
(Rev. 9)

**STAGE REACHED IN DISCUSSIONS WITHIN THE NATIONAL
PARLIAMENTS ON THE INTERGOVERNMENTAL CONFERENCE IN 1996**

As the Intergovernmental Conference (IGC), which will open in Turin on 29 March 1996, approaches, a number of national parliaments have intensified, or even completed, their proceedings concerning the IGC. In addition, some national parliaments have, on the initiative of the President of the French National Assembly, set up an interparliamentary Reflection Group on the IGC, which adopted some conclusions¹.

This note is intended to give an idea of the stage reached in discussions by the national parliaments both before the opening of the IGC and during its work. It does not claim to be comprehensive, and shall, of course, welcome any proposals from readers for changes or additions².

The second part of the note covers the positions of other European parliamentary assemblies, such as the WEU and the Council of Europe, on the 1996 Intergovernmental Conference.

Lastly, Annex II provides a table summarizing the information contained in the note.

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¹ See Annex I for a note explaining the nature of this group and the conclusions it has just adopted.

² Contact the Division for relations with the Parliaments of the Member States, Room LEO/5C85, Tel. 2843009 or Tel. 2843647.

EUROPEAN PARLIAMENT

The two Members of the European Parliament who sat on the Reflection Group responsible for preparing the Intergovernmental Conference, Mrs Guigou and Mr Brok, visited the national parliaments of the Fifteen in order to hear their views on the IGC.

On the basis of a report drawn up by Mr Martin and Mr Bourlanges on behalf of the Committee on Institutional Affairs, on 17 May the European Parliament adopted its detailed position on 'the functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference - Implementation and development of the Union'.

On 14 December 1995, the European Parliament adopted a resolution on the agenda for the 1996 IGC with a view to the Madrid European Council¹.

Mrs Dury (PSE) and Mrs Maij-Weggen (PPE) were appointed rapporteurs within the Committee on Institutional Affairs for monitoring the preparations for the IGC. Parliament will vote on the committee's report on 14 March 1996.

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AUSTRIA

Under the terms of the new Article 23e(5) of the Austrian Constitution, the main committee ('Hauptausschuß') is responsible for monitoring legislative procedures within the Union on behalf of the Nationalrat.

The Bundesrat has in turn established a Committee on European Union Affairs to help it to meet its obligations in Europe under the terms of Article 23e(6) of the Constitution.

With regard to preparations for the IGC, in particular, as well as contacts with Members of the European Parliament and COSAC, it has been decided to set up a subcommittee of the Committee on Foreign Affairs. The subcommittee, which was formed on 20 April, has 13 members and is chaired by Mr Peter Schieder.

In June the Government tabled a document setting out the guidelines that it intends to follow at the Intergovernmental Conference. In the document it comes out in favour of a consolidation of COSAC-type interparliamentary cooperation procedures. It also rejects any attempt to set up a second Chamber of National Parliaments.

The debate in Parliament on the document took place in the autumn. A final opinion is to be drawn up shortly by the new Parliament elected on 17 December 1995.

BELGIUM

The Chamber Advisory Committee (rapporteurs: Mr Eyskens, committee member, and Mr Willockx, Member of the European Parliament and committee member) adopted an interim report before the elections in April.

The report advocates, inter alia, maximum communitarization of the two intergovernmental pillars and the integration of the WEU into the EU, and opposes

¹ See Annex III.

the proposal to establish a European Senate made up of delegations from the 15 national parliaments.

On 28 July 1995 the government adopted a policy document on the IGC which will be forwarded to parliament in October after discussion by the Interministerial committee comprising the federal Government, communities and regions.

The document states that institutional deepening is required before the Union can be enlarged.

The government sets out its views on: the institutions, flexibility, the CFSP, defence policy, internal security, citizenship and subsidiarity. With regard to the role of the national parliaments, it says that they already influence the work of the Union. The Belgian Government also strongly recommends that the other Member States should follow the example of the Belgian Chamber of Deputies' Advisory Committee on European affairs, which is composed of members of the national parliament and MEPs.

In addition, following the new balance between the Chamber and the Senate introduced by the constitutional reform of 1993, consideration of European affairs now becomes the responsibility of a Federal Advisory Committee on European Affairs, which comprises ten Members of the Chamber, Members of the Senate and ten Members of the European Parliament. The Chairman is a Member of the Chamber, the vice-chairmen are Members of the Senate and Belgian Members of the European Parliament.

The new Federal Committee has drawn up a second interim report (Rapporteurs: Mr Eyskens, for the Chamber; Mr Hatry for the Senate; Mr Willockx for the Belgian MEPs).

As regards drawing up the memorandum, the committee undertook a wide-ranging consultation of civil society by holding hearings of numerous organizations, some of whose suggestions were adopted by the committee in the form of amendments.

The Advisory Committee has also voted on the amendments proposed by the various Chamber and Senate committees in accordance with their individual responsibilities.

The Advisory Committee is to adopt a final text in February 1996. This text will be submitted in plenary before the opening of the IGC on 29 March 1996 in Turin.

DENMARK

The chairman of the Folketing's Committee on European Affairs, Mr Ove Fich, has recently submitted to his committee a document stressing that it is fully involved in preparations for the Intergovernmental Conference, including the issue of the future role of the national parliaments.

According to Mr Fich, Denmark supports more powerful European affairs committees in the national parliaments and suggests that these committees should be given powers similar to those of the Folketing's Market Committee.

The Folketing has seconded one of its officials to Brussels to monitor Union affairs and other parliaments might usefully follow this approach.

The document also stresses the need to improve exchanges of information between parliaments in the Union and advocates closer cooperation between the national parliaments' committees on Community affairs, via COSAC. He also points to the need to improve cooperation between specialist committees. Finally, he comes out against the creation of a second Chamber of Parliaments.

Mr Fich points out that the Government has forwarded an analysis of the IGC to his committee. The results of the analysis were published in the June 1995 'European Agenda' report. Among other subjects, the report covers the various possibilities and proposals put forward for involving the national parliaments more directly.

Finally, Mr Fich stated that the final negotiating mandate would be given to the Government by the Committee on European Affairs.

At present the negotiations between the political parties are being conducted with a view to drawing up the text of a mandate to the government.

For its part, the government has submitted, as a contribution to the debate, a document in which it sets out its views on the IGC negotiations.

FINLAND

On 22 November 1995 the Finnish Parliament's Grand Commission, which is responsible for Union affairs concerning the first and third pillars, adopted a statement on the IGC. The main points of the statement are:

- All decisions adopted by the Council by qualified majority to be approved by the European Parliament under the codecision procedure;
- For constitutional reasons, proposals intended to ensure that national parliaments are assigned rights or duties under the Treaties must be examined with caution. On any negotiating position having implications for the Finnish Parliament the government will be required to obtain parliamentary authorization;
- The need for transparency and access to documents are highlighted;
- The Grand Commission hopes the pillars structure will be retained, with a clear distinction between the activities of the Union and the activities based on intergovernmental cooperation;
- The Grand Commission considers that it will be necessary to secure three procedures: simple consultation; codecision; assent;
- The Grand Commission could accept the 'double majority' system based on a plurality of states and on the majority of the people.

FRANCE

- **National Assembly:**

In its report adopted on 7 February 1995, the National Assembly's delegation for the European Union states that separate institutions are required for the European Union and its monetary and defence sectors. It calls for the European Council of Heads of State or Government to take three separate forms: a full-scale European Council comprising all Member States, a European Council on EMU and a European Council on security. The powers of the European Parliament should be redefined through the adoption of a proper ranking of legal instruments. The European Parliament should not be given powers in connection with the adoption of implementing measures in respect of texts adopted under the codecision procedure. Lastly, the number of procedures involving the European Parliament should be reduced to four: information, consultation, assent and codecision, with the extension of the codecision procedure being admissible only if the procedure is first simplified and the powers of national parliaments are strengthened at the same time.

- **Senate:**

On 15 February the delegation adopted a report by Mr Guéna (RPR) which explores three avenues:

- a 'differentiated Union' model, with variable geometry;
- a strengthening of the role of the Council, and the creation of a Secretariat for the CFSP;
- with regard to parliamentary control, a division between a European Parliament, as the legislative body of an Economic Union, and a Chamber of National Parliaments responsible for areas concerning the deepening of the Union (the second and third pillars, in particular, but also, possibly, Community budget revenue, enlargement of the Union, association agreements and monitoring of compliance with subsidiarity).

The position of the French Parliament on the role of national parliaments

The position of the French Parliament on the role of national parliaments has changed recently, in particular following the Madrid COSAC meeting of 7 and 8 November 1995. Dropping the idea of a second chamber and amending that of an inter-parliamentary committee, the Delegation for the European Union now proposes to renew the powers of COSAC (and to institutionalize it) by giving it, in particular, the possibility of stating a position, in principle, but in a consultative capacity, on Community projects that are the subject of an exception from subsidiarity raised either by a national parliament or by the Committee of the Regions.

The Delegation also wants COSAC to be able to state a position on matters relating to the intergovernmental pillars of the Union (common foreign and security policy, internal and legal affairs), and on areas requiring a unanimous decision by the Council such as the implementation of Article 235, own resources and fiscal affairs.

Finally, as regards membership of the new-style COSAC, the delegation proposes that each State, equal in representation and voting rights, should send six of its members of parliament chosen by their peers (i.e. 96 members). Six MEPs would be associate members, but without the right to vote, since their assembly has its own powers as part of the decision-making process of the Union, as the delegation points out.

On the other hand, the President of the National Assembly, Mr Philippe Séguin expressed the wish at a meeting with the President of the Republic, Mr Jacques Chirac in November 1995, that the 1996 IGC would provide the opportunity for national parliaments to be more closely associated with Community decisions.

On 26 January 1996, speaking in Aachen, Mr Séguin, while stressing the complementary roles of the European Parliament and the national parliaments, recommended that the national parliaments be given the role of guardians of the principle of subsidiarity; for instance, COSAC, as the body representing the national parliaments, could be asked, on their request, to make a prior political examination of the principle of subsidiarity in relation to proposed Community acts.

Finally, the constitutional reform adopted by the Congress (Assembly and Senate) in July 1995 on a proposal from the President of the Republic and the Government does not include any of the proposals which had been put forward with a view to strengthening parliamentary scrutiny of legislation enacted by the Union.

GERMANY

- Bundestag:

On 30 November the Committee on European Union Affairs adopted a report and motion for a resolution with a view to the IGC. The resolution was approved in plenary on 7 December in the course of a major debate on Germany's European policy.

The report demonstrates a very broad consensus on European policy that is based on the need to provide assurance that enlargement and deepening go together. The main points of that consensus can be summarized as follows:

As regards democracy, transparency and closeness to the citizen

- strict application of the principle of subsidiarity to new proposals and to existing powers;
- simplification of Community law intended to combat regulatory excesses;
- drawing up a catalogue of fundamental rights based on the European Convention of Human Rights and the common constitutional principles of the Member States;

As regards cooperation on internal policy

- progressive communitarization of the third pillar accompanied by growth in the powers of the Court of Justice and possibilities for control by the European Parliament;

As regards the common foreign and security policy

- improving the decision-making procedure, in particular by introducing majority voting;
- establishing a body to provide analysis, coordination and monitoring, and responsible for submitting proposals in good time to the Council in close cooperation with the Commission;
- integrating the WEU into the Union on the basis of a timetable laid down in the Treaty;

As regards the institutions

- extending the scope of majority decision-making;
- extending the role of the European Parliament as joint legislator with the Council by widening the areas that require codecision;
- reducing the number of legislative procedures to three: consultation, codecision and assent;
- a stronger role for the European Parliament and national parliaments in intergovernmental activities;

As regards the policies of the Union

- reform of the system of Union financing, as regards revenue and expenditure, which should be considered immediately after the IGC;
- maintaining convergence criteria on Economic and Monetary Union, which should be submitted for assessment by the Bundestag before moving on to the third stage;
- opening negotiations with applicant countries six months after the end of the IGC to enable certain countries to accede by as early as the year 2000.

- Bundesrat:

The German Länder have started to discuss the IGC within the Europaministerkonferenz, which comprises the Land ministers responsible for European affairs. On 16 February, the conference adopted a decision on preparations for the IGC with a view to the adoption by the Bundesrat of a decision on the IGC.

Subsequently, at its sitting of 31 March, the Bundesrat adopted an initial decision¹ which highlights the following points:

¹ Bundesrat resolution on preparations for the Intergovernmental Conference in 1996 (169/95), 31 March 1995.

- the need to draw a clearer distinction between the powers of the Union and those of the Member States, with a stricter application of the principle of subsidiarity;
- a 'list of powers' for Union activities should be drawn up, rather than referring to a list of objectives such as those in Article 3 of the EC Treaty;
- the Union must acquire additional powers with regard to the second and third pillars;
- the rights of the Committee of the Regions must be enhanced, in particular by enabling it to bring proceedings before the Court of Justice;
- codecision by the European Parliament and the Council of Ministers should apply wherever the Council acts by a qualified majority;
- the possibility of incorporating a list of fundamental rights into Community law should be examined;
- the transparency of decision-making procedures should be improved, in particular by simplifying them and reducing their number;
- the Council should normally act by a double majority: a majority of States within the Council and a population majority; unanimity would be restricted to 'particularly sensitive' cases;
- a ceiling should be set on the number of Commissioners; the rights of the Commission should be enhanced, particularly as regards the second and third pillars;
- the IGC should be discussed as widely as possible, with the various parliaments being involved; the decisions taken should be implemented in close cooperation with the European Parliament.

At the same time the Bundesrat asked the Federal Government to be represented at the IGC by two Länder; it accordingly designated Bavaria and Rheinland-Pfalz, with Baden-Württemberg and Brandenburg as substitutes.

Finally, on 15 December 1995 the Bundesrat adopted a resolution on the IGC which repeated most of the points of the resolution of 31 March 1995.

This resolution also stated that:

- the national parliaments should be given the right to bring actions before the Court of Justice;
- the 1999 elections to the European Parliament should be held using a Union-wide common electoral procedure.

GREECE

The Greek Parliament's Committee on European Affairs has published a report which will be submitted to the plenary by the end of February 1996 with a view to the adoption of a resolution. During its deliberations on drafting the report the committee held a large number of

hearings with Government ministers, the Greek representative on the Reflection Group and other parliamentary committees.

The report, together with the opinions of other parliamentary committees, MPs, the Minister of Foreign Affairs and other experts, will be presented to the press and distributed to the public after submission to the plenary.

IRELAND

The Committee on European Affairs was set up in spring 1995 and has continued its work, including work on the IGC, with hearings of ministers and of the Irish member of the Reflection Group.

ITALY

- Chamber and Senate:

Following the Government's presentation of its report on the European Union, on 23 and 24 May the Chamber of Deputies and the Senate adopted resolutions on the revision of the Treaty on European Union.

The more detailed of these resolutions (the same text was adopted by the Chamber and the Senate) states that it shares and espouses the objectives set out in the Martin/ Bourlanges resolution and, in particular, the aim of establishing a single institutional framework.

Finally, in December 1995 the government submitted to Parliament its programme for the half-year of the Italian presidency. After a wide-ranging debate, Parliament adopted resolutions in which it supported the position of the government which, in particular, stated that it would be necessary to extend majority voting in the Council while establishing a new weighting; that the European Parliament should have its powers strengthened so as to be placed on the same level as the Council on legislative matters; that careful consideration would have to be given to deciding what matters should remain subject to intergovernmental terms of reference and which should gradually be brought under Community terms of reference.

- Senate:

The Senate 'Giunta' on Community Affairs is drawing up a report reviewing the Maastricht Treaty and examining the prospects for the development of the European Union. In that connection it is holding a series of hearings and has met the Italian Vice-Presidents of the EP, Mr Imbeni and Mr Fontana.

LUXEMBOURG

The Government has forwarded to Parliament a memorandum on the IGC. The document was discussed in plenary in July 1995, and a further general debate in plenary is scheduled for the spring of 1996.

The Luxembourg Government has also commissioned a member of the Liberal opposition, Mr C. Goerens, to draw up a report on relations between the national parliaments and the Union, with a view to the IGC negotiations. The report, which was published on 3 July, sets out a number of practical proposals for boosting the role of the national parliaments; for instance, it proposes that they should be able to bring an action before the Court

of Justice of the European Communities to have an act set aside if they consider that the Union has exceeded its powers in a proposed Community act.

NETHERLANDS

In July the government tabled its third memorandum on the IGC. With regard to the role of the national parliaments and the European Parliament, the document points out the need for all parliaments to be more actively involved. In addition to the scrutiny exercised by each national parliament over its government, the European Parliament should be involved to a greater extent in the decision-making process (see Agence Europe, 5 August).

The Netherlands Parliament is also holding regular discussions with the Government on the progress of the work of the Reflection Group.

PORTUGAL

On 2 March 1995, the Assembly of the Republic adopted a resolution laying down five guiding principles for the Treaty revision:

- promotion of the Portuguese language;
- respect for the principle of the equality of Member States and non-exclusion from the hard core (the Treaty revision must be approved unanimously and any hard core in the decision-making bodies, based on cooperation procedures, must be rejected);
- strengthening of the role of national parliaments; closer cooperation with the European Parliament, particularly through COSAC; democratization of the European integration process and greater openness in the institutions;
- preservation of economic and social cohesion as a structural element in the deepening and widening of the Union;
- consideration of the 'positive variable geometry' concept.

The resolution also points to the need to consider the institutional balance of the Union, which must remain within a single framework. The European Parliament's powers in specifically 'Community' areas should be increased.

SPAIN

Before the dissolution of the Cortes, the joint committee on the European Union adopted a report on 'the consequences for Spain of enlargement of the Union and the institutional reforms'. This report will not be submitted in plenary owing to the dissolution of the Cortes. It does, however, retain all its value as a report adopted by a parliamentary committee.

With respect to the institutional aspects, especially those concerning the European Parliament, the report states that:

- the 1996 IGC represents a new opportunity to discuss the extension of Parliament's legislative powers and the reduction in number and

- simplification of the legislative procedures (consultation, codecision, assent);
- the field of application of the codecision procedure should be extended to the areas where the Council decides by simple majority voting;
 - the European Parliament should be elected by a uniform electoral system based on proportional representation;
 - there should be a ceiling on the number of MEPs;
 - the European Parliament's role in combating fraud should be strengthened.

As far as the national parliaments are concerned, their involvement could be increased in the following ways:

- while respecting the autonomy of each national parliament, means must be found of improving the mechanisms for monitoring individual governments in respect of intergovernmental policies and, more specifically, the second and third pillars;
- the Commission's legislative programme should be made known in time for the national parliaments to give their opinions;
- since the monitoring of Commission initiatives falls within the field of competence of the national parliaments, it should be strengthened, with documents being submitted in good time;
- the role of COSAC as an information channel between the national parliaments and the European Parliament should be reviewed. COSAC should consider matters relating to the second and third pillars and the Commission's legislative programme in the course of its annual debates.

SWEDEN

Among the Riksdag's parliamentary committees, the Committee on Constitutional Affairs is responsible for monitoring the key aspects of the IGC. Two delegations from the committee visited the European Parliament in Strasbourg on 18-19 September 1995 and from 15-17 January 1996. These two meetings gave particular attention to the IGC and EMU-related matters.

In order to avoid the criticisms levelled at the Member States' governments when the Maastricht Treaty was ratified, the Government has set up a parliamentary committee with eleven members representing the seven political parties in the Riksdag. A secretariat comprising five officials has executive responsibility for implementing the committee's decisions.

The committee has two main tasks:

- to hold hearings of experts, in order to examine in detail matters relating to the IGC and the consequences that developments will have for the Union and Sweden;
- to encourage wide-ranging public debate about the IGC, to which end the committee is organizing seminars and hearings on the key issues and is publishing various kinds of printed information.

The Swedish government has submitted its pre-IGC report to the Riksdag. It will be examined in depth by the

Committee on Foreign Affairs, which will also receive an opinion from the Committee on Constitutional Affairs.

UNITED KINGDOM

- House of Commons:

Discussions concerning the IGC are taking place mainly within two committees: the Foreign Affairs Committee is continuing the work it started in 1993 with its report on 'Europe after Maastricht'; the Committee on European Legislation intends to draw up a number of reports focusing on the monitoring of Union decisions by the UK Parliament.

Both committees adopted preliminary reports in July 1995. The Committee on European Legislation sets out a series of very detailed proposals for the IGC, focusing on the role of the national parliaments and the arrangements needed to achieve greater effectiveness and democracy. The committee:

- proposes a clause in the Treaty specifying a minimum period of four weeks between a document being received by a national parliament and a decision being taken by the Council;
- envisages the possibility of giving the national parliaments a formal role in the legislative process. Thus, if a certain number of these parliaments recommended amending or rejecting a proposal it would require unanimous approval by the Council;
- expresses its formal opposition to the convening of a new Conference of Community Parliaments;
- reiterates the importance of consolidating and updating Community legislation to enable public and private organizations and individuals to understand Community law;
- supports the creation of a computerized data exchange network to improve access to proposals, debates and decisions at Union level;
- invites the government to submit a White Paper setting out its views on the IGC, as a basis for discussion in the UK Parliament and among the public at large.

The Committee on European Legislation intends to continue its work with the adoption of two supplementary reports, the first of which should appear in January 1996.

The government is to present a White Paper on the IGC in March 1996, before the conference opens.

- House of Lords:

The ad hoc subcommittee of the European Affairs Committee with the task of drawing up a report on the reform of the Treaty, which was set up in January, visited Brussels on 22 and 23 May 1995, when it continued its work with a series of hearings which included one at the European Parliament.

The report was adopted unanimously by the committee early in November 1995. The report takes a very clear position on all the items on the IGC agenda. It rejects major institutional changes, considering that it is too soon to envisage a drastic revision of the Treaty. At the same time, the committee insists that the British government must, as the *sine qua non* of an overall agreement, secure satisfactory progress towards a reform of the Common Agricultural Policy.

The following points are made in the examination of specific institutional questions. The committee:

- Considers that those in favour of extending the scope of qualified majority voting must demonstrate the advantages it offers;
- Is opposed to majority voting on matters of taxation, foreign policy and defence;
- Is in favour of easier availability of Council documents, while remaining opposed to the Council's meeting in public when it legislates;
- Considers that the European Parliament should develop its present powers before asking for new powers;
- Rejects any extension of the codecision procedure, which would necessarily reduce the role and influence of national parliaments;
- Supports the proposal that each Member State should have the right to only one Commission Member;
- Is opposed to the idea that the Court of Justice could decide in advance if legislative proposals were or were not admissible under the subsidiarity principle;
- Rejects any form of integration of the second and third pillars in the Community sphere, while stressing the need for national parliaments to be more effectively involved in these areas;
- Is opposed to the incorporation of the European Convention on Human Rights into the Treaty, while supporting a commitment in the Treaty to oppose racial discrimination;
- Is not in favour either of a hierarchy of standards, or of a review of the system of committeeology, or of a catalogue of terms of reference;
- As regards the national parliaments, rejects the proposal for a second parliamentary chamber, while acknowledging the usefulness of COSAC as a forum for discussion on techniques of parliamentary control;
- Supports the proposals by the House of Commons specialist committee (see above) to enable national parliaments to state their position in good time before Council meetings, and in particular the idea of a waiting-period of four weeks between the

arrival of a text in a national parliament and a decision being taken by the Council;

STAGE REACHED IN DISCUSSIONS WITHIN OTHER EUROPEAN ASSEMBLIES
ON THE 1996 INTERGOVERNMENTAL CONFERENCE

WESTERN EUROPEAN UNION

THE ASSEMBLY:

On 21 June the WEU Assembly adopted a report on the future of European security and preparations for Maastricht II; this states that a merger between the WEU and the European Union is not possible for the time being, but comes out in favour of 'gradual integration' of the WEU and the EU (while calling for this not to compromise 'close cooperation' between the WEU and NATO). In addition, the Assembly considers that WEU and EU member countries and the European members of NATO should 'gradually become one and the same', and that the WEU Assembly should be transformed into a second Chamber, with responsibilities different from, but complementary to, those of the European Parliament. (Agence Europe, 22 June 1995, p. 3).

On 6 December 1995, the WEU Assembly adopted a report on the Intergovernmental Conference and the organization of a Europe of security and defence. In its report the Assembly recommended the following in particular to the Council:

- To seek a consensus on strengthening the European defence and security identity on the basis of certain options to be drawn up with a view to establishing closer links between the WEU and the European Union and leaving the door open to a progressive integration of the WEU into the European Union, for which stages could be fixed;
- To agree that, during this developing process, the WEU would be maintained as an irreplaceable institution of European defence.

A second report adopted by the Assembly of the same date on the approach taken by the national parliaments to the security and defence of Europe and to the preparations for the 1996 Intergovernmental Conference called, in particular, on the parliaments of the Member States:

- To step up interparliamentary cooperation with a view to implementing a system of effective parliamentary control in the areas of CFSP and European defence;
- To encourage exchanges between their respective committees on foreign affairs, defence and European affairs and their cooperation with the corresponding committee of the WEU Assembly with a view to preparing for the 1996 IGC and, subsequently, with a view to the satisfactory implementation of the decisions it will be called upon to take;
- To encourage greater transparency on the part of governments as regards their European policy, so as to enable parliaments to exercise more effective control, to keep public opinion informed and raise public consciousness of European issues.

**THE COUNCIL
OF MINISTERS:**

In addition, on 14 November 1995 in Madrid, the WEU Council adopted the Western European Union's contribution to the 1996 Intergovernmental Conference; it contains three options for future relations between the WEU and the European Union after the review of the Maastricht Treaty:

- retaining the WEU as an autonomous body; gradual integration of the WEU into the EU; rapid integration with the fixing of a timetable.

The great majority of WEU members opted for the second formula, which comprises different possibilities, including that whereby the European Council would give 'general directives' to the WEU, or 'instructions', with the possibility of their being 'legally binding'. Even under the first option, relations between the WEU and the EU should develop, and the Western European Union should in particular hold its own mini-summits alongside European Councils.

(Agence Europe, 15 November 1995)

Finally, the Madrid Declaration approved by the Ministers on 14 November 1995 stated, in particular, that the Ministers had invited the WEU presidency to forward to the Council of the European Union the organization's contribution to the 1996 Intergovernmental Conference of the EU. They declared their resolve to contribute fully to the IGC as the need arose as regards the aspects linked to security and defence, and agreed to continue to follow this matter closely.

As regards relations with the EU, the declaration stated that the Ministers had reiterated their conviction that the effort to build an integrated Europe would remain incomplete as long as it did not extend to security and defence, and they reaffirmed that the objective was to build the WEU by stages as a component of the defence of the European Union.

They stressed that since signature of the Treaty of European Union significant progress had been made. A framework of cooperation between the Councils and the Secretariats of the WEU and the EU had been approved. The arrangements for information and consultation between the EU Commission and the WEU had been put in place, and the term of the presidencies of the two organizations had been harmonized. In addition, the invitation to take part in WEU activities had been accepted by all the countries of the European Union that were not yet members of the WEU, even if their status as participants was different.

The ministers had recognized that despite the progress achieved there were still numerous possibilities for developing relations between the WEU and the EU. For example, the WEU could be promoted as a forum for analysis and consultation on the defense and security implications of a CFSP. The role of the WEU could be further developed in order to facilitate the drawing up and implementing of the decisions and actions of the EU deriving from the Petersberg missions: new practical measures could be envisaged such, in particular, as harmonizing the order of the presidencies or greater coordination between them.

(See Agence Europe, Documents No. 1961, 17 November 1995.)

COUNCIL OF EUROPE

The Parliamentary Assembly of the Council of Europe adopted the reports by Mrs Wohlwend (Christian-Democrat, Liechtenstein) on accession by the European Union to the European Convention on Human Rights, and Jean Pierre Masseret (Socialist, Fr) on the 1996 IGC. The Assembly came out in favour of EU accession to the convention, and recommended to the Committee of Ministers that it set up forthwith a working party responsible for drawing up arrangements for this accession and its practical impact on the Council of Europe. In its report on the IGC, the Assembly proposed a review of Article 230 of the Treaty on European Union so as to include an acknowledgement of the contribution and role of the Council of Europe in establishing and monitoring adherence to the rule of law and judicial and democratic standards in pan-European societies. The review should also introduce membership of the Council of Europe as a condition for accession to the European Union. The Assembly also hoped that:

- the Commission would open a delegation in Strasbourg with the Council of Europe;
- that cooperation would be strengthened, in particular as regards aid to developing countries;
- that the EU would be invited to accede in particular to the revised Social Charter of the Council of Europe and to the Convention on transfrontier television.

Before embarking on new activities, the Union should first consider whether they should be exercised within the Council of Europe, the Assembly considered.

However, the Assembly declined to vote on a paragraph under which it would have asked to become the second chamber of the EU. The Assembly nevertheless proposed different options to the EP for strengthening their cooperation: exchanging annual reports on their respective activities; joint meetings of committees, hearings and conferences on matters of common interest; reciprocal invitations to rapporteurs; adoption of a common position on participation of presidents of the two assemblies in the current quadripartite meetings (Presidents of the Commission and the Council, for the Union; and President of the Committee of Ministers and Secretary-General for the Council of Europe).

ANNEX I

INTERPARLIAMENTARY REFLECTION GROUP ON THE IGC

- I. At the Conference of Presidents of Parliaments of the Union held in Paris on 19 April 1995, the French Parliament proposed that the parliaments of the Member States should set up a reflection group on the Intergovernmental Conference. The group was intended to make up for the absence of national parliaments from Mr Westendorp's reflection group.

During the Conference of Presidents of the Union held in London on 10 and 11 May 1995, many parliaments expressed reservations about this idea. The group was nevertheless set up, and met three times in July, September and most recently in Brussels on 26 October.

Participation by national parliaments has been low. All meetings were attended by members of national parliaments from the two French assemblies, the Belgian Senate, the Luxembourg Chamber and the Greek Parliament. Other parliaments were represented by officials. The European Parliament was not invited to participate in the group, either by sending members or officials.

At its meetings, which were held in Brussels in October 1995, and Athens in December 1995, the group adopted conclusions based on the work of rapporteurs whom the group had appointed internally. This work had been preceded by a questionnaire to which less than half the parliaments had relied.

- II. The conclusions propose:

- 1) The general role of national parliaments in the workings of the European Union must be explicitly mentioned in the main body of the future Treaty governing the European Union;
- 2) Representation of national parliaments within the Union is assured by the Conference of Bodies Specializing in Community Affairs (COSAC) and must be accorded an explicit mention in the main body of the Treaty;
- 3) The forwarding of proposals for Community acts to all the national parliaments of the European Union must be given the status of an obligation enshrined in the Treaty. The responsibility for forwarding such proposals must lie with the institutions of the European Union that have produced them, and must be discharged as soon as the proposals have been forwarded to the national governments;
- 4) National parliaments must be fully informed on the implementation of the Community budget by means of a strengthening of cooperation between national audit offices and the Court of Auditors of the European Communities;
- 5) The Treaty itself must guarantee that directives are drawn up as framework laws and not as quasi-regulations, so as to ensure compliance with the principle of subsidiarity;
- 6) The Treaty must stipulate that political scrutiny for compliance with the principle of subsidiarity of proposals for Community acts shall be entrusted to a body representing the national parliaments, such as COSAC, when one or more national parliamentary assemblies consider that this principle has not been complied with¹;

¹ The delegate from the Belgian Chamber of Representatives expressed reservations on this point.

- 7) The Parliamentary Reflection Group was not in favour of the Committee of the Regions being officially consulted on compliance with the principle of subsidiarity¹;
- 8) The group called on the governments to make available to their parliaments all significant documents relating to the second and third pillars;
- 9) The group proposed that the chairmen of committees on foreign affairs and/or internal and legal affairs should be invited to attend COSAC's meetings to take part in discussions on the second and third pillars.

¹ The Bundesrat appears not to be in favour of this point.

ANNEX II

SUMMARY OF INFORMATION ABOUT THE WORK OF THE
NATIONAL PARLIAMENTS AND THE EUROPEAN PARLIAMENT ON THE IGC

	Report and/or resolution adopted	Report scheduled	Meeting with Mrs Guigou and Mr Brok
<i>AUSTRIA</i> Nationalrat			15.9.1995
<i>BELGIUM</i> Chamber des Représentants Sénat	Federal Adv. Comm.: interim report - March 1995 Second report Nov. 1995	Adoption of resolution in plenary by 29 March	26.9.1995
<i>DENMARK</i> Folketing			19.7.1995
<i>FINLAND</i> Puhemiesneuvosto	Grand Committee: Declaration on IGC - Nov. 1995		21.6.1995
<i>FRANCE</i> Assemblée Nationale Sénat	Delegation: 7.2.1995 Delegation: 15.2.1995		1.2.1995 ---
<i>GERMANY</i> Bundestag Bundesrat	 31.3.1995/ 15.12.1995		15.3.1995 ---
<i>GREECE</i> Vouli ton Ellinon	Committee on European Affairs - Dec. 1995	Adoption of resolution in plenary - Feb. 1995	27.11.1995
<i>IRELAND</i> Dáil Éireann Seanad Éireann			5.10.1995
<i>ITALY</i> Camera dei Deputati Senato	Resolution: 23.5.1995 Resolution: 24.5.1995	 Giunta: end 1995	 11.5.1995
<i>LUXEMBOURG</i> Chamber des Représentants			19.9.1995
<i>NETHERLANDS</i> Tweede Kamer Eerste Kamer			30.5.1995 ---

<p><i>PORTUGAL</i> Assembleia da República</p>	<p>Doc. Committee on Eur.Affairs: Dec. 1994 Resolution of Assembly: 2.3.1995</p>		<p>26.6.1995</p>
<p><i>SPAIN</i> Congreso Senado</p>	<p>Joint Comm: Dec. 1995</p>		
<p><i>SWEDEN</i> Riksdag</p>			<p>21.6.1995</p>
<p><i>UNITED KINGDOM</i> House of Commons House of Lords</p>	<p>F. A. Comm.: July Comm. on Eur. Legislation: July 1995 IGC Subcomm.: Nov. 1995</p>		<p>27.3.1995</p>