



# BULLETIN

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## The “Green Card” Opportunity: Time to Rethink Parliamentary Engagement in EU Affairs

**Karolina Borońska-Hryniewiecka**

*National parliamentarians, together with their European Union counterparts, will gather in Riga at the turn of May and June 2015, to discuss ways in which to strengthen the role of parliaments in EU governance. One of the ideas is the so-called “green card,” enabling national parliaments to make suggestions for EU legislative proposals. Yet, as the climate of distrust between national parliaments and the European Parliament (EP) increases, the project might not get past the debating stage. In such a case, parliaments will either have to re-define their role in the EU, or they will hang as toothless watchdogs in the institutional limbo.*

Amidst complaints about the EU’s democratic deficit and lack of transparency, hardly anybody today questions the need to strengthen parliamentary oversight of EU policy-making. Yet, while the Treaty of Lisbon formally equipped national parliaments with powers to scrutinise EU legislation, five years down the line there is little satisfaction as regards parliamentary engagement in European affairs. Due to its narrow scope, the so-called Early Warning System (EWS) for subsidiarity control does not guarantee them the desired influence at EU level. Moreover, institutional reforms such as the Fiscal Pact and the European Stability Mechanism, adopted outside the EU legal framework (thus outside parliamentary scrutiny) have further weakened parliamentary leverage in economic and fiscal governance.

While the new leadership of the European Commission (EC) has placed special emphasis on forging a new partnership with parliaments, it has been accompanied by arguments for a more central role for the EP. Such a prospect does not seem to satisfy parliamentarians, who have come up with the more innovative proposal of a “green card,” based on a proactive approach towards EU policy-making. However, despite initial enthusiasm, the last few months of testing the waters suggest that the idea has little chance of being put into operation. The reasons are manifold, but the most important ones are the lack of a unified parliamentary approach to EU affairs and strained relations with the EP.

**The Green Card Fantasy.** The idea of a green card, put forward and endorsed by several national chambers including the British House of Lords (HoL), the Danish Folketing and the Dutch Tweede Kamer, foresees a way for a group of national parliaments working together to make constructive suggestions for EU policy initiatives, or for reviewing and repealing existing EU legislation. In principle, to qualify as a green card a proposal should gain an agreed number of signatories within a specified period of time, and be delivered to the EC within the existing infrastructure of a “political dialogue,” through which parliaments and the EC exchange views on the contents of EU policy proposals. According to the author, such a solution would not require a treaty change. Similarly to the European Citizens Initiative, the EC would consider a green card by publishing a formal response stating whether it intends to take the proposed action or not, and give reasons for its decision. In January 2015, the EU Committee of the HoL even put forward three proposals for a trial green card to be considered by national parliaments on issues including food waste regulation, cross-border bank transaction fees and the creation of a European Business Forum.

The EC’s reaction to the green card initiative has been careful. While in June 2014 it expressed its readiness to consider national parliaments’ input concerning possible EU legislation or reviews thereof, EC vice-president Frans Timmermans wrote a letter to the Latvian Saeima in February 2015 that clearly changed the tone. The letter stated

that, rather than entering into a potentially complex discussion on procedures not foreseen by the treaty, the issue should be addressed in a more pragmatic and immediate way, yet there was no specification of what this might mean.

**European Parliament—the Main Veto Player?** While the EC remains unclear about its take on a green card, the EP (so far informally) has dismissed this option as incompatible with the treaty. At the same time, EP officials do not envisage a scenario where national parliaments propose legislation at EU level through a gentleman's agreement with the EC. Instead, they point out that the role of national legislatures is to control their governments by scrutinising EU legislation and exchanging views with EU institutions, where the Lisbon potential is still unexploited. The green card might be perceived by the EP as a danger to its institutional stance as it would de facto grant national parliaments indirect right of legislative initiative, thus bringing them closer to an equal footing with the European legislature. The latter, quite understandably, dislikes the idea of becoming *primus inter pares*. For this reason, it has long fought against the creation of any mechanism that could challenge its position as the sole EU-level parliamentary forum, preferring to strengthen parliamentary democracy in the EU by tools it can control.

The green card initiative seems to expose even further a general sense of rivalry between the EP and national parliaments. Some even point to a turf war being fought in the different EU inter-parliamentary forums reflected by ongoing disagreements with regard to establishing rules of procedure or agenda items. While national parliaments feel sidelined by the EP, the latter complains about parliaments lacking pragmatism. Such a state of affairs is mutually detrimental and counterproductive for EU legitimacy.

**The Many Worlds of National Parliaments.** Whereas Brussels' cautious approach to the green card is somehow understandable, scepticism among the most interested parties might come as a surprise. A questionnaire inquiring about Member States' positions on the green card, sent by the Latvian presidency to all national chambers, reveals that some of them remain apprehensive, pointing out that the procedure might be incompatible with the treaties, unnecessary, or explain, as does the Polish Senate, that they are not domestically equipped with institutional competences to make use of it. Such a state of affairs might be explained by quite heterogeneous national parliamentary traditions, and different perceptions of parliamentary roles in EU governance. While the Dutch Tweede Kamer seeks to be an active player in the EU, there is consensus between the Swedish, Finnish and German chambers that parliaments should not have an independent role at the EU level, but should limit themselves to the control of their own governments. Moreover, there are variations in EU scrutiny practices between the chambers of the same parliament. Lack of compatibility and coordination in the field of European affairs between the houses in many Member States naturally weakens national parliaments' ability to exert influence on the EC.

Finally, and most strikingly, empirical findings reveal that EU affairs attract, in general, little interest among MPs. They are involved in domestic politics, and many of them have neither the time nor the willingness to learn more about the "EU galaxy." While there is a handful of MPs from EU commissions who keep track of the Brussels agenda, the rest seem to live on another planet called "domestic," unaffected by the ever-increasing stream of EU legislation. Neither do MPs perceive their engagement in scrutinising EU dossiers as particularly politically rewarding. Limited electoral salience regarding European affairs constitutes a major brake on the effectiveness of parliamentary engagement with Europe.

**With a Little Help from Within.** The mere bald assertion that granting national parliaments the right to suggest legislative proposals will automatically increase EU democratic legitimacy is too simplistic and hardly convincing. Initiatives such as the green card, in its current form, are counterproductive, as they position one parliamentary level against another, whereas genuine democratic legitimacy calls for combining the best of two worlds.

That is why national assemblies today must consider two existential questions: What role do they really want to play in the EU? Are they ready to perform it in a systematic and cooperative way? They should address these questions collectively and, if possible, formally. If the answer to the first one is proactive, there is a need for comprehensive Europeanisation of MPs by mainstreaming Europe into daily parliamentary work. Primarily, this could be done by making parliamentary sectoral committees, not only EU committees, responsible for controlling the EU legislative process. Second, intensified, EU oriented discussions should be encouraged by more experienced MPs and their counterparts at the EP, including sectorally-oriented joint parliamentary events. Without a critical mass of comprehensive EU understanding in the national chambers, the EU's democratic legitimacy is just empty words. Moreover, national parliaments should focus on improving the already existing mechanisms of EU scrutiny and dialogue with the EC by better intra and inter-parliamentary coordination of the EWS. In this regard, the informal Polish initiative to organise a working meeting with other parliaments, launched by the chairwoman of the Sejm European Union Affairs Committee is very welcome.

Finally, national parliaments should stop their tug of war with the EP and engage in constructive dialogue. These two parliamentary arenas are interconnected and stimulate each other's evolutions. As long as there is competition between them, neither side will gain and democratic legitimacy will suffer. The first step could be to reframe the green card to make it a proposal to be issued together with the EP. The forthcoming plenary meeting of the Conference of Parliamentary Committees for EU Affairs of Parliaments of the European Union (COSAC) in Riga could be a good place to discuss this. If parliaments really want to have their voices heard in Brussels, they have to be pragmatic. But no green card will be able to save them from European oblivion if they cannot save themselves.