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# What Should Be the Position of National Parliaments in the Construction of a European Political Union?

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On the road to European construction thus far, there has been neither any on-going rationale, nor any pre-established design that the European treaties should have to carry over into our institutions [1]. This is what sixty years of European construction have taught us and it is the lesson of which Luuk van Middelaar so wonderfully reminds us in his recent work, *The Passage to Europe* [2]. Upon finishing this book, one has the impression that the organization of the European institutions and the political relations within the European Union in 2013 appear to be of a provisional nature. The Lisbon Treaty (2009), no less than previous treaties, seems in this respect to be the outcome of a specific political context and balance of power.

All along the series of successive “passages” which have led to the construction of Europe, there has been one constant element: the role of national Parliaments. These Parliaments have been one of the sources of democratic legitimacy in a European context since the very beginning of the European project. National Parliaments have a central role in European construction and yet they have a peripheral position in the institutional landscape of the Union. This paradox, which is the subject of this paper, poses the question of the democratic legitimacy of the functioning of the Union and also that of the future prospects for the construction of a more integrated political Union.

## 1- RETURNING NATIONAL PARLIAMENTS TO THEIR POSITION AT THE CENTRE OF THE STAGE.

The debate on the position to be held by national Parliaments in the construction of a political Union is much different today in late 2013 from what it was four years ago at the time of the implementation of the Lisbon Treaty in 2009. In article 12, the Lisbon Treaty states that “*National Parliaments contribute actively to the good functioning of the Union*”. This action is carried out at several levels, from the ratification of the treaties to the implementation of inter-parliamentary

cooperation through, for example, the COSAC [3], as well as through various monitoring and assessment mechanisms. The supervision of subsidiarity is, without a doubt, the most considerable of the powers of the national Parliaments insofar as it provides them with a supervisory function concerning the legislative production of the European Union. In this context, national Parliaments occupy an unusual position in the Community architecture: they are on the boundaries of the institutional structure of the Union, with one foot in and one foot out. The actual wording of the Lisbon Treaty says a lot about this intermediary position: although national Parliaments do not participate directly in the functioning of the European Union, they “*contribute actively*”, which they would be unable to do without operating within the scope of the Union.

This was the balance achieved before the Eurozone and the sovereign debt crisis. What has happened since then? Economic and monetary Union has been accelerated in an unprecedented way with recovery plans which pledge billions of Euros from national budgets and a huge change in the basic coordination parameters in economic policy. This development can be summed up in three trends: priority to forward-planning, priority to integration and priority to inter-governmental initiatives. If the Lisbon Treaty wished to reposition national Parliaments well within the institu-

1. This paper incorporates the main ideas of the closing speech made by Claude Bartolone at the Robert Schuman Foundation colloquium on the role of national Parliaments in the construction of European political union. This colloquium was held at the French National Assembly on October 2, 2013.

2. <http://passage-to-europe.eu/english-edition>

3. The Conference of Parliamentary Committees for Union Affairs, in charge of cooperation between the national Parliaments and the European Parliament whose role is specifically laid down in Protocol N°1 of the Treaty on the European Union. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0148:0150:EN:PDF>

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tional framework of the European Union, these three trends have, in practice, pushed them to the furthest reaches of its periphery.

- **priority to forward-planning:** *ex ante* coordination of budgetary policies and the new framework for economic governance with the *Six Pack* [4] and the *Two Pack* [5] have changed the calendar and the centre of gravity concerning budgetary and fiscal decisions. The budget which is presented to Parliament in the autumn must, from now on, be seen in the framework of a negotiation which has been carried out previously in Brussels. If national Parliaments no longer have a say concerning this framework, then their budgetary sovereignty could become but a hollow formula.

- **priority to integration:** the economic and financial crisis strengthened the need for coordination in the field of economic and monetary Union. It also made a strong case concerning the need for differentiated integration based on the single currency. Last spring the President of the French Republic, François Hollande, put forward a strong proposal to his European partners: the idea of setting up, within two years, an "economic government of the Eurozone". The details of such a government are yet to be clarified, however the general shape that it could finally take is relatively clear: a stable Executive at the head of the Eurogroup, a European Treasury, an autonomous budget, a monetary pillar in conjunction with a fiscal and a social pillar which would be created by means of a path to progressive harmonization.

Naturally, the road towards such an economic government will be long and will require numerous compromises. However, I strongly believe in this dynamic because I am convinced that it is essential for the long-term stability of the Eurozone and that the success of the European project requires greater political integration. I hope that it will be taken as far as possible in the coming two years in the context of the current treaties. However, I do feel that for it to reach full completion, this project can only be totally fulfilled if we reconsider the issue of modifying the treaties.

Nonetheless, European integration must not lead to removing the essential nature of parliamentary super-

vision. The budget, fiscal policies and their impact on the lives of our fellow citizens, are all subjects which are very politically potent and which must not be allowed to fall outside the scope of representative democracy. The setting-up of an economic government for the Eurozone will clearly have an influence on the balance of powers between the national and the European levels. It will also call into question the current balance between the legislative and the executive powers, as it will refer more and more questions, which today are submitted to the prior consideration of Parliament, to the Council of the Union or to the Eurogroup. This reform must thus also be accompanied by a deeper reflection process on the role of national Parliaments and the use of their sovereignty in the case of issues decided collectively at a Community level.

- **priority to inter-governmental initiatives:** whether we like it or not, the limits imposed by the management of crisis situations have accelerated the process of shifting towards more intergovernmental initiatives in Europe. This is the case as regards the decisions taken recently by the European Council which saw itself in the role of a Council for the saving of the Euro. It is also the case for the decisions taken by the Eurogroup to stem the sovereign debt crisis through, for example, the setting-up of the guarantees of the European Stability Mechanism. These decisions were taken outside of the usual democratic supervision process. Thus we built emergency structures without being sure of the solidity of their foundations and it could certainly easily be said that such structures are fragile in terms of democratic legitimacy. This was clearly shown by the disastrous media impact of the management of the Cypriot debt crisis or of the decision handed down on July 10, 2012 by the German Constitutional Court of Karlsruhe, on the implementation of the European Stability Mechanism. In order to fill this democratic gap which has now become a central part of the economic governance of the Union, I can see but one solution: the strengthening of parliamentary supervision. However, I do not wish this development to be introduced as a result of coercion in order to be in conformity with the decisions of the Court of Karlsruhe, which itself, refers to the prerogatives of the Bundestag as regards the European Stability Mechanism and which will, very soon, render a decision on Outright Monetary Transactions [6].

4. [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ecofin/125952.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ecofin/125952.pdf)

5. [http://europa.eu/rapid/press-release\\_MEMO-13-457\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-457_en.htm)

6. A program of the European Central Bank introduced in December 2012, which allows the ECB to purchase an unlimited number of sovereign bonds.

Thus, in the space of five years and on account of an unprecedented economic crisis, we have changed the model for European governance. This change has led to a serious calling into question of the democratic balance within the Union. This change did not require modifications in the Union's treaties. In fact, for the most part, it took place without them and occurred in an informal way or in the framework of an intergovernmental treaty such as the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union. Today we have reached a crossroads in this field. On the one hand, we have a clear need to re-inject democratic legitimacy into the system and on the other hand we have a loss in the supervisory powers of national Parliaments. Each of these issues has, in my opinion, a single solution: the placing of national Parliaments once more at the centre of the European stage and in a more general way, the strengthening of the position of parliamentarianism in the institutional balance of the Union.

## 2- LOOKING FORWARD TOWARDS A MORE POLITICALLY INTEGRATED UNION

- Before deploring the democratic deficit within the Union, we, members of Parliament, have the responsibility of using to the fullest extent possible the instruments which are available to us. I am totally aware that there is a scale concerning the means which various European Parliaments have as regards their supervisory powers in the field of European decisions. In the Scandinavian parliamentary democracies, governments approach European negotiations with a quasi "binding instruction" from their Parliament. The situation in France is quite different where the notion of "rationalized parliamentarianism" provides much less leeway to prior parliamentary consideration concerning European decisions.

In the French National Assembly much has already been done to improve the follow-up to European decisions: we now have a debate and a vote on the stability and reform programs, we have regular hearings with European commissioners, we have a wider right to adopt resolutions in the Assembly which can now be

tabled on all European subjects, we have much better coordination between French lawmakers and Members of the European Parliament (in particular concerning more regular meetings on the main instruments on the European agenda) as well as between the standing committees and the European Affairs Committee and we have a much more substantial role for the European Affairs Committee itself.

Such developments are perfectly in line with the role that I see Parliament as having in a renewed democracy which is fully in control of its powers of assessment and supervision. However we can certainly go even further in this direction. I imagine, in particular, the setting-up of more frequent hearings of ministers before they commit France in the sector meetings of the councils of Ministers in Brussels. I also imagine a better way to transmit the draft decisions of the Eurogroup as well as those taken concerning European financial stability instruments. All too often such decisions are not subject to our supervision even though they commit our public finances.

- We must also make the most of the potential offered by the Interparliamentary Budgetary Conference which was set up in the framework of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG).

In accordance with article 13 of the TSCG [7], the Speakers of national Parliaments and the President of the European Parliament decided at their annual meeting in Cyprus, last March, to set up this body as of 2013. It will meet for the first time in Vilnius, under the Lithuanian presidency, from October 16-18, 2013.

I welcome the decisive role played by the French National Assembly in the setting-up of this new body for inter-parliamentary cooperation. It is indeed an important step along the path to a better association of national Parliaments and to an efficient dialogue between these Parliaments and the European Parliament. We must now have the same determination to give life to this conference and to ensure that the representation of our assemblies be irreproachable at the first session of this institution in October in Vilnius and at all sub-

7. Article 13 of the TSCG : "the European Parliament and the national Parliaments of the Contracting Parties will together determine the organization and promotion of a conference of representatives of the relevant committees of the European Parliament and representatives of the relevant committees of national Parliaments in order to discuss budgetary policies and other issues covered by this Treaty".

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sequent sessions. This new inter-parliamentary body must win its place and prove that it is not just another "latest thing" in an already cluttered institutional landscape.

The legal framework for this conference is certainly limited, given that it has no decision-making power and that its role is to "debate" economic and budgetary policies. However, I consider that the institutionalization of this notion of "debating" has several very positive points: it involves the various relevant standing committees of the national Parliaments in decision-making; it strengthens the synergy with the European Parliament; it implies exchange within a collective framework which means transparency as regards public opinion; it engenders an *affectio societatis* between the parliamentarians who are members; all of the above lead to a strengthening of the European spirit.

- We must also prepare the future by bringing together the developments of the monetary and economic union and those of its institutions. The challenge is to breathe democracy into the two dynamic trends which are the dominant forces in today's Europe, i.e. its differences as regards the Eurozone and its integration. Progress is possible in two phases.

The first phase would broaden the role of the Budgetary Conference: I personally am in favour of the Conference dealing with questions concerning the member states of the Eurozone, for example by bringing together, in addition to its biannual sessions, the law-makers of the Eurozone countries, of the European Parliament and of the states liable to adopt the single currency in the short term. The mechanisms of parliamentary supervision of any future economic government of the Eurozone could be discussed within such a framework.

In the second phase, it would be necessary to establish the measures required by any further integration of policies within the Eurozone. As far as I am concerned, I cannot imagine that any form of economic government of the Eurozone could be introduced without there being a parliamentary dimension requiring such an economic government to account for its action. As

regards such questions which are at the very heart of the powers of national Parliaments such as the budget, fiscal measures, major social issues, the least we can do is to place the Parliaments at the very centre of the monitoring of any future European economic government. Europe has not consigned Montesquieu to the dustbin: Europe also needs a balance of power in which a government must be accountable before a parliamentary body.

It is for this reason that I am in favour, when the revision of the treaties will once more become a topical question, of moving towards the setting-up of a "Congress of Parliaments". Such a Congress will represent the parliamentary dimension of a European economic government. The implementation of solid financial solidarity based on national guarantees, the closer monitoring of national budgets and the application of the harmonization of fiscal policies, can clearly not be carried out if we distance the national Parliaments which have budgetary sovereignty and which are the daily interlocutors of the European people, from the centre of the debates concerning the very democratization of Europe. My aim is not to reduce the role of the European Parliament. It is rather to provide a credible solution to the problems which will not be resolved alone by a committee of the European Parliament dedicated to the Eurozone. My aim is to provide a solution which takes into account the need of voters to be close to their representatives and the requirement to have the broadest possible degree of representation of the body which is in charge of carrying out such a monitoring task.

Whatever structure is decided upon, the aim is to set up a balanced complementarity between the European Parliament and the national Parliaments and to have the latter play their part in the subsidiarity which is at the very heart of European construction. This Congress, contrary to the European Parliament, would not have a role of co-legislator. Neither would it have the objective of dealing with questions relating to the Union of 28 members. This idea of a Congress of Parliaments would only make sense within the framework of strengthened political integration in a differentiated Europe. This idea seems relevant to me both from an

institutional point of view as well as from the standpoint of strengthening the democratic nature of European construction: national Parliaments are the close interlocutors of national citizens and can encourage, in the future, the emergence of a European citizenship which would be more than just a legal notion.

failed to talk enough about Europe and we have failed to speak enough about its positive aspects either in our capital cities or in our constituencies.

However there is a real urgency on a European level which should push us to change our ways and to propose concrete answers to the democratic requests put forward by our fellow-citizens. Indeed there is little time left before the European elections of May 2014 in order to re-establish the connection between Europe and its peoples. This issue will certainly be one of the major questions of that electoral campaign. As far as I am concerned, I have the firm belief that such a connection must be made also through the national Parliaments and that the "passages" described by Luuk van Middelaar towards a Union in a state of perpetual reinvention, must cross each other whilst at the same time maintaining their sight well fixed on these very reference points of democracy.

## CONCLUSION

On this particular road, our task, as parliamentarians, is double: we must ensure, of course, that national Parliaments are listened to in Brussels but we must also make sure that they are efficient conductors for European issues within each member state. To use an image, it is just as much a question of having the brew of Europe infuses into the capital cities as it is of having democracy percolate as far as Brussels. This momentum has today been severely slowed down and we, as parliamentarians, without any doubt have a certain responsibility for this lack of movement: we do not, as yet, collectively have the necessary European reflexes in our way of carrying out politics. Collectively, we have

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