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Inquiry on

THE ROLE OF NATIONAL PARLIAMENTS IN THE EU

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Witnesses: Mr Andrzej Gałążewski

       Mr René Leegte MP

       Mr Dominic Hannigan TD

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Members present

Lord Boswell of Aynho (Chairman)
Lord Bowness
Baroness Corston
Lord Dear
Baroness Eccles of Moulton
Lord Hannay of Chiswick
Lord Maclennan of Rogart
Baroness O’Cathain
Earl of Sandwich
Baroness Scott of Needham Market
Lord Tomlinson
Lord Tugendhat
Lord Wilson of Tillyorn

Witness

Mr Andrzej Gałążewski, Vice Chairman of European Union Affairs Committee, Sejm, Poland

Q51 The Chairman: Good afternoon, Mr Gałążewski, a very warm welcome from the European Union Select Committee of the House of Lords in London. This is a public evidence session in pursuit of the inquiry we are currently addressing into the role of national parliaments in Europe. We are trying this afternoon to take the mind of three national parliaments, yourselves, our Dutch colleagues and our Irish colleagues. You are most welcome to the Committee and we do appreciate your input.

I hope the weather is as nice in Warsaw as this afternoon it is in London, but we have some important business to discharge inside. Are you able to hear us and is everything all right?

Mr Gałążewski: Good afternoon, welcome. Warsaw, of course, is very well and I think it will support our discussion because the humour is better when the weather is better.

The Chairman: If you are ready, I would just like to remind you, as we remind all our witnesses at public evidence sessions: this is a public session, it will be recorded, we will take
a transcript and we will send that to you for any corrections of a factual nature, but it will be published on our website and available in an uncorrected form. Subject to that we would like to start straight away. There is a lot to get through and I would like to ask the first question of you. We have received some indications from your colleagues in the Polish Senate that relations with the European Parliament are much more effective than those with the European Commission. Does your Committee in the Sejm experience similar issues with the Commission and, if so, why do you think that is the case?

**Mr Gałażewski:** Yes, I do not know exactly what it means that this co-operation in the European Parliament is much better because co-operation with the European Parliament normally is in different forms. Direct contacts of course are fine. The written form is very similar to contacts with European Commission; the answer comes too late and is in general words only. So these two institutions are on the same level concerning their co-operation. Maybe the situation in the Polish Senate is better but I do not know.

I think co-operation with European Parliament is good; with parliamentarians it is better because it is natural. Their Parliament is on the same level. The task of the European Parliament is very similar to our task: we should improve our legislation and prepare good documents. We have formal and informal meetings. We are often in Brussels and we have our representatives in the European Parliament, so it is very natural. The main partner for the European Commission is the European Parliament. On the second level are our national parliaments, so it is not a very big problem for us. I do not think this co-operation is enough but it is not my dream to work on this issue a lot.

**The Chairman:** Thank you.

**Q52 Baroness Corston:** Mr Gałażewski, could you tell us how the role of your national parliament has developed in the European Union framework in recent years and, in particular, since the adoption of the Treaty of Lisbon?
Mr Gałażewski: Yes, the situation was quite different before the Treaty of Lisbon and after. Before the Treaty of Lisbon we had a European affairs committee and nearly all the documents were debated at the meeting of this committee. Now all the parliament debates are subject to scrutiny and one committee prepares the resolutions but the debate is on the level of Senate and independently on the level of Senate. In the last years, the so-called sectoral committees are more involved in EU issues. It is quite new. Sometimes we organise a joint committee—the European affairs committee plus, for example, the finance and public economy committee—and we discuss concrete documents without any conclusions, but exchange of opinion is very important.

The Chairman: Thank you.

Q53 Earl of Sandwich: Good afternoon.

Mr Gałażewski: Excuse me, do you understand me or are there some problems with this?

The Chairman: It is fine at our end. That is very good. No problems, thank you. We will ask Lord Sandwich to ask his question and I hope you can hear him too.

Earl of Sandwich: Mr Gałażewski, we are moving on to the question of decision-making in the EU itself and I wanted to ask you how effective your parliament has been. You mentioned some of your committees have been shaping and influencing decision-making. It would be helpful to our Committee if you could give us some specific examples of when you feel you have been able to influence and shape decisions at the EU level.

Mr Gałażewski: Yes. That influence on the decision-making process of the EU institution is very limited. Formally, we have influence only on some acts that we have investigated concerning subsidiarity, and that is on a parliamentary level. In direct relations they are our first tool, but I think they are even weaker than this former one. For example, I participated in the discussion in the European Parliament concerning better protection and all the national parliaments had remarks on the delegated acts. After a long discussion
Commissioner Mrs Reding promised she would look at this document and maybe reduce the number of delegated acts, so it is our influence and your influence too.

The Chairman: Thank you. I think what we will do is we will ask our slate of questions first and then we may, if we have time, ask for a little more, what we would call, light and shade in the process of our joint experiences in this area.

Q54 Baroness O'Cathain: Good afternoon, I am just referring back to the answer that you made to the previous question that you had particular problems with Commissioner Reding. I am afraid in our Committee, which looks at the internal markets infrastructure and employment, we have had frightful difficulty with Ms Reding, who refuses to communicate with us. Now, is this something that you have experienced because if it is—I will just ask you—do you think member states should get together and say this is not good enough?

Mr Gałażewski: Okay, Mrs Redding promised to change this number of delegated acts but, in fact, a good result in this case is when Governments and parliaments are on the same side. So one supports another. Of course we have such a situation that we approved the position of our Government and in this situation the Government has a better position during the Council meetings. I think that this, in direct inference, is much more powerful than direct contact with commissioner and commissions.

I do not remember whether there was any disagreement in the Commission though. Of course we have different opinions but in fact we in the Commission work on quite different levels. So that is my answer.

Baroness O'Cathain: Thank you.

Q55 Lord Dear: Good afternoon, Mr Gałażewski. We all know that there is an acute financing crisis in Europe, or at least in part of Europe, and this has highlighted the importance of accountability and legitimacy inside the EU. We all know that national parliaments have an important role to play in that. So my question against that background
is: how do you think all of this might impact on the future inter-parliamentary co-operation and how the role of your own parliament might develop in this context?

Mr Gałażewski: Yes, I think the inter-parliamentary co-operation is crucial. I think it is much more important than co-operation between any other institutions because we sometimes have common interests and sometimes different interests. Unfortunately, during the crisis a lot of national ideas and political ideas and movements are more acceptable for citizens. That is a pity but only by co-operation, by sharing of information and by common discussion may we understand each other, so without this co-operation we will not solve our actual crisis, particularly during this time. So in the future it is not a question of if we should co-operate but how this co-operation should be organised.

I think that there are some examples that co-operation is better and some examples that it is not satisfactory. For example, the COSAC meeting is okay but there is not enough time to discuss between parliamentarians. It is only discussion between a speaker or somebody, a reporter, and any others. We need to exchange information between us. One good example was a workshop organised by the Danish Parliament. It was a very good discussion concerning so-called social tourism, vis-à-vis free movement of people—very interesting. Of course there is no conclusion but understanding is much better. I prefer a proper meeting, workshops and maybe such a conference like this one, to strengthen this co-operation.

The Chairman: Thank you very much for that. Can I follow it with a question of my own, because I too, of course, attend COSAC on behalf of this Committee? Is it your feeling that COSAC could have a useful role in establishing areas of common interest and perhaps, as it were, setting up or inspiring groups of parliaments to look at particular issues that could then report back either to COSAC or possibly to their national parliaments and to the Commission? In other words, COSAC would not be the executive body but it might be able to provide a machinery for conducting or starting these inquiries.
**Mr Gałażewski:** COSAC has a good history and experience but I am a little bit tired concerning the agenda. It is too big. I think we should focus on particular hot issues, not on everything because it is not fruitful. I think that we should limit the agenda topics and discuss in many groups of interest—I do not know exactly, but it is dangerous. One group of interest could be, for example, the eurozone group. It is difficult, but we should change something because it is now very tiring and they are not concrete meetings.

**The Chairman:** Thank you.

**Q56 Lord Hannay of Chiswick:** You mentioned the issue of parliamentary oversight of the European financial crisis and there is a lot of talk about that. The French Foreign Minister at the COSAC meeting in Vilnius put forward one model where it would just be the parliamentarians from eurozone countries who would exercise that debate and oversight. The other model would be that all 28 parliaments would do so because non members of the eurozone also have a major interest in the way that economic policy evolves. I wonder if you could comment on which of those two models you think should be pursued, and indeed whether there is some need for national parliaments to get involved in the oversight of these economic issues that are not all ones taken by collective decision but also some taken by national Governments.

**Mr Gałażewski:** You know that I criticised COSAC a little bit but there are two other conferences that are focused on the concrete issues; one on financial economy and one on foreign affairs and security. I have participated in these two conferences and I think that the discussion during these conferences, which have the same composition of 27 or 28 countries plus observers is different. It may be that the specific situation of COSAC makes us more critical but maybe during these conferences a new model will be created. I prefer a discussion, for example, during the meeting of European Affairs Committee, which is work on a concrete document. When we receive an invitation for such a meeting, we participate
in these meetings, and try to explain our position because our position could be different from the English, French and so on. I think that such co-operation with the European Parliament may be better. So participating in European Parliament committees may be the future for national parliaments. Maybe we should send our chairmen to work on a European Parliament level to explain our different interests. That is my suggestion.

The Chairman: Thank you.

Q57 Lord Maclennan of Rogart: Mr Gałążewski, I wonder if you could indicate what impact the early warning mechanism has had on the influence of your national parliament.

Mr Gałążewski: We are not experiencing that matter, in effect. We have of course our representative on the administration in the European Parliament and, if we need some information about work on the different national parliaments on concrete documents, of course we may obtain certain information. But I think that we learn now what to do with this and how to work with this mechanism. Unfortunately, I must say that our Parliament—our Sejm, our chamber—does not have experience on this issue.

Lord Hannay of Chiswick: The Commissioner responsible for relations with Parliament and national parliaments, Commissioner Šefčovič, has suggested that national parliaments could be more influential if they got involved, to a greater extent than they do now, in the consultative process that the Commission undertakes before it makes formal proposals—that is to say, upstream of any formal proposal and before the Commission has set in concrete the ideas. Do you think that is a good idea? Do you think it is a practicable idea? Do you thing the Sejm could cope with trying to get involved at an earlier stage in the legislative process?

Mr Gałążewski: I am not enthusiastic about this new idea to have more power for national parliaments. Maybe it is a problem of our experience. I know that the British Parliament and other western parliaments are more experienced and maybe have better knowledge and
better co-operation. Unfortunately, I must say that the Polish Sejm is not ready to work seriously on this matter of having more power concerning relations between us and the European Commission. I think that firstly we should improve methods that already exist.

**Q58 The Chairman:** Can I perhaps follow that, Mr Gałążewski, as we begin to draw to the end of this particular session, by asking you, in terms of practical collaboration and co-operation between your parliament and this Parliament, how best this can be achieved? Is it enough to have the network of national parliament representatives in Brussels? Do we need to supplement that with a higher-level political dialogue? For example, should we have each other’s email addresses and be sending each other emails on matters of concern when they come to our attention? Is that the kind of way in which you see this process evolving?

**Mr Gałążewski:** Your view of it is very good. So that is one kind of co-operation. But, frankly speaking, it is a very small group that is looking for any comments from any other parliaments. I think we may use our experience from co-operation with our German colleagues, because they are closer. From time to time, we have a limited number of committee meetings on common issues—for example, energy problems. So we discuss with our German colleagues our different goals and the difference in renewable energy and so on: these kinds of problems.

The second mechanism we experience with our colleagues is party or political group meetings, in limited groups—once in Germany, the second time in Poland. For example, my party is co-operating with the CDU. Sometimes the discussion is very difficult, especially concerning historical problems and the results of the last war. But during these discussions we get closer to solving some problems.

So I propose that you and colleagues from the House of Commons arrange such meetings in Warsaw or in London. I think there are many topics we should discuss. One of them I mentioned, for example, is social tourism and the labour market—very difficult problems,
and our interests are quite different to your interests. They are partly the same, but partly not. I think there are some problems, for example, over the enlargement situation in Cyprus vis-à-vis Turkey; problems of Ukraine we discussed. There are a lot. So I propose to arrange such a meeting—maybe 40 people would be enough. You are in a better situation because generally such meetings are in English. We have to support our colleagues with interpreters or we send a group of people who may discuss the topics in English.

The Chairman: Can I say at this stage thank you very much for that offer? We will certainly see what we can do. I think we need to develop the realistic process of bilateral collaboration in parallel with whatever we do on national parliaments.

I would like to say in conclusion, on behalf of our Committee, that you have conducted this in impeccable English, which is not your mother tongue, for 30 minutes. You have given us most interesting information, for which we are very grateful. We would like to express our thanks and look forward to future collaboration both on this and other matters. Thank you very much and goodbye from London.

Mr Gałążewski: It was a pleasure for me and a very new experience. Thank you very much.

Witness

Mr René Leegte, Deputy Chair of the European Affairs Committee, Tweede Kamer de Staten-General (The Dutch House of Representatives), The Netherlands

Q59 The Chairman: This is the House of Lords European Union Select Committee. We are very pleased that we have made video conference contact with Tweede Kamer in the Netherlands.

We have had many contacts on the subject of our inquiry into the role of national parliaments in the European Union. We have a strong shared interest in this subject and have had useful exchanges on it. We are very grateful to you for undertaking to respond to
our queries this afternoon. For the record I would make the point, as I always would, that this is a public evidence session. We have a gallery of the public here. We record what is said in these sessions. They will eventually be available on our website. We will send you a transcript of the record for correction if there are any factual errors, but it is very much a public evidence session.

We have had dealings in the past personally, so I am going to invite Members of my Committee to ask questions. We have about 30 minutes to carry out this discussion. I am going to ask Lord Hannay to start the line of questioning. Thank you very much from us.

**Lord Hannay of Chiswick:** Good afternoon. Your parliament has recently published a position paper on the role of national parliaments that makes a number of suggestions for building on the yellow-card procedure and we have studied that report with interest, as we have studied also the Netherlands’s Foreign Minister’s article in the *Financial Times* a few days ago, which touched on the same issue.

Could you expand a little on the ideas you put forward? How exactly would a green card or a late card work? Would that mean that you are proposing something that would not require a treaty change? Could you perhaps also comment on the Commission’s suggestions made in Vilnius, where you and I were both at the COSAC meeting, that national parliaments could do better if they tried to intervene in the legislative process at an earlier stage and got their views in when the Commission was still consulting and before they had made any formal proposals? Do you think that is practicable?

**Mr Leegte:** Thank you very much for the invitation to have this discussion among us.

I will try to answer. If I am not clear, please correct me or rephrase your question. I will try to be as clear as possible.

In our position paper, which is the first step in my rapporteurship on democratic legitimacy, we aim to stimulate discussion on strengthening parliamentary involvement. On the yellow-
card procedure, I first want to elaborate on the process and then I will come to the substance of the procedures.

On the process, many parliaments are currently unhappy with the eight-week period. What we have proposed is to extend it to 12 weeks in order to give us a better opportunity for coalition-building. The networks are not yet in place but we need more time than the eight weeks given now. So we argue the proportionality argument should be taken into account and moreover the quality and timing of the Commission’s reaction should be improved as well. We think this can be done without a treaty change. We think that it could be done within so-called inter-institutional agreements, which has been done before, for example with the access to limited documents, the so-called documents limités. So that is on the process.

On the other hand, the green card, which gives parliaments rights to initiative, would ask for a treaty change. So that is something for the longer term as we see it.

On the substance then, one of the criticisms of parliamentary action is that it is currently negatively biased. Parliaments can veto proposals collectively via the yellow card and firstly it might be considered to allow a certain number of national parliaments to advise the European Commission to table legislative proposals they believe to be necessary, or to review legislative proposals if they disagree with substantial elements. The Commission should be obliged to respond adequately to any of these requests at the COSAC meeting and give reasons for taking or not taking that action. Moreover, the Dutch House of Representatives notes a suggestion from within the House for the late card—that is, to strengthen the role of national parliaments with the possibility of scrutinising at the end of the European legislative procedure, since national parliaments scrutinise the proposals of the European Commission and not the results of negotiations. So that is what I want to say first and I hope that it is clear to you.
The Chairman: We will carry on with the questioning for the time being and if there is time at the end we can explore some of the implications of what has been said and what your paper says.

Q60 Lord Bowness: Thank you. Good afternoon. Perhaps I can put the question to you in this way. How has your role for your national parliament in the EU framework developed in recent years, particularly since the adoption of the Treaty of Lisbon?

Mr Leegte: How we see it, the last treaty was an improvement. So our focus is not so much on further improvement of treaties but more on how to make it work: how can we make use of the fruits in the current treaty.

Firstly the Treaty of Lisbon has inspired the Dutch Parliament to introduce a special parliamentary reserve and this reserve is placed on a selected number of proposals. Once published, a debate is held with the responsible Minister and a stringent information regime is in place during the negotiations.

Secondly, the Treaty has introduced yellow-card and orange-card procedures, which are taken seriously in the House. Each year a number of proposals are selected to be the subject of a subsidiarity check after they are published. We then seek contacts with other Houses in an attempt to reach the yellow-card threshold, which we reached for the second time two weeks ago. We experienced it as a great success.

Thirdly the Treaty of Lisbon has underlined the importance of our contacts with the other national parliaments. That is why we actively use the COSAC meetings and meetings of the parliamentary representatives in Brussels to build on this network.

Finally, the relevant standing committees annually assess the specific Commission proposals in their policy domain and indicate which proposals will be submitted to the parliamentary scrutiny reserve and/or a subsidiarity check. An English version of this assessment will be
published and is sent to other parliaments as well. So that helps us. We want you to look into our priorities and we can share priorities among the national parliaments.

**Q61 The Chairman:** Perhaps I could ask a question that has been troubling me for some time. I will put it rather more bluntly than perhaps I should do. It is about looking at the Lisbon Treaty. You have explained your Parliament’s response in trying to make the best use of the powers that are open to you in the treaty. How much do you feel that behind the treaty there is a covert Commission agenda offering sops or douceurs or minor concessions to national parliaments? How strong do you think the support is in the Commission and the other parts of the European Union for a realistic and lively debate with national parliaments? In other words, are we playing a part in a charade or are we really part of the cast of players?

**Mr Leegte:** That is a matter of opinion, I think. What I experienced when I held this side event at the COSAC meeting in Dublin was that the European Commission reacted as if it had been stung by a wasp. Since then we have had discussions on whether the improvements we would like to make, together with the other national parliaments, can be done within inter-institutional agreements, which is our opinion, or—their opinion—that it needs a treaty change.

We now have two universities in the Netherlands working on this and there are now a few supporting us. On 16 December I am going to Brussels to discuss with the European Commission our views on the improvement and the possibilities the Lisbon Treaty gives us to strengthen our position. So I can report back after 16 December on the content.

**The Chairman:** I ought perhaps to warn you that we may have a vote in our House at some stage. If suddenly I, because I do not vote, am left as the presiding Member of this Committee, we will have to suspend for 10 minutes while that vote takes place.
Baroness Scott, I do not know if you have anything to add on the Lisbon Treaty specifically, or whether you would like to leave it for now.

Baroness Scott of Needham Market: I will leave it for now.

Q62 Lord Tugendhat: Could I approach the issue from a slightly different angle than Lord Boswell? It seems to me that in recent years the European Commission has lost a lot of ground and influence in the Union, partly because it has become increasingly subject to the European Parliament—it is for ever looking over its shoulders at the European Parliament—and therefore its capacity to operate as the independent advocate of the broader European interest has been diminished. I wonder whether you feel that if there was a greater role played by national parliaments, this would add to the Commission’s freedom of manoeuvre and enhance its ability to look at issues from a broader European perspective rather than through the prism of the European Parliament.

Mr Leegte: The problem with your question, to be honest, is that I am a rapporteur of the whole parliament and as we have quite a variety of opinions on the European Union, your question is quite difficult to answer as I am in the starting process of our investigations. However, if we go further with the improvements the Lisbon Treaty gives national parliaments, the consequence is that the balance of power will be different. The equilibrium will lie somewhere different from where it lies now, whether it is more power to the Commission or more power with national parliaments. Being members of national parliaments of course we expect that it should be a bit more in the direction of the parliaments, which in my opinion gives more legitimacy to the European project.

Q63 Earl of Sandwich: Mr Leegte, can we look at the problem from the perspective of decision-making at the EU level? How effective has your national parliament been at shaping and influencing decisions at the EU level? It would be very helpful to us as a Committee if
you could give us specific examples of where you think you have been able, as a country, to influence and shape decision-making through your Parliament.

**Mr Leegte:** How we work is that we have strong contacts and regular meetings with the European Commission. Each year we have multiple Commissioners visiting our House, although we lament delayed reactions on reasoned opinions from the Commission.

We also have bi-annual meetings with the 26 Dutch Members of the European Parliament and every standing committee aims to visit the European Parliament. For example, my committee on energy will visit Brussels next January.

We often use conferences in Brussels to meet with European Commission officers and/or EP Members. So the conclusion is that the level of quality of engagement is all right, although it can always be improved.

You asked for successes so far. The last yellow card is celebrated as a success, as it was an initiative of one of my Liberal colleagues. We also have had some minor successes in influencing the European process through the Council. So what we do is, the week before a Council meeting there is a meeting in Parliament and with motions we can mandate our Ministers to direct and influence the discussion at the Council level, which then of course goes further into the European decision-making.

**Q64 Lord Wilson of Tillyorn:** You have touched on this before but I wonder if you could just deal with it specifically. It is the question of what impact you think the early-warning mechanism has had on the influence of your own national parliament.

**Mr Leegte:** It is difficult to say. That is why the University of Utrecht is now analysing the way we use the instruments and procedures we have. They are assessing the effects. Next December, so next year, when the Lisbon Treaty has its five-year anniversary, I hope to present the university’s report. I can promise to send you the report so you can see where
we gained influence and where we could make more use of the instruments. I am sorry that I cannot tell you more.

**Q65 Lord Dear:** Good afternoon. It is common knowledge and commonly agreed, I think, that there is a financial crisis in Europe, or at least in some countries in Europe, and that this has highlighted the importance of democratic accountability and legitimacy within the EU. Because of that, again everyone would accept that national parliaments have a very important role to play in this. My question is about the role and the position of national parliaments, and your own parliament as well. It is in two parts, although they are linked. How do you see co-operation between parliaments in the EU changing and perhaps improving? Allied to that, how do you think the Dutch parliament particularly might develop its role—if it does change at all—in the face of these problems?

**Mr Leegte:** The first difficulty concerning your question is of course that some of the countries have introduced the euro and some not. Some are willing to introduce it and some are withdrawing from possible entrance to the euro. That gives a division between the different countries involved in the European Union. But the financial crisis, without doubt, has given an impulse to economic co-ordination of the European Union. The European semester is far-reaching and parliaments still struggle to get a grip on it. So that is where we propose the sharing of best practice in this regard. We consider the article 13 conference—held six weeks ago in Vilnius—as an important occasion for inter-parliamentary discussions on economic co-ordination, which is of course very important. Moreover, our Parliament has nominated a rapporteur on the European semester—Anoushka Schut-Welkzijn, who is a member of my party. If you want some more information specifically about the European semester, she can join this conversation. I can exchange contact details through Lord Boswell if you would like.
The financial crisis has also increased national expenditure on Europe and consequently parliaments’ rights to approve budget more and more include expenditure at the European level. This leads to the dilemma that you would also like insight into how the budget is used: if it is really targeted and spent well. So far, there is not so much insight into that and so the questions are at the front end, but also on the responsibility of the spending.

**The Chairman:** Does any colleague want to add a question there?

**Lord Hannay of Chiswick:** You were at Vilnius, as was I, and heard the French Foreign Minister suggest that the best form of parliamentary oversight for these financial issues would be one restricted to the members of the eurozone. Others—I think we ourselves—would think that, because many of the issues being debated involve all 28 member states and impact on all 28 member states, the sort of formula that was followed at that meeting in Vilnius that you referred to, is the better one. I wonder if you could comment on that.

**Mr Leegte:** The issue you stipulate is an important one, but in my role of independent rapporteur it is difficult to respond on it. At the next COSAC meeting I can give you my own personal views, or my party’s views, but in my current role I am afraid that I am not able to respond on it.

**Q66 Baroness Scott of Needham Market:** Thank you. I wanted to go back to the question of red and yellow cards and so on and particularly the question of subsidiarity. The Lisbon Treaty sets out subsidiarity in quite a legalistic way whereas for many national parliamentarians there is almost an emotional element to subsidiarity, where parliamentarians feel that their rights to represent their people are being infringed. I wonder what you think about this question of how one defines subsidiarity and whether the current rather legalistic approach is something that acts as an additional barrier to member states exerting more influence in this regard.
**Mr Leegte**: This is at the heart of my investigation as a rapporteur. So far we deal with it by asking our standing committees to look into the working programme of the European Commission and then answer the question whether the standing committee in the majority thinks it is a matter for subsidiarity-check, yes or no. We have now managed it in the process but it is not a real answer to your question. Then again, it is just in the early stages of my rapporteurship so once again maybe I should promise you that I will come back after my rapporteurship and offer the total document.

**Q67 The Chairman**: You are very modest but your answers are being very helpful to us. Can I extend the train of thought in our remaining minutes to ask a little bit about the nature of the most useful contacts that we can have between our parliaments in your experience? We have, with the first Chamber, done some work on specific areas, which our Sub-Committee B did, if I recall. That has been very useful. I would like to probe you in our remaining minutes as to how best we take these contacts forward. At one level it could be no more complicated than the fact that we might share email addresses and, if you had a problem, you could get in touch with us. That is supplementing the work that is done by our national parliaments' offices in Brussels anyway.

At another level we could look at subjects that were of mutual interest. You mention the Commission’s work programme. We shall be considering how we handle that in our deliberative session here shortly. We could think about a practical way of just sharing views on that, without necessarily all having to fly to each other’s capitals to get a final conclusion. Equally, there is the question of COSAC as a representative body for national parliaments. Do you see that as being a possible vehicle for representing and organising the collective effort? Or is it best kept in its present form and we should be relying on better bilateral or selected multilateral contacts? How do you feel that argument is developing?
Mr Leegte: I think we can improve co-operation between national parliaments. That is my strong belief. So far COSAC seems to be the best platform for that, where all the countries are involved, all the parliaments, both senates or parliaments—House of Commons, House of Lords—which thereby is a network of people involved in European process who know what the European Union is about.

As a sort of cliffhanger, next COSAC we are working now on a proposal to strengthen co-operation between national parliaments. So just in advance of the January meeting I will call you and give you my proposal and ask for your support then. The general feeling is that COSAC should be the platform for better networking and better working together as that is an institution that is in place, which has its interpreters, and all the parties are involved and we meet four times a year. So that seems most logical.

The Chairman: Thank you for that and thank you for the answers you have given to our questions, which have been very helpful to this inquiry. We would like to express our appreciation. I am always conscious that it is the blessing or, if you like, the curse, of the British that we do use our mother tongue most of the time. That has been no handicap to you or to us in understanding your views but we are grateful to you for responding to us in English.

We are also grateful to you for triumphing over the occasional difficulties with the technology but it has enabled us to get through our questions and still save a minute or two in the process. So in thanking you and looking forward to future contacts with you and your committee, I would like to say in conclusion goodbye and dank u wel.

Mr Leegte: Thank you very much indeed. I look forward to our meeting in January. I have promised to send you some documents and I will do that through my clerk. Thank you very much for this interview. I look forward to our next contact.
The Chairman: Thank you. For the record, this formal session with the Dutch Parliament is now closed. Thank you.

Witness

Mr Dominic Hannigan TD, Chairman, Committee on European Union Affairs, House of the Oireachtas (Irish Parliament), Ireland

Q68 The Chairman: On behalf of the EU Select Committee of the House of Lords, I would like to welcome Dominic Hannigan on behalf of the Oireachtas, the Irish Parliament, and to say I have had many contacts with him at COSAC and otherwise. We have talked about the role of national parliaments and he is very well aware of the inquiry that we are currently undertaking. I do not propose to lead with my chin with the first question, if you will forgive me for that. He has heard quite a few of my own views, but we would like to have both the sharing of interests with this Committee and any frank comments he can make.

We have about 30 minutes for this public evidence session and we will try to be as succinct as we can, but I would like, for the record, to remind him this is a formal evidence session in public. We will be recording it. We will send a transcript for correction of any factual errors, but we will also be publishing an uncorrected transcript at an early stage.

It would be very remiss indeed if I did not express at the start the gratitude of our Committee for his involvement tonight and also for the constant involvement and the dialogue we have with you at COSAC and other meetings on these important issues, which I think we are all, if I may put it this way, feeling our way towards a more active conclusion.

That is enough from me, but if I may, I will ask Baroness Scott to put the first question on behalf of our Committee.
Baroness Scott of Needham Market: Thank you. Good evening. If I have understood correctly, I believe that the committee you chair deals with the sort of over-arching strategic EU issues and that it is the committees that shadow departments who deal with the more detailed scrutiny. Of course, here we have a rather different model, where we have bespoke European Union Committees. With your perspective from COSAC, you will have seen both systems in operation across the Union, and I wonder whether you could say something about the advantages and disadvantages of each way of carrying out scrutiny.

Mr Hannigan: Good afternoon. Firstly, can I just start off and say how delighted I am to take part in these proceedings. Secondly, can I just check that you can hear me okay?

Baroness Scott of Needham Market: Yes.

The Chairman: Yes, fine, no problem.

Mr Hannigan: Excellent. I have to warn you that our House is sitting today and we are expecting a vote in half an hour. I have been excused, so I do not have to leave, but you will hear a loud bell going off in the background for probably about four minutes at some stage during my proceedings, so bear with me when that happens. I do not have to leave, we will just continue on as normal, if that is okay.

Q69 The Chairman: That is great, thank you.

Mr Hannigan: In relation to the Baroness’s question, yes, we operate a different system here. We introduced a system called mainstreaming two and a half years ago, and the purpose of that was to send to the relevant committees the legislation that was best dealt with at that committee. My committee is a small enough committee. We are not experts in every field, unlike yourselves, so we would tend to send legislation on transport to the transport committee, on environment to the environmental committee. That means that the legislation can be addressed and dealt with by the experts who sit in those committees.
My committee is much more strategic. For instance, last week we had a presentation from the Minister of European Affairs in advance of the General Affairs Council. That will be a regular meeting that we have. We have meetings in relation to the Annual Growth Survey in relation to the committee’s work plans—that type of strategic level. We led the debate here in Ireland two years ago on the issue of the Fiscal Compact Treaty, so it is at that level that we deal with European issues.

Does it work? I think it has many advantages. It means that the legislation is best dealt with by those experts in the field. There are some disadvantages. I think perhaps the decentralisation that we introduced may have gone a bit too far, so the question of feedback from the relevant committees to our committee could be improved. But overall, we think that two and a half years into the mainstreaming process, the results speak for themselves. We think it is a better system now than it was.

**Baroness Eccles of Moulton:** Mr Hannigan, there was one thing. You were talking about the expert committees that are attached to each of your departments. Who are the people who sit on the committees? Our committees here—we are not experts, we are Members of Parliament and we have a certain shared knowledge of the world, but who are your experts?

**Mr Hannigan:** The people who sit on the committees, like in the House of Lords, are politicians, so when I say “experts” I mean the politicians on the transport committee would be people with an interest in transport affairs—people with a knowledge of transport affairs—who will gravitate towards that committee and therefore would have a greater knowledge and awareness of the issues facing that sector.

Our second House, the Senate, is made up of various panels, reflecting various areas of expertise—for instance, the agricultural panel, the industrial and commercial panel—and generally those Senators would come from that type of background. The educational panel would largely be made up of people who had been in some way involved in the educational
field, so when I say “expert” I mean Senators from those panels would generally be represented on the committees, and the TDs, the members of the lower House, would gravitate to those committees where they had most knowledge and interest. They would be of course supported by civil servants behind the scenes—by policy advisers who would provide the expert advice, where appropriate.

Q70 Lord Hannay of Chiswick: Could we turn to the financial crisis? Since 2008, the events of the financial crisis have highlighted the importance of democratic accountability and legitimacy within the EU. I imagine you would agree, but perhaps you could say so, that national parliaments have a role to play in this respect. How might this impact on future inter-parliamentary co-operation and the development of the role of national parliaments? For example, do you have views on the model that that Mr Fabius produced at Vilnius, which would have only the eurozone member state parliaments working together collectively; and on other people’s views that have been expressed, suggesting that many of these matters involve all 28 member states, and that given these processes will be consultative and not decision-making there is no reason at all why they should not take place on a 28-member basis?

Mr Hannigan: Yes, there has been a concern about the rise of inter-governmentalism over the last number of years since the advent of the financial crisis. At the start, it was largely represented by meetings between President Sarkozy and Chancellor Merkel, and many of the other smaller countries would have been concerned that decisions seemed to be taken at certain levels and certainly did not include national parliaments of the member states. That is something that has been addressed, to a certain degree. We have seen improvements over the recent past. The advent of the European semester does provide opportunities for national parliaments to have more of a role, and that is something that we
are discussing at the moment through organisations such as COSAC, through the article 14 conference that was held just two months ago now in Vilnius.

Interestingly, you questioned whether or not it should be just eurozone countries represented at the article 14 conference, the oversight conference for the semester. At the article 14 conference, you were represented, and I think that is the model we have to follow. I think that we need to include all 28 member states, regardless of whether they are in/out of the eurozone, regardless of whether they are in/out of the Fiscal Compact. It is essential that we include all member states to make sure that their roles, their worries, their concerns are also reflected in our negotiations and in our discussions. As we move forward, whether or not it is going to be a COSAC or a changed article 14 conference or a CFPC conference or whatever, whatever conference we decide on to deal with the issues of the European semester—the eurozone governance issues—I do think that it needs to be more inclusive than just the eurozone member states.

Do not forget, in terms of so far, of course Ireland’s involvement in the semester has been limited because we have been in the bail-out, which we are about to exit, so up until now our discussions in relation to the semester have largely been around one recommendation by the Commission, which was, “Carry out the programme”. We exit the programme in four weeks’ time, so next year is our first real engagement with the European semester process.

Q71 Lord Wilson of Tillyorn: It would be very interesting: do you think you could tell us how you see the role of your own parliament as having developed in EU affairs during the last few years? That would be particularly since the signing of the Lisbon Treaty.

Mr Hannigan: Of course the Lisbon Treaty gave us the yellow card procedures. We have used the yellow card at this stage just on two occasions. We have been slow adopters of it, but having said that, I think across the Union that criticism could also be levelled at other
countries as well. We have issued at this stage four reasoned opinions on legislation, including things like the new CCCTB, the European Public Prosecutor’s Office and the single market for electronic communications. Mind you, two of them have been issued in the last couple of months, so I think we are getting used to the ability of issuing yellow cards—of publishing reasoned opinions. I do not think it is something we are on top of yet; it is something we are getting better at.

Looking at how we might improve the situation, one thing that has struck us is the need to ensure that parliaments across the Union work more in unison in relation to the issuance of yellow cards, so some sort of a system whereby national parliamentarians can alert each other when concerns exist in parliaments. That might be a useful thing. I know your previous contributor today was René from the Netherlands. Now, I did not get a chance to listen in to what he said, so I may be repeating what he said, but we had a very interesting bilateral just last week here in Dublin with René and with his committee. The issue of how parliaments can work together in relation to the yellow cards and the issuance of yellow cards was raised, and I think that is something that we could work on, looking at how we can contact each other, how we can pass on information between key members of the committees to ensure that we all know what each other is doing and work in unison. I think that is something that we could work on.

The Chairman: Can I follow that with a specific question? The national parliaments all have representative officers in Brussels and they meet as a collective on a regular weekly basis, typically. Do you see this business about collaboration at principal level, either as elected Members or at least at national parliamentarian level, as supplementary to that? What is the value added through doing more than merely staff meetings in Brussels to be alert as to what is going on?
**Mr Hannigan:** Yes, we have excellent representatives in Brussels who work very closely with the representatives from other countries. They do a great job, but I do think it needs to be not just supplemented; we do need to see engagement between parliamentarians too. COSAC is a wonderful opportunity for us to meet throughout the day or also in the evenings as well to talk to each other about the concerns that we each face in our member parliaments—the concerns that we are faced with at a European level as well. So COSAC, for one, is a very useful tool, but I think we need to look at bilaterals as well.

I know Lord Boswell has been in front of my committee in the past to discuss issues such as the Fiscal Compact. We have had representatives from many European parliaments here in Dublin over the last number of years talking about issues in relation to the future of Europe, in relation to EMU. I think these bilaterals are extremely useful, because it means that firstly we get to know each other at a personal level, but that then allows us to understand more the nature of people’s concerns and what each party is seeking to achieve in the European projects. I think bilaterals work very well for us. We see them as an essential part of the process, not supplementing any other mechanism, but essential in their own right.

**Q72 Baroness O’Cathain:** Good afternoon, Mr Hannigan. Following on this discussion about the yellow cards, I think it is on two levels. When we have an issue with which we have a problem, we do not know who to contact in member states and to start, because we are not, if you like, in conversation with them or in a relationship with them over a period; it is more through COSAC, which is fairly formal. On the point that has been made about alerting each other if there is an issue, in my particular committee, we had an issue about women on boards. We alerted the Danish Government and we had a very good video conference-link session with them. It made us realise here that we have more in common with member states than we had thought, yet there does not seem to be an open entrance, if you like, to each of these parliaments.
When you said that you have been slow adopters of the yellow card, I think it could be—in our case, anyway—that we have just given up on it, when there have been 300 yellow cards issued and absolutely no notice taken by the Commission. In a case like that, you just say, "There has to be a better way". Is the better way just getting more involved with people like you?

Mr Hannigan: Yes, I share your frustration in relation to the response from the Commission during the whole yellow card procedure, and it is something that COSAC picked up in the June conclusions and sent on to Vice-President Šefčovič. I understand that they are looking at ways of improving the response to the yellow card procedure.

But to get back to the fundamentals of your question, I think perhaps one way would be through chairs of the European Union committees being the central point of contact for these issues, regardless of whether you mainstream or not. In my country, if my transport committee have a problem, then they raise it initially through the transport chair, who would then feed it on to me and I would then feed it on to my fellow EU chairs through the member states. That is a very clear and transparent way of communicating between the member states in a timely manner.

I know that other countries are also keen on exploring how this might work. It could potentially be one solution to ensuring that we are very well aware of what is going on in other countries.

Baroness O’Cathain: Can I just pursue that for one moment? Just going back again to our position about women on boards, we did not know the people to talk to. If it came up again, obviously on another subject, should we have a whole raft of people on the emails, or know them and just alert them that this is an issue we think is not clever or that this is an issue we do think that we should back? We seem to be operating in little silos, if you know what I mean. How do we get through that? We do not need masses of copying each other on
emails and things, but we need to involve every member state, because otherwise it will be seen as the western alliance or the eastern alliance or the northern alliance or the southern alliance. If we did something like that, we would get to trust each other, and if a directive came through on pigs or something we would know exactly who might be interested and alert people. I think it can be done, but we just do not have the right way of doing it.

**Mr Hannigan:** Potentially one way is through the chairs. We could also try to utilise the COSAC Secretariat in Brussels more effectively so that it goes through there and they then target the information to those people who need it most.

**Baroness O’Cathain:** That is a very good idea.

**Mr Hannigan:** That might be a way around it, but you are right, I think we all suffer from getting too much information about things—things that sometimes are not of great concern to us or of great relevance to us—so the last thing we want to do is just create more email trails for people who do not need to see these emails. We have to be targeted and effective, there is no doubt about that.

**The Chairman:** Yes. As I think I may well have been the target of your interest here, I must say I echo that, but we are grateful for the point.

**Q73 Lord Tugendhat:** How effective do you think your Parliament has been in shaping and influencing decision-making at an EU level and are there any examples that you feel able to offer to demonstrate a degree of effectiveness?

**Mr Hannigan:** As I said, we are just getting up to speed with the use of the yellow card, but I give you one example of something that we are trying to do at the moment, and that is in relation to the Commission’s recent publication about how we include the social dimension, so looking at indicators such as long-term unemployment, disposable household income—how we include those indicators in the European semester. My committee, just starting tomorrow, is calling in a number of organisations who would have an interest in this field,
such as the Irish Unemployment Association, the National Women’s Council and the Poverty Network to get their views on the type of social indicators—the social measures—that we should be looking at at a European level.

You will be familiar with the macroeconomic indicators that were brought in as part of the six-pack, things like house prices and the like. Those are all very well, but we are looking at how we can ensure that there is a social dimension included in the analysis, so we will be talking to the constituents, if you like, from across Irish society and NGOs from throughout the country over the next couple of weeks. From that, we will be issuing political contributions to the Commission, hopefully this side of Christmas, which will hopefully then influence their final choice of the type of indicators to include in the social dimension, but also what do we do with those indicators, how do we measure them, what kind of encouragement, what kind of fines are brought in should a country fail to meet those benchmark levels? That is just one example of the type of work that the committee is doing to try to influence and shape future legislation.

The Chairman: On that point, I would like to bring in Lord Hannay to ask a bit more about the process of influencing the Commission.

Lord Hannay of Chiswick: Yes. I shall follow up your point on where it seems to me you are indeed trying to get in upstream of Commission decision-making. The invitation that Commissioner Šefčovič gave us all in Vilnius to be more active in intervening when the Commission is at the consultative phase and before it has made proposals—do you think that is practical? Do you think that your parliament could be more active in that way with the resources you have or do you think that it is just a Commission defensive reaction, designed to put us on the back foot and show that we cannot do that? I wondered what your views were.
Mr Hannigan: We would welcome it in the spirit that the invitation was issued. The big question of course is that resources to enable us to have a greater involvement in the process would require additional help from staff. I am sure many countries have an issue in relation to exactly how much time and staff they can devote to this, so that would be a constraint from our side of things. One of the interesting discussions that we had at the COSAC plenary in Vilnius was also the suggestion made by some parliaments about the right of initiative to be with national parliaments. It was something that was raised by Eva Kjer Hansen, our Danish colleague, among others.

I know that that did not receive universal support from the floor, particularly the European Parliament Members, I think it is fair to say—and I do not wish to misquote them—that they would have been less than favourably disposed towards that particular idea. But for many of us, the right of an initiative would be seen as a way of ensuring that even more democratic legitimacy was given to national parliaments. So we all agree that we need more involvement. As Maroš Šefčovič said, getting in earlier is one way of achieving that. So too is the right of initiative. The question though is whether or not various independent parliaments have sufficient resources to enable them to do that.

Q74 The Chairman: Thank you. Bearing in mind that you are immediate past president of COSAC, can I perhaps begin to draw this session to a close by asking you to reflect on two things that I think have come out from your evidence so far? The first one is the question of setting priorities, when you said, “We do not want just to add to yet more emails”. We need to have some mechanism that sorts out what the priorities are that national parliaments may wish to express.

The second is the question of the mechanism in which we can best take these forward. You have suggested a number of approaches. One is the COSAC one, and we are asking you, not least because you are the immediate past chair of COSAC, whether that is the best vehicle
for some of this. You have also mentioned the possibility of better bilateral exchanges and possibly of initiatives, which need not necessarily be at 28, but could be at a smaller number. How do you see this process shaking down so that we can maximise our efforts?

**Mr Hannigan:** Yes, I think we need to see a mixture of mechanisms, if you like. Firstly, we do need to see more bilaterals, there is no doubt about that. I think we need to sort out what we are doing with the article 14 conference and we need to sort out exactly who attends that and the ownership of the conference. You will be aware that the article 14 conference in Vilnius two weeks before the COSAC plenary was fraught with tension in relation to who does what. There were arguments over whether or not the conference was meant to look at financial issues or fiscal issues and a large part of the debate was taken up discussing that particular question. The article 14 conference has just started, but we do need to get to grips with exactly what its role is and what its membership is and we do not have an awful lot of time to do that, but we do need to sort it out certainly by the end, I would have thought, of the Greek presidency.

I would imagine that when it comes to issues such as the semester that an enhanced article 14 COSAC would be the proper place to carry out discussions. I do not go along with the French idea of having a separate chamber to do this at a European level populated by national parliamentarians. I think that we can do it through a changed/improved COSAC in conjunction with more bilaterals and in conjunction with more communication from the Commissioners themselves.

I know we have had reasonable success in obtaining Commissioners to appear in front of our committee over the last number of years, perhaps because we were about to have the presidency, but as long as national parliaments are happy to live with Commissioners appearing like I am today via video-link, that is one way of ensuring that we have better understanding and better liaison between the Commission and parliaments. We need to see
those links improved, we need to see bilaterals improved and we need to sort out the whole issue of article 14 and COSAC.

**The Chairman:** Fine. We are coming to the end of our half hour.

**Q75 Lord Tugendhat:** Can I just ask this question: over recent years the European Commission has become increasingly subservient to the European Parliament, and this has hampered its ability to act as the guardian of the overall European interest. Do you think that if national parliaments were playing a larger role by whatever means, this would add to the Commission’s freedom of action and enable it to regain some of the influence and prestige that it has lost in recent years?

**Mr Hannigan:** I have to tell you, I missed the last part of that, you faded out there. So from the “do you think” bit, could you just repeat that?

**Lord Tugendhat:** Do you think that if national parliaments were playing a larger role, this would enable the Commission to regain some of the influence and prestige that it has lost in recent years?

**Mr Hannigan:** Okay. I am not sure if it is a zero sum game. I think the Commission can obtain a bit more prestige and a bit more democratic legitimacy through issues such as how we choose the president. National parliaments need to be more involved because they are the coalface of European citizens. The reality is, whether you like it or not, Members of the European Parliament are largely unknown by our citizens. Our citizens do not have a clear understanding of what they do and if they have a problem in their lives, they are much more likely to go to national parliamentarians. Involving us more in the European project is in everybody’s interest: it increases democratic legitimacy, it makes sure that the European project reflects the views of our citizens.

I think that we need to reach out more to organisations such as the Committee of the Regions. They have a role that could be played that is often underlooked and I would like to
see ways of encouraging them to get more involved with the debate at a national level to ensure that we have all players involved. I do not see this as a zero sum game. I think that we can all win by upping our game in relation to how we deal with the issues.

**The Chairman:** Thank you very much, Mr. Hannigan. You have been very frank, you have been very challenging and you have been very engaged with our inquiry, and for all those, we are very grateful. I have the impression from what you have said that this is a dialogue that will not conclude this evening, but is part of a continuing dialogue both between ourselves and other national parliaments as to how we should take this forward. Your contribution has been invaluable to us and is greatly appreciated, so with those words, perhaps we can close the formal evidence session for this evening, after three video conferences that have helped to inform our inquiry. Thank you very much. The public session is now closed.