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NATIONAL PARLIAMENTS AND THE FUTURE OF THE UNION

Interview with Mr Matthias WISSMANN, Chairman of the Committee on the Affairs of the European Union of Bundestag

1. *Wie denken Sie über die Zukunft der Europäischen Verfassung? Kann der bestehende Text noch gerettet werden? Was könnte die kommende deutsche Präsidentschaft dazu beitragen? Glauben Sie, dass der neue Vertrag rechtzeitig für die Europawahlen 2009 fertig ist?*

Die Deutsche Bundesregierung ist sich bewusst, für welche wichtigen Aufgaben sie mit dem Beginn der Ratspräsidentschaft Verantwortung in der EU übernimmt. Eine der wichtigsten Zukunftsfragen, die es zu lösen gilt, ist dabei wohl die Frage, wie es weitergeht mit dem Verfassungsvertrag. Dabei muss unbedingt darauf geachtet werden, Deutschlands EU-Präsidentschaft nicht mit Erwartung zu überfrachten. Auch wir können in sechs Monaten nur einen Teil der anstehenden Aufgaben lösen. Aber ich bin zuversichtlich, dass am Ende der Ratspräsidentschaft gemeinsam mit den anderen Mitgliedsstaaten eine Art „road map“ für die Überwindung der Verfassungskrise erstellt werden kann, die uns aus der jetzigen schwierigen Situation herausführt. Dabei darf nicht im Vordergrund stehen, welchen Titel das Vertragswerk trägt, sondern es muss darauf geachtet werden, dass alle wesentlichen Teil umgesetzt werden und das Paket nicht zerpfückt wird.

2. *Welche Rolle sollten die nationalen Parlamente in der neuen Verfassung spielen? Befürworten Sie das System der gelben und roten Karten, und die Sechswochenfrist, wie im Protokoll zum Verfassungsvertrag festgelegt?*

Die Verankerung des Subsidiaritätsprinzips durch den Verfassungsvertrag ist eines der wichtigen Kernthemen, um Europa wieder zukunftsfähig zu machen. Denn die Möglichkeit, Maßnahmen daraufhin zu überprüfen, auf welcher Ebene sie im Sinne von Effizienz und Transparenz am sinnvollsten, gelöst werden können, ist eng verbunden mit der Frage, für was die EU eigentlich von ihrem Wesen her eigentlich zuständig sein soll. Die Menschen wollen meines Erachtens nach keine supranationale Ebene, die auch noch das kleinste Detail auf einem nivellierten europaweiten Level zu regeln versucht, sondern sie wollen einen Mehrwert durch die EU in Bereichen, in den die Nationalstaaten oder die Regionen nicht allein zu guten Ergebnissen kommen können.

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Le mot du coordinateur du Secrétariat Général

La Constitution est de retour ...

De la période de réflexion à l'action : la Constitution est de nouveau à l'ordre du jour de l'Union européenne.

A l'horizon mars 2007, la Présidence Allemande devrait tracer la voie et faire son grain des premiers échanges de vues menés par la Présidence Finlandaise en bilatéral.

Et la Commission d'appuyer les efforts de tous les Etats membres, et en particulier de la Présidence Allemande. Le Président BARROSO s'est exprimé en ce sens lors du forum Interparlementaire sur le futur de l'Union co- présidé par les Présidents BORRELL et LIPPONEN les 4 et 5 décembre derniers. Mais la Commission a également tenu à préciser le coût de la non-constitution. Mme WALLSTRÖM s'en est expliquée devant la Commission des affaires constitutionnelles du Parlement européen le 22 novembre 2006. Les Parlements nationaux sont parties prenantes à ce débat comme le souligne le Président de la Commission des affaires européennes du Bundestag, M. WISSMAN, mais ils ont également réagi de manière constructive au nouveau dialogue direct que leur a proposé la Commission puisque celle-ci a reçu de leur part 46 avis portant sur 26 sujets. Et à ce propos, M VAN DIJK président de la commission subsidiarité du Parlement des Pays Bas fait le point sur la façon de travailler de son assemblée....




Que tous ceux qui ont participé à cette édition soient remerciés.

Joyeux Noel et heureuse année 2007!

Le 15 décembre 2006

Philippe GODTS
Secrétariat général de la Commission

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	<i>COSAC,</i>

3. Könnten Sie uns Ihre Erfahrungen schildern, die Sie während der ersten von der Konferenz der Europaausschüsse (COSAC) organisierten Prüfung der Einhaltung des Grundsatzes der Subsidiarität im Zusammenhang mit dem Vorschlag der Europäischen Kommission für eine Verordnung des Rates zur Änderung der Verordnung (EG) Nr. 2201/2003 im Hinblick auf die Zuständigkeit in Ehesachen und zur Einführung von Vorschriften betreffend des anwendbaren Rechtes in diesem Bereich (KOM(2006)399) gemacht haben?

Der Deutsche Bundestag hat in diesem Zusammenhang nicht zum ersten Mal Legislativvorschläge der Europäischen Kommission im Hinblick auf die Grundsätze der Subsidiarität und Verhältnismäßigkeit geprüft. Diese Fragen sind seit langem Teil des von Seiten des Deutschen Bundestages routinemäßig durchgeführten parlamentarischen Kontrollprozesses und beinhalten im Übrigen auch die Prüfung der Entscheidung der Kommission über die korrekte Rechtsgrundlage. Gleichwohl haben wir uns erfolgreich bemüht, die Prüfung innerhalb des durch die COSAC vorgegebenen relativ kurzen Zeitrahmens abzuschließen. Der Deutsche Bundestag denkt zurzeit über die Einführung eines speziellen Verfahrens nach, um diese Prüfungen schneller abzuschließen, hat aber diesbezüglich noch keinen Beschluss gefasst. Im Hinblick auf den Inhalt der vorgeschlagenen Verordnung möchte ich herausstellen, dass der Deutsche Bundestag keinen Verstoß gegen den Grundsatz der Subsidiarität festgestellt hat. Allerdings war der Europaausschuss mit den seitens der Kommission im Hinblick auf die Rechtsgrundlage vorgebrachten Begründungen nicht ganz zufrieden. Wir haben große Zweifel, ob diese Verordnung für die Gewährleistung der ordnungsgemäßen Funktion des Binnenmarktes tatsächlich erforderlich ist.



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4. Sollte die COSAC die Zusammenarbeit der nationalen Parlamente bei der Prüfung der neuen Vorschläge der Kommission koordinieren?

Der Austausch über bewährte Praktiken im Rahmen der COSAC ist auf jeden Fall sinnvoll. Es ist aber noch zu früh, eine Entscheidung über die zukünftige Rolle der COSAC in dieser Hinsicht zu treffen. Die nationalen Parlamente führen zurzeit die nächste von der COSAC initiierte Prüfung durch. Diese Prüfung betrifft die vorgeschlagene Richtlinie über Postdienste und wird unter der deutschen EU-Ratspräsidentschaft Anfang nächsten Jahres abgeschlossen. Die COSAC hat anlässlich ihrer XXXVI. Sitzung am 20. und 21. November 2006 in Helsinki gerade vereinbart, die gewonnenen Erfahrungen zu evaluieren. Auf dieser Grundlage wird die COSAC auch eine Entscheidung über das weitere Vorgehen im Hinblick auf die Prüfung der Subsidiarität und Verhältnismäßigkeit in der Zukunft treffen können.

Matthias WISSMANN



COSAC – Helsinki, 20-22.11.2006

A l'occasion d'une réunion *high profile*:

La COSAC a eu des échanges de vues très suivis avec le Président en exercice du Conseil, M. WANHANEN sur les réalisations de la Présidence Finlandaise; M.FRATTINI sur l'examen a mi-parcours du programme de la Haye et M.M. LIPPONEN, Président d'Eduskunta et KLIMOV (Duma) sur la dimension septentrionale de la politique de l'Union et ses relations avec la Russie.

La COSAC a décidé d'évaluer les exercices coordonnés d'examen parlementaire *a priori* menées par les assemblées nationales concernant les propositions de la Commission lors de ses prochaines réunions sous présidence allemande. L'expérience actuelle a semblé très positive à la plupart des délégations et plusieurs ont déjà exprimé le souhait de déterminer d'autres propositions de la Commission à examiner. Les Parlements nationaux se penchent actuellement sur la proposition de la Commission relative à l'achèvement du marché intérieur des services postaux.

THE CONSEQUENCES OF THE LACK OF A EUROPEAN CONSTITUTION



Speech of Vice-president Margot WALLSTRÖM, Constitutional Affairs Committee of the European Parliament, Brussels, 22 November 2006

Mr Chairman,
Honourable Members,

(...)

Today, I have the pleasure of presenting you with the outcome of an analysis of the Constitutional Treaty, which has been prepared by the Commission services, at the request of the President and myself. This document presents the improvements that the Constitutional Treaty would have brought to our institutional framework, if it had been in force, as originally foreseen (...)

Let me just summarise the main ones:

We all agree on the undeniable political importance of the **Charter of Fundamental Rights**. The intention in incorporating the Charter into the Constitution was to provide the European Union with a set of fundamental rights which would be legally binding on the Union, its institutions, agencies and bodies, but also on the Member States whenever they were implementing Union law. Yet, without the Constitution, the Charter will continue to lack binding legal force. Furthermore, without the Constitution and with no legal basis in the present treaties, **accession to the ECHR** is not possible.

Let me now turn to an extremely important policy field, namely **Freedom, Security and Justice**. This is an area where European citizens have very high expectations of the Union especially as regards the fight against terrorism and organised crime. Without the Constitution, it will be more difficult to meet these aspirations.

The main reasons for this lie within the current legal framework, the decision-making process

which governs cooperation in criminal matters, and 'demarcation' between the pillars (...)

The Constitution completely recasts the provisions on the area of freedom, security and justice. The policies on border controls, visas, asylum and immigration, as well judicial and police cooperation, are brought together under a single heading, and come - with very few exceptions - within the scope of the Community method, and in particular the ordinary legislative procedure (co-decision) and qualified majority voting. This would substantially enhance the capacity of the Union to adopt common measure to manage migration flows, and to counter the risks of terrorism and organised crime.

If we now turn to another policy area, **energy**, we know that the explosion in oil prices, the sudden problems with the supply of gas, and Europe-wide interruptions in electricity supply have underlined the fragility of the European Union and the need for a common energy policy. These challenges can be met more effectively at the EU level.

The Commission has committed to adopt an ambitious energy strategy in 2007 with the aim of establishing a genuine European energy policy. Without the Constitution, however, which introduces a legal basis allowing the adoption of energy policy measures by co-decision procedure with the European Parliament, the options open to the Union for the development of a wide-ranging policy remain limited.

Also in the area of **human health**, the Constitution would have brought some improvements, by introducing a provision which would allow the Union to legislate whenever common safety and security issues are involved. (...)

The Constitution would also enhance **participatory democracy**. (...)

Nonetheless, the period of reflection has revealed that demand for participation in Community public debate is rising, and that citizens are increasingly keen to make their voices heard. The absence of a Constitution deprives the Union of a solution in the form of the Citizens' initiative, whereby the Commission could be petitioned for action if a million signatures were collected.

The Constitution would provide for new instruments to bring coherence, effectiveness and visibility to **external actions**. In the absence of a Constitution, there will be no post of **Minister for Foreign Affairs**. This would have been an influential institutional actor and a pillar of the Union's external policy.

Finally, we have of course to mention the crucial innovations that the Constitution would have introduced in the **institutional framework**; the reinforcement of democratic legitimacy thanks to the extension of co-decision; the enhancement of the involvement of **national parliaments**; the redefinition of **qualified majority**, which would simplify and facilitate the decision-making in the Council.

What conclusions can we draw from this analysis? The main conclusion which I draw, in full agreement with President Barroso, is that there is a lot that Europe can do, and has been doing, on the basis of the existing treaties.

But it is clear that the Union would be better equipped to face the challenge of globalisation, if the Constitutional Treaty were in place. The Union would also function in a more democratic and efficient way, both on the internal and external level.

That's why we remain committed to the principles and values of the Constitution (...)

There is now a consensus amongst Member States on the need to pursue the reform process. The last European Council set up a time schedule and given a mandate to the forthcoming Presidencies. We hope the Constitutional project will make considerable progress during the German Presidency. And we welcome Chancellor Merkel's initiative to present a roadmap and a method for achieving an institutional settlement.

I can assure you that the Commission wants to contribute to this process with a constructive mind. We clearly face a challenge and, the Commission will use its energy to overcome the difficulties and make the reform process successful. But this is also a shared responsibility.

All the Member States have to commit themselves to find a positive outcome to the current stalemate and the Member States whose citizens have not approved the ratification have a special responsibility in signalling how it would be possible to solve the impasse. We should also not forget that more than half of the Member States have already ratified.

For the time being proposals and opinions are varied, not to say divergent sometimes. When the time comes, the Commission will present its contribution, with ideas to help reach a solution that all Member States can accept and which strengthens Europe's capacity to act.

I believe that the political **substance of the Constitutional Treaty should be preserved** as much as possible. In other terms, the ideal solution should not be too far from the current Constitution. I do not think that we could engage again in endless negotiations on issues that were already solved - and in a unanimous way - during the work of the last IGC.

Does this mean that we should be happy with a Mini-Treaty, only related to a few institutional changes? I am not convinced. There are important policy areas where - as our analysis show - concrete innovations have been made and that should be preserved as well.

Also, I do not exclude that some other changes to the existing Treaties could be pursued, in particular if this is indispensable to overcome the negative position taken by a few Member States. But we should always keep in mind the timeframe and not be overambitious. Europe deserves a second chance, but it could not afford a second failure.

Margot WALLSTRÖM

Le Président José Manuel BARROSO

au Forum Interparlementaire Parlement Européen / Parlements Nationaux
des 4 et 5 décembre 2006
sur le Futur de l'Union

Co présidé par les Présidents du Parlement Européen Josep BORRELL FONTELLES et d'EDUSKUNTA: M. Paavo LIPPONEN le forum interparlementaire a réuni environ 200 parlementaires européens et nationaux qui se sont penchés en ateliers de travail sur les questions de la politique énergétique, du financement futur de l'Union et de la prévention des conflits.

S'agissant du futur institutionnel de l'Union, une large majorité d'intervenants s'est prononcée en faveur du maintien du contenu de la Constitution européenne. Le Président BARROSO a pointé que la période de réflexion s'était muée en engagement plus actif. Comme le 30 novembre 2006, devant le Bundestag, M. BARROSO a rappelé son attachement aux principes et valeurs contenues dans la Constitution. Le Traité de Nice ne suffit pas il faut plus d'efficacité, de transparence de cohérence et de démocratie. La Commission

appuiera les efforts de tous les Etats membres et de la Présidence allemande en particulier. Il ne faut cependant pas sous estimer les difficultés. Et le président de la Commission d'en appeler à la détermination de tous les Parlements nationaux.



" This is the moment to show political determination and our conviction about the merits of a strong European Union. Europe is not about only Brussels. Europe is about all member-states, with national parliaments, pushing the process forward. Your voice on Europe must also be heard. Therefore, in the coming months, I hope that, together, we can all help to make the positive case for why an updating of the way the European Union works is in all our interests and, more importantly, in the interests of our citizens.

The Berlin Declaration in March will give us a chance to show how 50 years of European integration offer the right platform for the future. It will remind us of what makes the European Union tick – that remarkable mix of freedoms, institutions and laws which transforms our common objectives and common values into concrete action. But the Berlin Declaration cannot only look at our past successes. It must chart our vision for the future and reaffirm the political commitment of member-states to the European project. In particular, European political leaders can tell European citizens why Europe never had it so good as during the last 50 years and why if they want to have it still better, during the next 50 years, they need a stronger European Union. " – from the speech of Mr BARROSO

AVIS DES PARLEMENTS NATIONAUX

Suite à la mise en place d'un mécanisme de dialogue direct entre la Commission et les Parlements nationaux, la Commission a reçu au 12 décembre 2006, 46 avis des Parlements nationaux concernant 26 de ses propositions ou documents.

1. Juridictions et règles applicables en matière matrimoniale, COM 2006 399

Assemblée nationale française, Riigikogu (Estonie), les Chambres des Etats généraux du Parlement néerlandais, le Sénat français, Eduskunta (Finlande), la Chambre des députés luxembourgeois, le Sénat et la Chambre des députés Tchèques, le Folketing (Danemark), le Bundestag, Bundesrat, Seimas (Lituanie), la Chambre des représentants et le Sénat belges et la House of Lords.

2. Livre vert sur l'énergie, COM (2006)105

Folketing (DK)

3. Rapport sur "Mieux légiférer" art. 9 du Protocole sur l'application des principes de subsidiarité et proportionnalité (13^e rapport)-COM (2006) 289

Bundesrat (DE)

4. Livre vert sur les technologies de détection dans le travail des services répressifs, des douanes et d'autres services de sécurité, COM (2006)474

Sénat français

5. Cadre des certifications pour l'apprentissage tout au long de la vie, COM (2006)479

Sénat français

6. Evaluation prudentielle des acquisitions et augmentation de participation dans les entités du secteur financier, COM (2006)507

Sénat français

7. Gestion de la sécurité des infrastructures routières, COM (2006)569

Sénat français

8. Stratégie thématique en vue de la protection des sols, COM (2006)231

Sénat français

9. Montage a posteriori de rétroviseurs sur les poids lourds immatriculés dans la CE, COM (2006)570 final.

Sénat français

10. Livre vert sur l'amélioration de l'exécution des décisions de justice au sein de l'UE : la saisie des avoirs bancaires, COM (2006) 618

Sénat français

11. Communication sur le renforcement de la chaîne d'approvisionnement, COM (2006)79

Bundesrat (DE)

12. Rapport annuel 2004 de la Cour des Comptes (budget Commission)

House of Lords

13. Rapport annuel 2005 sur les relations de la Commission avec les Parlements nationaux, SEC (2006) 350

Sénat tchèque

14. Mesures pénales visant au renforcement des droits de propriété intellectuelle, COM(2006)276

Seimas (Lituanie)

15. Institut européen de technologie, COM (2006) 604

Parlement néerlandais

16. Achèvement du marché intérieur des services postaux, COM (2006) 594

House of Commons, Parlement belge, Sénat français, Riigikogu (Estonie), Sénat tchèque, Assemblée nationale slovène

17. Prescriptions techniques pour les bateaux de la navigation intérieure, COM (2006)646

Sénat français

18. Harmonisation des règles techniques et des procédures dans le domaine de l'aviation civile, COM (2006) 645

Sénat français

19. Stratégie de l'UE pour aider les Etats membres à réduire les dommages liés à l'alcool, COM (2006) 625

Sénat français

20. Programme législatif et de travail de la Commission pour 2007, COM (2006) 629

Sénat français

21. Document de travail sur les 'Régions, actrices du changement', SEC (2006) 1432, COM(2006) 675

Sénat français

22. Livre blanc sur le marché unique des fonds d'investissement, COM (2006)686

Sénat français

23. "Vers une utilisation plus efficace des incitations fiscales en faveur de la recherche et du développement", COM (2006)728

Sénat français

24. Livre vert "moderniser le droit du travail pour relever les défis du 21^e siècle", COM(2006) 708

Sénat français

25. Communication de la Commission Stratégie de l'UE en faveur des biocarburants, COM (2006) 34

House of Lords

26. Proposition de RÈGLEMENT DU PARLEMENT EUROPÉEN ET DU CONSEIL interdisant la mise sur le marché, l'importation dans la Communauté et l'exportation depuis cette dernière de fourrure de chat et de chien et de produits en contenant COM(2006) 684

Sénat français



Réunions avec les représentants permanents des Parlements nationaux

La Commission a pris part à des réunions d'information avec les représentants permanents des Parlements nationaux :

<i>Date</i>	<i>Sujet</i>	<i>En présence notamment de :</i>
✓ 29/05/2006	European Globalisation Fund	Ms DONNELLY (DG EMPL)
✓ 26/06/2006	new mechanism of direct transmission of documents to the National Parliaments	Mr. GODTS (DG SG)
✓ 31/08/2006	divorce proposal	Mr. Mr. EKSTROM, TELL (DG JLS)
✓ 18/10/2006	postal services	Mr. IGLESIAS ROA (DG MARKT)
✓ 06/11/2006	future Single Market policy	Mr. FRIESS (DG MARKT)



Interview with Mr Jan Jacob van Dijk, Chairman of the joint Subsidiarity Committee of the Dutch Parliament

1. Could you tell us why the joint Subsidiarity Committee was established? Was it inspired in any way by the provisions of protocols attached to the Constitutional Treaty?

The wish to establish a committee, specifically for scrutinizing European legislative proposals was originally inspired by the provisions of the protocols attached to the Constitutional Treaty. To that purpose, both Houses established a joint committee in November 2003. Its task was to formulate a working method for the application of the procedure that arose from the protocols. An important motive for establishing a joint committee was to increase the involvement of all MP's, not only the EU-spokesmen and experts in the European legislation-process, thus enlarging European expertise in parliament. The latter was also the basic idea behind the Declaration Raising European awareness, submitted by the Dutch parliamentary members of the European Convention. Another motive was to find ways to involve both Houses in the European decision-making-process at a moment that it is still possible to influence that process. Furthermore, Dutch society should be involved in the subsidiarity check, both individual civilians as civil society.

The joint committee has indeed formulated a procedure to conduct the subsidiarity-check by both Houses of the States-General. The above mentioned elements are also dealt with. The Committee proposed to establish a new joint committee on Subsidiarity to carry out this procedure.

In springtime this year, the new joint committee was installed for the period of one year after which its work will be evaluated.

The “no” as a result of the referendum did not lead to a decrease of the national wish to establish a parliamentary scrutiny on the principles of subsidiarity and proportionality. On the contrary, it has led to a broad discussion. It was felt that more political involvement in EU-matters is needed and that both Houses of parliament should be more

involved in the European decision-making process in an early stage.

At the same time it was broadly felt that it would be inappropriate to “cherry-pick” some suitable elements from the protocols. Strictly spoken, the protocols provided a procedure for the scrutiny of proposals to the principles of subsidiarity and proportionality. The material scrutiny is already possible under the current regime of the existing Treaties; after all they are governed by these principles. Nevertheless, the first joint committee proposed a procedure in which the subsidiarity check should be conducted within a period of six weeks.

2. Why did both Houses decide to work together on the issue of subsidiarity check?

The coordination of positions of both Houses was considered desirable, because opposite voting behaviour of both Houses of Parliament would have a neutralising, if not emasculate, effect. However, although a unanimous outcome should be preferred and aimed for, both Houses kept their own authority to formulate a specific final judgment.

3. What has been your experience with scrutiny of Commission's proposals so far?

Off course the States-General took part in the interparliamentary experiment with the Third railway package, conducted by Cosac in 2005.

More recently, the committee on European cooperation organisations of the Senate and the committee on European affairs of the House of Representatives have fixed a list of eleven proposals, to be subjected to the subsidiarity test. The basis of this so-called “list of 11” was the annual legislation and working programme of the European Commission 2006. It also resulted from a thorough discussion in the political fractions and representatives of civil society.

The proposals were:

- Green paper on drugs and civil society in the EU,
- Commission Communication on a coordinated approach in Europe to tackle alcohol,
- Communication from the Commission on a new Community strategy on health and safety at work 2007-2012,
- Green Paper on the evolution of labour law,
- Commission White Paper on the Integration of the EU Mortgage Credit Market,
- Revision of Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings (NEC) for certain atmospheric pollutants,
- Proposal for a Council Regulation establishing the European Institute of Technology (EIT),
- Proposal for the full accomplishment of the Internal Market for Postal Services,
- Communication on the demographic future of Europe,
- Proposal for a Regulation on the applicable law and jurisdiction in divorce matters,
- Soil Framework directive.

Two of these proposals were also taken up in the framework of Cosac (Postal Services and divorce matters).

Apart from these proposals the joint committee has also conducted the subsidiarity check to the directive-proposal on criminal measures aimed at ensuring the enforcement of intellectual property rights and the (expected) proposal for a European programme aiming at the protection of the critical infrastructure.

So far, three conducted subsidiarity tests have led to (negative) reactions from the States-General to the European Committee. It concerned the proposals on the enforcement of intellectual property rights, on the applicable law and jurisdiction in divorce matters and the proposal on establishing the European Institute of Technology.

The States-General were happy to receive a material reaction of Commissioner Frattini on the subsidiarity check on the proposal on ensuring the enforcement of intellectual property rights. This was sent to the responsible committees in both Houses to further handling. Commissioner Frattini's letter can help MP's to better formulate their position towards the responsible minister in the Council.

All and all, conducting the subsidiarity test has led to a broader parliamentary involvement in the European policymaking-process.

4. *Could you tell us something more about your participation in the subsidiarity test organized by COSAC on the proposal of the European Commission for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters (COM(2006)399? (*)*

As indicated above, the proposal was already appointed to be submitted to the subsidiarity test in Dutch parliament. Both Houses concluded that the Community is not competent in this matter and that action in this field belongs to the competence of the individual Member States.

The Houses reasoned that neither House has seen evidence that the nature and scope of the problems concerned constitute such a serious obstacle to the proper functioning of the internal market that they warrant the proposed measures. In the opinion of both Houses, this removes the competence of the Community to take the proposed measures.

Additionally, both Houses wish to observe that even if the outlined problems already occur, they can in essence be attributed to differences in the substantive divorce law of the Member States and that it would therefore be logical for any solutions to concern substantive divorce law rather than the national conflict-of-law rules. However, the Community is not competent to take measures that address this matter directly and the present proposal for a Regulation does not therefore affect the substantive divorce law of the Member States.

However, according to both Houses, even if there were any competence it would still have to be concluded on the basis of the above considerations that the proposal is contrary to the principle of subsidiarity and the principle of proportionality.

Jan Jacob van Dijk

() 27 parliamentary chambers from 20 Members States conducted a subsidiarity and proportionality check on the Commission proposal. A clear majority of parliamentary chambers did not find any breach of the subsidiarity or proportionality principles. By letter dated 07.12.2006, Ms Margot WALLSTRÖM transmitted the EC comments on the opinion of the Dutch parliament.*



Mr Georges PAPACOSTAS

Permanent Representative of the Hellenic Parliament

1. You have been appointed as the Permanent Representative of the Hellenic Parliament. What are the principal aspects of your job and mission?

I have been recently (in last October) appointed as the Permanent Representative of the Hellenic Parliament. My main task is to follow closely the European affairs issues, as well as the work of the European Parliament and to accordingly inform the competent authorities of the Hellenic Parliament. I also assure assistance to Parliamentary Delegations participating in joint meetings with the European Parliament. In this context, my office is in close cooperation both with the offices of Permanent Representatives of other Parliaments of the EU Member States accredited to the European Parliament and the directorate of the European Parliament responsible for the relations with the National Parliaments.

2. How does the Greek Parliament currently monitor the EU law? Does it involve any particular committee(s) of the assembly?

There is the Standing Committee for European Affairs within the Hellenic Parliament. It follows all EU matters and is part of the COSAC network

3. Has your assembly taken part in recent subsidiarity check organized under the auspices of COSAC? What experience have you gained through this exercise?

Through its Standing Committee for European Affairs, the Hellenic Parliament has already started taking part in subsidiarity and proportionality checks organised under the auspices of COSAC. The participation of the Hellenic Parliament in this exercise proves to be very useful as it invigorates its scrutiny role recognised as such by the Protocol on the role of the National Parliaments attached to the Treaty of Amsterdam, and strengthens its cooperation and ties with the other EU Parliaments.

It is within this framework that the Hellenic Parliament has also welcomed the recent Commission's initiative to forward legislative proposals and other documents directly to the National Parliaments. By this way, a new opportunity is given to the Hellenic Parliament – to follow closer the European issues, to express its opinions on crucial, for the future and evolution of Europe, legislative initiatives and to timely discuss the substantial policy direction of the European Commission.

Georges PAPACOSTAS



Do you know it? 

Visits of the President & Commissioners

MAY – NOVEMBER 2006

<i>Who</i>	<i>When</i>	<i>Where</i>
 Président BARROSO	20/06/2006	visite au Parlement belge (comité mixte chargé des questions européennes) (BE)
	20/07/2006	participation in a seminar on the Future of the European Union organised by the Grand Committee of the Parliament of Finland - Pori, (FI)
	30/11/2006	speech at the European Affairs Committee of the Bundestag (DE)
 Vice-présidente WALLSTRÖM	30/06/2006	EU Speakers' conference in Copenhagen (DK)
	11/09/2006	réunion avec le président du Parlement Finlande, M. Lipponen ; Participation et discours à la conférence COSAC (FI)
	16/10/2006	intervention devant les membres de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration de la Chambre des Députés du Luxembourg (LU)
	20/09/2006	meeting with the European Affairs Committee of the Dutch Senate (in Brussels)
 Vice-président VERHEUGEN	08/06/2006	Hearing in Portuguese Parliament (PT)
	13/10/2006	meeting with European Affairs and Economic Committees from National Assembly and Senate together (FR)



Vice-président **BARROT**

14/09/2006

Commission affaires européennes au Parlement portugais (**PT**)

21-22/09/2006

rencontre avec la Commission Affaires européennes au Parlement polonais - Sejm (**PL**)



Vice-président **FRATTINI**

20/06/2006

meeting with the Europa Committee of the Senate, The Hague (**NL**)

20/11/2006

XXXVI réunion COSAC Helsinki (**FI**)



Commissioner **REDING**

22/09/2006

intervention devant la Chambre des Députés luxembourgeois (Commission de la Fonction publique, de la Réforme administrative des Médias et des Communication) (**LU**)

09/10/2006

audition au Sénat et à la Chambre des Députés (**IT**)



Commissioner **ALMUNIA**

02/10/2006

réunion avec le Président du Parlement lithuanien M. Muntianas;
Participation à une réunion conjointe des commissions des Affaires européennes, du Budget et Finances et de l'Economie du Seimas (**LT**)



Commissioner **FIGEL'**

13/10/2006

meeting with Foreign Committee and European Affairs Committee of the National Council (**SL**)



Commissioner **REHN**

20/07/2006

participation in a seminar on the Future of the European Union, organised by the Grand Committee of the Parliament of Finland - Pori, (**FI**)

28/09/2006

Conference of Foreign Affairs Committee and Development Committee Chairpersons (COFACC), (**FI**)

18/10/2006

participation à la Commission UE de Bundestag (**DE**)



Commissioner **MICHEL**

28/11/2006

rencontre avec la Commission de la coopération économique et du développement du Bundestag (**DE**)

30/11/2006

rencontre avec la Commission des Affaires Etrangères du Parlement Luxembourgeois (**LU**)



Commissioner **KOVÁCS**

29/05/2006

participation à la réunion du Comité Fiscal à Vienne (**AT**)

19/10/2006

visite au Bundestag allemand (**DE**)



Commissioner **KROES**

06/10/2006

discours devant les membres des Comités parlementaires du Parlement grec (**EL**)



Commissioner **FISCHER BOEL**

16/10/2006

discours devant la Commission parlementaire pour l'environnement, l'alimentation et les questions rurales du Royaume-Uni (**UK**)



Commissioner **FERRERO-WALDNER**

26/10/2006

intervention devant les groupes parlementaires sur la politique du développement, Royaume-Uni (**UK**)

23/11/2006

discussion conjointe devant la Commission des Relations extérieures du Sénat et de Chambre des Députés italiens (**IT**)