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PARLIAMENTARY ASPECTS OF THE CONSTITUTIONAL TREATY

COUNCIL MEETING IN PUBLIC WHEN LEGISLATING NOTE BY THE UK PRESIDENCY

The Constitutional Treaty provides for the Council always to meet in public “when considering and voting on a draft legislative act” (Article I-50(2)). This has been demanded by many national parliaments and the European Parliament since long before the Laeken Declaration, and does not require a Treaty change to be implemented; it could be brought about through a change in the Council’s internal Rules of Procedure. Indeed, following the reforms agreed at Seville, the Council does now occasionally meet in public when legislating.

The inclusion of this provision in the Constitutional Treaty was not part of a package of interconnected measures. The provision stands on its own, and is intended to remedy a wholly indefensible situation whereby legislation is discussed and agreed in private. Implementing it should therefore not be regarded as anticipating the Treaty.

It is not just a matter of principle that legislative bodies should meet in public, but is also of direct relevance to national parliaments in their scrutiny role. The most important role of national parliaments in European affairs is to hold their Governments and individual Ministers to account, and this cannot be done effectively if it is not clear how Ministers have acted in the Council. Legislating in private may also result in deals which no Government fully accountable to its own Parliament would have agreed to.

The UK Presidency accordingly invites COSAC to request the Council of Ministers to change its Rules of Procedure immediately to require that the Council always meets in public when considering and voting on draft legislation.

JIMMY HOOD MP, Chairman European Scrutiny Committee House of
Commons

LORD GRENFELL, Chairman European Union Committee House of Lords

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