

A stylized world map composed of grey dots, with several dots highlighted in red, primarily in Europe and North America.

# A Conference of Parliaments for Europe

## New Ways of Interparliamentary Cooperation

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The various economic and budgetary policy governance instruments at European level have achieved a regulatory density that a few years ago seemed barely imaginable. The crisis has brought painfully home to us how urgently we need stronger and more effective cooperation in these areas. At the same time, the question also arises of the democratic legitimization of the new coordination mechanisms in which parliaments date have been participated only sporadically. Every parliamentary level thus sees itself confronted with its own tasks that must be solved independently. In the German Bundestag we are on the right track with a series of specific participation laws and the most recent amendment of the Cooperation Law (EUZBBG)<sup>1</sup> – a track that we must continue along, in particular with regard to the ability to cope with the new tasks in practice. We do not have room here to discuss the Bundesrat as »second chamber« and the corresponding legislation.

Participation rights and formal competences, however, are far from being everything when it comes to the role of parliaments in the European Union. More intensive cooperation on issues of »budgetary policies and other issues covered by this Treaty« is already provided for by Article 13 of the Fiscal Treaty. Following this there has been an intense discussion concerning how new facets can be added to parliamentarism in Europe through interparliamentary forms of cooperation.

Before a detailed treatment of the composition, ways of working and organisation of an interparliamentary conference, however, we must focus on another question: what could such a body deliver and for what tasks is it entirely inappropriate?

1. Law on Cooperation between the German Federal Government and the German Bundestag on EU matters.

### What an Interparliamentary Conference Could Deliver

As banal as it may sound at first hearing, a central added value in the first instance undoubtedly consists in the fact that a conference would provide an institutionalised platform that would simplify and strengthen the exchange of information and cooperation between. Even if every representative – whether in the European or a national parliament – were to stress the importance of appropriate parliamentary involvement and democratic legitimization of cross-level European coordination processes, cooperation between representatives across borders, despite positive developments, certainly remains capable of improvement.

Exchange, integration and coordination between MPs are thus the key tasks that such a conference could undertake. However, not as an end in itself: knowledge of the current state of the debate in other elected assemblies, exchange of best practice with regard to parliamentary participation procedures, getting to know about different perspectives and, not least, possible agreement on common approaches would serve in the first instance to enable each parliament to carry out its tasks better and more effectively. The repercussions of the debate for discussions in the parliaments of EU member states constitute a further argument for their establishment. National representatives would obtain an insight into how individual questions are being debated in other countries or at the European level, thus developing a stronger Community perspective and take these experiences back with them to their own parliaments. But it also works the other way around: European representatives would get the chance through this exchange of views to discuss the problems of the concrete application of European policies and could take them on board in their work.

But it is not only these largely »internal« – that is, arising between parliaments – advantages that speak in favour of a conference. The external impact also offers an opportunity. Representatives would get the chance to discuss their respective standpoints and procedures with colleagues and to agree on a voluntary basis concerning closer coordination of hitherto uncoordinated processes and positions. Besides the formal role of legislatures in European decision-making, a parliamentary component could be added to the existing European governance and the policy impact of elected assemblies and their role in opinion-forming in European matters could be strengthened. Above all by means of the articulation of common standpoints in relation to the Council and the Commission or simply the elucidation of policy alternatives or individual No-Gos in the wake of public debates there is a chance of developing a stronger parliamentary voice out of nowadays uncoordinated parallel running procedures and policy processes.

Among the arguments in favour of an interparliamentary conference, the limits of such a body, which are sometimes not made sufficiently clear in the current debate, should not be ignored. It is neither legally (constitutionally) nor politically conceivable in the foreseeable future that an interparliamentary conference could also pass resolutions that bind another parliament and formally limit its scope of action. Besides case law, for example, of the German Federal Constitutional Court, the limited number of participants per national parliament alone speaks against formal decision-making powers for such a conference, as well as the difficulty of allocating responsibility for individual decisions and thus the difficulty of forging a link, in terms of democratic theory, with the election decisions of citizens. A formal transfer of competences cannot take place. Thus also the occasionally expressed hopes that an autonomous and significant source for the democratic legitimisation of European policy could emerge here must be tempered. Even though the body can contribute to the parliamentarisation of Europe, the responsibility for democratic legitimisation of political decision-making remains with those actors whose central task this is: parliaments at national level and the European Parliament.

## What is not meant

Fundamental reflections on parliamentarism in Europe in general and the advantages of an interparliamentary conference in particular are easy. Things get difficult when one enters into specifics. What exactly would such a body look like, how should it be organised and how should it work? Based on the foregoing, we can say first what is not intended.

A conference would lose many of the abovementioned advantages if in the first instance »parliamentary diplomacy« were brought into play, as is already the case in a series of existing interparliamentary formats. COSAC<sup>2</sup> or meetings of committee chairs are not without reason largely insignificant politically and receive next to no public attention. An open debate is needed, if necessary even confrontation, if such bodies are not to become boring routine events. Politicisation is needed for this, which also requires political weighting of the number of representatives sent by each parliament. The voices of opposition must be represented and parliamentary majorities preserved. For example, in a conference taking the form of a meeting of the chairs of budgetary committees the Bundestag would at present be represented by a Social Democrat. If the Finance Committees met, the representative would be from the FDP. Regardless of political preferences it must be stated, however, that such a composition largely based on chance, made up of actors who, based on their function, have limited scope for political action, stands in the way of an active, relevant conference characterised by lively debate.

Another misunderstanding that must be avoided by all means is that this conference could come into competition with existing parliaments. Nothing will be taken away from anybody, no one will be excluded! Neither the European Parliament nor national parliaments would have to give up competences. The creation of a completely new autonomous parliamentary level is not the intention behind enhanced interparliamentary cooperation. As already mentioned, it is a matter of strengthening existing parliaments and their mechanisms of participation. For this purpose, indeed, there is no need for any anchoring in primary law. The treaties would remain untouched. Closely linked to this is a further condition that

2. Conférence des Organes Spécialisés dans les Affaires Communaires.

such a conference should fulfil: all 27 (soon 28) member states of the European Union must be represented, regardless of the currency they use. Thus it is not a matter of setting up a Euro-parliament or something of the kind by the back door. This would harbour the danger, alongside enormous practical problems, of provoking centrifugal forces within the established structures that in the end would rather damage parliamentarism in Europe than benefit it.

## What an Interparliamentary Conference Should Look Like: Content, Composition, Organisation, Functioning

Even though no one in such a »polyphonic« discussion, in which we would be largely entering new territory on the basis of trial and error, can claim to have found the philosopher's stone, such an interparliamentary conference must meet a number of conditions.

*First*, content. It makes perfect sense that, as a rule, a »conference based on Article 13 of the Fiscal Treaty« is talked about since this norm gave the impetus for the current debate. However, to confine the conference's sphere of activity to issues of the fiscal pact on this basis would be neither appropriate nor expedient. Rather it should concern itself generally with European instruments within the framework of deepened economic, budgetary and financial policy coordination, in terms of which the European semester must be a key connecting factor. The orientation of its contents, its specific implementation, the procedure for parliamentary participation, as well as the economic and social consequences of individual steps in the wake of coordination cycles should be the focus. In any case, there is no formal need to confine the conference to Article 13 of the Fiscal Treaty. Even Article 9 of the protocol on the role of national parliaments, as well as Article 12 f) TEU suggest an interparliamentary cooperation for which no formal basis in law is required.

*Second*, composition. Since this would be a joint conference of the European Parliament and all national parliaments, all the participating chambers must be able to participate appropriately. It could be imagined, for example, that one-third of the seats be given to European representatives and two-thirds to national MPs. Each parliament would decide for itself how its delegation would be

composed. The most representative composition in terms of factions and representation of the committees that are particularly concerned should be the aim. In accordance with the political character of the conference, in order to avoid the abovementioned »parliamentary diplomacy« and to approach a fair representation of EU citizens, the allocation of seats among the national parliaments should, for example, be carried out proportionally on a sliding scale in conformity with the European Parliament. As a practical guide, the composition of delegations to the European Council would be possible. However, each member state should be entitled to at least six seats.

*Third*, concrete functioning. Two sessions per year alongside the coordination cycles of the European semester in spring and autumn would seem to make substantive sense and to be organisationally feasible. National parliaments should thus agree on a »parliamentary week« in which there are no parliamentary sessions in EU states in order to make it easier for representatives to participate in the conference. The presidents of the Council and the Commission, as well as of the ECB and the chair of the Euro-group should be invited, prepare reports and be available for discussions. Subgroups could be set up for technical discussions in which intensive substantive debate would be possible, despite the size of the conference. On top of this, the conference would be free to take its own positions and viewpoints in accordance with a self-chosen decision-making procedure. Although these would not be binding, the leaderships of the EU institutions should be asked to report on the extent to which they have been taken those positions into account at the next meeting. It is also conceivable that the parliaments take up the viewpoints expressed at the conference within the framework of their regular work: for example, as amendments of European Parliament resolutions or in the course of discussions with the relevant government in national elected assemblies. In order to promote the politicisation of the conference a meeting of the European »party families« in the run up to the conference would be desirable to coordinate their positions as far as possible and to encourage particularly intensive party-political cooperation. In particular, with regard to closer interparliamentary cooperation, this might be expected to provide a starting point for having an impact beyond the conference period.

*Fourth*, organisation. Here, too, it should be made clear that what is at issue is a joint conference of national



elected assemblies and the European Parliament. The chair would accordingly be held jointly by the European Parliament and the parliament of the current Council presidency and they would reach agreement on questions of organisation. Many practical reasons – premises, translation services, accessibility – favour choosing Brussels as the venue, generally speaking.

## Daring to Take a New Path!

European integration changes the way in which policy is made and decisions taken. Governments have always been a step ahead of elected assemblies in this respect.

Intergovernmentality has been strengthened in recent years from one summit to another, while at the same time legislatures in the member states have become weaker and the European Parliament has been largely left out in the cold. Naturally, each parliamentary level has to deal with its own tasks and make its contribution to Europe's democratic legitimation. Today, in an ever more integrated European Union, it is also necessary to set out along new, previously unknown paths in order to strengthen parliamentarism in Europe. An interparliamentary conference, as proposed in this paper, has the potential to give parliamentarism important new facets. We should seize the opportunity!

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