

# ITALY'S CHAMBER OF DEPUTIES

COMMITTEE ON  
EUROPEAN UNION POLICIES

**FINAL DOCUMENT, PURSUANT TO ARTICLE 127 OF THE RULES OF  
PROCEDURE, ON:**

**ANNUAL REPORT 2011 ON RELATIONS BETWEEN THE EUROPEAN  
COMMISSION AND NATIONAL PARLIAMENTS (COM(2012) 375 FINAL)**

*Approved on 18 September 2012*

The European Union Policies Committee of Italy's Chamber of Deputies,

having examined the Annual Report 2011 on Relations between the European Commission and National Parliaments (COM(2012) 375 final);

taking due account of the information and assessments presented in the Annual Report on Subsidiarity and Proportionality (COM(2012) 373 final);

whereas:

the consolidation of relations between the European Commission and the other EU institutions on the one hand and the national parliaments on the other is an essential condition for ensuring the democratic nature of the European decision-making process, enhancing the public's awareness of the benefits of European integration and improving the quality of European regulation;

to this end, it is necessary that the direct dialogue between the national parliaments and the Commission and other EU institutions, as well as interaction with their respective governments, does not become a merely formal exercise but rather has an effective impact on the substance of the strategic and regulatory decisions of the Union;

the measures adopted by the European Union in response to the crisis and in particular the creation of a new system of economic governance make it a matter of urgency to establish new channels for the direct involvement of national parliaments in the formulation of the political and regulatory decisions of the Union;

the new mechanisms that have been adopted or are under development for the ex ante coordination of economic and budgetary policies, compliance with the public finance constraints and the stabilisation of the euro area are structured as intergovernmental procedures that provide solely for informing the European Parliament of decisions and, given the urgency of the decisions to be taken and market pressures, make interaction between parliaments and their respective governments a challenge;

at the same time, the fact that certain parliaments have the power, either as a result of legislative provisions, internal practices or rulings of their constitutional courts, to oppose approval by their governments of EU decisions of particular importance and sensitivity, while being in principle an element of representative democracy, could create a major asymmetry between the Member States and become an obstacle for the integration process;

more specifically, the exercise of such power from a purely national standpoint could jeopardise the progress of the euro area and the Union as a whole in achieving a banking, fiscal and economic union as proposed at the meeting of Heads of State and Government of 29 June

2012, which should move forward in accordance with a detailed and rigorous timetable;

the substantial surrender of sovereignty required by these changes must be approved in an informed manner by the parliaments of the participating countries. At the same time, we must avoid the risk of the parliament of any single country essentially vetoing the creation of more advanced forms of integration and hindering the operation of the new governance mechanisms;

it is therefore necessary to develop fora and procedures through which the national parliaments, possibly in cooperation with the European Parliament, can dialogue effectively and promptly with the European institutions during all phases of the formation and implementation of EU policies and regulations. Accordingly, due consideration should be given to the introduction of specific provisions within the scope of a broader revision of the Treaties, especially as regards economic and monetary union;

in the Annual Report, the Commission proposes to step up the political dialogue with the national parliaments in a number of key areas, including economic governance (and the European Semester in particular), the Multiannual Financial Framework and scrutiny of Europol and Eurojust;

as regards the European Semester, the Commission proposes intensifying dialogue with the parliaments following publication of the Annual Growth Survey and the endorsement of the country-specific guidance by the European Council;

it is necessary to reconcile the Commission's proposals with existing initiatives to strengthen inter-parliamentary cooperation in this area and, in particular, with the implementation of Article 13 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (the so-called Fiscal Compact), which delegates to the European Parliament and the national parliaments the organisation and promotion of a conference of representatives of the competent committees in this area;

although the significant rise in the number of opinions transmitted by the national parliaments to the Commission within the political dialogue is a positive development, it should not be considered in and of itself an indicator of the quality of the assessment performed and, above all, of the effectiveness of parliamentary action. Certain parliaments or Houses send the Commission only a small number of opinions because they focus their attention on proposed legislation or pre-legislative documentation on the basis of their effective political, economic or legal importance, giving greater weight to conducting a more thorough assessment;

the fact that only 64 of the 622 opinions received by the Commission in 2011 from the national parliaments were reasoned opinions under the early warning subsidiarity control mechanism is significant. This bears out the fact that the added value of the participation of national parliaments in the European decision-making process is not represented by the scrutiny of the exercise of EU competences but rather in their contribution to the underlying policy and regulatory decisions;

we reiterate our firm opposition to any attempt to establish, within COSAC or any other interparliamentary cooperation forum, mechanisms for coordination among the national parliaments that would be tantamount to exercising a collective subsidiarity control, in violation of the provisions of the Treaties and Protocol no. 2;

we welcome the invitation of the Commission to the national parliaments to submit comments on the annual Commission Work Programme, as it represents a strategic instrument for contributing to forging a consensus around the issues on which the Union should focus its policies in the coming years. In this light, the Commission should take account of the priorities of the national parliaments in its strategic planning;

we also concur with the invitation to the national parliaments to extend their examination of EU documentation beyond draft legislative acts to include consultation documents and other non-legislative documentation where the impact of parliamentary intervention is greater, as it comes at an early stage of the European decision-making process;

from this perspective, we welcome the willingness of the Commission to systematically alert national parliaments to all public consultations and highlight national parliaments' contributions to those consultations more specifically;

the Annual Report does not contain an assessment of the actual impact of the political dialogue, with no indication of whether and to what extent the opinions of the national parliaments were taken into consideration by the Commission and the other EU institutions in their decision making;

the quality of the Commission's replies to the opinions of the national parliaments is slowly but steadily improving, while response times are still too long. Although the difficulty of preparing timely responses in the face of the rapid quantitative and qualitative growth in national parliaments' opinion is understandable, swifter feedback, perhaps in summary form, that would enable the national parliaments to deliberate again or at least take account of that feedback in tracking European decision making would be welcome;

the need for the Commission to provide the national parliaments with the broadest possible range of documents in their respective national languages must be underscored, particularly with regard to impact assessments of draft legislation, which are essential to conducting a thorough examination of proposed legislation;

it would be advisable for the European Parliament to take advantage of the opinions sent to it by the national parliaments, providing a direct account of their use in the reports issued by the parliamentary committees prior to examination in plenary session;

in this regard, an initial step in the direction of making the reasoned opinions and other contributions of the national parliaments more visible and accessible would be the Common

Approach adopted by the Conference of Committee Chairs of the European Parliament in December 2010;

noting that:

with regard to a number of EU acts or documents transmitted in accordance with Protocol no. 1, as the opinions of the European Policies Committee were not followed by approval of final documents by the main committees or such approval was adopted with substantial delay, the main committees should examine in a more systematic and timely manner the draft legislative acts and other documents of the European Union;

it is necessary for this final document to be transmitted to the European Parliament and the Council and to the European Commission within the scope of the informal political dialogue;

expresses its approval,

*with the following comments:*

a) the European Commission must provide full and effective support for the cooperation fora and procedures involved in economic governance that are to be established by the European Parliament and the national parliaments, partly with a view to implementing Article 13 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (the Fiscal Compact);

b) to this end, in addition to the documentation provided for in Protocols no. 1 and no. 2, it would be helpful if the Commission were to promptly provide the national parliaments with all other relevant information and evaluations concerning decisions involving the new economic governance mechanisms;

c) the Commission should accelerate – ensuring the involvement of the national parliaments – the drafting of the regulations that, pursuant to Articles 85 and 88 of the Treaty on the Functioning of the European Union, will determine the arrangements for involving the national parliaments in the evaluation of Eurojust's activities and the scrutiny of Europol's activities;

d) the European Commission, in compliance with the language arrangements set out in the Treaties, should provide the national parliaments with the broadest possible range of documents in their respective official languages in a timely manner, particularly with regard to impact assessments of draft legislation;

e) it is necessary to reduce the time needed for the Commission to provide replies to the opinions of the national parliaments and to ensure that the replies provide a more specific account of the follow-up to the comments in those opinions;

f) it would be advisable for future Annual Reports to indicate – including by way of specific

examples – how the opinions of the national parliaments were taken into consideration by the Commission and any other EU institutions in the decision-making process and, in general, whether they support the positions of the respective governments;

*g)* it would be advisable for the Commission to expressly indicate, beginning with its Work Programme for 2013, the comments received from the national parliaments and the use of those opinions in determining the strategic and legislative priorities of the Union;

*h)* the European Parliament should also expressly indicate the follow-up given to the contributions received from the national parliaments, with the inclusion of a specific section in the reports prepared on the individual acts by the parliamentary committees prior to examination in plenary session.