 and the Work Programme of the Spanish, Belgian and Hungarian Presidencies of the EU;

taking note of the measures adopted by the Commission to make sure the early warning system for subsidiarity compliance is applied;

whereas:

- the strengthening of relations between the European Commission and national parliaments, apart from serving to give effect to the Lisbon Treaty, is also a means for improving the quality and the democratic legitimacy of European policy setting and lawmaking;
- in this regard, informal political dialogue is of priority importance. Since its inception in 2006, the informal dialogue process has shown itself to be an effective and flexible tool that allows parliaments to participate in the preparation and examination of draft legislation by the European Commission, and has become the model for the development of analogous relations with other European Union Institutions;
- the significance of the political dialogue stems not only from the constant increase in the number of opinions that national parliaments have sent to the Commission but also and especially from the quality and level of detail in the opinions, which stand as testament to national parliaments' capacity for contributing to the smooth running of the EU, as envisaged in Article 12 of the European Union Treaty, rather than taking an antagonistic stance to the EU decision-making process;
- full support must therefore be given to the Commission for its decision, in line with the conclusions of the Council of the EU in June 2006, to continue with the process of political dialogue on an informal and flexible basis alongside the process for subsidiarity control, even after the coming into force of the Lisbon Treaty;
- it is highly significant that only very few of the observations made by national parliaments directly relate to the principle of subsidiarity, as this demonstrates that national parliaments do not want to limit themselves to controlling the apportioning of competences but, rather, want to contribute to the setting of priorities and the consideration of the merits of EU regulatory solutions;

- the Commission must take account of the observations of national parliaments and appropriately acknowledge them both in the drafting of legislative proposals and, if the observations refer to draft legislation, in negotiations with other Institutions;
- although the quality of the Commission's responses to the observations of national parliaments is much improved, the transmission of the responses is still slow, which is not always conducive to the ability of national parliaments to produce a timely rejoinder;
- the use of all official EU languages or at least of the highest possible number of EU languages not only complies with the obligations under the Treaty but it is also a precondition to further develop the relations between the Commission and national parliaments;
- it would also be useful if, before receiving observations and opinions from national parliaments, the European Commission were to use the database of the EU Interparliamentary Exchange (IPEX) to obtain information regarding the state of progress of the examination of its documents by national parliaments or houses;

observing that:

- the figures contained in the Report indicate that Italy's Chamber of Deputies submitted nine documents to the European Commission in 2009, compared with eight in 2008 and eleven in 2010, including four documents relating to an evaluation of the compliance of EU legislation with the principle of subsidiarity;
- the decision – formally stated in the opinion issued on 6 October 2009 by the Chamber of Deputies' Committee on the Rules – to transmit policy-orientation documents prepared for the Italian Government to the Commission, European Parliament and other relevant Institutions of the European Union rather than transmitting specific observations and opinions served the useful purpose of avoiding discrepancies between the position of the Chamber of Deputies and that of the Government;
- in examining European Union documents, the competent bodies of the Chamber of Deputies make allowances for the time requirements of the European decision-making process but also prioritize the importance of conducting adequate preliminary scrutiny, which entails purposed fact-finding investigations as well as co-ordination with the Government;
- also for the purpose of subsidiarity control pursuant to Protocol 2, the EU Policies Committee of the Chamber of Deputies, rather than attempting the systematic consideration of every legislative project emanating from European Institutions, has chosen to focus only on legislative acts containing problematic issues that need to be explored;
- in some cases, opinions issued by the Committee on EU Policy regarding a number of EU acts and documents were not followed by the approval of the final documents by the relevant committees, or else were approved only after a long delay;
- the competent committees must therefore proceed more systematically and more swiftly with the consideration of proposed legislation and other documents of the EU;

being aware that the present final document must be transmitted to the European Parliament, Council and Commission as part of the process of informal political dialogue:

does hereby give a favourable evaluation, and adds the following observations:

- a) pursuant to the language regime enshrined in the Treaty, the European Commission is obliged to make as broad a range of documents as possible promptly available to national parliaments in the respective official languages of the parliaments, especially as regards impact assessments for legislative proposals;
- b) a reduction of the time taken to transmit the Commission's responses to the opinions of national parliaments is to be recommended, and the responses should specifically address themselves to each observation made by the parliament in its opinion;
- c) for the sake also of political dialogue with the Commission and the monitoring of subsidiarity compliance, the Government should share its opinions on the Commission's legislative proposals also by participating on a regular basis in the sessions of the competent parliamentary organs;
- d) the European Commission, with respect to its areas of competence, must promptly give full effect to all the prerogatives of national parliaments introduced by the Lisbon Treaty;
- e) in particular, the European Commission should submit a consultation document to national parliaments ahead of the preparatory drafting of the regulations that, pursuant to Articles 85 and 88 of the Treaty on the Functioning of the European Union, will determine how parliaments themselves will work together in evaluating the activities of Eurojust and controlling the activities of Europol.