

## 6th Meeting of the Association of European Senates

### The Role of the Upper Chamber of the National Parliaments in the European Integration and European Union.

Speech given by Yvonne E.M.A. Timmerman-Buck, President of the Senate 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 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 formal 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.