



COMMISSION CHARGÉE DES AFFAIRES EUROPÉENNES

The Committee in Charge of European Affairs has a distinctly unusual mission. It differs from the standing committees which prepare the consideration of and the voting on legislation in plenary sitting. It monitors European activities of the Government. The breadth of this monitoring has been increasing considerably over the last ten years. Through its direct and regular contacts with European institutions and its foreign counterparts, it endeavours to keeping French MPs up-to-date with, and aware of, important European matters. In order to fulfill this function, it has become a pole combining expertise and initiative on European Affairs.



The National Assembly lit up in the colours of Europe on Europe Day

Background

- Given the increasing influence wielded by European construction on the law in each of the member states, the Law of July 6, 1979, set up, in each of the two assemblies of the French Parliament, a Delegation tasked with following European affairs.
- The Josselin Law of May 10, 1990 subsequently doubled the number of members from 18 to 36.
- The Pandraud Law of June 10, 1994 provided that the Government should communicate to the Delegation "every necessary document passed by the various institutions of the European Union".
- The Constitutional Law of July 23, 2008 set up, in each Chamber of the French Parliament, a "Committee in Charge of European Affairs" which took the place of the "Delegation".



Jean-Pierre Jouyet, Secretary of State in charge of European Affairs, and Pierre Lequiller, Chairman of the Committee in Charge of European Affairs

### Atypical Composition:

### "Double membership"

In accordance with the Constitutional Law of July 23, 2008 aimed at modernizing French institutions, the former Delegation is now known as the Committee in Charge of European Affairs as provided for in the new version of article 88-4 of the Constitution.

Consequently, the rules governing the composition and the procedures of the Committee will be adapted upon the coming into force of the revision of the Rules of Procedure of the National Assembly necessary for the implementation of the constitutional reform.

At present, the Bureau of the Committee is made up of a Chairman, who is in particular in charge of setting the agenda, calling meetings and participating in the "Conference of Presidents", four Deputy Chairmen and two Secretaries. Its thirty-six members are appointed so as to provide for a proportional representation of the political groups, as well as for a balanced

Cultural Affairs (7)	Economic Affairs (7)	Foreign Affairs (9)	Défence (4)	Finance (2)	Law (7)
Union pour un mouvement populaire (UMP) group					
Chantal BRUNEL Hervé GAYMARD Michel HERBILLON Céleste LETT Valérie ROSSO-DEBORD	Alfred ALMONT Daniel FASQUELLE Arlette FRANCO Lionnel LUCA	Robert LECOQ Pierre LEQUILLER Jacques MYARD André SCHNEIDER Gérard VOISIN	Bernard DEFLESSELLES	Daniel GARRIGUE Marc LAFFINEUR	Guy GEOFFROY Thierry MARIANI Didier OUENTIN
Socialiste, Radical, Citizen and Diverse Left (SRC) group					
Régis JUANICO Christian PAUL	Jean-Claude FRUTEAU Philippe TOURTELIER	Michel DELEBARRE Annick GIRARDIN Elisabeth GUIGOU Pierre MOSCOVICI	Pierre FORGUES Odile SAUGUES		Christophe CARESCHE Marietta KARAMANLI Jérôme LAMBERT
Republican Left (GDR) group					
			Jacques DESALLANGRE		Noël MAMERE
New Centre (NC) group					
	Jean DIONIS du SEJOUR				

representation of the standing committees. In accordance with the novel principle of "double membership", each member provides expertise gained in his/her own standing committee, thus contributing to the "cross-committee" nature of the work of the Committee in Charge of European Affairs, which must deal with the vast array of European matters.

At the same time, this "double membership" fosters the consideration of European matters by standing committees. In fact, since 2007 each of the latter has appointed from amongst its members "European correspondents" whose job it is to follow the current state of E.U. legislation.



## A monitoring and information brief

In exercising its monitoring and information remit, the Committee in Charge of European Affairs regularly **carries out hearings** with ministers and French as well as European experts. The Secretary of State for European Affairs appears before it systematically after each European Council. A Prime Ministerial circular dating from December 19, 2005 states that Parliament must be more regularly informed on the work of the Council since both before and after each session in Brussels or Luxembourg, ministers are requested to provide a presentation of the main issues and results.

M.P.s are also kept informed through the publication of various **information reports** which allow them to keep abreast of each of the main European debates taking place on the future of the Union and its policies. Thus, as of summer 2007, the Committee appointed rapporteurs in charge of following, over a period, the main questions on the Union's agenda: the checkup of the Common Agricultural Policy, Europe's independence regarding energy, fishing policy, the Defence Package, common policy on immigration etc.

The Committee in Charge of European Affairs publishes a monthly **electronic newsletter** with a wide distribution. It provides speedy and comprehensive access to the work of the Committee through its thematic sections. Subscribers may also be informed of the work carried out by the Committee and its position on each of the “**E documents**” submitted to the Assembly in accordance with article 88-4 of the French Constitution. Each such document, once considered, has in fact its own corresponding file on line. Every year the Committee receives almost 3 000 European documents (draft regulations, directives, decisions, White Papers, Green Papers, communications, work programmes etc.). **A selection** of these documents with an accompanying commentary is published every month in the electronic newsletter.



Andris Piebalgs, European Commissioner for Energy (center)



Working meeting with three representatives of the European Parliament



Brice Hortefeux, Minister for Immigration, Integration, National Identity and of Co-Development

## A constitutional brief to consider texts

Article 88-4, which was introduced into the Constitution in 1992 (at the time of the constitutional revision necessary for the ratification of the Maastricht Treaty), established the role of the French Parliament in the monitoring of European affairs. Its successive modifications broadened the scope for the two assemblies' intervention, which now covers the entire body of European actions.

Originally, Parliament could only intervene, through the adoption of resolutions, on draft European laws which were of a statutory nature concerning French law and which had been submitted to it by the Government upon their transmission to the Council of the Union. The constitutional revision of January 25, 1999, preliminary to the ratification of the Treaty of Amsterdam, then provided the Government with the possibility of submitting other European texts which were likely to lead Parliament to adopt a position. This is referred to as the “optional clause” which was, in fact, very often used by the Government.

To cap off this evolution, the Constitutional Law of July 23, 2008, allowed the assemblies to pass resolutions on “any document issuing from a European Union institution”. Thus, there are no longer European matters that the French Parliament cannot take up.

Simultaneously, the same law provided that the Government must submit to Parliament all draft European Acts whatever their legislative nature, in the French meaning of the term. Since, at the same time, the Treaty of Lisbon obliges the institutions of the Union to transmit to each national parliament all of their draft Acts, programming documents and agendas (an obligation fulfilled in advance by the European Commission since autumn 2006), **the information provided to the assemblies, as well as the assemblies' scope for expressing their opinions, is today exhaustive.**

Thus the Committee in Charge of European Affairs receives around 300 European texts each year (“E documents”) on which it must take a stand. It may adopt several positions:

- **approval** of the draft or the proposal for a Community instrument, by adopting, if need be, conclusions or a draft resolution to clarify its position. If it adopts a draft resolution, the latter is passed on for consideration to one of the six standing committees;
- **deferral of judgement** when it feels that it does not have enough information to make a proper decision on the impact of the text. This can lead to the appointment of a rapporteur in charge of carrying out an in-depth study on the document ;
- **opposition** to the adoption of the draft or the proposal for a Community instrument. It may then set out the reasons for its opposition through the adoption of conclusions or of a draft resolution which will be automatically passed on for consideration to the relevant committee of the six standing committees.

### Parliamentary Scrutiny Reserve

In order to provide enough time for the assemblies to reach a decision on draft European legislation before it is passed by the Council of the European Union, the Prime Ministerial circular of July 19, 1994, created the notion of **Parliamentary scrutiny reserve**. This means that the Government undertakes to maintain a minimum time period of one month from the transmission of the text to Parliament. This one-month period is part of the six-week limit provided for in the protocol on the role of national parliaments annexed to the Treaty of Amsterdam. During the latter period the Council of the Union may not adopt a common position nor take a decision on a legislative proposal referred to it by the European Commission.

There is, nonetheless, an **emergency examination procedure** which allows the Government to request the Chairman of the Committee in Charge of European Affairs to take a stand on a draft European act without convening the Committee.

### Consideration is tailored to the importance of the drafts: section A and section B on the agenda

Texts considered to be of minor importance, or those which raise no particular difficulty are included in section A of the agenda of the Committee in Charge of European Affairs. This means they will be approved without debate. For each of them, an information file is sent to the members of the Committee in Charge of European Affairs about a week before the meeting where they will be considered as approved unless a member of the Committee decides to raise an objection. The Committee will, in such a case, only take a position after a debate has been held between its members.

The other texts, which are included in section B of the agenda, will be presented orally by the Chairman of the Committee in Charge of European Affairs or by a specially appointed rapporteur.

The information sheets concerning all such E documents (those considered in both sections A and B) are regularly published as part of the Committee's "**balai**" reports (information reports on texts submitted to the National Assembly in accordance with article 88-4 of the Constitution).



### Resolutions of the National Assembly

Unlike the adoption of conclusions, which solely state the opinion of the Committee in Charge of European Affairs, resolutions express the position of the National Assembly as a whole. It is for this reason that the Committee may only adopt draft resolutions, which are then sent for consideration to one of the six standing committees. The latter must then make a decision within the month following the referral.

The standing committee then appoints its own rapporteur and takes a position on the draft resolution of the Committee in Charge of European Affairs, which it can adopt as it stands, amend or reject. In the eight days following the distribution of the standing committee's report, the draft resolution may be put on the agenda of the National Assembly upon the request of a political group chairman, the chairman of a standing committee, the Chairman of the Committee in Charge of European Affairs or the Government. If no request for inclusion in the agenda is made, then the text adopted by the lead committee is considered final and transmitted to the Government.

Such resolutions have a political impact; they are not legally binding on the Government but the latter must take them into account during European negotiations.

In all cases resolutions adopted by the Assembly are published in the *Journal Officiel* (Official Bulletin of laws and official announcements).

The Committee in Charge of European Affairs however does not have the sole right of initiative to table draft resolutions, as each M.P. may also avail of this right individually.



### A vigilance and early-warning brief concerning subsidiarity

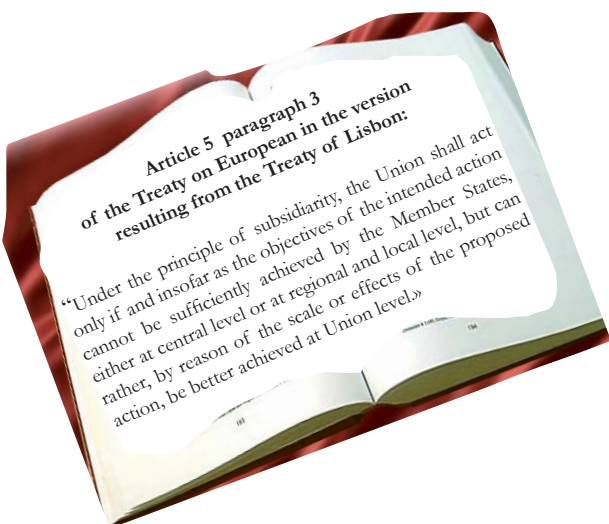
The Lisbon Treaty provides national parliaments with a new brief which marks their first entrance into the very heart of the working of European institutions.

Article 11 and the protocol on the implementation of the principles of subsidiarity and proportionality will allow each assembly, when the treaty comes into effect, to adopt, within the eight weeks following the transmission of a draft European legislative act, a reasoned opinion setting out its reasons for considering that the draft does not comply with the principle of subsidiarity. Parliamentary opinions will thus have a true legal impact. When one third of the parliaments issue an opinion of non-compliance, the European Commission will have to reexamine the draft and justify its continued support. This is the "yellow card".

If half of the parliaments are opposed to the draft, the Council of the Union and the European Parliament have to give an opinion on its compliance with the notion of subsidiarity and can reject it with a 55 % majority of the members of the Council or of the votes cast at the European Parliament. This is the "orange card".

A national parliament may also institute proceedings before the Court of Justice of the European Communities for non-compliance with the notion of subsidiarity. This is the "red card".

Following the initiative of the European Commission, the monitoring of subsidiarity has already been applied by national parliaments thanks to an informal procedure: since September 1, 2006, the Commission has transmitted all its documents directly to parliaments. The latter have formulated their observations in the six weeks following. In France, the Committee in Charge of European Affairs examines all the texts and then, at the proposal of one of its members, may adopt a draft reasoned opinion. One of the six standing committees then takes a position on the draft opinion, which, when it is adopted, becomes the opinion of the French National Assembly. However, unlike resolutions based on article 88-4, if the standing committee does not consider the draft opinion of the Committee in Charge of European Affairs in the time limit laid down, then it is considered adopted.





# Active participation in interparliamentary cooperation

The involvement of national parliaments in European affairs goes hand in hand with a strengthening of the cooperation between national and European parliamentary institutions. M.P.s are more and more frequently invited to Brussels to debate a variety of subjects with the members of one of the standing committees of the European Parliament. Similarly the Committee in Charge of European Affairs of the National Assembly regularly invites French M.E.P.s to participate in joint meetings. At the same time, bilateral parliamentary cooperation continues to expand and the Committee in Charge of European Affairs very often organizes joint meetings with its European counterparts. The creation of an electronic platform for the exchange of information between national parliaments (IPEX) has enabled the strengthening of the efficiency of parliamentary monitoring particularly regarding the respect of the principle of subsidiarity.



Hearing of Valéry Giscard d'Estaing on the Treaty of Lisbon



Franco-German meeting co-chaired by Gunther Krichbaum, Chairman of the Bundestag's Committee for European Affairs, and Pierre Lequiller



On a multi-lateral level, inter-parliamentary relations are organized through the COSAC, which meets twice yearly in the country holding the presidency of the European Union. It is made up of six representatives of the committees in charge of European affairs of the parliaments of the Union and six representatives of the European Parliament.

COSAC meetings allow members of Parliament to question the incumbent European presidency and to adopt political contributions on European subjects. The COSAC, whose function was enshrined in the protocol on the role of national parliaments annexed to the Treaty of Amsterdam, also has the power to consider all draft legislative acts or initiatives dealing with the creation of an area of freedom, security and justice which could have a direct implication on the rights and freedoms of individuals. The contributions of the COSAC are transmitted to the European institutions, i.e. the Council of Ministers, the European Parliament and the Commission.

## The opening-up of the French National Assembly towards Europe

- The Committee in Charge of European Affairs feels it is very important to encourage the opening-up of the French National Assembly towards Europe. Many new initiatives have been taken in recent years.
- A debate is now organized in plenary sitting prior to every meeting of the European Council.
- European personalities, such as José Manuel Barroso, President of the European Commission, are invited to speak in the Chamber.



- Joint working groups between the Committee in Charge of European Affairs and the standing committees have been established to involve the latter more in the consideration of texts under negotiation (on energy, on the checkup of the Common Agricultural Policy or on the membership process of Turkey to the European Union).
- The French National Assembly now has a permanent representation to the European Union in Brussels. Its main aim is to strengthen the information on the European Union given to M.P.s.

Bernard Accoyer, Président of the National Assembly, Pierre Lequiller and Jérôme Lambert, in Brussels



## Europe on the Internet site of the National Assembly

<http://www.assemblee-nationale.fr/europe>

Discover the "European Union" section on the National Assembly website.

- Simple and fast access to the work carried out by the Committee in Charge of European Affairs : reports of meetings and hearings, information reports and resolutions adopted on European texts.
- Comparative studies on legislation and documentary resources on European construction.

