

The 6th Meeting of the Association
of European Senates

**The Role of Upper Chambers
of National Parliaments
in the European Union
and in the Process
of the European Integration**

Warsaw, 25 May 2004

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**JOINT STATEMENT
ADOPTED AT THE 6TH MEETING
OF THE ASSOCIATION OF EUROPEAN SENATES
Warsaw - May 25th, 2004**

The 6th Meeting of the Association of European Senates held in Warsaw on the theme:

The role played by upper chambers of national parliaments in the European Union and in the process of European integration.

The heads of delegations from the upper chambers of European parliaments present at the meeting welcomed with satisfaction the fact of the European enlargement by ten successive countries on May 1st, 2004, and expressed their conviction that the enlargement process would reinforce democratic values rooted in Europe's history as well as trends toward integration throughout the continent.

The heads of delegations stated the following:

- The trend toward a larger participation by national parliaments in the European Union decision-making process should be recognized as an important manifestation of the reinforcement of democratic values. On one hand, we are dealing today with europeization of national parliaments and, on the other, with parliamentarization of European institutions.
- We believe that the Draft Treaty Establishing the Constitution for Europe provides national parliaments with an opportunity to play a more significant role in the European Union than hitherto. However, to benefit from that opportunity, parliaments must demonstrate initiative and operational effectiveness.
- We give high marks to the clause of the Draft Treaty giving equal rights to both chambers of national parliaments in the European Union decision-making process. It equalizes their European policy-making roles in those parliaments where both chambers do not play equal law-making or government-control roles.
- We are of the opinion that upper chambers can be particularly useful in representing interests of local politics, namely municipalities, specific regions and other territorial entities by articulating these interests on the European forum.
- We are convinced that the special role played by some upper chambers of national parliaments in representing interests of specific re-

gions and territorial entities in the European Union will further legitimize their control of compliance with the principles of subsidiarity and proportionality when writing European legislation.

- We wish to underline the significance of the constitutional reference to the European role of EU member-state parliaments. Indeed, it stresses the weight of the tasks accomplished by parliaments and, at the same time, serves as a form of compensation for the loss of some national-parliament prerogatives to EU bodies. It contributes to the creation of a sense of assurance and stability, which in itself is valuable to any legal order.
- It ought to be stressed that, due to the absence of relevant constitutional provisions, there exists a warrant for a pro-Union interpretation of the constitution in the legislation, and especially in parliamentary regulations, which among other things requires that the parliament be maximally involved in European integration processes.
- We postulate the need to reinforce the role played by national parliaments in the implementation of the European Security and Defense Policy, in a situation where the European Parliament has no sufficient competencies in this area.
- We expect that a reinforced cooperation among the upper chambers will contribute to creating deeper understanding in Europe as a whole.
- We suggest that consideration be given to the creation of an interparliamentary forum composed of delegations representing all national Parliaments within the European Union. This forum will allow to focus on issues of subsidiarity and proportionality and to create forms of parliamentary scrutiny of intergovernmental areas.

The heads of delegations from the upper chambers of European national parliaments have declared their will to continue cooperation on the development of the principles of operation of national-parliament upper chambers in the European Union and in the European integration process, commensurate to the challenges of the globalizing world in the 21st century.

At the conclusion of the Warsaw meeting, they confirmed the sequence of countries hosting successive Association meetings: Federal Republic of Germany, Switzerland. The 7th meeting will take place in Berlin on 8–10 September 2005. The successive meeting will take place in Bern in 2006.

Annex
to the Joint Statement of the 6th Meeting
of the Association of the European Senates

The Rules Governing the Association of the European Senates shall be amended as follows:

Article 1 (Composition), paragraph 1 shall read as follows:

“1. Members of the Association of the European Senates are:

The Federal Council of the Federal Republic of Germany

The Federal Council of the Republic of Austria

The Senate of the Kingdom of Belgium

The House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina

The Senate of Spain

The Senate of the French Republic

The Senate of the Parliament of the Republic of Italy

The First Chamber of the States General of the Kingdom of the Netherlands

The Senate of the Republic of Poland

The Senate of the Parliament of Romania

The Federation Council of the Federal Assembly of the Russian Federation

The National Council of the Republic of Slovenia

The Council of States of the Federal Assembly of the Swiss Confederation

The Senate of the Parliament of the Czech Republic

The House of Lords of the United Kingdom of Great Britain and Northern Ireland”.

List of participants of the 6th Meeting of the Association of European Senates

Austria

Harald HIMMER
Deputy Speaker of the Federal Council
Walter LABUDA
Secretary General of the Federal Council

Belgium

Armand DE DECKER
President of the Senate
Georges BRION
Deputy Secretary General of the Senate

Bosnia and Herzegovina

Mustafa PAMUK
Speaker of the House of Peoples
Goran MILOJEVIĆ
Deputy Speaker of the House of Peoples
Jandranko TOMIĆ
Secretary General of the House of Peoples
Samir ĆOROVIĆ
Head of the Protocol of the House of Peoples

Czech Republic

Petr PITHART
Speaker of the Senate
Jaroslav VEIS
Adviser to the Speaker of the Senate

Jan KYSELA
Adviser to the Speaker of the Senate
Valerie CIPROVA
Head of Protocol of the Senate

France

Christian PONCELET
Speaker of the Senate
Serge VINÇON
Deputy Speaker of the Senate
Alain MEAR
Director of the Speaker's Office
Jean LAPORTE
Director of the European Affairs Department
Cyrille ROGEAU
Diplomatic Adviser to the Speaker
Veronique BOCQUET-MEAR
Administrator of the International Relations Department

Germany

Hans KAISER
Chairman of the European Chamber of the Federal Council
Stefanie ROTHENBERGER
Assistant of the Director of the Department for Parliamentary Relations
Wolfgang FISCHER
Director of the Department for Parliamentary Relations

Italy

Lamberto DINI
Deputy Speaker of the Senate
Paolo SANTOMAURO
Deputy Secretary General

Luigi GIANNITI
Clerk of the Foreign Affairs Committee
Sara SCRINZI
Clerk of the Protocol

The Netherlands

Yvonne TIMMERMAN-BUCK
Speaker of the First Chamber of the States-General
Leendert KLAASSEN
Secretary General of the First Chamber of the States-General

Poland

Longin PASTUSIAK
Speaker of the Senate
Jolanta DANIELAK
Deputy Speaker of the Polish Senate
Adam WITALEC
Secretary General
Krzysztof SOBKÓW
Director of the Presidium Office
Andrzej DZIUBECKI
Director of the Office of Information and Documentation
Anna SZKLENNIK
Deputy Director of the Presidium Office

Russian Federation

Dmitri MEZENTSEV
Deputy Speaker of the Council of the Federation of the Federal Assembly
Anton BELOGORTSEV
Clerk
Alexandr CHIKIN
1st Secretary in the Ministry for Foreign Affairs

Romania

Dan Mircea POPESCU
Deputy Speaker of the Senate
Adriana PESCARU
Senior Adviser

Slovenia

Janez SUŠNIK
Speaker of the National Council
Primo HAINZ
Secretary General of the National Council
Jan ZOLTAN
Councillor
Dušan ŠTRUS
Adviser

Switzerland

Fritz SCHIESSER
Speaker of the Council of States
Christoph LANZ
Secretary General of the Council of States

Observers

Luxembourg

Pierre MORES
President of the Council of State
Marc BESCH
Secretary General of the Council of State

Guests of the Meeting

Belarus

Gennady NOVITSKY

Speaker of the Council of the Republic

Nikolai RUKHLYA

Assistant of the Speaker

United Kingdom

Lord GRENFELL

Principal Deputy Chairman of the House of Lords

Rhodri WALTERS

Clerk

Longin Pastusiak
Speaker of the Polish Senate

Esteemed Presidents,
Dear Guests:

It is with great pleasure and joy that I welcome you to Warsaw in the Senate of the Polish Republic, which for the first time has the honor of hosting a meeting of the Association of European Senates. As you recall, the Association was established in Paris in November 2000 on the initiative of the president of the French Senate, Mister Christian Poncelet, present among us today, for which I wish to thank him kindly.

We also appreciate the active role played by the French Senate, which took the initiative to organize initial meetings of this type. It all started with the Forum of World Senates, which took place in March 2000 and drew presidents and representatives of more than 50 upper chambers from around the world, continued with a meeting that established the Association in November of the same year and was followed by a working meeting in Paris in June 2001, devoted to the role played by senates in the representation of local self-governments.

Our current meeting is already the sixth working meeting and this time it is devoted to a very current and important topic – the role played by upper chambers of national parliaments in the European Union and in the process of European integration. An in-depth discussion of this topic is particularly important for us today, when in an enlarged Union, among its 25 members, two new additions – the Czech Republic and the Republic of Poland – have bicameral parliaments. I hope that these two senates will make a significant contribution to the debate and enrich the democratic system and procedures of our European family.

We attach a great deal of importance to an exchange of opinions and experiences concerning these very significant current issues, particularly issues concerning the role played by senates and upper chambers in activ-

ities associated with the European Union, legal bases of these activities, as well as the scope and methods of the functioning of parliamentary European Union affairs committees.

We will also thoroughly discuss mutual relations between parliaments, senates and governments concerning European issues. I am convinced that these meetings, which enrich our knowledge of various aspects of upper chamber activities, an issue of particular importance in today's enlarged Europe, and which underline the upper chamber law-making significance, will also contribute to becoming better acquainted with and understanding of each other.

Ladies and Gentlemen,

Dear Guests:

I wish you interesting and fruitful deliberations. I am glad this meeting is taking place in Warsaw in a year commemorating the 15th anniversary of the re-establishment of the Polish Senate. I also wish you a pleasant stay in springtime Warsaw and in Gdańsk on the Baltic coast which is also my constituency.

Ladies and Gentlemen:

You have received the agenda of our meeting earlier but the procedure requires that I ask you now if you wish to comment on it? I don't see or hear anyone wanting to comment so I take it you accept the agenda as you have received it.

I would like to propose giving the floor first to Mr. Christian Poncelet, Speaker of the Senate of the French Republic. I have already said this morning that Mr. Poncelet is not only the founding father of our association but also its *godfather* – because we owe to him the existence of our association and, what is more, its growth. Subsequently I will be calling on representatives of national parliaments to speak in alphabetical order established in accordance with the Polish version of their country's name. The Polish alphabet is in essence the same as the alphabet of the countries you represent, so you do not need to worry.

After the period reserved for official statements I will invite you to a discussion. I ask those of you who wish to speak during the discussion period to file a completed form with Director Krzysztof Sobkow, who maintains the speakers' list. He is the gentleman sitting to my left, so please report to him your intention to speak. If you do not have the form you can use a sheet of paper. I can see that we already have several applications – I am very pleased.

I ask all those who would like to comment on or amend the closing declaration, the draft of which you have received, to submit such comments or amendments here to the presidium and we in turn will transmit it to the secretariat. However, I would like to ask you to submit them before the lunch break, so that we have time to translate them into English or French prior to handing them over to you.

So much for matters of order. And now I call on Mr. Christian Poncelet, Speaker of the Senate of the French Republic, to take the floor.

**Christian Poncelet,
Speaker of the Senate of the French Republic**

Dear Mr. Chairman:

Before all else, I would like to thank you for your particularly moving words of welcome.

Dear Colleagues, Ladies and Gentlemen:

If I may, I would prefer to call you simply but sincerely Dear Friends:

We are all particularly pleased with meeting in Warsaw just one month after the official date of Poland's accession to the European Union. Is there a country which has suffered more than Poland as a result of bloody conflicts in the recent history of our continent? Today, as a result of having built a unified Europe in which we all can meet, we find ourselves in one community, united by common values which we must work on reinforcing and multiplying.

A central place among these common values is occupied by the notion of democracy; more precisely by the notion of democracy that is sustainable, that guarantees human rights, respects local freedoms and makes decisions based on discussion and dialogue. Let me give you an example.

We must promote the democratic requirement at every level. I repeat, at every level: local, national and, of course, European. As concerns the European level, it is evident that the responsibility for parliamentary democracy rests on the parliament in Strasbourg.

Nevertheless, such responsibility rests also on national parliaments. It is they who ought to scrutinize government activities within the framework of the Council of the European Union. It is also they who ought to scrutinize intergovernmental activities, both in the area of police and judicial cooperation, as well as security and defence policy. Finally, and I will return to this issue later, it is they who ought to ensure that the

subsidiarity principle is indeed one of the fundamental principles behind building a unified Europe.

Within national parliaments, a particular responsibility for matters to which I have referred lies with the lower chamber. Before all else, the task of the lower chamber is to supervise government activities as concerns European affairs.

If I may, I will briefly discuss the French system of parliamentary supervision since it illustrates my point. I will talk about something I know well. Our supervisory system is inscribed in the constitution. The same mechanism is applied by both chambers. It is based on a systematic scrutiny of European legislative proposals from the moment of their submission. The scrutiny is done in each chamber by a parliamentary committee composed of 36 members, called the Delegation for European Union Affairs. Please bear in mind that the committee selects proposals it will scrutinize out of more than 200 texts it receives annually.

The committee submits a resolution with respects to proposals it considers particularly significant. The resolution is discussed at meetings of two standing committees or at the plenary session. In case of less important texts or in urgent situations, the Delegation for European Union Affairs accepts statements for direct transmittal to the government. When a proposal does not raise any reservations, the Delegation decides not to intervene.

A study of European proposals is supplemented by more traditional forms of supervision: questioning members of the government, debating European issues during an open session, publishing reports.

The procedures I have described are the same for both chambers, but there are certain differences in the manner of their application. As concerns European affairs, it can be said that both chambers –National Assembly and Senate – have the same entitlements. In both cases, these entitlements are limited. Neither chamber can force the government into assuming one position over another. They can only submit proposals which the government is not legally obligated to comply with, although at the political level it cannot completely ignore them either.

The Delegation for European Union Affairs in either chamber can significantly influence the course of events by way of submitting parliamentary reservations.

Under this mechanism, both chambers have four weeks to study each European legislative proposal and adopt a relevant resolution. During that time, the government must ensure that the Council of the European

Union refrains from deciding on the particular matter. If there is a debate over the resolution, the government must try to delay the Council decision until parliament decisions can be taken into consideration. The mechanism of parliamentary reservations imposes a certain restriction on the government. When it is applied, which happens quite often, the government wants to act as quickly as possible. It then turns to the Delegation for European Union Affairs for permission to ignore reservations resulting from parliamentary scrutiny. In such case, it is the government that seeks permission, so both Delegations for European Union Affairs can use this opportunity to intensify their pressure thereon.

As I have said earlier, procedures are essentially the same in both chambers. What differs slightly is the tools, because the French Senate has a representation in Brussels, in Community institutions, whereas the National Assembly does not, although it will soon follow our suit in this respect.

So what in this context is the specific input of the second chamber? It is twofold. First of all, the Senate is independent of the executive branch. It cannot topple the government but neither can the government dissolve it. On the contrary – the majority in the National Assembly supports the government as if by definition. Therefore, the Senate's ability to intervene guarantees permanent and independent parliamentary scrutiny irrespective of government majority. In addition, a twofold parliamentary scrutiny makes it possible to maintain a balance. The government needs some manoeuvring space in its negotiations with the Council. What would happen if in the French majority system our government had to deal with only one parliamentary chamber? That remains an open question. Either it would lose the manoeuvring space and become dependent on a single chamber or, quite to the contrary, that chamber would become – pardon the expression – dominated by the government. In both cases the balance would be violated. The reason for the existence of a bicameral parliament, to which we are very attached, is well known. It relates to European issues in a peculiar way, but the principle is the same. If we think of the future, and that is what we are doing right now, we will see that the peculiar role played by the second chamber will assume new forms with respect to European affairs.

The future lies in the proposal of the European Constitution which for the first time transforms national parliaments into direct builders of new Europe. Of course, national parliaments are building new Europe already today since their agreement is necessary in case of most important

decisions: amending treaties, accepting new members, establishing contributions to the EU budget. They also build it indirectly by way of scrutinizing their governments. However, until now parliaments have not been participating in the “regular” decision-making process.

The constitutional proposal changes that situation, causes parliaments to start playing their proper role which is to oversee compliance with the principle of subsidiarity. I consider that very important.

This is why parliaments will be able to request a re-examination of an EU legislation by the European Commission within six weeks of its tabling. The Commission will be obligated to consent if the request is tabled by one third of national governments. After the text is adopted by the European Parliament and Council, national parliaments will have the right to ask the Court of Justice to examine compliance with the subsidiarity principle if they feel that their criticisms have not been taken into account. Consequently, second chambers will be burdened with a particular responsibility under this new mechanism.

The subsidiarity principle applies to relations between the European Union and its member-states. But it also has an indirect impact on the life of regions and local self-governments. Indeed, the constitutional proposal entrusts the task of protecting compliance with that principle to the Committee of the Regions. Second chambers often play the role of agents of the local authorities. I believe that parliamentary chambers in more and more countries will play that role in the future.

In the subsidiarity scrutiny process, second chambers, which are in a quasi constant contact with the citizens, are often well placed to identify problems resulting from the excess of European regulations and too strong centralization of decisions made in Brussels. Consequently, implementation of the subsidiarity principle at the European level will become a requirement, I repeat, a requirement which second chambers will be able to assist in fulfilling because they are particularly attuned to the problems experienced by the local authorities. The subsidiarity scrutiny process provided for in the constitutional proposal was construed in a way enabling second chambers to assume their own position, i.e. to speak with their own voice.

Every parliament will have two votes. In case of bicameral parliaments, each chamber will have one vote. Since one third of all votes is required for the Commission to review a text, it is important for parliaments to come to internal agreements, particularly as concerns second chambers.

How should such agreements be arrived at in practical terms? I think that it is an issue on which we should ponder together now, in our group of

senate leaders. To go even farther, I believe that a debate should be launched on the subject of a second European chamber. I admit to be disappointed about that subject not having found its way into the constitution. It is a type of disappointment, however, to which we can jointly react.

Of course, the subject matter needs to be defined more precisely but I think that creation of an European senate to represent states as the first European chamber represents nations would improve the application of the subsidiarity principle, which would become a responsibility of that high European chamber. Such institution would contribute to Europe's democratization, which is the overriding objective for every European citizen and, particularly, every parliamentarian. Therefore, we must ensure – and the mission is of utmost importance – that Europe we are building is Europe of citizens and not technocrats or traders.

Dear Mr. Chairman, Dear Colleagues, Dear Friends:

These are the issues which will surely become the topics of our future meetings. Dear Friends, thank you for your attention.

**Longin Pastusiak,
Speaker of the Polish Senate**

I would like to thank the Speaker of the French Senate Mr. Poncelet for his comprehensive presentation of the role and place of higher parliamentary chambers in the functioning of the European democratic system. I also find very interesting the idea of creating a senate of the European Union rather than a senate of Europe. If we agree that the European Union is a structure - maybe not federal, it is not a federation of states, at least not yet – but *quasi*-federal, and that in that *quasi*-federal structure there are entities that wildly vary in territorial and demographic terms, then in such situation, of course, the senate's role is to curb the superiority of larger entities and prevent their domination of smaller ones.

Thank you again.

Now I invite Mr. Harald Himmer, Deputy Chairman of the Bundesrat of the Republic of Austria, to take the floor.

Harald Himmer,
Deputy Speaker of the Federal Council of the Republic of Austria

Mr President, Dear Colleagues,

First of all let me thank you for this very special evening yesterday and this great dinner in that great surrounding. I think it was a pleasure for all of us.

With the accession of Austria to the European Union a new chapter was added to the Austrian Federal Constitution Law. This chapter defines the rights of the Austrian Parliament - the National Council and the Federal Council - in the EU legislative procedures. The rights of the two chambers are almost identical.

The Federal Government is obliged to inform the National Council as well as the Federal Council without delay about all projects within the framework of the European Union and afford them opportunity to vent their opinion. This is done by direct forwarding of all respective material to the Parliament.

The Federal Council has the opportunity to present its opinion on this subject. If necessary the Federal Council may also express its opinion again at the several steps of the legislative procedure of the EU. The competent member of the Federal Government is in principle bound to the Federal Council's opinion. In the case of important issues, which would restrict the competences of the Länder a deviation from this opinion is only admissible for imperative foreign and integrative policy reasons.

The same right of participation was also given to the nine Austrian Länder, if the subject under discussion falls in their autonomous sphere of competences.

For the purpose of coordination the Länder have joined to a so called integration conference. The presidency of the Federal Council forms part of this conference.

According to the Austrian Federal Constitution the Federal Council may set up a special committee for EU Affairs. The Federal Council has established the EU Committee in which every Land has to be represented. This EU Committee can either take decisions on its own or recommend the Federal Council to adopt a particular position. Members of the European Parliament may participate in the meeting of this committee in an advisory capacity. The deliberations of the EU Committee are public.

In EU affairs, the Federal Government is under parliamentary scrutiny. Therefore the Federal Council has the same instruments as in inte-

rior affairs. In this context, I want to mention the right of interpellation which gives the Federal Council the opportunity to put questions to the members of government.

Contrary to the rights of the Federal Council the Austrian National Council has the right to a motion of no-confidence but the Federal Council does not have this right in internal Austrian Parliamentary Affairs.

The Federal Council participates fully in the process of transposing EU laws into national legislation because it has a suspensive veto or an absolute veto. The exact form of participation depends on the issue under discussion.

Before the appointment of members of the various EU institutions the Federal Government has informed the Federal Council.

The Federal Council participates in interparliamentary cooperation in the framework of COSAC, whose Austrian Members come from the National Council as well as the Federal Council. Furthermore, the contacts between the Federal Council and the European Parliament are maintained through common deliberations between committees of the two Parliaments. In addition the Federal Council has regular contacts with the second chambers of neighbouring countries.

What is important regarding Austria is that at the moment we have a convention that deals with the question of a new federal Austrian constitution. As you can imagine in this context also the role of the Federal Council as form of representation of the Länder is under discussion. And the closer cooperation between the Länder and the Federal Council is one of the goals of that discussion. As you can easily imagine, for the time being it cannot be said what will be the outcome of that discussion in that convention. At that moment everybody had the ability to express his opinion and we have a very broad range of different opinions. And those who are negative say that the compromise will be that everything stays the same because the convention only opens the opportunity that everybody has the ability to express his opinion. But regarding the role of the Federal Council, of course, those of us who are members of the Federal Council definitely fight for a stronger role. I absolutely do agree with president Poncelet who mentioned that issue before that it will be definitely the role of second chambers to have a look on the principles of subsidiarity and democracy and also to represent the regions in the European context what definitely cannot be done in the same quality by the first chambers.

I strongly do hope that also a meeting like this improves the relations between the second chambers of our member countries of that institution

and I am sure that a closer cooperation between the second chambers will be the fruitful way to come to more democracy and more subsidiarity in the regions of our broader Europe.

**Longin Pastusiak,
Speaker of the Polish Senate**

I would like to thank Mr. Himmer, Deputy Chairman of the Austrian Bundesrat, for his presentation.

Our next speaker will be Mr. Armand De Decker, Speaker of the Senate of the Kingdom of Belgium.

**Armand De Decker,
Speaker of the Belgian Senate**

Dear Mr. Chairman:

Before all else, I would like to thank you for the wonderful, warm and very pleasant welcome. We are very glad to be received here in the Polish Senate.

Dear Colleagues:

The current meeting of our association is taking place in an appropriate moment not only because of its subject matter - so important to our legislative assemblies - but also because of the country which is hosting us today. Poland is the largest and most populous country among the ten states joining the European Union which we welcome with joy in our European family. Poland personifies the struggle for independence and attachment to universal values, which by the way are given homage to in the preamble to the Polish constitution.

The Polish nation has a history that dates back more than a thousand years, whereas the Polish senate was created over 500 years ago, the same year America was discovered. Therefore, Poland boasts a very long political tradition and courage that has never been lacking in its history.

In light of the subject matter of our conference, I would like to say a few words about the Belgian senate. For more than 10 years, since 1995, it has had the Federal Consultative Committee, *Comité d'avis fédéral*, re-

sponsible for European affairs. It is composed of 30 members: 10 senators, 10 MPs and 10 deputies to the European Parliament. Within the framework of that committee, its members have at their disposal three types of voting and election rights. The committee was appointed in accordance with the regulations of both chambers of parliament. I will mention only three out of its numerous tasks. Prior to each session of the European Council, the committee invites the Prime Minister or the Foreign Minister to share with it the government position that will be presented at the session. After the Council session, the government and ministers who participated in it prepare a report. Pursuant to Art. 168 of the Belgian constitution, the committee is informed of and issues an opinion on every amendment to the founding treaties of the European Union, known in the past as the European Commonwealth. Pursuant to Art. 92 of a special constitutional reform act of August 8, 1980, the committee is also entitled to issue position statements on proposed normative acts of the European Commission.

As I have stated before, Senate representatives sit on the committee jointly with deputies to the European Parliament. That means that both Belgian federal legislative assemblies have the same competencies when it comes to European issues. However, it should be noted that the committee does not interfere with purely legislative work, which continues to be an exclusive domain of the Senate and House of Representatives standing committees. In addition, the Belgian Senate occupies a privileged position in the area of international relations, since the constitution requires all treaty ratification drafts to be first examined by the Senate and only then transmitted to the House of Representatives.

I have already referred to contacts between the Consultative Committee and the government within the framework of the European Council. In addition to their meetings, which take place eight times a year, the committee is also tasked with coordination and promotion of parliamentary scrutiny of European decision-making processes on request by the Speaker of the Senate or House of Representatives, or on its own initiative. It should also be noted that the committee can submit resolution proposals directly during the plenary session.

As concerns the process of harmonizing EU and national laws, it takes place within the framework of current legislative work and is not subject to any special rules. However, once a year the committee examines the government report on the realization of European Union treaties and prepares a report on the course of harmonization of national and EU laws.

Since a few months ago, the committee has access to data of the ministry of foreign affairs on the status of harmonization and realization of directives relative to the common market.

This is how, Dear Friends, the Consultative Committee responsible for European issues operates in Belgium and how we deal with European matters of high importance.

With reference to the presentation by Mr. Poncelet and also by our Austrian colleague, I would like to return to the issue of national parliaments in the European Union. As it was correctly pointed out, the draft of the constitution which, we hope, will be signed at the intergovernmental conference on June 17 and 18, recognizes the particular role of national parliaments. Indeed, the constitution tasks national parliaments – and, therefore, also their higher chambers - with watching over compliance with the subsidiarity principle in the European Union. Of course, it is a very important role which should give us a reason to rejoice already today. At least that is what I think. Regardless of how it is phrased in the constitutional proposal, I believe that the added protocols on compliance with the principles of subsidiarity and proportionality and on the role of national parliaments in European integration and in the European Union are quite insufficient. Why do I consider them insufficient? First of all, although it is praiseworthy that every national parliament will be able to initiate the procedure of examining compliance with the subsidiarity principle, I think it is regrettable, and Mr. Poncelet agrees, that in the draft of the protocol and in the constitutional proposal there is no mention of an interparliamentary European forum where national parliaments could agree on their position with respect to subsidiarity. Independently of individual EU activities by our countries, such as written requests addressed to the parliament, council of ministers or appropriate committee, independently of bilateral activities undertaken by every national government with respect to the European Union, I consider that the existence of a forum where national parliaments would be able to discuss their position on subsidiarity and proportionality is an elementary requirement. I believe that we are dealing here with an evident and already confirmed deficiency in the work already accomplished.

A second comment and a second reason for the insufficient significance of the role played by national parliaments has a different source. A great deal of progress has been made in the European Union in terms of integration. There has been significant progress in the matter of pricing, common market, monetary policy, but – and that is totally exceptional –

we also collaborate on many other issues which will soon become fundamental for the European Union and which deal predominantly with matters and competencies associated mainly with the national sovereignty of our countries. What I have in mind, for example, are problems inherent to internal security, police cooperation at the European echelon, cooperation and coordination of the judicial power and justice systems at the European level. We are only at the preliminary stage as EUROJUST or EUROPOL illustrate in case of police. Of course, I also must mention a common foreign and security policy, and common defence policy, which will require a great deal of effort from the member-states. We will need to accept the principle of joint work at the European level on all issues which owing to historical conditioning and tradition have been contemplated to date mainly at the national level, often excessively so considering our current objectives.

All citizens of the European Union hope that Europe will become a peaceful and stabilizing force, a superpower that is more influential and stronger on the international arena. This presupposes integration of the foreign and defence policy. Integration of the European foreign and defence policy will not be successful if national parliaments do not end up collaborating at the European level. If parliamentarians from EU countries remain in their parliaments – Brits in the British parliament, French in the French parliament and Belgians in the Belgian parliament – they will continue to think the British, French or Belgian way, but not the European way. Meanwhile, we will deal with issues that relate mainly to national sovereignty. When one listens to statements issued by certain governments, for example by the government of my country, which is close to the tradition of European federalism, one hears the same argument over and over: you are moving toward a re-nationalization of European politics. Of course, the reality is just the opposite. If there is no inter-parliamentary forum where national parliamentarians can discuss defence, justice, police, information and foreign policy, they will continue to think in national rather than European categories. This is why I agree with Mr. Poncelet and my Austrian colleague that we must go beyond that.

Today we have COSAC. It is a wonderful, progressive initiative which was useful, modern and indispensable in the early 1990s. Today COSAC is falling behind EU requirements. We need something more than COSAC. It is an old instrument which reached the end of its useful life. In addition, we had the Western European Union (WEU), which dealt with

defence issues since 1945, we had the Inter-Parliamentary Assembly, responsible for supporting the security and defence policy in European states. The WEU Parliamentary Assembly will soon cease to exist. It will happen when, hopefully, the European constitution is already signed. Meanwhile, Dear Friends, if the WEU Parliamentary Assembly is not replaced by another European interparliamentary body, we will witness a regress of democracy in new Europe in such important areas as security, defence and foreign policy.

For that reason, owing to the two jobs I hold - that of the Speaker of the Belgian Senate and Chairman of the WEU Parliamentary Assembly - I have proposed an amendment not to the constitution itself but to the protocol on subsidiarity and proportionality. It provides for the establishment of an interparliamentary forum where national parliaments will have the opportunity to enter into agreements concerning these issues. The added constitutional protocol on the role of national parliaments in European integration also provides for the establishment of an interparliamentary forum which would replace COSAC and play a much more important role by dealing with both the issue of subsidiarity at the level of European arrangements and the issue of internal and external security, police, justice and foreign affairs of our countries.

Dear Mr. Chairman:

I have already gone far beyond the time reserved for my presentation. I only wish to add that your draft of the joint statement refers to all these issues and mentions the need to reinforce the role played by national parliaments in the area of joint security and defence policy. I wish to congratulate you for it and I believe that it should be included in the final text.

If you agree, I would like to add to it a point - or rather a wish based on various comments made in the statement - to see creation in the European Union of an interparliamentary forum grouping parliamentary delegations from individual countries. In particular, this forum would make it possible to come to agreements at the European level on questions of subsidiarity and proportionality, while maintaining parliamentary supervision and scrutiny over areas of international cooperation. Thank you.

**Longin Pastusiak,
Speaker of the Polish Senate**

I would like to thank Mr. Armand De Decker, Speaker of the Belgian Senate, for his statement.

I must congratulate you. I am pleased to hear that Belgians were able to create a joint European committee, because here in Poland we were not able to create a joint European committee for both chambers. As far as I know, our neighbours the Czechs were not able to create it either. Who knows if a joint committee in the countries that have a bicameral parliament would not improve their relations with the European Union.

Thank you too for adding your amendment and also for the one about the very important issue of a democratic civilian control of the armed forces. Since the European Union is building up its military arm, parliaments should obviously oversee the defence policy.

Our next speaker is Mr. Petr Pithart, Speaker of the Senate of the Czech Republic. He will be followed by Ms. Yvonne Timmerman-Buck, Speaker of the Dutch Senate.

**Mr. Petr Pithart,
Speaker of the Senate of the Czech Republic**

Mr. Chairman, Dear Colleagues:

First of all, thank you dear Longin for your hospitality and warm atmosphere which is, I'm sure, your personal contribution.

I see a specific role for Upper Houses based on their potential to keep the government of the day at a distance, and maintain greater independence of its policies. If I am not mistaken, of all members of the Association of European Senates only the Italian Senate and the House of Peoples at the Parliamentary Assembly of Bosnia and Herzegovina have a formal influence over the government's ability to stay in power. Only in those two countries, the governments have to maintain the support of their Upper Houses of Parliament to survive. At the same time, only in those two countries the Upper Houses have to consider the potential consequences of their actions for the fate of their government.

In other countries, only Lower Houses are tied up this way. Their majority caucuses support their governments without criticising them. Op-

position caucuses, who are not able to influence the position of the entire House, often engage in irresponsible and self-serving criticism of their governments. Unless we want to exempt governments from thorough and responsible parliamentary oversight or review, we need to place more emphasis on their relationship with the Upper Houses.

A similar model has encouraged the Australian bicameral Parliament to distinguish between their government's responsibility and accountability. The government is *responsible* to the House in that the House can peacefully dismiss the government, which is after all one of the fundamental attributes of democracy according to Karl Popper. The government is *accountable* to the Senate and to the electorate in that it has to account for each and every decision, action or inaction. The government grows more sensitive by having to account for itself on an ongoing basis rather than in general terms. Naturally, the government's accountability to the electorate becomes a deal-breaker on the day of general elections: the electorate can dismiss and replace the government.

It would be inappropriate to take accountability out of the equation. The House tends to shy away from deep criticism of the government it has generated, because such criticism could bring the government down. This is where Upper Houses step in. Their importance grows with the increasing power of the state and the complexity of governance.

I believe these general considerations apply to the European agenda.

In relation to the European Union, the Czech Senate's work can be described in two different settings. Until recently, we were a Senate of a pre-accession country; now, we are beginning to work as a parliamentary chamber of an EU member state.

The Convention on the Future of the European Union marked a new chapter in the Senate's involvement in European affairs. The Senate has sent a delegate and an alternate to the Czech Republic's team.

The Senate's European integration committee as well as the plenary have debated reports of both Senators on the progress of the Convention, and have adopted resolutions on several issues. The Senate has also held under its auspices a national forum on the future of the EU. The Prime Minister and the Minister of Foreign Affairs reported their views on the outcome of the Convention proceedings. Regular reports by the Prime Minister and debates of those reports were commonplace at the Senate during the Intergovernmental Conference, too.

The adoption of the Constitutional Act on the EU Accession Referendum, which the Senate had initiated, marked a symbolic culmination of

our pre-accession work. A successful referendum was eventually held based on this Constitutional Act. At the same time, debates about the new role of the Senate after accession to the EU were already in full swing.

A so-called “European” Amendment to the Constitution was enacted at the end of 2001. Article 10b of the Amendment requires the government to inform the Parliament regularly and in advance of any obligations arising from our membership of the EU. Both Houses of Parliament have the right to provide comments on pending decisions to EU bodies, and may delegate this power to the Joint European Committee. The Constitution assumed that this general provision was to be detailed in the Rules of Procedure of both Houses or in the still pending Act on the mutual and external relations of both Houses, an Act that has been envisaged in the Constitution. Clearly, the Constitution has not laid down the government’s obligation to strictly follow Parliament’s instructions; therefore feedback will be offered mainly through political recommendations or analysis of specific issues. It is within the government’s discretion to deal with the positions expressed by the Houses of Parliament. At national level, the government as an executive body, though acting here as a non-elected but real legislator, will have the final word. *De iure* legislator may offer comments that do not have to be heeded.

Throughout long debates at the Senate and later with Deputies and the Ministry of Foreign Affairs we realised that we would most probably not be able to establish a Joint European Committee of both Houses, as has been the case in some countries. Both Houses have reached a tentative agreement to test-run separate supervision of government’s work for a year. Early next year, we will revisit the issue of a joint committee. We will continue insisting that Deputies may not overpower Senators. Rather than through actual parity, it could be achieved by voting through Deputy and Senator divisions, etc.

As I have mentioned, the Senate will independently oversee the actions of the government in the Council as part of the European legislature.

Our Rules of Procedure specify what we would like to receive from the government for debate and review, namely reports on developments in the EU, on summits of the European Council or updates on the transposition of European obligations into our legal system. We also receive proposals of legislative Acts to which the government drafts its preliminary position. We may also request various Acts under the current second or third pillar. The Rules of Procedure will govern the debate of these docu-

ments, and will provide for a fast-track procedure. Pursuant to the EU Protocol on the role of national Parliaments, we have set a deadline of 35 days, which means 5 weeks, for the debate of draft legislative Acts. The same deadline applies to the parliamentary prerogative: if the Senate proceeds to discuss the merits of a draft legislative Act, the government may not vote in the EU Council on the Act for 35 days after its delivery to the Senate. In other words, the Senate must be heard but does not have to be heeded.

Committees dealing with EU affairs will play a pivotal role in the agenda of the first pillar and in foreign affairs, security and defence. Individual committees may also debate various Acts on their own initiative or upon request from the committee in charge of a particular Act. In fact, this is already happening. If the committees are not happy to simply take note of a particular draft Act, the Senate plenary session will prepare recommendations on the merits of the Act. It remains to be seen how effective this solution turns out to be.

We can assume that our two Houses of Parliament will engage in a division of labour. The Chamber of Deputies will most probably focus on regular meetings with ministers who travel weekly to the EU Council. The Senate will devote thorough attention to analysing conceptual documents, drafts of long-range legislative Acts or debates on the strategic direction of the EU.

It is too early to assess this model of cooperation between our Houses of Parliament and the government. The issue of the Joint European committee and the relationship between the committees and the Senate plenary remain open. On the other hand, we will be ready to respond flexibly to any new powers arising from the European Constitutional Treaty. We are firm believers in the irreplaceable role of national Parliaments among European political institutions as they have been vested with direct and unquestionable legitimacy and serve as political controllers of governments. We even believe that their role ought to be enhanced in future negotiations about the Constitutional Treaty. Thank you for your attention.

Longin Pastusiak,
Speaker of the Polish Senate

I would like to thank Mr. Speaker for his contribution to the discussion. I hope Mr. Pithart will agree that the Czech and Polish Republics have contributed their senates as a dowry to this marriage.

And now it is the turn of Ms. Yvonne Timmerman-Buck, Speaker of the Senate of the Kingdom of the Netherlands. Please, go ahead.

**Yvonne Timmerman-Buck,
Speaker of the First Chamber of the States-General
of the Netherlands**

Mr Chairman, esteemed colleagues, ladies and gentlemen,

It is an honour and a pleasure for me to address this meeting. It is the first time that I have had the privilege of being here among you as president of the Dutch Senate. I should like to take this opportunity to express my It is It is an honour and a pleasure for me to address this meeting. It is the first time that I have had the privilege of being here among you as president of the Dutch Senate. I should like to take this opportunity to express my thanks to our host, Dr Longin Pastusiak, for the great hospitality with which he has received us in Warsaw yesterday and today and for the excellent manner in which this meeting has been organised.

European integration and the development of the European Union has long been an important topic of debate for the Senate of my country. The Senate has been intensively engaged in monitoring and scrutinising European policy over a great many years. It therefore insists on being kept regularly informed about European policy - like the House of Representatives - by the Government. A debate on Europe is held in the Senate at least once a year in order to discuss European developments in broad outline.

A European Co-operation Organisations Committee was established in 1970 by way of trial. The Senate has now had a standing European Co-operation Organisations Committee for some considerable time. The members of the Committee are appointed after general elections for a period of four years at a time. Members of the European Co-operation Organisations Committee are designated as delegates to other organisations such as COSAC. In addition, they regularly take part in joint meetings with committees of other Member States and in EU conferences. The work of the European Co-operation Organisations Committee of the Senate extends to all European Co-operation Organisations. The Senate also has a special committee for the Justice and Home Affairs Council, since in the Netherlands binding decisions on Justice and Home Affairs have to be ratified by Parliament.

The House of Representatives - the lower house of the Dutch Parliament - also has a standing committee for European affairs. Unlike its counterpart in the Senate, this also deals with JHA matters together with the standing Committee for Justice. The cooperation between the committees of the two Houses of Parliament is becoming increasingly intensive. At the time of the European Convention on the future of Europe, for example, the members of the Convention provided feedback in joint meetings of the two European committees. And at the end of the Convention these committees also held a joint debate with the Dutch Government, which was an historic occasion.

The developments in Europe will have other consequences too for the role of the Senate in the Netherlands, in particular for its cooperation with the House of Representatives. By way of illustration, I would refer to the European Constitutional Treaty, which I hope will materialise. Once it has been introduced, monitoring compliance with (the principle of) subsidiarity will have to be observed. This will necessitate the adoption of a different procedure, for example owing to the much larger flow of documents to the two Houses and the short period of 6 weeks in which they will have to reach an opinion on subsidiarity. In order to be prepared for this, a joint committee of the two Houses is being established to assess the future procedure of the two Houses.

Political cooperation between the two Houses on matters of subsidiarity is also desirable. It would naturally be preferable for them to determine a uniform position rather than adopt two different positions. However, this gives rise to various issues of principle. For example, although the Dutch constitution does not prohibit the establishment of joint committees, it does prevent a situation in which a joint committee could bind the Houses. I also assume that each of the two Houses would have a role in monitoring compliance with the principle of subsidiarity. However, some academics argue that it is for the Senate to apply this test on behalf of Parliament. A factor that plays a role in this connection is that the senators are chosen by the provincial councils and are also sometimes engaged in local government, for example in the capacity of burgomaster (an appointed mayor). Although the provincial councils probably do not constitute 'the regional legislative assemblies' as referred to in the subsidiarity protocol, these provincial bodies and municipal councils do have functions, for example in the fields of the environment and procurement, in areas where the national legislation must be 'EU proof'. The joint committee is expected to submit an advisory report on questions of this kind to the presidium of the two Houses at the end of June.

As regards the powers of the Senate and the House of Representatives in relation to the establishment of European proposals for legislation and European policy, there is no real difference between the two Houses. This is not the case, however, in relation to the national legislative process and hence also the implementation legislation. Here the Senate becomes involved only after a bill has been passed in the House of Representatives. The Senate may reject a bill, but has no right of amendment. Nor does the Senate have any special power as regards appointments to European institutions. In such a case, it may, however, exercise general powers of parliamentary scrutiny.

There are no explicit constitutional provisions on the parliamentary involvement in the establishment of European legislation. Both Houses have a similar constitutional power to ask the Government questions about its efforts in the establishment of European legislation and policy and can make their views known without having to abide by any time sequence.

In contrast to these format rules, however, there are differences in practice for the time being. The House of Representatives regularly raises issues of European legislation: prior to meetings of the Council it generally holds consultations with the government ministers concerned. The Senate is more selective in holding consultations with the Government. This is on account of the historically determined usage that the Senate should exercise a certain restraint in such matters. Another factor in this connection is that the Senate generally meets only one day a week. However, the Senate does hold consultations that go beyond the scope of a single bill or item of legislation.

But the differences in practice between the two chambers may possibly change as a result of a system with which we are currently experimenting in the Senate and which is - as far as I know (but of course you all can correct me)- unique. As soon as proposals of the European Commission have been published and sent to the Council and the European Parliament, they are registered by the Senate's administrative support service and forwarded, with an advisory report, to the standing Committee for European Cooperation Organisations. This committee either deals with them itself or forwards them to the standing committees concerned (agriculture, the environment etc.). This means that the specialised parliamentary committees are aware from the outset what is coming 'from Brussels' and also have the possibility, where necessary, to alert the government to the need for action in a very early stage.

Mr Chairman, I am proud that the Senate in the Netherlands is highly appreciated by academics and other experts owing to its expertise and activities precisely in the field of European affairs. I regularly come across European parliamentarians who say that our special Europe website and portal are of exceptional quality. But this is no luxury - the Senate has a pressing need of them in order to discharge its role, which will, if anything, continue to increase in importance as a result of all the developments in Europe.

Longin Pastusiak,
Speaker of the Polish Senate

I would like to thank Ms. Timmerman-Buck for her presentation. I wish to point out, ladies and gentlemen, that although the senate is called “the higher chamber” it always remains the second chamber. I think that the only exception in the world where the senate is called the First Chamber is the Kingdom of the Netherlands. We can congratulate our Dutch colleagues for raising the rank of their senate to that of the First Chamber.

Now I would like to call on Lord Grenfell, Deputy Chairman of the House of Lords in the United Kingdom of Great Britain and Northern Ireland. Please take the floor.

Lord Grenfell,
Principal Deputy Chairman of the House of Lords

Thank you very much indeed, Mr President. I’m very pleased to be able to inform all the delegates here and You, Mr President, that the House of Lords of the United Kingdom have with the greatest of pleasure accepted a long standing invitation to join your Association. I would like to add just this. About four decades ago there was a popular and rather wicked song which was sung by that excellent singer Ertha Kitt, which the title was “An Englishman needs time”. We do get there in the end and I want to thank you very, very much indeed for this gracious invitation to the House of Lords. It is something I have long looked forward to

and therefore I count it a great privilege and pleasure to accept your invitation today on behalf of the House of Lords. Thank you very much.

**Longin Pastusiak,
Speaker of the Polish Senate**

I thank Lord Grenfell for that declaration. We are indeed honoured that the oldest European democracy, the United Kingdom of Great Britain and Northern Ireland, is joining our association. That simply also gives it a more universal character. Practically speaking, only two higher chambers in Europe are not yet our members, but I hope that we will soon achieve a 100% membership. Thank you very much.

Let us continue. I call on Mr. Hans Kaiser, Chairman of the European Chamber of the Federal Council of the Federal Republic of Germany, to take the floor.

**Hans Kaiser,
Chairman of the European Chamber of the Federal Council of the
Federal Republic of Germany**

Thank you very much.

Esteemed Mr. Speaker, Ladies and Gentlemen Senate Speakers and Representatives, and, particularly – because of the special occasion – Esteemed Lord Grenfell:

As you know, the European Union is expanding from 15 to 25 members and, consequently, our association is also growing significantly, indeed to royal proportions. That gives me a great deal of pleasure. I welcome you warmly and I wish us all good cooperation.

Mr. Speaker:

First of all, I would like to thank you very warmly in the name of the President of the Federal Council – Bundesrat – Mr. Dieter Althaus, for having invited us to Warsaw. The fact that we are meeting precisely here in Warsaw and precisely this year has been already mentioned several times. For many reasons, for example because of the 1st of May, we have a particular opportunity to be here, feel comfortable here, and precisely

here express our contentment that changes have occurred in the European Union on the 1st of May.

We are pleased that Poland, Hungary, Czech Republic and other countries are already members of the European Union. As for the 1st of May, I must say that I have always been surprised by headlines that said “Poland is returning to Europe” or “The Czech Republic is returning to Europe” – they are totally senseless. I know that here in Warsaw it is not wise to praise Krakow too much. But I also know that our chairman comes from Gdansk and lives there, and therefore I will not offend anyone by saying that Krakow and the entire Małopolskie Province, and Thuringia, the *Land* from which I come and which I represent on the Federal Council, are in a partnership. I was there on the eve of Poland joining the European Union and I lived the joy of your accession to the EU jointly with local residents. The next day, the deputy speaker and I went to Berlin, where we listened to a concert by a chamber orchestra from Krakow given at the French Friedrichstadtkirche. I must confess that it was an extraordinary experience. That is often said about historic moments and I think that it was a historic moment indeed. I will say it from the depth of my heart - welcome in the European Union.

It is our great fortune that so many priceless treasures now belong to Europe – Jagiellonian University, the second oldest university in Europe, or the magnificent architecture of Wawel Castle. The European Union has become greatly enriched with accession by 10 new countries and their 60 million residents. With close to half a billion citizens, we have also become, Mr. Poncelet, the world’s largest market. You are right to say that having such a large market is extraordinary. At the same time, we should remember what Jacques Dellors has once said: “We need a Europe of values”. What he said is that values in Europe constitute an adhesive, a mortar that holds together our home – Europe, that unites the bricks of our common European home. We should note that the phrase “European Home” was coined by Konrad Adenauer. It was by no means a phrase used for the first time by Mikhail Gorbachev. He kindly took over its ownership but it was invented by Konrad Adenauer and his visionary friends - Alcide de Gasperi and Robert Schuman. It refers to the idea of Europe which after the terrible war was to be rebuilt and wanted to be rebuilt. And he showed that visions are not only created and formulated, but that they can also be turned into reality. Consequently, Ladies and Gentlemen, the 1st of May was precisely such day – a day when a vision became reality. We are faced with the task of continuing work on that vision. That means a further integration of Europe

as the best guarantee that we will create peace, guarantee freedom, contribute to social justice in a world that we are jointly creating.

Ladies and Gentlemen:

The latest enlargement of Europe by 10 successive member states and the necessary sustained effort to create a new European constitution place Europe in the centre of political interest more than ever before. As I mentioned earlier, its importance has grown immensely. I believe that the enlargement of the European Union by 10 new states, of which eight have belonged to the former Eastern Bloc, proves that we are in the process of finally overcoming the division of Europe, which has also been a division of my homeland – Germany. I think it is a good sign for the future.

It is a good thing that the enlargement occurred and also the sequence of events was correct. However, I believe that we must continue our work on deepening European integration. We have always said that we want to go “farther and deeper”. If we in the European Union fail to perfect our mechanisms and institutions so that they are capable to perform adequately, the attempt to enlarge the Union will come to naught. Enlargement in such case would be essentially unnecessary because it would lead to nowhere. The European Union of today is like a very heavily loaded, slow-moving tanker ship. Changing its direction would require a 14-day notice, but even then there would arise the issue of a minimal deviation to one side or the other, sideways, backward or forward. I believe that it is a serious problem that requires our urgent attention. We must re-examine the structure of the European Union and effect institutional changes for the purpose of giving it a new shape. We must hope that on June 17th we will have a new constitution, which will make the European Union more transparent and capable of action, and that the European Parliament will be given more powers and capabilities.

I believe that we should be concerned about June, about the choice that will need to be made and about voter attendance. It is also a fact that all of us gathered here are pleased with Europe and happy with the opportunity to create, integrate and advance it. We also remember that the century which can be called a century of fear is over and that the European Union was able to put the continent on a different track. Still, I believe that in our activities we should be focusing on caring for citizens. We must encourage their willingness to act on behalf of Europe, collaborate in the European Parliament and at ballot boxes. Citizens will go to vote only when they will be convinced that their decisions actually matter. How does one decide about something that is neither meat or fish. When peo-

ple are not really convinced that their choice will make a difference, they do not really feel like making it. I believe that a great deal of responsibility for it falls upon us, because we represent that second chamber, which, in my opinion, thanks to integration of our countries, is much closer to citizens, “feels” them and their emotions much better, knows their experience and expectations. This is why it is so important – and I am very pleased about it – that today we can share our experiences and compare the role played by second chambers in the European integration process and in the Union, which, as you have told me, greatly differ from one place to another. It is also an opportunity for comparing the role played by senates in individual countries.

Statements made here suffice to get an idea of the mechanisms that are at play. Topical information confirms that sometimes they can be very complicated. I can only say that our system in Germany – Federal Parliament (Bundestag) and Federal Council (Bundesrat) jointly with various committees attached thereto, is indeed a very complex one. The level of its complexity depends on whether the mechanism rests on *Länder* competencies or whether *Länder* competencies are secondary, and on the extent to which the Federal Council can influence the shape of German legislation. It is extremely fascinating, and in practice the system turns out to be quite uncomplicated. I have gained some experience in dealing with it.

I think that we are moving in the right direction when we give good marks to that system, when we try to support it and warn about not losing track of its essence in a time of changes, and about the need to protect the competencies and power of a region or a second chamber. We struggle to keep our broad competencies because we want to have an impact on what happens in Europe. It is because in some areas we are much closer to the citizen and we can share our expertise with institutions such as the Federal Council. Every one of the 16 *Länder* has delegates on the Federal Council – usually experts. They are not elected, as is the case in the Federal Parliament, but appointed by individual *Land* governments. Such system has a very positive impact on the contribution of the Federal Council to the entire German legislative process. You, Mr. Poncelet, know from your own experience that, thanks to such system, only the most competent people, including ministers, end up on committees. The system exerts a great deal of influence on ensuring consistent and competent governance, and, ultimately, also management.

Ladies and Gentlemen:

German *Länder* and the Federal Council, i.e. the so-called Chamber of the Länder, have been supporting European integration at the federative level from the very beginning. They have been carrying the burden of every failure and every enlargement, even though each time they would lose some of their own competencies and powers. I believe that, to a certain extent, this attitude stems from the fact that we have been members of the EEC, EC and other organizations, that we co-founded the European Union, and that from the beginning we said that yes, on some issues we are ready to give up our independence if that would give us an opportunity to collaborate, build something together, if despite having given up specific competencies in key areas we would be entitled to our own opinion, and allowed to co-create certain political processes and participate in legislative undertakings.

As a natural consequence of that position, the *Länder* and the Federal Council struggled step by step to win their right to participate in the formulation and development of Germany's European policy in compensation for those losses. The final step was taken in 1992 in connection with the Maastricht Treaty. As of that moment, the right of the *Länder* to participate via the Federal Council in developing European policy was additionally anchored in our constitution. I say "additionally" because in 1990, in Art. 23 of the constitution, issues associated with the accession of former East German *Länder* to the Federal Republic were defined and settled. In 1992, that article became outdated, a totally obsolete legal regulation and it was given a new Euro-political content. The application of that precise article in establishing the terms of collaboration between the Federal Council and German *Länder* on the European level was a good choice. I say "additionally" because at that time the constitution already included Art. 50, which also governed the terms of collaboration between the Federal Council and German *Länder* in international or European issues.

Under the right of the German Federal Council to participate in European Union matters, the 16 *Länder* delegate representatives to the Federal Council, the competencies of which can be divided into three areas. One is participation in the transfer of the rights of the supreme authority to the European Union – it is an extremely significant and broad area. Another is collaboration with the federal government on European Union issues, and that is connected with the right of the Federal Council to participate in the Council of Ministers of the European Union. Finally, the third is the legislated right of the Federal Council to participate in the transposition of EU laws into the German legal system.

With respect to the participation of the Federal Council in the transfer of sovereign rights to the European Union, Art. 23 of the constitution which I just mentioned states that every federal law associated with this issue must be approved by the Federal Council. Such law cannot be adopted without the approval of the Federal Council, which means that without it the particular right of the supreme authority will not be transferred.

I must stress that in other areas the closeness of that collaboration depends on the extent to which the particular issue relates to the *Länder* or to the contiguity of their competencies and jurisdiction.

I believe that in the Federal Council we have jointly worked out equally important solutions as concerns collaboration with the Federal Parliament and federal government, particularly in European matters, which enables us to act very effectively.

I would now like to present another aspect - the right to be kept informed and have access to information. It is an extremely important issue since it involves time limits which must be respected on the European level. These time limits are very tight, whereas in some *Länder* under certain circumstances there is a need to put in motion several mechanisms. This is why it is important for the federal government to provide the Federal Parliament and Federal Council with exhaustive information about all new developmental directions in the European Union as early as possible. There are no procedures for transmittal of such information depending on the jurisdiction of particular institutions, for example that the Federal Council should be informed by the Federal Parliament. The Federal Parliament and the Federal Council are informed of such directions concurrently, which testifies to the actual, particular position of the German Federal Council.

I would like to add that the significant role and potential of the power of the German Federal Council ensues in reality from its exceptional nature, which in turn has been shaped by its particular construction and particular origin. In other countries we usually deal with state power at the central level. In such cases, as the time passes, there is talk about delegating certain competencies or handing over certain powers, or establishing regions with which these powers would be shared. In Germany, there were first the *Länder* which waged power separately, and it is they that subsequently established the federation. *Länder* such as Hessen, Rheinland-Pfalz, Baden- Wuerttemberg or Nordrhein-Westfalen existed long before the federation. Their constitutions were drawn up in the

years 1946-47, whereas the constitution of Federal Germany was adopted on May 23, 1949. It is, therefore, evident that it was the *Länder* which established the federation, and that fact guarantees them a certain sovereignty and sense of self-assurance, which is reflected in the activities of the Federal Council.

You have probably noticed that I never use the term “Bundesland” – land of the federation – because in German that would mean that we are subordinate to the federation and that we belong to it. Whereas in reality we do not belong to a federation at all. This is why the word “Bundesland” does not appear in our constitution and the term used instead is “die deutschen Länder” – German *Länder*. That status provides the *Länder* with a sense of self-worth and, from time to time, leads to joint decisions of the Federal Parliament and the Federal Council – particularly when political balance is spread unevenly. In the past few years such situation seems to have occurred only once. As a consequence of this mechanism, there is a conviction that a correct decision was ultimately made and that involving the Federal Council in the decision-making process leads to a positive outcome – and in my opinion that is of decisive importance.

The collaboration of the *Länder*, of the Federal Council, is reflected, for example, in the presence of its representatives on the European forum, where they participate in negotiations conducted by the unified body of the European Commission and European Council. When the matter relates exclusively to the legislative privileges of the *Länder*, then their representatives are even allowed to speak individually for the Federal Republic of Germany at EU forums. In such cases, competencies of the federal government are transferred on a *Land* representative appointed by the Federal Council. That privilege is used in consultation with the federal government and once again proves that the *Länder* and the Federal Council have a significant power to influence European matters, matters associated with Euro-political interests.

The preparation and coordination of the involvement of the Federal Council in European Union issues is a responsibility of the European Union Affairs Committee. That committee is responsible for and advises on all European Union legislative proposals transmitted to the Federal Council by the federal government which impact the *Länder*. The European Union Affairs Committee is composed of representatives of the 16 *Länder* and, therefore, it has 16 members. Each *Land* appoints one member of the Federal Council and has one vote in the Committee. I stress that fact because there also exists another group where the distri-

bution of votes is different. In addition to the European Union Affairs Committee there also exists the so-called European Chamber, which I preside.

The European Chamber can make decisions in lieu of the Federal Council, and that is extremely important. It can deliberate instead of the Federal Council in special cases, such as in matters that must be dealt with urgently or that require particular confidentiality. As is the case of the European Union Affairs Committee, the European Chamber has 16 members, but the distribution of votes is different. In the European Chamber the number of votes depends on the size of the population in the given *Land*. That means that a small *Land*, for example Thuringen, appoints four members who must vote in unison. Large *Länder* in turn, such as Bavaria, Hessen or Nordrhein-Westfalen, appoint six members. Consequently, the European Chamber is composed of 16 *Länder* with a total of 68 votes.

Now I would like to raise the final issue – the ability of the Federal Council to influence matters associated with the European Union. Please treat this matter with all the seriousness it deserves. It concerns the fulfilment of European Union directives. As a member of the government I realize how much potential it has in terms of building up and waging governing power. Although we are talking only about directives here and not about laws or ordinances, I ask you to ensure that the standard of EU directives is not too low. Indeed, the manner in which European directives developed and passed in Brussels are subsequently transformed into national laws, the manner in which they are handled on the national level, is indeed very powerful. Also in this respect the competency of the *Länder* is particularly wide, because it is precisely through such directives that their powers are encroached upon.

Ladies and Gentlemen:

Mindful of safeguarding its international and European competencies, the Federal Council cares for preserving its many interparliamentary and international relations. The Council regularly participates in international conferences such as this one. It is also represented at parliamentary assemblies, for example at the Conference of Presidents of EU Member-State Parliaments or at COSAC.

This is a moment which I should use to speak of an issue already mentioned by Mr. Poncelet and of what our Belgian friend Mr. De Decker was talking about. I know, of course, that both the scope and the level of second chamber operations have been subject of studies for the past few

years. It is not a new topic, all to the contrary – it is a topic that has been contemplated for a very long time. I even have an idea on how to make it attractive. However, in the present state of affairs characterized by the appearance of so many new issues, something that has not been the case in Europe until recently, I would suggest that we come to an agreement on one issue: we must stabilize and quieten the situation. Only then we will be able to continue looking for solutions. At the same time, I insist on the necessity to better use various interparliamentary forums. Personally, I strongly deplore the fact that the instruments available to the Committee of the Regions are relatively ineffective. On the other hand, I rejoice at the thought that our Polish friends will be soon represented on that Committee by 21 members. I am glad that our partner, Janusz Sepioł – Marshal of Małopolskie Province – will soon join the Committee of the Regions and will represent regional interests, which is tantamount to getting closer to the citizen and reinforcing grassroots' influence, also in terms of subsidiarity. In addition, I would suggest that we do not start with the second, third or fourth step, but with the first. Before all else, out of respect for our colleagues from the states which have now joined the European Union we should give ourselves more time and also use the assistance of COSAC. That is because I do not entirely agree with the statement that COSAC has become totally obsolete. I propose that we should attempt using it again. It has a new division – let us use it for our ends. It is often the case that institutions in which we are present are not very effective because we do not act within them as we should or because they are not represented by appropriate individuals, but mainly because they are not represented in a continuous manner. I believe that it is absolutely necessary and I implore you to give it proper attention because I am a strong advocate of setting goals.

Mr. Poncelet, Mr. De Decker:

Although I am an advocate of setting goals I am not in favour of appointing yet another official body. In fact, we have already so many bodies that we often do not know where we are at a given time. Before every meeting I first need to get my bearings as to what discussion I will end up participating in and in what body I will be representing my institution. I am, of course, being facetious, the reality is not that bad. I know where I am but, nevertheless, we need to be careful not to ask too much of ourselves and of others.

I believe that we face a great opportunity today for shaping Europe from the bottom up. I mean work at the basis, also in terms of subsidiarity.

What can be done at the bottom should be done at the bottom. And what cannot be done at the bottom will be done at a higher level. We also strive to become a strong partner in the field of creating joint foreign, security and defence policy. It would be important to explore opportunities in these areas as well.

I know that not all of us will be moving in the same direction but I am convinced that we will all try to reach the same objective and once again join forces in looking at the ways of achieving more manoeuvring space in Europe – Europe capable of concentrated action but, at the same time, supervised by an effective parliament.

In closing, on behalf of the Federal Council President Dieter Althaus, I would like to cordially invite you to the Seventh Meeting of the Association of European Senates which will take place in Berlin between September 8th and 10th, 2005. I think that it is too early to be specifying the meeting's agenda. Possibly, we should continue to watch political developments in Europe and wait until the European constitution is ultimately put in place, and also until October, when a new president of the Federal Council takes office. The presidency of the Federal Council changes constantly. You know that from your visits, when each time you have to deal with a different president.

I am looking at our Swiss colleagues. As I said earlier, I come from Thuringia. Goethe lived there for 50 years and one can still feel his presence. But Thuringia was also home to Bach, Lucas Cranach, Bauhaus – I can go on and on listing names. Although Schiller was not born in Thuringia, it was there that he wrote his greatest work *The Robbers*. However, the fabulous sentence I want to quote is not from *The Robbers* but from *William Tell*: “We could achieve so much if we stood together”. I would like to change the mood of the sentence from conditional to indicative. I want to say, Ladies, Gentlemen and Colleagues, that “we can achieve a great deal in Europe because we stand together”, or, to put it in a simpler way, Mr. Poncelet, *union fait la force* – in unity there is strength. I am looking forward to our further cooperation and I am pleased to see that with our participation Europe is moving toward peace, freedom and justice. Thank you very much.

Longin Pastusiak,
Speaker of the Polish Senate

I would like to thank Mr. Kaiser, Chairman of the European Affairs Committee of the Bundesrat of the Federal Republic of Germany, for his

very thorough presentation of Bundesrat's contribution to the shaping of Germany's European policy. And, of course, we thank him for his invitation to the Seventh Meeting of the Association of European Senates in Berlin – we accept it with gratitude.

Now I would like to ask Ms. Jolanta Danielak, Deputy Speaker of the Polish Senate, to take over the chair of the meeting.

**Jolanta Danielak,
Deputy Speaker of the Polish Senate**

Thank you very much Mr. Speaker.

I would like to welcome you all at our deliberations.

I give the floor now to Professor Longin Pastusiak, Speaker of the Polish Senate.

**Longin Pastusiak,
Speaker of the Polish Senate**

The accession of ten new states – including Poland – to the European Union is a breakthrough event. We have taken a huge step on the way to a truly unified Europe, and the process is not yet completed. This accelerating and increasingly close-knit integration places before the Union and each of its members a gamut of challenges connected with almost all aspects of life. Among them are also those which relate to parliaments. There is a need for laws, rules and procedures aimed at including national parliaments in decision-making processes taking place at the EU level.

Today's meeting of the Association of European Senates, held less than a month after the grand enlargement of the European Union, is an excellent opportunity for an analysis of the competences of national parliaments with respect to the Community and, particularly, for a reflection on the role played therein by upper parliamentary chambers. Parliaments of all countries acceding the European Union have been actively involved in the process of adaptation of the internal legal system to Community laws.

There is a clear trend toward widening the role of national parliaments in the European Union. Indeed, until now, domination by national gov-

ernments has been the binding rule. They have played a leading role in relations with European institutions, whereas national representative bodies had to contend with a lesser position. It is estimated that a member-state parliament loses some 60% of its current legislative competences as a result of their transfer to the European decision-making level. Today, the process of restricting the position and role of national parliaments is being slowly but consistently decelerated and reversed. The need to provide national parliaments with institutional possibilities of influencing the development of joint European laws has been stressed in numerous declarations, including Declaration No. 13 on the Role of National Parliaments in the European Union or in the Protocol on the Role of National Parliaments in the European Union annexed by virtue of the Amsterdam Treaty to the Treaty on European Union.

In addition to declarations, institutional forms of engaging national parliaments in EU decision-making mechanisms, such as COSAC, are either created or expanded.

The issue whether both parliamentary chambers or only one should play an active role in the domestic decision-making process relating to the European Union depends to a large degree on the overall concept of bicameralism. A model of two equal and symmetrical chambers will require equal involvement, as is the case, for example, in Italy. In turn, an alternative model of unequal or asymmetrical bicameralism will probably lead to a situation where the leading role will be reserved for a single chamber, likely the lower one, as illustrated by the Austrian experience.

The asymmetry of chambers does not at all exclude their equal involvement in matters concerning the European Union, as shown by the example of the Fifth French Republic. It may even be said that, in some cases, it is precisely the involvement in the European decision-making that compensates for the weaker position of the upper chamber. While the two chambers may be unequal when it comes to their domestic legislative or controlling functions, they become equal in the area of European policy. As a consequence, the upper parliamentary chamber may end up performing a totally new function. Moreover, the upper chamber may play a particular role in EU affairs by representing the interests of specific regions and territorial units.

Indeed, we should take into account opposite tendencies and processes which are evidently taking place on our continent. On one hand, there is advancing integration and globalization, while on the other, there is also increased regionalization. In many countries, there is a clear trend

toward accentuating national differences and dissimilarities. It seems, therefore, that the upper chamber may turn out to be a very useful tool in representing these regionalisms and, at the same time, a body making possible their European institutionalization. The examples of Belgium, Netherlands and, particularly, Germany confirm that very convincingly. Suffice it to mention the German Bundesrat which seems to be at the forefront of promoting participation of the *lands* in European integration processes and which is slowly transforming into a chamber that represents these regions more on the EU level than on the German federative level.

The participation of parliamentary chambers, including the upper chamber, in European decision-making mechanisms necessitates properly designed domestic legal norms. Giving a constitutional rank to laws governing the European role of national parliaments is not indispensable but seems very desirable for several reasons. Firstly, because it has a symbolic significance. A constitutional authority given to European activities of parliamentary chambers underlines the significance of these tasks. At the same time, it is a form of compensation for national legislatures losing certain prerogatives to EU bodies. Secondly, a constitutional reference to the parliament's European tasks, because of their importance, makes it possible to separate a new function of national legislature – the European function. This function consists in introducing European norms into the domestic legal order, which is undoubtedly an expression of a law-making activity, but also in cooperating with the government on European issues, which, in turn, is associated with a certain form of control. Thirdly, a constitutional reference to the parliament's European function contributes to the creation of a sense of assurance and stability, which in itself is very valuable to any legal order.

However, even without appropriate constitutional provisions, there exists a guarantee for a pro-EU interpretation of the constitution, which among other things requires maximum involvement of the parliament in the European integration processes. This interpretation is done at a lower level of legislation, i.e. in legal acts and parliamentary regulations. The latter ought to assist the parliament in acquiring the necessary information from and collaborating with the government on drawing up joint positions addressed to the European Union. Such procedures consist mainly of the government's obligation to table specific documents to the parliament, consult or seek the parliament's opinion with respect to some such documents, and establish specialized internal parliamentary committee-like bodies. Today, so-called European committees are standard, but

there still remains the question whether each chamber should have a separate European committee or should there be only one such committee in the parliament. It seems that the choice of a European committee model should be correlated with the overall model of the chambers' European involvement. Consequently, if we opt for a concurrent accomplishment of European tasks by both chambers, without any clear specialization, then a joint committee seems to be more appropriate – and the example of Spain and Belgium, as I understood from Mr De Decker's presentation, confirms that. However, if we adopt a division of tasks or an unbalanced performance of European tasks by both chambers, then separate committees seem more appropriate.

If we take a closer look at constitutional foundations of the Polish Senate's European prerogatives we easily notice how scrawny they really are. The Polish constitution governs only the issue of transferring the competences of Polish state bodies to the Union and defines the supremacy of the EU law in case of collision with domestic legislation. In Poland the interpretation is clear that the EU law has precedence over national law.

The Polish constitution lacks provisions detailing the role of the parliament in matters associated with our membership in the European Union. Therefore, we need to refer to the aforementioned Protocol on the Role of National Parliaments in the European Union. As we know, the protocol obligates the European Commission to forward its consultation documents (green and white papers and communications) directly to member-states' national parliaments upon publication and to send EU legislative proposals to national governments early enough so as to ensure that they can forward them to parliaments on time.

It should be stressed that the protocol unequivocally points to the government as the body tasked with forwarding European documents to the parliament upon reception. What is more important, the member-state government is also liable for the outcome of such document circulation. The preamble to the protocol also stresses the necessity for a greater involvement of national parliaments in the activities of the European Union, but the form of that involvement is a matter for the particular constitutional system of each member-state.

With a view to implement the provisions of the protocol and fill the peculiar gap created as a result of the absence of constitutional regulations, the parliament passed on March 11th, 2004, the *Act on Cooperation of the Council of Ministers with the Sejm and Senate on Issues Associated with the Membership of the Republic of Poland in the European Union*. This act commits the

Council of Ministers to cooperate with the Sejm and Senate on all matters associated with Poland's membership in the European Union, and obligates it to provide both, I repeat, both chambers of parliament with information and reports on the participation of the Polish Republic in EU activities. These reports must be tabled at least once every six months. The act also provides the Sejm and Senate, as well as "their bodies having appropriate jurisdiction defined in parliamentary regulations", i.e. European committees of both chambers, with the right to request information on issues associated with Poland's membership in the European Union.

As a result of passing the Act, the Polish Senate adopted on April 22nd a resolution amending its regulations. This amendment provides for the establishment of a new Senate committee, named the "European Union Affairs Committee". An annex to the regulations also defines the tasks of the Committee, namely dealing with all issues associated with Poland's membership in the European Union, particularly as concerns taking positions and expressing opinions on EU draft legislation, drafts of international agreements, planned activities of the Council of the European Union, and annual legislative plans of the European Commission, as well as examining information and other documents tabled by the Council of Ministers.

We are now coming to an issue which is likely to be the most important. It deals, of course, with the division of European competences between the two chambers of parliament. In other words, should both chambers be involved in performing European tasks and, if so, to what extent, or maybe these tasks should be assigned to only one chamber and, if so, which one.

The debate on the shape of the entitlements of both chambers of the Polish parliament with respect to European issues has been very tempestuous or even conflict provoking, I may say. While it was in progress, traditional parliamentary competences were thoroughly examined and the outcome of that examination served as a background for the scrutiny of the issue of participation in the creation of Community laws. Indeed, the division of European competences between the Sejm and Senate depended on a definition of that "participation", or "co-participation". During the development of pertinent legislation and despite initial misgivings, it was decided that the work of the representatives of the legislative branch on government proposals relating to the European legislative process did not fit in the traditional functions of the parliament. They remained at the junction of legislative and controlling functions, and in

practical terms would constitute a compensation for the parliament losing its legislative competences to EU bodies.

However, one cannot compensate a real loss of legislative competences only with new controlling competences which by virtue of the Polish constitution are vested mainly in the Sejm. Consequently, it was decided in the Act of March 11, 2004, that both chambers need to be included in the creation of the principles of parliamentary participation in the development of European laws. Despite Senate efforts, the Act did not provide for a full “symmetry” between the entitlements of both chambers. That inequality is expressed not only in the Sejm European Affairs Committee having the exclusive right to pass judgment on candidates to certain EU positions but, before all else, in different legislative roles reserved in the constitution for both chambers. *The Act on Cooperation of the Council of Ministers with the Sejm and Senate on Issues Associated with the Membership of the Republic of Poland in the European Union* weakens the Senate in a particularly strong way. Pursuant to its provisions, only the Sejm European Affairs Committee is entitled to issue an opinion prior to the final examination of a draft law by the Council of the European Union and – most importantly – in practical terms it is the only opinion that the Council of Ministers must take into consideration. In other words, the Council of Ministers ignores the Senate’s opinion, which to me, as the Speaker of the Senate, is unacceptable. Indeed, it was decided that whenever the Council of Ministers fails to consider an opinion of the Sejm European Affairs Committee in its final position, it will have to immediately clarify thereto the reasons behind the resulting discrepancy. On the other hand, the Senate European Affairs Committee does not participate in that procedure; its role, therefore, is limited to providing an opinion to the Council of Ministers, which the government is not obligated to consider.

Ladies and Gentlemen:

This is precisely why 75 senators belonging to various political options, from the liberal left to the conservative right, in other words three fourths of the entire Senate, filed a motion with the Constitutional Tribunal to examine the constitutionality of premises leading to the restriction of Senate competences. It happened for the first time in the Polish history that the Senate filed a suit against the lower chamber defending its constitutional prerogatives. It’s too early for the Tribunal’s judgement because the motion was filed only last week. Concurrently, the Senate prepared a legislative initiative aimed at amending those provisions of the discussed *Act on Cooperation of the Council of Ministers with the Sejm and Sen-*

ate on Issues Associated with the Membership of the Republic of Poland in the European Union which were adverse to the upper chamber.

I think, however, that the Polish constitution will need to be supplemented in the near future by a chapter reserved for the terms of Poland's functioning in the European Union. It is only then that we will deal with the most desired situation where the constitutional norm will compel the government to listen to the parliament's opinion and define the forum where that will take place. In turn, norms included in the regulations of both chambers will define the manner of submitting candidatures and selecting parliamentarians – committee members, procedural principles of committee functioning and methods of committee communication with relevant chamber organs and other parliamentary bodies in Poland and abroad.

At the end of my presentation I would like to say that independently of these reflections on the functions of the upper chamber, one should particularly stress the importance of the very phenomenon of “europeization” of national parliaments, and, looking at the issue from the opposite side, of “parliamentarization” of European institutions. National parliaments, increasingly engaged in integration processes, and the European Parliament, increasingly involved in making EU-level decisions, constitute a guarantee of the Union not being perceived as an organization governed by bureaucracy in Brussels, but as an authentic community of all citizens of the constituent states. Only when citizens themselves feel that they influence the course of EU affairs – through their representatives in national parliaments and through parliamentarians in Strasbourg – will we be justified to speak of a full success of integration. Thank you for your attention.

Jolanta Danielak,
Deputy Speaker of the Polish Senate

Thank you very much, Mr. Speaker.

As you can hear, there are disputes not only about the dependence of national parliaments on the European Parliament but also about the place and role of the chambers in national parliamentary structures.

Now I would like to give the floor to Mr. Dmitri Mezentsev, Deputy Speaker of the Council of Federation of the Federal Assembly of the Russian Federation.

Dmitri Mezentsev,
Deputy Speaker of the Council of Federation of the Federal Assembly of the Russian Federation

The sixth meeting is taking place in the Polish Senate at a peculiar time. I would like to stress once again that the 1st of May is a day which not only changed the political fate of the 10 countries that are joining the Union but which also largely settled the question of the new model of European integration for many, many years. That is well understood in the Russian Federation, in the Federal Assembly and in the Council of Federation which is the higher chamber.

I would like to make a brief presentation on our parliament's activities with respect to external issues, particularly as they refer to the system of international and interparliamentary cooperation.

We all listened very attentively to French Senate Speaker Mr. Poncelet, who restated the correct and proven principles of the activities of the parliament, including the senate. The Federal Assembly, i.e. the Higher and Lower Chamber, exists in Russia only since January 1994. It means that the new model of parliamentarism in Russia is only 10 years old. Consequently, this year we celebrate not only the 10th anniversary of the Federal Assembly but also the 10th anniversary of the existence of new parliamentary principles. Let me add in parentheses that the period between 1917 and 1994 was a period of token parliamentarism. Today's Russia often goes back to the historical sources and accomplishments of the State *Duma* of the early 20th century, but at that time, in the Soviet empire, there was only one chamber. We are in the process of making up for these imperfections.

The Sixth Meeting confirms the mature tradition of dialogue and unending discussion between the leaders of European senates belonging to this association. But today's meeting, which is taking place in accordance with a proven parliamentary procedure and well-defined parliamentary thought, does also a great deal for disseminating the philosophy of a true European interparliamentary cooperation. We have carefully read the draft of the memorandum which will need to be approved by association members. The slant it has been given is understandable. It makes it possible to take another careful look at the future of the European Union and national parliaments in a situation where new members are joining and the Union is growing.

However, I would like to remind you that recently, on May 21st, a thirteenth consecutive meeting of EU and Russian leaders has taken place in Moscow. The current president of the Russian Federation Vladimir Putin has shown many times by word and action the great interest of the Russian Federation in a new system of relations with the European Union. Today's Russia is not only a country which has a more stable and predictable political system and economy that has been steadily growing in the past few years but also a country which is truly acting toward more openness in the system of international and interparliamentary relations. Therefore, if you permit, I would like to add another item to the memorandum concerning the system of relations between senates of the countries which do not belong to the EU and higher chambers of the countries which have already gained rich experience in cooperation and work within the Union.

The higher chamber of the Russian parliament is made up of 178 members of the Council of Federation. Each of the 89 entities with absolutely equal legislative powers is represented by two members. One represents the executive branch, the other – legislative. Federation Council members were not elected by the population but in practice they do go through a sort of electoral college. They are elected by the regional *duma* of an *oblast* or *kray*, or by the parliament of a national republic. I must add that the experience gained within the framework of collaboration with the Federation Council, the members of which must give up their habitual occupation for a period exceeding two years, seems quite successful to us.

Mr. De Decker, Professor Pastusiak and Mr. Kaiser have said that it was very important to ensure that the system of mutual relations between the two parliamentary chambers is effective and acts to the benefit of the country and its market. Only recently we have introduced the so-called zero-level reading. A document submitted by the government or president to the lower chamber is examined concurrently by deputies to the State *Duma* and by the branch committee, and in special cases also by the council of the higher parliamentary chamber. In the past year and a half or two years there has not been one legislative proposal – and our speaker Mr. Mironov makes sure of that – to which amendments have not been brought forward at the zero-level reading by legal experts and, what is more significant, by representatives of the higher chamber.

One hundred and fourteen federal laws have been examined in the past year. Consultative committees were appointed to discuss nine projects which we had rejected. Consultative committees should be

re-submitting compromise proposals within one to three months. Please note that while in previous years when the Federation Council was not operating on a professional basis the percentage of rejected proposals was 25-35%, now we reject no more than 5-7%. Therefore, it can be stated that Russian parliamentarians feel cosy and comfortable in the building where they work, that they are concerned about their political future and, consequently, shirk from making decisions based on principles. Even more – maybe Russian senators are afraid to reject legislative proposals submitted by State *Duma* since there is a more stable vertical power led by President Putin. I do not think that to be the case. It is simply that the quality of the people tasked with drawing up legislation and the quality of legislative proposals are incomparably higher than in the past. It is partly a result of us using the experience of our colleagues, European parliamentarians. I am not saying that to be nice; it is routine practice in our chamber.

A lot has been said today – and I will certainly report it to my colleagues in Moscow – about the indispensability of perfecting and professionalizing parliamentary scrutiny, also of government activities. But I would like to stress that exclusive competencies of the higher chamber of the Russian parliament include appointing the Prosecutor General, all judges of the Supreme Court, the Constitutional Court and the Supreme Court of Arbitration, which examines economic matters. Literally a few days ago the Russian Prosecutor General submitted an official written report to the Federation Council on the activities of his office during the past year. Last Friday, the Federation Council heard a report by the Head of the Accounting Chamber, which is a State organ that controls public spending at the central and regional level. I would not want this to sound like a joke, but a few days ago the Accounting Chamber has completed an audit of the accounts of Chukotka Autonomous *Oblast*, which is governed by Mr. Abramovich. I referred to a joke because Mr. Abramovich is the owner of Chelsea Football Club, which plays with success in the country that has joined the association today – Great Britain. Financial policies in that region of the Federation were thoroughly examined and the Accounting Chamber issued a professional and non-political opinion thereof, in which it made its serious reservations clearly known.

As for the actual policy of the upper chamber, the principle established over two years ago – absolute absence of political or party factions, or political or party agitation – is today complied with unconditionally. This is an important stabilizing factor which counterbalances the activities of political parties in State *Duma*.

I would also like to say a few words about another instrument at the disposal of the higher chamber, namely interpellation of the prime minister, which is adopted in the chamber by way of a vote. The chamber does not overuse that instrument, but there has not been one case where the prime minister would not respond with an exhaustive answer. Moreover, within the framework of the so-called government hour, there are regular meetings with the management of all ministries, i.e. with federal ministers. Indeed, just three weeks ago, at a plenary session of the Federation Council, the new Russian prime minister Mr. Fratkov spent an hour talking to the senators and answering their very important questions.

Pursuant to its statute, the Federation Council participates in the work of international and regional parliamentary organizations such as the Interparliamentary Union, Parliamentary Assembly of the Organisation of Security and Cooperation in Europe, NATO Parliamentary Assembly, Congress of Local and Regional Authorities of Europe, Northern Dimension Council, Western European Union Assembly, Parliamentary Assembly of the Black Sea Economic Cooperation and, of course, Interparliamentary Assembly of the Countries of the Commonwealth of Independent States. Unfortunately we are not able to take advantage of the experience of any of these organizations with the lower chamber, where a single political party – United Russia – has absolute majority. The victory of that pro-presidential party undoubtedly guarantees stability, although many of my colleagues may say that it is done at the expense of the influence of democratic principles. That is not so since three more factions are represented in the lower chamber. Still, a parliamentary majority in State *Duma* means that a legislation rejected by the Federation Council can be adopted by a majority of votes and never return to the Council. There have not been any such cases to date, to a large extent because of the zero-level reading of which I have spoken earlier. There also exists another factor resulting from the political philosophy of where the higher chamber is positioned in the country. Russia is a very vast country, stretching far from West to East. Its specificity, unequal development of its regions, puts an additional work burden on their representatives in the Council of Federation. In a sense, Federation Council members must be treated as those who bring forth regional economic and financial problems, and who are forced to lobby the government and federal finance, economy, transport and communication ministries on behalf of the interests of their *kray*, *oblast* or republic.

Another issue which I would like to share with you when talking about interparliamentary and international cooperation is rarely acknowledged.

A new political era began for Russia in 1991. It was welcomed with enthusiasm both in Europe and on the American continent. We gave up the confrontational model and moved on to the model of global cooperation. Years have passed. Every year Russia made progress toward market economy and better fundamental legislation. Other countries, those with time on their hands, had taken several decades to cover that distance. We did not have that time. And we started to be treated right away as a real partner, also by Europe. But a partner with many flaws and unsettled issues. After 1991, and especially under Putin, the political arena was cleaned up and, in addition, Russian economy became much more transparent, less bureaucratic, moving in a sensible direction and open. Today it is the Head of State who puts a stress on market growth and not only through legislation. A systemic, comprehensive approach to legislation, its thorough liberalization, are provided for in the new land code, forestry code, water code, etc., and are the foundation of a true partnership cooperation.

It has been said several times, for example by Mr. De Decker, that the realities of the market must be taken into account in economy. We have also been saying that resource-based Russian economy, with its poorly developed industry and science, will not suffice for the ends of integration with European and world economy. We understand this perfectly. The fact that on May 21st there was a signing in Moscow of an agreement whereby the European Union would back Russia's entry into WTO is an important step for us and a serious warning for both Russian legislation and economy to develop in a more civilized and quicker manner. The more so since it is absolutely indispensable for a country with more than 1000 years of statehood history.

As concerns the philosophy of interparliamentary cooperation, the Council of Federation of the Federal Assembly of the Russian Federation was behind the organization of the International Forum on Information which took place on April 21st in Kaliningrad, precisely 10 days before the EU enlargement. Six foreign delegations participated therein. Unfortunately, the leadership of the European Parliament did not find it necessary to send a delegation, even a lower-level one. We are particularly grateful to the heads of delegations that did come, particularly Mr. Pastusiak, head of the Lithuanian Lower House Mr. Yursenas, head of the Belorussian Council Mr. Novitski. The Forum was chaired by President of the Federation Council Mr. Mironov. Particularly important and interesting presentations were given by the head of the German delegation Ms. Schubert, a member of Bundesrat and the Deputy Mayor of Berlin, and a representative of the Finnish parliament. At the conclusion

of the Forum, held under the slogan “Russia and the European Union – Interparliamentary Cooperation under Globalization”, participants unanimously decided to organize such meetings every year.

I totally agree with Mr. Kaiser who said that “we should not be creating any more associations in addition to the great number that already exists and that have their work assigned to them, we should not be multiplying organizations, but we should ensure that those which already exist work efficiently.” We wish to do the utmost to transform the International Forum on Information, the next session of which has been already called for next year in the Lithuanian capital of Vilnius, into a permanent form of contacts and a place for discussing particular, specific issues that were on the agenda of the conference that took part last year in Switzerland. According to its premise, the philosophy and foundation of an information society is currently the philosophy of the development of all civilized and advanced market-economy countries.

Sometimes we are strongly criticized because many higher chamber members, even in parliaments represented here today, develop their opinion on Russia on the basis of media reports from Moscow or various hot spots in our country, of which only a few still exist. It is difficult to fathom a development of that immense country with a population of 150 million when all that one comes in contact with are constant TV reports about fires, floods, destroyed water parks and legal violations. We have consciously included the issue of Russia’s image in the agenda of topics discussed at the International Forum on Information in Kaliningrad. We said “Russia’s Image – a New Approach”. We aimed, of course, at ensuring that close interparliamentary cooperation, including that with the Russian Federation, created a new image of our country, a country which is not opposed to the European Union or the developed world, that is moving toward integration while protecting its national interests, its originality and its 1000 years of statehood. I ought to point out that we have thought the past 75 years through very carefully and that we took into consideration, maybe even too much, the recommendations and instructions we have been receiving from both Europe and the United States. When we spoke of developing relations in the field of information technology, information society, interparliamentary relations, we also spoke of the role of infrastructure. It is not an accident that the Kaliningrad issue, which has been a problem for a long time, also for Europe, decided the location of the Forum. Today, however, we want the Kaliningrad problem, Kaliningrad *oblast*, and the city of Kaliningrad which will celebrate its 75th

birthday in 2006, a city with a complicated past, which had a Russian history and a German history, to become a symbol of true cooperation and, to a certain extent, a bridge between Europe and Russia.

I would like to thank you for giving me the opportunity to speak. I would like to reiterate that today, when we look at the emblem of Russia – the two-headed eagle – we say that one of the heads on that old emblem is surely looking toward Europe. That is how it has always been and how it will always be. It is the main principle of the Russian existence, especially in Europe. We are a country which might not be Asian but which is largely located in Asia and which must take Asian trends into consideration. Russia takes and will continue to take advantage of the European experience but wants to be a platform and a country where the experience of interparliamentary cooperation constitutes a sort of reserve. A reserve from which new knowledge and new principles of operation can be drawn.

Thank you very much for your attention.

Jolanta Danielak,
Deputy Speaker of the Polish Senate

Thank you very much, Mr. Chairman.

Longin Pastusiak,
Speaker of the Polish Senate

I would like to give the floor to Deputy Speaker of the Romanian Senate Mr. Dan Mircea Popescu.

Dan Mircea Popescu,
Deputy Speaker of the Romanian Senate

Mr. Chairman,

Distinguished Representatives of Senates of the European countries,

I would like to state from the beginning, that the theme of this conference - to which I am honoured to participate as representative of the

Senate of Romania - has a special relevance today, taking into account the historical significance of the recent enlargement of the European Union with 10 new members, and the current debates on the future institutional arrangements and the role of national Parliaments within this deliberative and decisional system.

The idea that has gained ground lately within the academic, political and public reflection is that Parliaments have to play an essential role in assimilating the Community law, in controlling the national governments and preparing the decisions to be adopted by the European Parliament. They can hereby contribute to ensure the democratic and transparent character of the pan-European institutions and, implicitly, the trust and support of citizens for building up this entity where our identities shall be rediscovered and co-operate efficiently within a large family, according to the formula of unity in diversity.

Allow me to convey to you the regards of the Senate of Romania and to make a brief presentation on the role held by this representative and legislative institution within the bicameral system in Romania, with particular reference to the European integration process.

Romania has reached the final stage of negotiations for its adhesion to the EU and is intensifying its efforts in order to accomplish successfully this process. To this end, I would mention first the fact that the Romanian Parliament has initiated a vast revision of the Constitution, a project that has been approved by referendum last fall. Alongside with reasons stemming from the need to improve our democratic system, the profound reasons for this revision were determined by the necessity to reshape the legal framework that is needed for the accomplishment of the complex criteria required by the European integration.

Thus, our fundamental law includes now a new title, where issues resulting from the quality of future member of the European Union are explicitly regulated, including the procedures for the transfer of certain attributions to the Community institutions. In other chapters and titles, provisions have been included regarding the establishment of a common area of justice and security, the statute of the armed forces, the election of Euro-Parliamentarians and the property regime. Moreover, some articles mention expressly the responsibility of the State in implementing regional development policies according to the objectives of the European Union, as well as the possibility of recognising the free movement and of replacing the national currency with that of the European Union.

The Senate of Romania is actively involved, in multiple ways, in the European integration process, which represents for us an objective of national interest. So, following the constitutional changes mentioned before, the Senate has gained specific competencies, as a decisional Chamber for adopting the laws on International treaties and agreements, including those related to the European integration. It is also worth emphasising that the Senate and the Chamber of Deputies, through a flexible system of co-operation, contribute, on equal footing, to the adoption of the legislation regarding the integration agenda, since any legislative project has to be adopted by both Chambers of the Parliament, in order to become a law.

Just like the Parliaments of other countries, which went through the stages of the integration process, the Parliament of Romania has created specialised structures and committees with the purpose of monitoring and aligning the national legislation to the European one. Thus, taking into consideration the importance of the European integration process, within the Romanian Parliament there is a Joint Committee for European Integration, made up of Senators and Deputies. The committee issues advisory opinions on legislative initiatives related to the European integration process, with the aim to harmonize as quickly as possible the Romanian legislation with the European legislation, to strengthen the market economy in our country and to accelerate the integration into the structures and mechanisms of the European Union. Also, the committee may give its opinion *ex officio* on certain legislative proposals in this domain, upon agreement of at least one third of its members. In order to accomplish these objectives, the Committee for European Integration works closely with the Foreign Policy Committees within the Senate and the Deputies' Chamber.

Furthermore, I would like to mention that, at parliamentary level, the dialogue between Romania and the European Union is held mainly through the Joint Parliamentary Committee Romania - the European Union. It includes members of the Committee of the Romanian Parliament for European Integration and of the Delegation of the European Parliament for Romania, and its meetings are held twice a year, in Bucharest and Brussels. Since 20 April 1995, the date of the first meeting of the Committee, and up to present, 15 meetings of this body have been held. The meetings conclude with the adoption of a final document that is forwarded simultaneously to the Romanian Government and the Community institutions. The recommendations of this Committee become major

guidelines for the parliamentary and executive structures, being codified in effective strategies aimed at harmonizing the Romanian legislation with the Community regulations, and in programs that are systematically followed up during the negotiations for adhesion.

Based on a recent decision of the Romanian Government, the European Integration Ministry shall give its opinion on the bills regarding the harmonization of the national legislation with the European one. Their initiators have the obligation to include, in the documents of presentation accompanying these draft projects, specific mentions regarding the title of the respective Community regulations, the provisions that are transposed in the projects, as well as indications on the future measures of implementation.

These special procedures and mechanisms, which have been recently improved, have allowed for the acceleration of the transposition process so that, in 2003, the legislative effort of harmonizing the Romanian legislation with the “*aquis communautaire*” has been enhanced in comparison with the previous years. Statistically, I believe it is an interesting fact that the number of internal normative acts relevant from the European point of view has exceeded 820, while the normative acts that take up directly norms of the European Union have numbered over 410. These normative acts, elaborated recently, are proof of our legislative effort towards integration, as well as of the progress that has been made regarding important chapters of the *aquis*, such as: free movement of goods and of persons, agriculture, transportation, taxes, environmental protection policy, consumers and health protection, justice and internal affairs, financial control.

There are still a number of issues on which we have to focus, but we hope that, through concentrated efforts at the legislative and executive levels, Romania will be prepared to complete the criteria in order to become a full-fledged member of the European Union in 2007.

Thank you.

Longin Pastusiak,
Speaker of the Polish Senate

Thank you very much Mr. Speaker for your presentation. We wish Romania to complete negotiations in all areas as soon as possible. I know that you are doing a very good work in that respect. Therefore I think that we

will welcome Romania in the European Union at the anticipated time, i.e. in 2007.

And now I give the floor to the Speaker of the National Assembly of Slovenia Mr. Janez Sušnik.

Janez Sušnik,
Speaker of the National Council of Slovenia

Dear Mr. Chairman, Dear Colleagues, Ladies and Gentlemen, Friends:

I come from Slovenia, a small country with a population of two million. I was born in that country – at that time it was called Yugoslavia. I was born at the outbreak of World War II and I must say that I have never suspected that my generation will be the one to see so many changes in Europe over 15 years. Berlin Wall was torn down, Yugoslavia fell apart. Slovenia has a new constitution since 1991 and all East and West European countries backed Slovenia in the process of economic transformations after 1992. We finally had some luck and on May 1st our country joined the European family. We are proud of that achievement. Slovenia will not disappoint the European family and thanks to its knowledge, hard work, economic and scientific successes, and also future assistance programmes, it will reach a development level equal to or higher than the European average. So that we can jointly and happily march toward a better world in accordance with all European criteria.

I entitled my presentation “The Role of the National Council in European Union Affairs”. When Slovenia declared independence in 1991, one of its priority tasks was to join the European Union and NATO, but the latter is not the topic of today’s meeting. The accession process began in March 1998 and was successfully completed on May 1st, 2004, when Slovenia became a member of the Union. The manner in which the European Union makes decisions is unique - member-state government officials take part in the decision-making process directly, whereas member-state parliamentarians are as directly kept out of the process. Therefore, the parliament has lost its decisive influence on decisions that are key to the State, particularly to the principle of democratic scrutiny over the State authority and to the principle of the division of power. Consequently, as concerns this type of decision, it is indispensable to provide

the parliament with much more influence on the work of the government, which once was the practice of the parliamentary system.

The National Assembly – that is the name of our lower chamber – ratified the Constitutional Law on 27.03.2003. Art. 3 thereof lays down the terms of Slovenia's accession to the European Union. Pursuant to an international agreement ratified at the National Assembly by a majority of two thirds of all deputies, Slovenia transferred some of its sovereign rights on international organizations which act on the basis of respect of human rights and basic freedoms, and principles of a state of law. As concerns the relationship between the legislative and executive branches, the constitution specifies that the government must keep the National Assembly informed of all proposed European laws and decisions, and of its activities.

That constitutional directive provides the National Assembly with an opportunity and competencies to scrutinize the government performance and influence its decisions, and assess government work on European Union issues from the political viewpoint. The National Assembly is informed of everything that happens in that area and has the possibility of participating in the process of formulating decisions and monitoring government performance. The National Assembly expresses its opinion which the government must take into consideration in its work, which does not mean that it loses the right to play its constitutional role. Government dependency on the position of the National Assembly is binding only outside Slovenia; at the level of relations with the European Union the government represents Slovenia without any restrictions. Besides, that dependency is political rather than legal.

Art. 3 of the Slovenian constitution does not deal directly with the position of the National Council vis-à-vis the National Assembly and government when it comes to European Union matters. Nevertheless, pursuant to legal theory, the National Council should be assured a proper impact on the work of the government, since they both participate on behalf of the State in the decision-making process in the European Union. Otherwise the National Council will have the sense of having a limited impact on the legislative process. Similarly, by virtue of the constitution and legal regulations, the National Assembly has obtained a greater influence on the work of the government in the EU decision-making process, which has compensated, albeit only partially, for the loss of the legislative function transferred to the European Union. Therefore, if the National Council has a specified influence on the performance of the legislative function internally it should also have it externally, since representing interests by

the National Council is important irrespective of the level at which decisions are made.

In any case, it has become clear already at the level of bringing amendments to the constitution that the National Council would also participate in European Union affairs. Legal bases for this type of National Council's activities are also provided in other parts of the constitution, particularly in the part that governs the constitutional role played by the National Council. Since in accordance with Art. 97 of the constitution the National Council is entitled to express its opinion with respect to all issues and competencies of the National Assembly, it is also allowed to bring forward its comments as to the position of the National Assembly on the European Union. We are talking about a general constitutional competency, which provides the National Council with a great deal of room for action.

Based on Art. 3 of the constitution, the National Assembly has adopted a law which specifies cooperation between it, hence the parliament, and the government on European Union issues. The law governs the relationship between fundamental legislative and executive authorities in the process of ratifying European Union decisions and legal acts. The problem with that law is that it does not take into consideration any role of the National Council, which is also a part of the legislative authority, albeit not the deciding one. The government informs the National Council about those European Union matters which owing to their content fall within the jurisdiction of the National Council and also about other important matters that it needs in order to fulfill its constitutional duty and that are associated with political and programming aspects of the functioning of the European Union. When doing so, the government also tables in the National Assembly key information about the given issue and a draft of Slovenia's position thereon.

The National Assembly, i.e. the parliament, cooperates with the government and takes position on those European Union matters which owing to their content fall under the constitution and legal regulations within its jurisdiction. If the National Assembly does not debate an issue, then the draft elaborated by the government becomes the official position. There is still a third possibility – that the National Assembly expresses a wish to debate the position draft. That is called a parliamentary study. In such case, the government halts the decision in the Council of Europe until the parliament discusses it over. The parliament may also debate other European Union issues either on its own initiative or upon government request.

There are two committees in the National Assembly that deal with European Union issues. The European Affairs Committee is responsible for matters covering the first and third pillar of the European Union, whereas the Foreign Affairs Committee is responsible for foreign affairs and security policy. Sessions of both committees are closed but their decisions are made public. Upon request by 25% of deputies sitting on one of the two committees having jurisdiction over European matters or of the college of the President of the National Assembly, European Union issues can be also debated and evaluated directly by the National Assembly. In such case, the government must not reject the position adopted by the parliament.

Opinions expressed by the National Assembly and its working teams are binding the government politically but not legally. The government can go back on a position adopted by a working team when so required by the course of the negotiation process taking place in European Union institutions. At least once a year, the National Assembly debates the political situation in the European Union and relevant position of the Republic of Slovenia. The National Assembly also debates and evaluates amendments to European Union founding treaties, even before a decision thereon is made in EU institutions. In these examples, the government does not prepare its own positions, they are defined by the National Assembly, whereas the government must take them into account during its work in European Union institutions.

The role played by the National Council in EU matters has no direct grounding in the constitution or legislation – it has been defined in parliament (National Assembly) regulations. The National Council receives materials only when the National Assembly gets them via the government and presents them. Since the National Council does not get materials directly from the government, it wastes a lot of precious time on discussing individual matters. If we take into consideration the manner of appointing members of the National Council and the way they work, that it is not their primary occupation and that they are not paid by the Council, their work is made rather difficult. This problem will be somewhat alleviated after the treaty on the constitution for Europe is ratified, since its protocol on the role of national parliaments in the European Union states that the European Commission must submit all acts and documents which it submits to the European Parliament also directly to national parliaments. Consequently, the National Assembly can hope that it will be also receiving information directly from the European Union. The work

of the National Assembly is made easier by its access to EU-Portal, a system prepared by the Slovenian government to inform about EU acts and documents.

The Slovenian constitution does in no way govern relations between the National Council and the government, but experience shows that they have been good. The government and relevant ministries always ensures the presence of their officials at sittings of the National Council and its committees, where they present their positions in matters under discussion and regularly answer questions. We intend to continue this practice also with respect to European Union issues. Government officials will continue to be invited to our sittings, because it is a way for us to get first-hand information about government decisions. At the same time, it is an opportunity for them to become familiar with the National Council or committee opinions. This way, the National Council can present its opinions to the government and thus try to influence its decisions.

Under Slovenian law, when it comes to European Union issues, the National Council is to collaborate mainly with the National Assembly and its work teams. A National Council representative is invited to sittings of both National Assembly work teams responsible for EU affairs and can express its opinion there. If the National Council does not forward its opinion within the prescribed time frame, it is deemed that it agrees with the proposal prepared by the government.

Slovenia's entry to the European Union also impacts the work of the National Council, although to date there has been no need to change the procedures followed by it, its committees and interest groups. When a matter concerning the European Union reaches the National Council, it is directed to the relevant committee, which expresses its opinion and transfers the matter to the National Assembly work team. Depending on the importance of the matter, if there are grounds to discuss it at a sitting of the National Council, the Council Chairman calls an ordinary or extraordinary sitting, depending on how much time he has for expressing an opinion. A particularly important role in EU matters is played by the International Relations and European Affairs Committee, and college of the National Council, which is a body that advises the National Council Chairman.

As a body representing social, economic, occupational and local interests, the National Council is composed of five members representing employees, employers, farmers, artisans, the professions, non-profit organizations and local interests. Members must combine their job on the Coun-

cil with the occupation they have been performing prior to being elected. Such composition and working manner of the Council is an exception among national higher chambers in the EU, and so we cannot emulate the method of deliberating EU issues applied in other member-states. The National Council gets involved in the legislative process as soon as a new government bill appears. Under the constitution, it has specific powers and can submit legislative proposals, vote a veto, call a referendum and, of course, request a decision by the Constitutional Tribunal. The only missing prerogative is the one to submit legislative amendments. Because of our peculiar position, we are heavily engaged in civic society and NGO issues. To date, we have organized several international conferences and meetings attended by officials from other member-states, and in the future we also plan to invite European Union officials, and thus contribute to the creation of basic European principles also in this field.

In conclusion, I would like to thank you, Mr. Chairman, for this excellent conference and congratulate you for the apt selection of the topic. Our situation has changed after the EU enlargement so we find the experience of higher chambers of the states with a longer history of EU membership very useful. I am glad that higher chambers cooperate within an association whose role, I believe, should be reinforced in the future. The National Council of the Republic of Slovenia can do excellent work within COSAC, and that is important both for the role played by higher chambers and, of course, for Slovenia.

There were 12 EU members in the association, now there are 13. Mr. Chairman mentioned that only Poland and the Czech Republic joined the association at accession, but Slovenia joined too – Mr. Chairman must have missed that. Therefore, 13 out of 25 states, i.e. one half, have a bicameral system or a body equivalent to the higher chamber. I think that in the future we need to work closer within the European Union.

First and foremost, I suggest that higher chambers grouped in this association get together and collaborate on implementing the principle of proportionality and subsidiarity. Only through unified efforts will we be able to get 13 or more votes of member-state parliaments and, consequently, be more effective in presenting our positions to the European Commission. I stress this because there is no similar association for lower chambers of national parliaments – our association has gained an advantage of which we should make good use. Thank you very much.

**Longin Pastusiak,
Speaker of the Polish Senate**

I would like to thank Mr. Janez Sušnikow for his presentation. I may have misheard, but as far as I know we do not have 22 senates in Europe. In fact, as I recall, Mr. Poncelet told us about 72 senates existing the world over, but in Europe there still are only 18. We can all count them quietly and, please, correct me if I am wrong.

And now I would like to call on the Speaker of the Council of States of the National Assembly of the Swiss Federation Mr. Fritz Schiesser. He will be followed by Deputy Speaker of the Senate of the Italian Republic Mr. Lamberto Dini.

**Fritz Schiesser,
Speaker of the Council of States of Switzerland**

Mr. Chairman, Dear Friends, Ladies and Gentlemen:

Before all else, I would like to thank Mr. Chairman for his invitation and hospitality. My presence in Warsaw and meeting with you are particularly valuable since their significance is historic. Your country, Poland, became recently a member of the European Union jointly with nine other states. This event testifies to continental unification ending the division into Eastern and Western Europe.

Consequently, the topic of this year's debate – role of national parliament higher chambers in the European Union and European integration – is very up-to-date. As you know, the Swiss government has filed an application for membership in the EU a few years ago. The application was suspended because Swiss citizens did not agree to an instant launch of negotiations or to expanding the constitution by a provision banning accession to the EU. At that time, Switzerland signed bilateral area agreements with the EU and its members, aimed at facilitating cooperation in selected fields. So, although Switzerland is not an EU member it collaborates with it closely. That collaboration is justified by the country's geographical location and trade interests, as well as historical and cultural reasons. Consequently, the Council of States is regularly involved in European integration issues.

Our last debate, devoted to European policy, took part in 2002. At that time, the Council of States Foreign Affairs Committee filed a report con-

cerning various directions of European policy that Switzerland could take. The Council of States supported the government proposal to reinforce cooperation with the European Union via bilateral agreements. There is a good chance that a second package of such agreements will be soon signed. It covers Switzerland's accession to the Schengen and Dublin treaties. The Council of States will then scrutinize them, because the constitution states that international agreements must be first ratified by both chambers of the parliament. There are already advanced plans for the next debate – on free movement of people with respect to the new EU member-states – which was the subject of negotiations conducted within the framework of the first package of bilateral agreements. At its forthcoming sitting, the higher chamber of the parliament will be probably also discussing Switzerland's possible participation in the cohesion fund earmarked for the new EU members.

Our parliament consists of two chambers: Council of States, which I have the honour of chairing this year, and the National Council. They have the same jurisdiction in all areas – scrutiny of the government and administration, and foreign and European policy.

The Swiss government prepares regular European policy papers for the parliament. In addition, the Foreign Affairs Committee and Swiss parliamentarians can request the government to inform them of the European policy that the government intends to pursue. At the next sitting, the government will be presenting its European policy plans to the Council of States. When important international matters are at stake, the government is also required to inform the Foreign Affairs Committee of negotiating mandates granted to its officials. Chairmen of both chambers must also be kept informed about important steps planned in the area of foreign policy. Under our constitution, every deputy and parliamentary committee is entitled to legislative initiative or to propose constitutional amendments. The same principle applies with respect to foreign and European policy.

The Council of States participates in various assemblies of European parliaments. One of the most important is the Council of Europe. Since its inception in 1949, it has been a major instrument of European integration. Even now it still plays an important role in the field of human rights and protection of minorities, democracy and state of law. Switzerland is actively involved in the work done by the Council of Europe. One third of Swiss deputies to the Parliamentary Assembly of the Council of Europe are also members of the Council of States. The Council of States also par-

ticipates in the work of other bodies. Its members are represented on EFTA (European Free Trade Association), European Parliament and Parliamentary Assembly of the Organization of Security and Cooperation in Europe.

Mr Chairman, Dear Colleagues:

Switzerland will continue to maintain and develop its relations with the European Union, its members – also the new ones, and their parliaments. It can achieve a lot by doing so. Thanks to the Association of European Senates, the Chairman of the Council of States can regularly meet his colleagues from other European countries. It makes me very pleased. Last year we were in Madrid and Prague. This year we are in Warsaw and soon we will be hosting you in Bern on the occasion of a forthcoming meeting.

I am convinced that chairmen and members of European senates can contribute a great deal to a better understanding among our nations, promotion of democracy on our continent, economic growth and political progress.

I wish to thank Mr. Chairman who will provide us with the opportunity to exchange ideas and expand our friendship today in Warsaw and tomorrow in Gdańsk. Thank you for your attention.

**Longin Pastusiak,
Speaker of the Polish Senate**

I wish to thank the Chairman of the Council of States of the National Assembly of the Swiss Federation Mr. Fritz Schiesser for his words of encouragement and assurance that Switzerland will continue to cooperate with the European Union as it has been doing so splendidly in the past.

Indeed, Mr. Chairman, Switzerland has become something of an island in the EU sea. Thank you as well for confirming your invitation to Bern. We are looking forward to receiving an invitation from the Swiss delegation.

Ladies and Gentlemen, before I give the floor to the next speaker I would like to make a correction to my introduction, in which I have indeed committed an error. I have said that two new member-states were bringing senates into the European Union – the Czech Republic and Poland. Our Slovenian friends have corrected me saying that Slovenia was

also a country with a higher chamber. In justification I can only quote a Latin saying: *Errare humanum est* – to err is human.

And now I give the floor to the Deputy Speaker of the Italian Senate Mr. Lamberto Dini.

Lamberto Dini,
Deputy Speaker of the Italian Senate

Thank you.

Mr. President, I believe that today's debate is bringing out a comprehensive and fascinating picture of the role which the upper houses are performing in the process of creating Community law and transposing it onto national legislation. In this respect, I have made available for publication in the conference proceedings a note detailing the role and functions of the Italian Senate, which as long ago as 1968 believed it useful to create a body specialized in Community affairs – what we called the European Affairs Committee. Last year, this committee was transformed into the Senate's 14th Standing Committee. The ways in which the Italian Senate can take part in the creation of Community law are similar to those of other systems and essentially comprise a series of instruments which make it possible to scrutinize with more or less satisfactory results the work of the government. The issue of parliamentary control of government in the Community law-making process was the subject of our Madrid meeting in February of last year. At that time, the European Convention, which I have the honour of attending as a representative of the Italian Senate, was in full swing.

In Madrid, I recalled the initiative that I and other colleagues have taken to give senates full access to all instruments that the draft Constitutional Treaty intends to give national parliaments to insure compliance with the principle of subsidiarity - the so-called "early warning" system and the right of each house of parliament to bring action before the Court of Justice. The success of this initiative taken jointly by myself and our colleagues from the French Senate, Mr. Haenel, and the German Bundesrat, Herr Teufel, was also due to the coordination we managed to achieve through the work of our association at the Madrid meeting. This is why today in the draft Constitutional Treaty that is being debated by the Intergovernmental Conference the activation of the early warning

system and the right of recourse to the Court of Justice are two possibilities granted to both houses in bicameral parliaments. I believe that it should be a source of satisfaction and pride for our Association.

Today we are facing another crucial moment in the development of Europe's institutions. The European Convention completed its work almost one year ago. The Intergovernmental Conference is currently in session and in a few days' time it may reach a decisive turning point. In view of the risk of reopening a large number of issues on which we have worked so hard to hammer out a consensus at the Convention, we must send out an unambiguous message to our governments expressing the hope that negotiations would be concluded without back-stabbing, respecting the legacy of the Convention and with a right degree of ambition that drove the work of the Convention, particularly its parliamentary component.

While I understand the desire of some of us to establish a more specific role of coordination among national parliaments on matters such as foreign and security policies, I doubt that our respective governments may be prepared to reopen a debate on matters that have already been discussed or raise new issues in the Conference debate. The Convention, after all, was a success for the parliamentary method and demonstrated the usefulness of involving the national parliaments in framing the fundamental text of the Union. Indeed, at this late hour I consider it rather unrealistic that the amendment proposed, for example, by our Belgian colleague and supported by others may be taken into consideration by the Intergovernmental Conference. This morning I also recall that our German and Dutch colleagues have spoken specifically against forming any new European bodies beyond the existing ones. I believe that our duty is to look ahead and consider the prospects being opened up by the Constitutional Treaty to enable parliaments to play a far more influential role in the life of the Union.

I have just mentioned the power to submit opinions to the European Commission and to bring action before the Court of Justice. These are instruments that under the principle of subsidiarity must be exercised by parliaments and particularly senates, acting in total autonomy and responding to the demands of local government authorities. Respecting this autonomy, I wish to reiterate what I proposed last year in Madrid: let us see whether it is possible for the Association of European Senates to act as a network of senates, so that an agreed position can be formed around issues of common concern.

Finally, Mr. President, it is my pleasure to join all other colleagues that preceded me here this morning to speak in extending to you, Mr. Chairman, a word of thanks and appreciation for the perfect organization of this meeting and most generous hospitality to all of us. Thank you.

**Longin Pastusiak,
Speaker of the Polish Senate**

I wish to thank the Deputy Speaker of the Italian Senate for his presentation.

Ladies and Gentlemen, this is in essence the end of a series of presentations of the positions held by representatives of the senates grouped in the Association of European Senates.

Now I would like to give the floor to our guest, Speaker of the Council of the Republic of Belarus Mr. Gennady Novitski.

**Gennady Novitsky,
Speaker of the Council of the Republic of Belarus**

Dear Mr. Speaker, Dear Colleagues:

Firstly, please allow me to express my sincere thanks for giving me the opportunity to speak at such a representative forum. We treat our participation as an observer in a sitting of the Association of European Senates as a chance to discuss important problems of mutual interest. It is particularly significant after the enlargement of the European Union.

To start, a few words about the Belarussian parliament. In the fall of 1996, Belarus held a general referendum and a bicameral parliament was created by way of an amendment to the constitution. For a population of 10 million, the parliament is quite small. The lower chamber – House of Representatives – has 100 deputies, and the Council of the Republic – Senate – counts 64 senators.

I will spare you a description of the functions of both chambers and only say that my knowledge of many bicameral parliaments – particularly of the Russian Federation Council and the Polish Senate – allows me to say that the higher chamber of the Belarussian parliament has almost

identical legislative responsibilities as they. Our ideological position is well known: Belarus constitutes an integral part of the European continent and is a responsible and reliable neighbour.

Democracy in Belarus is young and in the process of being created. Belarus is a signatory of all main international human rights agreements. Human rights legislation is an integral and important part of our national legal system. In parentheses, the Belarussian parliament is in the process of drawing up a legal justification of the moratorium on death penalty. It has also developed a draft law on the institution of the spokesman for human rights. A new version of the mass media legislation is in the works.

The higher chamber of our parliament is optimistic about its relations with the Association of European Senates. Naturally, Belarussian senators are eager to gain the knowledge of the rich experience of countries with a long tradition of parliamentarism and work toward a joint effort in solving accumulated problems. In our opinion, subjects of consultation within the framework of parliamentary diplomacy could cover areas such as good neighbourly relations programmes, easing the procedure involved in letting the residents of regions bordering on the EU territory into the Union, and other matters. The issue of maximizing the positive effects of the EU enlargement and minimizing its possible negative consequences remains a priority.

Belarus respects the choice made by countries that wished to become a part of the European Union. However, we believe that one should not be putting up new obstacles to cooperation with one's direct neighbours. And vice-versa: the purpose of the EU enlargement is to contribute to further integration. In his pronouncement to the National Assembly of the Republic of Belarus, the president of our country declared that "relations between Belarus and unified Europe should move beyond good and become excellent".

Consequently, the parliament of Belarus is actively involved in building the so-called belt of good neighbourly relations. Fifty-nine work teams responsible for cooperation with other national parliaments were established in the Council of the Republic. We have bilateral relations with our colleagues in Ukraine, Lithuania and Latvia. I am particularly pleased to mention here in Warsaw the constructive dialogue taking place between the higher chambers of the Belarussian and Polish parliament.

Dear Colleagues:

Belarus has indeed contributed to the construction of a new global security arrangement. Our parliament has ratified in excess of 230 interna-

tional law agreements and some 30 conventions. That led in a few years to a fourfold reduction of the number of post-Soviet troops stationed in Belarus. In addition, thousands of pieces of military armament were destroyed. By the way, that constitutes one tenth of all arms eliminated by 30 countries that are signatories to the agreement on conventional armed forces in Europe. Without any particular conditions, and I stress that, under the control of Belarussian parliamentarians, nuclear weapons and intercontinental ballistic missiles were removed from our territory. We are of the opinion that building the foundations of European security is the most important element of our relations with the European Union. We believe that it should be a two-track process taking place along the eastern border of the European Union and along borders shared by its eastern neighbours. That, we believe, would largely reinforce the positive impact of the EU enlargement.

Ladies and Gentlemen:

We also consider that Belarus plays an important role in countering trans-border hazards and problems. I am compelled to make you aware of the fact that every year thousands of illegal migrants are stopped at the border between Belarus and the EU, in this case Poland, before their transports reach other European countries, and that tons of smuggled goods, including drugs, weapons and hazardous materials, are confiscated. That task is increasingly difficult owing to the permeability of your eastern border. Consequently, after the EU enlargement, the burden put on the border protection infrastructure is much higher. Belarus appreciates the assistance of international organizations in reinforcing our border control system, but the amount of assistance received to date has been far below what is needed in view of the scale of the problem.

What remedial measures should be taken? First of all, we believe in the need to go beyond the current framework of cooperation in this field. There must be intensive talks about these issues between relevant Belarussian and EU authorities. These talks should be accompanied by practical cooperation between law enforcement agencies. Belarus is prepared to consider signing a readmission and counter-initiative agreement with the EU. That will give us grounds to speak of having built the foundations of European security, at least as concerns this aspect of the issue.

And so, in our opinion, Belarus is a reliable partner in the effort to build Great Europe. At the same time, we are interested in persistent cooperation with international organizations and European parliamentary structures. Firstly, as a consequence of that cooperation, the line dividing us would be-

come a historical episode and, secondly, that cooperation would contribute to European integration and common dialogue between European senates.

Dear Colleagues:

On behalf of Belarussian parliamentarians I wish to thank again the members of the Association of European Senates for letting me speak. I wish to thank in particular Mr. Pastusiak for providing us with excellent working conditions. May we work together for the good of a unified and stable Europe. Thank you for your attention.

**Longin Pastusiak,
Speaker of the Polish Senate**

I thank Mr. Gennady Novitski, Chairman of the Council of the Republic of the National Assembly of the Republic of Belarus.

Now I give the floor to Lord Grenfell, Principal Deputy Chairman of the House of Lords – the youngest member of the Association of European Senates. I do need to add, however, that the House of Lords has been participating in our meetings for a long time.

**Lord Grenfell,
Principal Deputy Chairman of the House of Lords**

Thank you very much, Mr. President.

May I begin by expressing my great gratitude to you for your splendid hospitality and for the way in which you have organized this extremely important and interesting meeting. May I also offer you once again sincere congratulations on Poland's accession to the European Union. Both houses of the British parliament have been most enthusiastic supporters of enlargement and we rejoice with you that now 10 new members find themselves at the heart of Europe.

May I, if I may, address a word to *Monsieur le Président* personally: *Monsieur le Président, en tant que représentant de ce nouveau membre de cette association que vous avez fondée je souhaite exprimer, chers amis, ma gratitude pour l'encouragement et le soutien inlassable que vous avez apporté à notre candidature. De la part de la Chambre des Lords je vous remercie vivement et chaleureusement.*

Mr. President:

At the time of our accession to the European Communities in 1973 the government gave an undertaking that it would deposit all European legislation in both the House of Commons and the House of Lords for examination. Since both the Commons and the Lords have powers to establish committees to call the government to account, European scrutiny committees were established in both houses with powers to require ministers, civil servants and other relevant persons and institutions to give evidence and/or provide papers. This scrutiny function is underpinned in both houses by what we call a scrutiny reserve resolution. In particular, in the House of Lords, under this resolution no minister should give agreement in the Council for any proposal in EC legislation on which the European Scrutiny Committee has not completed its scrutiny or on which the Committee has made a report to the House for debate, but on which the debate has not yet taken place.

The Lords and Commons Scrutiny Committees compliment each other but they have different mandates. The Lords' mandate is a broad one and I quote: "To consider European documents and other matters related to the European Union." Thus, our European Union Select Committee with its seven subcommittees examines in depth the documents deposited by the government, about 1100 per year, together with the government's accompanying explanatory memoranda, which are prepared by the relevant government departments, and set out government views on a number of key issues, such as the policy implications of a draft proposal, the financial implications if any, the regulatory impact if any, and the timetable for consideration in the Council. Each week when the House is in session, the chairman of the European Committee, which I have the honour to be, decides which documents may be immediately cleared for scrutiny, which will be cleared and sent for information only to the subcommittees and those on which the scrutiny reserve should not yet be lifted and which should be examined by the relevant subcommittee, and may become a subject of a full-scale inquiry. About one quarter of all the documents going to the subcommittees go for detailed examination.

The House of Commons Committee has a different mandate. It receives the same documents and the same explanatory memoranda but its purpose is not to examine the merits of the documents, but to report to the House whether they are legally or politically important and so worthy of a debate which would normally take place in a standing committee or, occasionally, on the floor of the House.

It's important to note that our system does not require the government to agree with our views before we lift the scrutiny reserve, but we do require that the process of scrutiny be complete. Nor does our system require a minister to secure a mandate from the parliament for negotiating a position in the Council. Our scrutiny is not limited to draft legislative proposals, it follows from our policy of looking as far upstream as possible that we look at the most important Commission green or white papers as soon as they are published. We examine the Commission's annual work programme inviting Commission officials to London to give evidence, we also examine the preliminary draft budget of the Union and take evidence on it at an early stage from officials. We invite the ambassador of the country assuming the six-month presidency to come to our committee and explain what the incoming presidency's priorities are, and after each meeting of the European Council we invite the Minister for Europe to report to us how the government acted in that Council. During the convention drawing up the draft Constitutional Treaty, we analysed the texts as they appeared article by article in time for the government to take our detailed findings and recommendations into account in the IGC negotiation. And last week, we sent to the Minister for Europe our comments on the latest set and revised articles circulated by the Irish presidency. All together, 70 members of the House of Lords participate directly as members of the Select Committee or its subcommittees in the scrutiny of European Union documents. The Select Committee being the senior committee usually meets every two weeks, the subcommittees meet weekly.

The quality of the work done owes much to the composition of the House of Lords. On our committees, we have former senior diplomats, former cabinet ministers, former heads of the armed services, we have senior academics, former trade-union leaders, economists, scientists, lawyers, former senior judges, leaders of industry and of the medical profession, from the voluntary agencies and from the world of culture and the arts. So that we are blessed with a great reserve of expertise. We participate fully in the inter-parliamentary cooperation within the European Union, in particular in COSAC, which we do strongly support. Here I have to say that we strongly endorse what Mr. Dini had to say about the Belgian amendment. We are also active in the Parliamentary Association of the Council of Europe and the WEU, and in the Conference of Presidents and - no offence to you - in the Association of European Senates.

Mr. President,

I am a great enthusiast for inter-parliamentary cooperation on the bilateral level too. We have established an especially close working relationship with the European committees of the Senate of France, Belgium and Denmark. I want very much to expand these bilateral relations to other parliaments. Finally, the European Union Committee of the House of Lords, like its sister committee in the Commons, has greatly welcomed the two protocols to the draft Treaty for the Constitution on the role of national parliaments and on the application of the principles of subsidiarity and proportionality. We look forward to joining with the 25 parliaments in giving full effect to these new and, may I say, long overdue opportunities to enhance the legitimacy and transparency of the European Union and thus bring the Union closer to its peoples.

Mr. President,

National parliamentary scrutiny of draft European Union legislation is one of the most important means we have of bridging the wide gap between the institutions of the European Union and citizens of the Union. Only by holding ministers to account and by ensuring that the citizens are aware of the impact of European Union legislation can we claim legitimacy for the Union. Thus national parliamentary scrutiny has a very clear constitutional purpose. The better we do it, the better we serve our citizens. Thank you very much.

**Longin Pastusiak,
Speaker of the Polish Senate**

I thank Lord Grenfell, First Deputy Speaker of the House of Lords, for his pronouncement.

Ladies and gentlemen, this in essence ends the series of official pronouncements by representatives of national higher chambers. Now it is time for a freer and more direct discussion.

I would like to ask if anyone would want such a direct and free discussion to take place?

In this case we move on to what seems to be the last item on our agenda – adoption of a joint statement. I wish to remind you of a dilemma we have: at ten past four we should be leaving for a visit with the President – heads of delegations will be received by the President of the Polish Republic.

If we are able to complete our work on the text – and I wish to remind you that we have three amendment proposals – we will be essentially in a position to end our meeting before we leave. If we do not have time to adopt the statement, we will come back and continue to debate it. Consequently, everything so to speak is in the hands of the participants in the meeting. In this connection I would like to ask your advice. We have three amendments. Can we just move to the discussion of these amendments or do we need to work on the adoption of the declaration paragraph by paragraph? What do you think? Anyone has a decisive opinion on this issue?

Let me rephrase it: are there any reservations with respect to paragraphs which are not subject to amendments? Are there any additional amendment proposals? Although, as you recall, the deadline for submitting proposals was 1:00 PM. Then just in case I will ask you who is proposing amendments in addition to the three that appear on the amended text. You have the amended text, have you not? All right. Consequently, can we move on to a discussion of each of the three amendments?

All right, let us then move on to a discussion of the first amendment submitted by Mr Petr Pithart, Speaker of the Senate of the Czech Republic.

Would Mr. Speaker want to briefly present the essence of the amendment? It is on page one.

Petr Pithart,
Speaker of the Czech Senate

What I suggest is only a more precise definition of the foundation of the senates. The Czech Senate and the Romanian Senate are not based on the representation of the regions and territorial entities but on the representation of local politics, generally city councils and administrations, and other senates are based on the representation of regions only partially. So this is only, I would say, an academic specification.

Longin Pastusiak,
Speaker of the Polish Senate

I see, the essence of the amendment does not change anything in the original text, just specifies it.

Does anyone want to say anything about that amendment? No.

Can we then vote on that amendment? I remind you that only heads of delegations can vote.

Who is in favour of adopting the amendment proposed by Mr. Pithart please raise your hand. Thank you.

Any abstentions? I do not see any.

Anyone against? No.

It happens sometimes in the Polish Senate that the speaker presiding over a meeting also asks who wants to change his vote. But nothing like this has happened here. All right, thank you very much.

We have adopted the first amendment.

Let us move on to amendment number two, on page two, submitted by Mr. Lamberto Dini. Can he present that amendment?

Lamberto Dini,
Speaker of the Italian Senate

Mr. President, I felt that the language that was used in the original point 4 on page 2 was a bit too ambitious in the sense that the words that were used created in my view undue expectations on what reinforced cooperation among both chambers may be able to do. "To create an area of freedom and peace in entire Europe" is far-reaching as an objective that goes far beyond what, in my opinion, cooperation between our chambers can do. And that's why I would prefer, including the language, to remove the threat of separatism and fundamentalism. Too much. So the amendment I am proposing is less ambitious and I would prefer to say "we expect that a reinforced cooperation among the upper chambers will contribute to creating deeper understanding in Europe as a whole." That's the reason for the amendment.

Longin Pastusiak,
Speaker of the Polish Senate

As I understand, the essence of the amendment is as follows: "deepening of understanding leads to freedom and peace" – a change of words

used in the preceding text; a little pompous, indeed, although conveying a noble meaning. Still, sometimes it is better to use straight-forward expressions. Anyway, allow me to remind you what the old joker George Bernard Shaw has once said – that one naked woman makes a greater impression than a thousand naked women. So sometimes it is better to use a simpler phrase to convey the essence of a matter.

Would anyone wish to say anything about Mr. Dini's amendment? No.

Let us vote then.

Who is in favour of adopting Mr. Dini's amendment please raise your hand. Thank you.

Who is against?

Any abstentions? Thank you.

The amendment is adopted unanimously.

We are moving on to voting on the amendment submitted by Mr. Armand De Decker, Speaker of the Belgian Senate. Mr. Speaker, please present your amendment.

Armand De Decker, Speaker of the Belgian Senate

Mr. Chairman, Dear Colleagues:

I have presented the reasons for the amendment a moment ago. I have the impression that all speakers today stressed the significance of a better cooperation between national parliaments, i.e. better interparliamentary cooperation. I agree with our colleague Mr. Dini who said a moment ago that we should be sending a strong signal to the Intergovernmental Conference and underline our support for the text drawn up by the Convention. I am of the same opinion. I took all this into consideration when I prepared my amendment. I speak in it of the wish to establish an interparliamentary forum, but it is expressed in very careful and general terms.

Mr. Dini has just said that he doubts it will be taken into account by the Interparliamentary Conference. However, one does not need to be convinced of success to try and defend one's propositions. Mr. Amato, Deputy Chairman of the Convention, stressed in his interview with *Financial Times* on May 13th the significance of reinforcing interparliamentary cooperation. Mr. Amato went even further saying that two thirds of the countries ab-

stained on the issue of subsidiarity. Such blockade should be automatically *entériné*. What I am talking about is much more carefully phrased, it is simply a wish. And I intend to defend it.

Mr. Poncelet drew my attention to the second sentence where I have said “grouping delegations from national parliaments”. Indeed, it may give the impression that lower chambers are involved as well, so that part can be deleted and we can simply say, more generally, that after having taken various ideas into account, we wish for establishment of an interparliamentary forum in the European Union. And I think that by accepting Mr. Poncelet’s amendment to my amendment we will reach a consensus.

**Longin Pastusiak,
Speaker of the Polish Senate**

Thank you.

I would like to inform you that the heads of two delegations – Dutch and German – had to leave us early owing to the tasks awaiting them in their countries, but authorized me to present their positions. Both delegations submit their reservations to the amendment based on the premise that we are establishing a new body here, which is always risky, and that it is a far-reaching suggestion or proposal which requires more time for reflection. Consequently, the heads of these two delegations asked me to transmit their reservations, which I am doing.

Anyone else would like to discuss the amendment?

I have a suggestion if Mr. De Decker does not mind. Maybe I should say it in English for the sake of precision. “We wish for establishment of an interparliamentary forum composed of...”, etc. “We wish” is a relatively strong statement. Maybe we can soften it and say “We suggest the possibility of establishing an interparliamentary forum...”, etc. Instead of “we wish...” – “we suggest the possibility...”.

**Armand De Decker,
Speaker of the Belgian Senate**

Mr. Chairman, if your suggestion enables us to achieve consensus then I will support it and agree to the change.

**Longin Pastusiak,
Speaker of the Polish Senate**

Thank you.

Anyone wants to speak? All right, the author of the amendment accepts my amendment to his amendment.

Lord Grenfell...

**Lord Grenfell,
Principal Deputy Chairman of the House of Lords**

Thank you, Mr. Chairman.

I just was wondering whether or not the second sentence remains because I am concerned by the formulation “and create forms of parliamentary control”. I think that it was perhaps a mistranslation from *contrôler* in French, meaning “to monitor” or “to scrutinize”, but to create forms of parliamentary control of inter-governmental areas goes way beyond anything that we could consider. Thank you.

**Armand De Decker,
Speaker of the Belgian Senate**

Mr Chairman:

I share the point of view of the esteemed representative of the House of Lords because I wrote in French *permettant l'établissement d'un contrôle parlementaire*, which in my opinion would translate in English into *scrutiny of, scrutinisation of*. Our colleague is right, I am talking here about the parliamentary framework.

**Longin Pastusiak,
Speaker of the Polish Senate**

I only wish to add that the issue of the difference in the meaning between the English *control* and French *contrôler* has been for many years

subject to dispute in all armament control and disarmament negotiations. The truth is that in English the word *control* has also a stronger meaning of – *to possess*. In French it is weaker. So if Mr. De Decker accepts a replacement of this word with the English *scrutiny* then, I believe, that would be satisfactory to Lord Grenfell.

Armand De Decker,
Speaker of the Belgian Senate

Yes, one can say *contrôle parlementaire* in French. *Scrutiny* sounds good to me but I am not a native English speaker.

Longin Pastusiak,
Speaker of the Polish Senate

Lord Grenfell, do you agree to the term *scrutiny* – as in monitoring?

Lord Grenfell,
Principal Deputy Chairman of the House of Lords

“To scrutinize forms of parliamentary...”, no, “to create forms of parliamentary scrutiny of inter-governmental areas” – that is far less objectionable.

Longin Pastusiak,
Speaker of the Polish Senate

Does anyone else want to discuss this amendment? I do not see anyone. Can I then read out the entire text of the amendment before we vote on it? – *We suggest to consider the possibility to create an inter-parliamentary forum composed of delegations representing all national parliaments to be created within the European Union. This forum will allow to focus on issues of subsidiary and proportionality, and to create forms of parliamentary scrutiny on inter-governmental areas.*

Lamberto Dini,
Speaker of the Italian Senate

Mr. President, “subsidiarity” rather than “subsidiary”. There has to be “subsidiarity” in there.

Longin Pastusiak,
Speaker of the Polish Senate

Subsidiarity instead of *subsidiary*?

Lamberto Dini,
Speaker of the Italian Senate

Yes.

Longin Pastusiak,
Speaker of the Polish Senate

I will ask Lord Grenfell, our English expert, OK?

Lamberto Dini,
Speaker of the Italian Senate

And in addition, maybe at the beginning of the sentence, if it could read: “We suggest that consideration be given to the creation of an inter-parliamentary...”. I think it would be a little bit smoother English.

Longin Pastusiak,
Speaker of the Polish Senate

In the passive voice?

Lamberto Dini,
Speaker of the Italian Senate

Yeah. “We suggest that consideration be given...” – because it’s by others – “to the creation of an inter-parliamentary forum.”

Longin Pastusiak,
Speaker of the Polish Senate

Is that fine with you? All right.

Therefore, can we now vote on these amendments to amendments?
Are we ready?

Those of you who are in favour of accepting Mr. De Decker’s amendment as amended by a few speakers, please raise your hand. Thank you.

Who is against? Who abstained? With one abstention – Switzerland.
Yes, with two abstentions.

With two abstentions the amendment is carried. Can we now vote on the whole of the... So, with three abstentions...

Lamberto Dini,
Speaker of the Italian Senate

I am not against, but I will abstain.

Longin Pastusiak,
Speaker of the Polish Senate

Okay, with four abstentions the amendment is carried.

In the annex to the joint statement we included in the membership of the Association of European Senates also the House of Lords of the United Kingdom of Great Britain and Northern Ireland. This is the last sentence in the annex. The membership was voted already so the annex has a technical meaning rather than substantial.

Now can we vote on the whole of the joint statement as amended by three amendments?

Those of you who are in favour of accepting the joint statement as amended raise your hand please. Thank you.

Who is against? I do not see anybody.

Who abstained? Without abstention the joint statement is accepted unanimously. Well, I think we thus conclude actually our session today. Thank you very much for your active participation and your very creative contribution to our meeting. I think we all have learned a lot how to improve the position of upper chambers in the European Union and also in the European integration process. We are not saying good bye because we will see each other tomorrow in Gdańsk. We will have a more relaxed day. I hope the weather will be OK.

I invite the heads of delegations to a meeting with the President of the Polish Republic.

Thank you very much.

I declare the session closed.