



TEXTS ADOPTED

P9_TA(2024)0023

Implementation of the Treaty provisions on national parliaments

European Parliament resolution of 17 January 2024 on the implementation of the Treaty provisions on national parliaments (2023/2084(INI))

The European Parliament,

- having regard to the Treaty on European Union (TEU), in particular Article 5 on the conferral of competences and subsidiarity, Article 10(1) on representative democracy, Article 10(2) on the representation of EU citizens, Article 10(3) on the right of EU citizens to participate in the democratic life of the Union, Article 10(4) on the role of European political parties, Article 11 on participatory democracy, Article 12 on the role of national parliaments, Article 48(3) on the ordinary revision procedure and Article 48(7) (passerelle clause) thereof,
- having regard to Protocol No 1 on the role of national parliaments in the European Union¹ annexed to the Treaty of Amsterdam and to Protocol No 2 on the application of the principles of subsidiary and proportionality² annexed to the Treaty of Lisbon,
- having regard to Article 15 of the Treaty on the Functioning of the European Union (TFEU) and Articles 41 and 42 of the Charter of Fundamental Rights of the European Union,
- having regard to its resolutions of 7 May 2009 on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon³, of 16 April 2014 on relations between the European Parliament and the national

¹ OJ C 202, 7.6.2016, p. 203.

² OJ C 115, 9.5.2008, p. 206.

³ OJ C 212 E, 5.8.2010, p. 94.

parliaments¹ and of 19 April 2018 on the implementation of the Treaty provisions concerning national parliaments²,

- having regard to the proposal for a regulation of the European Parliament and of the Council on the statute and funding of European political parties and European political foundations (COM(2021)0734),
- having regard to the Commission's annual report on the application of the principles of subsidiarity and proportionality and on relations with national parliaments for 2018 of 11 July 2019 (COM(2019)0333), for 2019 of 30 June 2020 (COM(2020)0272), for 2020 of 23 July 2021 (COM(2021)0417) and for 2021 of 1 August 2022 (COM(2022)0366),
- having regard to the annual reports of the European Parliament's Directorate for Relations with National Parliaments, in particular the 2022 report on relations between the European Parliament and EU national parliaments,
- having regard to its resolutions of 20 January 2021 on monitoring the application of EU law 2017, 2018 and 2019³ and of 19 May 2022 on the Commission's 2021 Rule of Law Report⁴,
- having regard to its resolution of 24 June 2021 on European Union regulatory fitness and subsidiarity and proportionality – report on Better Law Making covering the years 2017, 2018 and 2019⁵,
- having regard to the report of the Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently' of 10 July 2018 entitled 'Active subsidiarity – a new way of working'⁶,
- having regard to its resolutions of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe⁷ and of 4 May 2022 on the follow-up to the conclusions of the Conference on the Future of Europe⁸,
- having regard to its resolution of 9 June 2022 on the call for a Convention for the revision of the Treaties⁹,

¹ OJ C 443, 22.12.2017, p. 40.

² OJ C 390, 18.11.2019, p. 121.

³ OJ C 456, 10.11.2021, p. 56.

⁴ OJ C 479, 16.12.2022, p. 18.

⁵ OJ C 81, 18.2.2022, p. 74.

⁶ Active subsidiarity – a new way of working, [report](#) of the Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently', 10 July 2018.

⁷ OJ C 270, 7.7.2021, p. 71.

⁸ OJ C 465, 6.12.2022, p. 109.

⁹ OJ C 493, 27.12.2022, p. 130.

- having regard to its resolution of 22 November 2023 on proposals of the European Parliament for the amendment of the Treaties¹ ,
 - having regard to Article 13 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG), which enshrines the organisation of inter-parliamentary conferences for the purposes of discussing budgetary policies and other issues covered by the Treaty,
 - having regard to its resolution of 15 March 2023 on the European Semester for economic policy coordination 2023² ,
 - having regard to the conclusions of the Presidency following the Conference of Speakers of the European Union Parliaments held in Prague on 24 and 25 April 2023³ ,
 - having regard to the conclusions of the Plenary Meeting of the LXIX Conference of Parliamentary Committees for Union Affairs (COSAC) held in Stockholm on 14-16 May 2023⁴,
 - having regard to the Declaration of León on parliamentarism adopted at the Conference to Commemorate the International Day of Parliamentarism – Strengthening Parliaments to Enhance Democracy, held in León on 30 June and 1 July 2023⁵,
 - having regard to Rule 54 of its Rules of Procedure, as well as to Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0429/2023),
- A. whereas national parliaments' active participation in European affairs and enhanced scrutiny of national governments by national parliaments are instrumental in ensuring the democratic accountability and legitimacy of the EU institutional system;
- B. whereas national parliaments 'contribute actively to the good functioning of the Union' (Article 12 TEU) and, together with the

¹ Texts adopted, P9_TA(2023)0427.

² Texts adopted, P9_TA(2023)0078.

³ <https://parleu2022.cz/wp-content/uploads/2023/04/EUSC-Prague-Presidency-Conclusions-final-EN-1.pdf>.

⁴ <https://secure.ipex.eu/IPEXL-WEB/download/file/8a8629a88827df1e018828991e660000/Contribution%20adopted%20by%20the%20LXIX%20COSAC.pdf>.

⁵ https://www.congreso.es/backoffice_doc/prensa/notas_prensa/99181_1688138271277.pdf.

European Parliament, play an essential role in strengthening the democratic legitimacy of the EU project, fostering citizens' trust and contributing to the sustainability and resilience of the European project;

- C. whereas the current tools for national parliaments' participation in European affairs are largely unknown both among decision-makers and the general public; whereas there is a need to raise awareness of these tools;
- D. whereas the parliamentary accountability and scrutiny of national governments within the framework of European affairs, which depends on individual national practices, is the cornerstone of the role of national parliaments in the current European Treaty framework;
- E. whereas this accountability and scrutiny can be facilitated by increased transparency in the Council, especially with regard to the voting record and positions of Member States; whereas national parliaments and the European Parliament should increase pressure on the Council to act more transparently and be more accountable throughout the legislative process; whereas, further, access to documents of other EU institutions enables national parliaments to properly exercise scrutiny;
- F. whereas a lack of transparency in the EU legislative and decision-making processes risks undermining both the prerogatives of national parliaments under the Treaties and relevant Protocols and, in particular, their role in scrutinising their national governments as represented in the Council;
- G. whereas parliamentary pluralism enriches the debate at European level and is therefore highly beneficial to the Union and the representation of parliamentary minorities in European affairs and helps to counterbalance the majorities in each parliament while fully respecting them and in accordance with their proportions; whereas the views and representation of national parliamentary minorities should be taken into account at EU level and could prove useful, inter alia, in a future process for the revision of the EU Treaties, while respecting the competences of national parliaments in regard to their representation;
- H. whereas Protocol No 2 (Article 6) acknowledges that national parliaments may consult regional parliaments with legislative powers, yet the role of regional parliaments is largely dependent on the national arrangements and very often remains advisory; whereas the Commission, the Council, the Member States and their national parliaments should take into account the role and promote the involvement of regional parliaments with legislative powers, especially when regional exclusive competences may be affected;

- I. whereas many of the members of the Committee of the Regions hold a regional electoral mandate; whereas a debate could be held on the role of the Committee of the Regions in bringing regional parliaments closer to the overall integration process and in strengthening European democracy;
- J. whereas national parliaments and their role within the EU institutional framework were addressed by a number of proposals contained in the report on the final outcome of the Conference on the Future of Europe (CoFoE); whereas the experience of the CoFoE showed the fruitful alliance between national parliaments and the European Parliament;
- K. whereas national parliaments play a role in any revision of the European Treaties, in particular in the goal of strengthening the parliamentary dimension and the democratic life of the EU; whereas the European Parliament in its resolution of 9 June 2022 called for a Convention for the revision of the Treaties;
- L. whereas a European public sphere could be fostered by a series of forums on the European agenda and such forums could be endorsed through a common 'European Week', in which members of national and regional parliamentary chambers would simultaneously discuss European affairs with Commissioners, Members of the European Parliament and ministers from the sitting Council presidency; whereas the development of a true European public sphere would also benefit from greater awareness among and participation and dialogue with citizens;
- M. whereas the involvement of national parliaments in EU affairs should also be strengthened on a thematic, committee-based or ad hoc approach; whereas the format of Interparliamentary Committee Meetings (ICM) should be further fine-tuned;
- N. whereas national parliaments show interest in being involved more closely on the substance of EU policies and legislation rather than only in the framework of the early warning system (EWS), which exclusively concerns subsidiarity;
- O. whereas the implementation of the right of national parliaments to scrutinise compliance with the principle of subsidiarity, on the basis of the EWS, has strengthened the involvement of national parliaments in EU decision-making;
- P. whereas the reasoned opinions submitted by national parliaments strengthen the European legislative process by assessing compliance with the principle of subsidiarity; whereas the eight-week period laid down in Article 4 of Protocol No 1 has proved to be inadequate for the timely monitoring of compliance with the principle of subsidiarity and should be extended in the framework of the next Treaty revision;

- Q. whereas European political parties play a critical role in bridging the gap between the EU and national parliaments; whereas regulatory obstacles prevent a more meaningful engagement between European political parties and national parties; whereas innovative and stronger tools of cooperation between national parliaments and the European Parliament can be considered, including a more intensive dialogue among political families and groups;
- R. whereas the 2018 implementation report recommended that national parliaments be given the possibility to submit constructive proposals for the Commission's consideration and with due regard to the Commission's right of initiative;
- S. whereas the CoFoE recommended that national parliaments and regional parliaments with legislative powers 'be granted the possibility to suggest a legislative initiative to the European level', an instrument which would afford them the opportunity to suggest constructive proposals for the Commission's consideration and with due regard for the Commission's right of initiative, having first secured Parliament's support; whereas the goal of achieving a full right of initiative for the European Parliament has been highlighted on numerous occasions during the current legislature;
- T. whereas in its resolution of 9 June 2022, Parliament called for the establishment of a general direct right of legislative initiative for the European Parliament; whereas, following the granting of this right, 'green card' procedures should be directed at Parliament;
- U. whereas the implementation of a 'red card' procedure cannot be considered a suitable and constructive tool in respect of the goal of increasing the participation of national parliaments in the European integration process;
- V. whereas the IPEX, a platform for continuous exchange of information among national parliaments and between national parliaments and the European institutions, should be further developed in accordance with its digital strategy; whereas the European Parliament plays a major supporting role in this;
- W. whereas national parliaments have relevant competencies in the areas of freedom, security and justice pursuant to Articles 70, 85 and 88 TFEU and should therefore play an important role in the future regarding the Union's security and defence policy, also by building on the Interparliamentary Conference (IPC) on the Common Foreign and Security Policy and Common Security and Defence Policy (CFSP/CSDP) as established by Article 10 of Protocol No 1;

Scrutinising governmental activity in European affairs

1. Considers that the implementation of the rights and obligations of national parliaments deriving from the Treaty of Lisbon has

enhanced their role within the European constitutional framework, thus providing for more pluralism, democratic legitimacy and the better functioning of the Union;

2. Takes the view that the accountability of national governments to national parliaments as acknowledged by Article 10(2) TEU is the keystone of the role of national parliamentary chambers in the European Union; considers that national parliaments are partners in maintaining the EU institutional balance; encourages national parliaments to fully exercise their European functions in order to directly influence and scrutinise the content of European policies, in particular via the monitoring of their national governments acting as members of the European Council; calls on members of national and regional parliaments to foster a European conscience in their decision-making and to recognise the direct impact of EU policies on their constituents; praises the good experience of cooperation between national parliaments and the European Parliament and considers that national parliaments and the European Parliament have the potential to be natural allies in shaping a stronger parliamentary dimension of the EU;
3. Calls on the Member States to ensure that national parliaments are granted enough time, the capacity, the resources and the necessary access to information in order to fulfil their constitutional role of scrutinising and thus legitimating the activity of national governments when these governments act at European level; recalls the importance of access to information and recognises that the Council must adopt the necessary document security safeguards while ensuring that national parliaments are able to carry out democratic scrutiny over their respective governments, among other things through access to the Council's legislative database, while also fully respecting confidentiality;
4. Considers that transparency of the working methods and decision-making processes of the EU institutions represents a precondition for enabling national parliaments to effectively fulfil their institutional role deriving from the Treaties; calls, therefore, for the voting records and positions of Member States in the Council to be made public; calls, furthermore, for national parliaments to make full use of their respective competences, inter alia by adapting their internal organisation, timetables and rules of procedures to enable them to do so; commits itself and encourages national parliaments to introducing more innovative and stronger tools of cooperation at political and administrative level, including more intensive forms of exchange and dialogue with European political families and groups;
5. Encourages strengthened political dialogue between the European institutions and national parliaments and recalls that decisions must be taken in accordance with constitutional competences, the EU Treaties and the EU *acquis* and taking into account the clear

delineation between the respective decision-making competences of the local, regional, national and European bodies;

6. States that the alignment of the European Semester with the agendas of national parliaments could further contribute to the coordination of economic policies, while underlining that such alignment should not disregard the powers of self-governance and the specific rules of procedure of each parliamentary chamber;
7. Calls for national parliaments to have a stronger role in the implementation of a national period for budgetary and economic policy dialogue, during which national parliaments would be able to cooperate, deliberate upon and contribute to the European Semester by providing their governments with a mandate in their relations with the Commission and the Council;

Developing a European public sphere

8. Stresses the relevance of the principle of proportional representation of members from different political parties in this regard; recommends, therefore, that national parliamentary delegations acting before the European institutions should reflect political diversity;
9. Notes the fact that the binding will of parliamentary majorities could be expressed in the opinions issued by national parliaments, within or outside the framework of the EWS; endorses the idea, however, of national parliamentary political minorities being given the possibility to express dissenting points of view, which could then be incorporated into the annexes to such opinions;
10. Believes that interaction with national parliaments can be indirectly strengthened by empowering European political parties; reiterates its long-standing call to enable these parties to actively engage in the Member States' political spheres and support their member parties when EU issues are at stake; calls for the swift conclusion of the recast Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations¹ to enable European political parties to support their member parties in campaigning for the European elections and referendum campaigns about EU matters;
11. Believes that the establishment of an annual European Week would allow Members of the European Parliament, Commissioners and ministers of sitting Council presidencies to stand before all national and, where appropriate, regional parliaments in order to discuss and explain the European agenda alongside national parliamentarians; suggests opening a discussion on drawing up a common political

¹ OJ L 317, 4.11.2014, p. 1.

declaration or framework agreement between the national parliaments and the European Parliament concerning the organisation of the proposed European Week in order to provide a more coherent framework of cooperation at political, institutional and administrative level; considers that the proposed European Week should draw lessons from current and previous forums, such as the parliamentary week held by the European Semester Conference and the IPC on Stability, Economic Coordination and Governance in the European Union, as well as the CoFoE; believes, further, that political family meetings and caucuses between and within national and European political groups in the framework of EU interparliamentary cooperation could bring added value in the form of authentic European political debate;

12. Considers the stronger involvement of national parliaments from candidate countries to be an essential tool for making the EU enlargement strategy successful; suggests the involvement of representatives of national parliaments from candidate countries in the proposed European Week;

Backing reform of the Early Warning System

13. Underlines that the most substantial prerogative for national parliaments brought about by the Treaty of Lisbon was their ability to scrutinise compliance with the principle of subsidiarity in the early stages of EU legislative procedures;
14. Notes that procedures such as the 'yellow' or 'orange' cards have not been used extensively; suggests that all EU institutions and Member States agree on a common understanding of the principles of subsidiarity and proportionality originally attached to the Amsterdam Treaty, the relevant case-law of the European Court of Justice and the Commission's own practice; considers that the development of this common understanding should include all elements of subsidiarity and could be fostered through new tools of cooperation;
15. Acknowledges the request by national parliaments to extend the eight-week period during which they can issue reasoned opinions under Article 3 of Protocol No 1; underlines, however, that the current Treaty framework does not provide for such an extension; notes that as a mitigation measure, from 2019, the Commission began excluding the end-of-year festive period when setting the eight week period for national parliaments to send reasoned opinions; believes, therefore, that the introduction of a twelve-week period should be considered in the framework of the next Treaty revision;
16. Calls for national parliaments to include the reasoned opinions of regional parliaments with legislative powers into their final reasoned opinions that are sent to the Presidents of the Parliament, the

Council and the Commission when regional exclusive competences are affected;

17. Suggests setting up a system, sometimes called a 'green card' procedure, whereby at least one third of national parliaments can request that the Commission or the European Parliament, once the latter has been granted a general direct right of initiative, submit proposals with the aim of positively influencing the European debate; suggests, in this regard, that the Commission or the European Parliament could enjoy the discretion either to take on board such proposals or to issue a formal response underlining its reasons for not doing so; points out that such a procedure cannot consist of a right of initiative or the right to withdraw or amend legislation as this would subvert 'the Union method' and the distribution of competences between national and European level, thus violating the Treaties;

Implementing the right to information

18. Reaffirms that Article 12 TEU and Protocol No 1 give national parliaments the right to receive information directly from the European institutions; suggests that the right to be informed be extended also to regional parliaments with legislative powers;
19. Recommends that national parliaments use the IPEX platform in a timely fashion to ensure an early start to the national scrutiny mechanism; recommends using IPEX as a channel for the systematic sharing of information and the early flagging of subsidiarity concerns; welcomes the updated version of the IPEX Guidelines, approved at the Secretaries-General meeting in February 2023, which reflects the new version of the IPEX platform and the opportunities and tools offered by this new version;

Envisaging better interinstitutional cooperation

20. Takes note of the current cooperation between the European Parliament and national parliaments in the COSAC, in the IPC on CFSP and within the framework of Article 13 TSCG; takes note, further, of more recent forms of interparliamentary cooperation such as the Joint Parliamentary Scrutiny Group on Europol and the ICM on the Evaluation of Eurojust; stresses that such cooperation should be developed on the basis of the principles of consensus, information-sharing and consultation in order for national parliaments to exercise scrutiny over their respective governments and administrations;
21. Reiterates that the current framework of relations between the Union and the national parliaments could be simplified and harmonised in order to make it more efficient and effective; calls, in this context, for a review of the engagement between the Union and its national parliaments across existing platforms and forums, with

the aim of strengthening these relations and adapting them to current needs; encourages the European institutions and regional parliaments with legislative powers to have more active engagement and direct interaction between each other, while fully respecting the role and competences of national parliaments;

22. Points out that strengthening political and technical dialogue between parliamentary committees, as well as political groups, both at national and at European level, would be a highly productive step towards full interparliamentary cooperation; suggests, to this end, raising more awareness at national level about possible cooperation tools; proposes, therefore, the allocation of additional resources to achieve this aim, inter alia, to fund the use of videoconferences, staff exchanges or pilot projects;
23. Acknowledges the relevance of the ICMs established in Articles 9 and 10 of Protocol No 1 and the sectorial success of a 'committee method' in interparliamentary cooperation; believes that better interinstitutional cooperation could be attained if the ICM were accorded more relevance by the Members of the European Parliament and the national parliaments and if they were prepared for closer cooperation; considers that the rules of procedure could be changed in order to regulate stronger forms of cooperation between national parliaments and the European Parliament, in full respect of their institutional competences and the distribution thereof;
24. Recommends that national parliaments be fully involved in the continuing development of the CSDP; believes that such involvement should be promoted in close cooperation with the European Parliament, in line with Article 10 of Protocol No 1 and with full respect for the provisions of national constitutions regarding security and defence policies; invites national parliaments to reflect in more detail on defence capability prioritisation at EU level, including through joint interparliamentary meetings between representatives from national parliaments and Members of the European Parliament, within the context of the IPC on the CFSP/CSDP and via political dialogue;
25. Recalls the importance of enhancing cooperation and dialogue between the national parliaments and the European Parliament on the right of inquiry;
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26. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.