



Spotlight on Parliaments in Europe

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The role of National Parliaments in the European Council

On 11th July 2018 the Estonian Riigikogu submitted a request to the ECPRD (request 3836) concerning the role that National Parliaments play in the European Council. The Estonian Parliament stressed the importance of the European Council, which brings together EU leaders to set the EU's political agenda and which represents the highest level of political cooperation. The Estonian Riigikogu asked four questions; requesting information generally on the involvement of each National Parliament, whether matters are discussed in the Plenary, when matters of the European Council are discussed in Parliament and the role of EU Affairs Committees and Standing Committees.

27 replies were received. Most found that their Parliament exerts a very limited role (if any) scrutinising the actions and decisions of the Government within the context of the European Council meetings. However, the replies also outlined the importance of informing the national parliament on subjects discussed at the European Council, the effect on their state and the position their Government had adopted.

I. The role of Committees

For the majority of responding Parliaments/Chambers their EU Affairs Committees played a more active role than their plenary. However, the role the Committees played did differ from parliament to parliament. Although many committees left the control in the hands of their Government, a number of parliaments said their committee had the opportunity to vote on the Government's proposal or to offer their own resolution. The spectrum of responses is clear when we compare the response from Slovakia which said "matters of the European Council, these are discussed at the meetings of the European Affairs Committee with the Prime Minister before the summit. The position of the Committee is binding for the Government" with the response from Cyprus "The Constitution...provides for a presidential system with a strict separation of powers. Therefore the involvement of the House of Representatives in issues pertaining to government policy, including matters discussed at the European Councils, can be discussed in the context of parliamentary scrutiny exercised by the various Committees".

Comparative table on the role of the European Affairs Committee or Standing Committee regarding the European Council.

National Parliament	Committee	Government must inform before Council meeting	Government must inform after Council meeting	Committee Advises Government	Committee Action	Committee scrutinises
Estonia Riigikogu	European Affairs Committee	Meets with Prime Minister one week before meeting			Binding mandate for Government	
Austria National Council	EU Affairs Committee				Can issue binding mandate in most cases	
Austria Federal Council	EU Affairs Committee				Binding in exceptional cases	
Belgium	Advisory Committee for European Questions			Examines all aspects of European integration.	No Mandate	
Croatia	European Affairs Committee	Chamber delivers agenda, and supporting documents and draft of Council conclusions			No further action	

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Cyprus	Parliamentary Scrutiny Committees					By series of committees
Czech Republic	Committee on European Affairs	Committee members discuss position Prime Minister (PM) will hold at meetings		Committee adopt a resolution.	In most cases, no position is expressed. in the resolutions	
Denmark	European Affairs Committee	Briefed about summit and given information including chamber's position.	Orally report back by Government to committee		If Government needs a negotiating mandate then a foreign minister can present a proposed mandate at meeting	
	Foreign Policy Committee	Discuss topics on agenda	Report back to committee on course and outcome of the summit	Consulted prior to European Council meeting.		
Finland	Foreign Affairs Committee			Considers matters of common foreign and security policy	Issues Parliament's final position for these matters	
	Grand Committee	PM inform Committee of agenda.	PM reports back after Committee	Expresses Chamber's stance on legislative, budget and EU decided treaty issues	It is an organ that makes decisions rather than just prepares them.	
German Bundesrat	Committee on EU Affairs	Takes leading role among Committees in matters concerning European Council		Involved in whether an EU document is published as official Bundesrat printed matter and discussed in Plenary and Committees		
German Bundestag	Committee on EU Affairs	If no statement in plenary then an oral briefing and debate here. Written notification required.	Committees can include supplementary briefing from Ministry on topics discussed before or after summit.			
Greece	Committee on EU Affairs	Discuss issues on the agenda, request competent ministers for information		Form an opinion on issues on the agenda.	Not binding	Oversight over Government's choices
Hungary	Consultative Body on EU Affairs	PM informs this body prior to meeting of Council		Briefing and discussion		
	Committee dealing with EU Affairs	Chairperson and Deputy Chair of Committee are entitled to take part in Consultative Body				
Ireland	Joint Committee on EU Affairs			Engage with work of General Affairs Committee which has strong correlation of policy and issues with Council	No binding mandate	Check on Government position
Latvia	European Affairs Committee	Discussion held before meeting.	In some cases PM or representatives inform committee after meeting	Approve the national position for formal meeting	Can change stance and opinion reviled by Government. Ruling is binding	Their role is key for scrutiny

Comparative table on the role of the European Affairs Committee or Standing Committee regarding the European Council.

National Parliament	Committee	Government must inform before Council meeting	Government must inform after Council meeting	Committee Advises Government	Committee Action	Committee scrutinises
Lithuania Seimas	Committee on European Affairs and Committee on Foreign Affairs	Unless Committees decide otherwise, at least three days before Council meeting, the Seimas approves Government position	Ministers report back on participation in the meetings of the European Council	Committee evaluate conclusion of specialised committees. If urgent, the conclusion can come straight from this committee.		
Luxembourg	Committee for International and EU Affairs, Defence Cooperation & Immigration	Committee may request ministers to present position before Council meeting.	After meeting committee may ask for an explanation of results		No mandate	
Poland Sejm	European Union Affairs Committee	Meeting a few days before planned meeting of European Council.	Meeting a few days after Council meeting. Draft decision of European Council authorising Council of EU to change legislative procedure must be immediately - referred to the committee	After considering the initiate of European Council for decision, authorising Council of EU to change legislative procedure may introduce draft resolution to object to that decision. If this resolution is passed, Marshal of Sejm shall notify competent body of EU of the objection.	Committee can acknowledge Information of the Council of Ministers or reject it. They can also admit resolutions, opinions and desiderates.	
Poland Senat	Foreign and EU Affairs Committee	All documents concerning Poland's membership in EU must be passed to the Committee. May refer these documents to relevant Committees		Committee may adopt an opinion on position to be held by Poland at Council of Ministers when draft legislative act or any other legal act is considered by Council of EU	Committee can submit motion for the commencement of a resolution initiative of Senate, together with Senate's draft opinion	If opinion is not accepted, a justification shall be required.
Portugal	European Union Affairs committee	Meeting during week before with Government member unless there is a debate in the plenary	Hearing is held to discuss conclusions of the Council held in the presence of a Government member			
Romania	Committee for European Affairs	Informative role according to Internal Rules				
Slovakia	European Affairs Committee			Meeting with PM before Summit	Binding mandate	
Slovenia	Committee on EU Affairs	Government representatives present position. Written report after.			Committee votes to confirm Government's position	
Spain	Joint EU Affairs Committee		Receive regular information about EU activities			Control mechanism
Sweden Riksdag	Committee of European Affairs			PM consults before formal/informal Council meetings	Consultation results in set negotiation mandate	
UK House of Commons	European Scrutiny Committee			May recommend document for further debate in Committees		Scrutiny of all documents
UK House of Lords	EU Scrutiny Committee and Sub Committees	Mandate to engage in inter-parliamentary relations.		Launch inquiries and report on relevant topics. Committee can seek	No formal mandate	Scrutiny Reserve system applies

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		Documents come with explanatory memorandum.		answers or clarifications from Government		

II. The role of the Plenary

Evidently, for the majority of national parliaments, including the Estonian Riigikogu, the plenary plays an extremely limited or no role (two thirds of the Parliaments explicitly said this in their response). Many parliaments allowed Council matters to be discussed in the Plenary after the meeting or encouraged the Chamber to report back to the Plenary without the Plenary having any legal mandate. Seven of the replies stated that the plenary played no role in matters of the European Council. A further 10 said their plenary had a limited role. The Greek Parliament stated that, “The function of parliament as regards EU Council summits is towards exercising parliamentary oversight over choices of Government as opposed to co-shaping national positions”. Some respondents highlighted that their plenary could and perhaps should play a larger role but in reality, it does not. Even the Finnish Eduskunta said that the opportunity to debate EU issues “hasn’t been used to its full potential”.

<u>Comparative table on the role of the Plenary in National Parliaments regarding the European Council</u>					
National Parliament	Inform Plenary	Plenary advises	Plenary Action	Statement before the Council meeting	Statement after meeting
Estonia					
Austria				Statement is made on EU matters at least twice a year in close temporal proximity to meeting	
Belgium	Committee can submit Council matters to Plenary				
Croatia	Written report from Prime Minister within 15 days of the Council. Annually Prime Minister reports on last year		MPs vote to accept report from Prime Minister	At invitation of the Speaker	In practice, Prime Minister submits report after every Council meeting. They can also present this report to the Plenary
Cyprus	Matters from Council can be discussed in Plenary.		No mandate		Usually after- not a rule. Could also be in advance of summit.
Czech Republic	Don't discuss mandate itself but debates held on important topics				
Denmark					
Finland	Can debate EU issues in plenary session				
German Bundesrat	Receive all documents of interest e.g. Council Agenda and draft conclusions				
German Bundestag	Inform before and after summit. Government Policy Statement given. Debate and questions	Plenary adopt an opinion	No legally binding mandate	Written notification and oral briefings covering subject matter, negotiations and Government's agenda	Written notification and oral briefing
Greece	Matter of Parliamentary scrutiny		No mandate		Usually after summit; not compulsory
Hungary	Government regularly provide information				Prime Minister gives oral information
Ireland Dáil Éireann	Plenary can separately debate important issues		No formal mandate	Taoiseach makes statement before and/or after each Council meeting	Taoiseach makes statement before and/or after Council meeting

Comparative table on the role of the Plenary in National Parliaments regarding the European Council

National Parliament	Inform Plenary	Plenary advises	Plenary Action	Statement before the Council meeting	Statement after meeting
Ireland Seanad Éireann	General obligation for Government members to make Statements to plenary				
Latvia					
Lithuania	If very important; PM, minister or Government representative may report on matter			Particularly urgent issues can be debated at closed sitting of Seimas and recommendation adopted	
Luxembourg	Can debate European policies at any time		No formal mandate	May request Prime Minister to present position	Not compulsory- can be before/after meeting
Poland Sejm					
Poland Senat	Marshal of Senate shall add relevant European Council information to plenary in matter concerning Poland's EU membership.				
Portugal				Debate with Prime Minister	
Romania	Proposal for mandate that Government intends to send is received 10 days before meeting.	Parliament may adopt proposals	Proposals are included in Government's draft mandate		
Slovakia	National Council must receive information and can debate position.	Council's opinion is discussed at National Assembly Committee			
Slovenia					
Spain	Bound to inform plenary and Parliamentary Groups			Not foreseen in the law but it is customary	Outline conclusions and discuss with Parliamentary Groups
Sweden	Account for agenda and answer questions.				Prime Minister is summoned to present outcome
UK House of Commons	Receive a written statement if House isn't sitting			Could also be subject of Backbench Business Debate	Oral statement from Prime Minister followed by debate
UK House of Lords	Informed after Summit and can debate				Repeat Prime Minister Statement (see above)

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