

> N°01/2016

**European Economic  
Governance and  
Parliamentary Involvement:  
Some Shortcomings of the  
Article 13 Conference and a  
Solution**

> Diane Fromage



**N° 01/2016**

January 2016

Diane Fromage

**European Economic Governance and Parliamentary  
Involvement:  
Some Shortcomings of the Article 13 Conference and  
a Solution**

**Diane Fromage** is Assistant professor of European Law at Utrecht University, The Netherlands. [d.b.fromage@uu.nl](mailto:d.b.fromage@uu.nl)

I would like to thank the participants of the panel on 'Mainstreaming Research on National Parliaments in the EU: Parliamentary Scrutiny across EU Policy Fields' organised during the 2015 CES Conference and in particular Olivier Rozenberg, as well as Valentin Kreilinger, for their insightful comments.

## **SUMMARY**

This paper is devoted to the analysis of the Interparliamentary Conference on Stability, Economic Coordination and Governance created in 2013. It first studies the conditions of its emergence and shows how some of the arrangements in place at that point, particularly in terms of closer cooperation among a limited number of national parliaments, did not last over time. Next, it demonstrates the existence of several factors that question the long-term effectiveness of this Conference, at least in terms of its contribution to more democratic accountability within the European Union. On this basis, the paper calls for the creation of a new, more institutionalized and strongly empowered arena for interparliamentary cooperation in the field of economic governance that would not, however, take the form of a second European parliamentary chamber.

## **RÉSUMÉ**

Cet article est dédié à l'analyse de la Conférence Interparlementaire sur la Stabilité, la Coordination Économique et la Gouvernance créée en 2013. Il étudie tout d'abord les conditions d'émergence de cette Conférence et démontre comment certains arrangements alors en place, par exemple quant à l'existence d'une coopération plus étroite entre un nombre réduit de parlements nationaux, n'ont pas perduré. Il s'agit ensuite de démontrer que l'efficacité à long terme de cette Conférence, en tant que vecteur contribuant à une meilleure légitimité démocratique au sein de l'Union Européenne tout du moins, n'est en rien assurée. Partant de ce constat, cet article appelle donc plutôt à la création d'une nouvelle arène pour la coopération interparlementaire dans le domaine de la gouvernance économique, une arène qui serait nouvelle, davantage institutionnalisée et aurait davantage de pouvoirs mais ne prendrait toutefois pas la forme d'une seconde chambre européenne.

## **KEY WORDS**

Interparliamentary cooperation – Article 13 Conference – National parliaments – European Parliament – Democratic legitimacy – Economic governance

## **MOTS CLEFS**

Coopération interparlementaire – Conférence de l'Article 13 – Parlements nationaux – Parlement européen – Légitimité démocratique – Gouvernance économique

## 1. Introduction

After a long period of uncertainty that started with creation of the Article 13 Conference during the Speakers' Conference held in Nicosia in 2013 and finished, to a large extent, during the latest Speakers' Conference organised in Rome a few months ago, it is time to draw some conclusions regarding this 'second generation' interparliamentary conference (European Parliament (2014: 4).

This Conference can be considered of second generation, in comparison to the Conference of Parliamentary Committees for Union Affairs (COSAC), both because its composition is different, since the European Parliament (EP) and national parliaments (NPs) are not equally represented, but also because the legal basis differs. Although the Article 13 Conference is developed within the EU and brings together all EU national parliaments (NPs), i.e. both from Eurozone and non-Eurozone countries, its legal basis lies in Article 13 Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG or Fiscal Compact) rather than in Article 12 TEU and in Protocol 1 appended to the Treaties like the other European interparliamentary conferences. However, this article clearly refers to the European Treaties – Title II Protocol 1 – and article 9 of this same Protocol was used to establish this new interparliamentary conference. As a result of this choice COSAC was completely marginalized; had article 10 been chosen as the basis for establishing the new conference, COSAC would at least have had a coordinating role. Indeed, although article 10 does not specifically mention COSAC as used to be the case following the changes introduced by the Amsterdam Treaty, it clearly still refers to COSAC implicitly. The use of article 10 would have been possible since it provides that 'That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics'. Hence, COSAC's role is not necessarily limited to being a conference of Parliamentary Committees for Union Affairs. Besides, as analysed below, from the use of article 9 Protocol I follows the fact that the numerical importance of the EP's and NPs' delegations can vary, whereas in the framework of COSAC this is not possible. Regardless of the legal basis used to establish this conference, there is little doubt that the conference itself was needed since neither the EP nor NPs alone can control the executive organs effectively (Kreilinger Valentin (2013: 3)).

This contribution aims to assess this interparliamentary conference two years after its creation, and to show that despite the existence of different degrees of cooperation among certain parliaments in the run-up to the establishment of the conference – in the sense that some NPs cooperated more closely than others and were hence more advanced in this domain – and of different understandings of its purpose by members, currently all NPs and the EP collaborate almost exclusively in its framework in the economic domain. This and other reasons, such as the variation in meeting attendance and the inability of the EP and NPs to approve any rules of procedure, account for the limited effectiveness thus far of interparliamentary cooperation in this field, and in the framework of this conference. The situation is not expected to improve in the near future, despite the pressing need to enhance democratic legitimacy and mitigate the executive dominance in place since the economic crisis (among others: Fasone Cristina (2014)

and Jancic Davor (2016)). In fact, a different and more differentiated approach may be required.

Against this background, this paper will first shed light on the conditions of this conference's emergence and on their temporary nature (1). Second, it will show why it appears that these and other factors raise doubts as to the long-term effectiveness of this conference, at least as a place to ensure democratic accountability (2).

The analysis will ultimately show that, two years after its creation, this interparliamentary conference has not allowed national parliaments to compensate for the democratic deficit created by executive dominance in the adoption of Eurocrisis measures. Together with the European Parliament, NPs certainly do not form a 'virtual third chamber' (Cooper Ian (2011)) in the economic domain and, in fact, there are signs that this initiative may not succeed in the near future. The creation of another, more institutionalized organ is hence in order.

## **2. Difficult conditions for the emergence of this new interparliamentary conference: a battle not yet overcome two years after its creation**

The Interparliamentary Conference on Stability, Economic Coordination and Governance (Article 13 Conference) was launched at the Speakers' Conference held in Nicosia in April 2013, i.e. three months after the entry into force of the TSCG. This conference finally received its official name during the Speakers' Conference held in Rome in April 2015 after intensive discussions. In fact, the conference was named differently at each of the four meetings held thus far: Interparliamentary Conference on Economic and Financial Governance of the European Union in Vilnius in October 2013, Interparliamentary Conference on Economic Governance of the European Union (Article 13 Treaty on Stability, Coordination and Governance (TSCG)) under the Greek presidency in January 2014, Interparliamentary Conference under Article 13 of the Fiscal Compact in Rome in September 2014 and Interparliamentary Conference under article 13 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union under the Latvian presidency in February 2015. This name issue is not simply a semantic one as it will eventually determine the breadth of the interparliamentary conference's competence. The EP insisted, for instance, that its name should not refer to the financial dimension. Indeed, the question of the scope of this interparliamentary conference is not uncontroversial. As highlighted by I. Cooper, whereas Article 13 TSCG refers to interparliamentary cooperation to discuss 'budgetary policies and other issues covered by this Treaty', the first meeting organised in Vilnius addressed topics that went far beyond the scope of issues covered by the TSCG by including the Banking Union (Cooper Ian (2014: 16-17)). But as Cooper rightly points out, this issue is still 'without a doubt crucial with respect to the future economic and financial governance of the EU' (Cooper Ian (2014: 17)). The recent empowerment of the EU and of national executives does call for the establishment of an interparliamentary organ in charge of overseeing the actions they take in this domain. NPs are now also particularly constrained in the exercise of their budgetary prerogatives at the national level due to the European rules they must respect, and they should seek to coordinate with their European counterparts in this framework. The extension of the Article 13

Conference's scope of competence is therefore not in itself problematic. Rather the question is whether there is a need to establish a second parliamentary arena whose competences would go beyond the mere exchange of information and best practices foreseen for this conference in the guidelines approved by the Speakers in Rome. This arena would, perhaps most importantly, be limited to Eurozone parliaments. This point will be examined further below.

## 2.1. Different conceptions of interparliamentary cooperation in the economic field at the origins

In the aftermath of the creation of the Article 13 Conference, several Member States took the initiative to organise more limited interparliamentary meetings in the run-up to the Speakers' Conference meeting of April 2013. For instance, the six Founding Member States met with the European Parliament in Luxembourg on 11 January 2013 'for an exchange of views on interparliamentary cooperation and democratic oversight in the field of Economic and Monetary Union'.<sup>1</sup> Following this meeting, they called for the creation of a new interparliamentary conference of a similar size as the CFSP/CSDP Conference. Other Member States' parliaments gathered, with the purpose of 'discuss[ing] how national parliaments could become proactive players in a more integrated financial, budgetary and economic union', in Copenhagen on 11 March 2013;<sup>2</sup> this was the Danish Parliament's second initiative in this regard since 11 national parliaments had already attended a meeting with a similar purpose on 26 November 2012.<sup>3</sup> At this second meeting, the EU Affairs committees' Chairmen endorsed the creation of a non-binding interparliamentary body, hence disagreeing with the founding States' position. They later called the establishment of 'a small effective conference focused on substantial issues – to be held in the margins of the biannual COSAC-meetings – using the existing venue and conference facilities and existing resources.' The European Parliament did not participate in either of the two Danish meetings, illustrating the divide between the European and the national legislatures in this domain;<sup>4</sup> however, the EP was involved in the meeting of the founding Member States.

However, the aim of these meetings was the same and consisted in joining forces in order to influence the upcoming Speakers' Conference meeting; by the same token, they

---

<sup>1</sup> Letter from the President of the Chamber of Deputies of Luxemburg addressed to the Speaker of the Cypriot Parliament on 18 January 2013.

<sup>2</sup> Letter from the President of the EU affairs committee of the Danish Parliament, the UK House of Lords, the Estonian Parliament, the Luxemburg Parliament, the Czech Chamber, the Irish Houses of Oireachtas, the Slovak Parliament, the Romanian Parliament, the Hungarian Parliament, the Slovenian Parliament, the Lithuanian Parliament, the Latvian Parliament, the Finnish Parliament, the Belgian Parliament, the Czech Senate and the Swedish Parliament addressed to the Speaker of the Cypriot Parliament on 8 April.

<sup>3</sup> Interestingly, not all NPs were invited to participate. The 11 Chairmen of EU Affairs committees involved were that of: the Danish Parliament, the French National assembly, the German Bundestag, the Luxembourg Chamber of deputies, the Portuguese Parliament, the Irish Oireachtas, the Finnish Parliament, the Latvian Parliament, the Swedish Parliament, the Hungarian Parliament and the Polish Senate. Letter of these 11 NPs to the President of the European Council H. van Rompuy of 7 December 2012 available at: <http://www.ft.dk/samling/20121/almindel/euu/bilag/134/1196311.pdf>.

<sup>4</sup> This opposition, which relates to the role the EP should assume in this interparliamentary conference, was also visible in the negotiations on the rules of procedure of the CFSP Conference. Both initiatives for interparliamentary cooperation have provoked the resurgence of the EP's and NPs' dissenting views.

might as well be considered to have actually dealt with subject matter belonging to the competence of the Speakers' conference.<sup>5</sup> Interestingly, although the letters resulting from both of these meetings – Copenhagen and Luxembourg – made contradictory proposals as to the form that interparliamentary cooperation in economic governance should take, they were signed both by the Chamber of Deputies of Luxembourg and the Belgian Senate, which requires to set their value and representativeness of a political engagement in perspective.

This phenomenon of informal interparliamentary meetings bringing only some NPs together is not an isolated one. Many forms of informal interparliamentary cooperation exist and are flourishing, either on a regular or on an *ad hoc* basis (Fromage Diane 2015b). In fact, this development together with the creation of new formalized forums for interparliamentary cooperation – the Article 13 Conference as well as the CFSP/CSDP Interparliamentary Conference and perhaps soon another conference to regularly monitor EUROPOL – could eventually face problems of representativeness and participation rates since MPs have only little time and NPs have limited resources to devote to these activities. It also becomes increasingly difficult to ensure proper transparency towards the citizenry as the number of these individual parliamentary initiatives grows in the absence of efforts of centralization or any common secretariat (Esposito Antonio (2014: 175).

Additionally, and although this initiative in turn emerged from the EP and was addressed to all NPs, it should be mentioned that the EP organised the first European Parliamentary Week (EPW) already in January 2013, i.e. before the creation of the conference. This event brought together over 100 deputies from 33 parliamentary chambers across 26 Member States. 70 MEPs participated too (European Parliament (2014: 7)). Several topics were discussed, including the European Semester, democracy and subsidiarity. However, NPs' satisfaction with the meeting varied as only 16 of the 27 parliamentary chambers that responded to the following COSAC questionnaire considered that it had facilitated exchanges on key issues of the European Semester (COSAC (2013:17)). Some chambers also criticized the lack of exchanges and the fact that the Commission and the European Council representatives left the meeting as soon as they had finished their speeches (COSAC (2013:18)).

The Commission also took position on the matter of interparliamentary cooperation in the economic field early on as it stated in November 2012:

...whatever the final design of EMU, the role of national parliaments will always remain crucial in ensuring legitimacy of Member States' action in the European Council and the Council but especially of the conduct of national budgetary and economic policies even if more closely coordinated by the EU. Cooperation between the European Parliament and national parliaments is also valuable: it builds up mutual understanding and common ownership for EMU as a multilevel governance system; concrete steps to further improve it, in accordance with Protocol N° 1 of the EU Treaties and Article 13 of the TSCG, are thus welcome. Interparliamentary

---

<sup>5</sup> The Italian Chamber of Deputies considered it unnecessary, for instance, 'to participate in a meeting organized outside of the institutional framework for interparliamentary cooperation, in the absence of the European Parliament and dealing with decisions whose competence belong to the Speakers' Conference'. Esposito Antonio (2014: 175, fn. 113).

cooperation as such does not, however, ensure democratic legitimacy for EU decisions. That requires a parliamentary assembly representatively composed in which votes can be taken. The European Parliament, and only it, is that assembly for the EU and hence for the euro.<sup>6</sup>

Therefore, while the Commission recognizes the importance of NPs it emphasises their secondary role. It defends the EP as the only European assembly for the euro, although this is in my opinion not so straight forward as not all EU Member States are part of the Eurozone. The creation of a ‘mini Eurozone assembly’ within the EP composed solely of MEPs elected in Eurozone countries is arguably not the right solution as it goes against the EP’s core purpose.<sup>7</sup> But the existence of a Eurozone within which some Member States cooperate more closely cannot simply be overlooked; this issue will be further discussed in Part 3.

## 2.2. The negotiations around the establishment of the Article 13 Conference in the Conference’s framework

The creation of this conference took place in the aforementioned context, which was characterized by several initiatives and national parliaments’ strong desire to have a say. But this plurality of opinions continued to exist even after the conference was launched in April 2013, and the conference still does not have its own rules of procedure despite having already met four times since. This sub-section analyses the negotiations that have occurred to date to the establishment of this conference’s framework.

Following its creation, the interparliamentary conference met for the first time in Vilnius in October 2013. This first meeting brought together the Speakers of the national parliaments and of the EP and ‘representatives of relevant committees from all the national Parliaments of the Member States of the European Union and the European Parliament’. One of the objectives of this meeting was to discuss on the conference’s rules of procedure. Interestingly, the proposal submitted to the participants did not define the size of the delegations but rather stated that ‘The Interparliamentary Conference on EFG is composed of delegations from the relevant committees of the national Parliaments of the EU Members States and the European Parliament. The composition and size of delegations shall be determined by each Parliament’ (art. 4-1 Proposal of rules of procedure; emphasis added). This timid proposal may be related to the long-standing disagreement between the EP and NPs (or better said between the EP and certain NPs) that was apparent at the time of the CFSP/CSDP interparliamentary Conference’s establishment. The EP originally wanted to send 54 delegates to the meetings, while some NPs wanted the EP to receive the same treatment as NPs, as it is the case in the framework of COSAC (Fromage Diane (2015a: 241—242)). In the end, a compromise was reached: the EP is represented by 16 MEPs whereas NPs send 6 MPs to the meetings of this conference. With this experience in mind, it could have been expected – and desirable – for the Article 13 Conference to follow this recent example. Indeed, the CFSP/CSDP Conference was established just one year before the Article 13 Conference. As will be analysed in Part 3, due to the absence of any rules, as

---

<sup>6</sup> Communication from the Commission. A blueprint for a deep and genuine economic and monetary Union Launching a European Debate. COM(2012) 777 final/2, 35.

<sup>7</sup> I thank Cristina Fasone for drawing my attention to this point. In this sense too: Lupo Nicola (2014:114).

confirmed by the Speakers' Conference during its meeting held in Rome in April 2015, the conference brings together delegations of very different sizes. This surely makes its effective functioning particularly unlikely.

In any event, during the first meeting in Vilnius no agreement could be reached on the proposed rules of procedure and, in fact, the debate on the topic of the rules of procedure was removed from the official agenda. Two opposing positions emerged, with some NPs willing to grant the conference an oversight role and others arguing it should merely be a forum for the exchange of information and best practices. NPs and the EP also had opposing views with regard to the adoption of conclusions on the basis of consensus versus a qualified majority. A working group was therefore created to draw some conclusions on the basis of this first draft and present them in 2014.

These debates around the creation of the new interparliamentary conference provided another opportunity to observe that the relationships between the EP and NPs are still characterised by confrontation rather than cooperation. This is not surprising given the fact that, in the economic domain, the EP has also largely been marginalized to the benefit of intergovernmental bodies. It may therefore be reluctant to cooperate with NPs and seek first and foremost to strengthen its own institutional position, like it successfully did in the framework of the CFSP/CSDP Conference, where it managed to be well represented. The EP could also be seeking to keep this interparliamentary forum weak, lest it compete with the EP's position as sole parliamentary arena in the EU (Cooper Ian (2014: 2)). Before the creation of the Article 13 Conference the EP in fact stated: 'While reaffirming its intention to intensify the cooperation with national parliaments on the basis of Protocol No 1, [it] stresses that such a cooperation should not be seen as the creation of a new mixed parliamentary body which would be both ineffective and illegitimate on a democratic and constitutional point of view; [it also] stresses the full legitimacy of Parliament, as parliamentary body at the Union level for a reinforced and democratic EMU governance'. In this sense, the EP and the Commission were in agreement. V. Kreiling has shown that the responsibilities H. van Rompuy envisioned for NPs in this field before the creation of the conference also decreased over time (Kreiling Valentin (2013: 11)).

The next meeting of this conference, held in Brussels in January 2014, did not see the approval of its rules of procedure either, although an amended version of the rules of procedure was circulated and some NPs actually did provide feedback. Some national parliaments, such as the French National assembly, attributed this failure to the EP's attitude and desire to reduce the scope of the conference and to reaffirm its own competences, in line with the position the EP had previously expressed. It was eventually decided that the debate over the rules of procedure would resume at the following meeting in Rome in September 2014.

However, all hopes were yet again disappointed. The task to approve the Article 13 Conference's rules of procedure was ultimately transferred to the Speakers' Conference. In fact, in its summary the Italian presidency simply stated, without providing details, that 'In the last session the conference discussed the draft rules of procedure presented by the Italian Parliament. Taking into account the positions expressed by the delegations, the Presidency will submit the delegations new draft rules'.

### 2.3. The Speakers' intervention

When the Speakers met in Rome in April 2015, suspense and hopes were high. Would the rules of procedure eventually be adopted? They were not. The Speakers' Conference simply 'discussed and agreed principles regarding the Rules of procedure of the [Article 13] Conference'.<sup>8</sup> Thus, approval of the rules of procedure was once again postponed until the next Article 13 Conference meeting, which will be held in Luxembourg.

In my opinion, this decision is wise because there is no reason why the Speakers should decide on the details of the functioning of another, separate, interparliamentary conference. The Speakers' Conference's role is to set general guidelines for interparliamentary cooperation within the EU and it should not interfere in the sphere of autonomy of another setting.<sup>9</sup> As a matter of fact, the question of the Speakers' Conference's role vis-à-vis other interparliamentary conferences was thoroughly discussed during that same meeting at which the Speakers also had to examine modification proposals to the CFSP/CSDP Conference's rules of procedure.<sup>10</sup>

Furthermore, the principles the Speakers' Conference ultimately approved are already quite precise. For instance, they stipulate that the conference must be convened at least twice a year and that one of these two meetings must be held in Brussels, with the EP serving as co-chair (point e). It also expressly states, as did the original draft prepared by the Lithuanian presidency, that 'The composition and size of delegations shall be determined by each Parliament' (point d).

### 3. A Conference whose effectiveness is yet to be confirmed

Against this background characterized by strong disagreements between the EP and NPs, and among NPs themselves, the effectiveness and ultimately the durability of this conference are, at present, uncertain. In addition to the lack of rules of procedure, this uncertainty is reflected in the variable attendance rates (3.1.) and the meetings' confusing agendas (3.2.), but also stems from the identity of the members of this conference (3.3.).

#### 3.1. National parliamentary interest for this conference

The level of attendance at this interparliamentary conference has varied (Annexes 1 and 2). Its first meeting brought together an average of 3 MPs per Member State whereas the second attracted just below 5 per Member State. This number was more constant during the two last meetings, averaging around 4 per State. Although the total number of MPs did not apparently vary much – from 133 at the 2014 EPW to 113 and 112 at the two last meetings – the change represents a decrease of almost one MP per Member

---

<sup>8</sup> Presidency conclusions, 5.

<sup>9</sup> See on the Speakers' Conference: Fasone Cristina (2016).

<sup>10</sup> In particular the wording to be used in this respect was subject to vivid debates. Some speakers were in favour of them 'taking note' of the changes submitted to them by the CFSP/CSDP Conference, while others preferred to use the verb 'confirm'. The initial proposal was for the speakers to ratify these proposals. Had the Speakers' Conference 'ratified' the modifications, its role would have been more important in determining how this sectoral conference functioned, whereas 'taking note' appeared to give it a minor role.

State. It will be worth noting whether this decrease continues, indicating perhaps a loss of interest on the part of MPs, or whether the number has stabilised. The adoption of the conference's rules of procedure could shape this context as well. If the attempt to approve them is successful this time around, the resulting institutionalized framework could allow the conference to consolidate and, on a more pragmatic level, would make room for substantive debates. This being said, as noted, the guidelines recently adopted by the Speakers' Conference do not contain any innovative elements, except perhaps for the fact that it defines the scope of the conference as follows: 'The Interparliamentary Conference should provide a framework for debate and exchange of information and best practices in implementing the provisions of the Treaty in order to strengthen cooperation between national Parliaments and the European Parliament and contribute to ensuring democratic accountability in the area of economic governance and budgetary policy in the EU, particularly in the EMU, taking into account the social dimension and without prejudice to the competences of EU Parliaments.' It reproduces the provision contained in article 13 TSCG (in implementing the provisions of the Treaty) but leaves room for interpretation in entrusting NPs and the EP with the general task to 'ensur[e] democratic accountability in the area of economic governance and budgetary policy in the EU'. No information is yet available regarding the next meeting but this point merits close attention.

In any case, the attendance figures thus far indicate that NPs send fewer MPs than they are allowed to in the framework of COSAC and of the CFSP/CSDP Conference. However, an analysis of attendance rates in these arenas is needed as well before any conclusions can be drawn. It appears that fewer MPs currently participate in CFSP/CSDP Conference meetings than they did when this Conference was first launched. Data for the 2010-2013 period indicate that NPs also send fewer than the 6 MPs they are allotted to COSAC meetings. The decrease in parliamentary participation in interparliamentary conference meetings might therefore be a broader phenomenon.

Additionally, the averages mentioned above hide important differences among Member States, since many of them (Belgium, Bulgaria, Czech Republic, Ireland, Latvia, Luxembourg, Romania, Sweden) send significantly larger delegations when the meetings are organized in Brussels than when they take place on the presidency parliament's premises. This might indicate that they consider the EPW to be a more useful instrument than the stand-alone meetings. Or perhaps they use this opportunity of being in Brussels for other purposes, such as contacts with other stakeholders. Moreover, some countries' participation (Greece, Germany and Italy) has decreased over time whereas others (Cyprus, Finland and Spain) sent larger delegations to the latest meetings. With the exception of Greece, whose parliament did not send any MP to the latest meeting held in Brussels at the beginning of 2015, there does not appear to be any correlation between participation and the debtor/creditor status of a country, although one of the aims of the conference is to debate the social impact of measures adopted to fight the economic crisis.

### 3.2. Overlap between NPs' and the EP's agendas

Like the CFSP/CSDP Conference, the Article 13 Conference is currently convened twice a year, in line with the European semester. However, following a decision made by the Speakers' Conference when this conference was created, only one of the two meetings

takes place in the Member State holding the presidency of the Council. The reason for this lies in the EP's desire to hold a European Parliamentary Week on an annual basis as it has since January 2013. The speakers therefore decided that the other annual meeting should take place on the EP's premises in Brussels during the same week as the EPW. The EP is thereby empowered since its status is upgraded to that of co-convenor instead of merely representative as is the case at the other annual meeting.

An additional collateral effect has been that the first annual meeting is organized in January – and not at a time when it could be more useful to NPs in the framework of the European Semester. At that point, they have approved their national budget and the country reports are not necessarily published. This choice has indirectly empowered the EP by reducing the impact NPs can have on EU institutions while allowing the EP to receive inputs it can then use as it sees fit in its own recommendations (Cooper Ian (2014: 12)). Interestingly, the founding Member States had suggested organizing the meeting in June before the European Council meeting, and emphasized the importance of aligning the dates of the meetings with the approval of important documents for NPs in the framework of the European Semester.

Additionally, the EP has capitalized on its role co-chairing the meeting that takes place on its premises in January at the same time as it is organizing the EPW. Indeed, the agenda of the latest meetings held on 3-4 February 2015 shows that the topics addressed during the EPW should, in fact, have been discussed in the framework of the Article 13 Conference meeting, and that the two events were simply placed under the umbrella of the EPW, i.e. that the Article 13 Conference was simply treated as one of the EPW's components. The first part of the event, i.e. the one organized on the sole initiative of the EP, addressed the European Economic Governance's future and the 2015 European Semester, among other issues. The decision not to address these issues during the Article 13 Conference meeting can be explained by some MEPs' individual requests but should be carefully monitored as it risks making the Article 13 Conference meeting even less attractive in the future. Such decisions could undermine the Conference's effectiveness, if not meaningless, since its conclusions, which are already non-binding and subject to adoption by consensus, would not address the issues at the core of the conference's *raison d'être*.

### 3.3. The (controversial?) membership in the Article 13 Conference

Finally, although the discussion has focused on the purpose of this new interparliamentary conference and its rules of procedure since its establishment, the issue of its membership merits reflection. Indeed, even though not all the Member States are signatories to the TSCG – Croatia, the Czech Republic and the UK are not – and not all Member States are part of the Eurozone, all NPs are full members of the conference. Article 13 TSCG actually refers to 'the national parliaments of the contracting parties' and hence implies that the three Member States mentioned above should not have been included in the new interparliamentary conference. Furthermore, by institutionalizing the Eurosummits, the TSCG recognized the possibility of having forums that do not include all Member States (Cooper Ian (2014: 9)). Despite this precedent and the wording of Article 13 TSCG, the EP and the excluded Member States, as well as some of the other Member States consider this to be an option (Cooper Ian (2014: 9)). All NPs are therefore full members of the conference.

This inclusive interpretation makes sense in light of the interconnectedness among Member States: anything the Eurozone States or the States that have ratified the TSCG decide will undoubtedly affect the other EU Member States, and particularly those expected to become Eurozone members in the future. Additionally, a differentiation could have hampered the prospects for integrating the TSCG in the EU framework (Martinico Giuseppe (2012: 44). However, the decision to include all Member States has by the same token created a new asymmetry between Legislative and Executive. The TSCG has institutionalized the Eurosummits, which exclusively bring together the Heads of States and Governments of Eurozone countries, but there is still no equivalent parliamentary organ. Arguably, given the fact that some of the binding rules in the economic domain are defined in European instruments contained in the Six Pack and the Two Pack – and are therefore applicable to all EU Member States – all 28 Member State parliaments should be involved in interparliamentary cooperation. Nonetheless, Eurozone NPs need an arena for cooperation and proposals akin to the Eurosummit, as will be argued in the conclusion. In fact, this is particularly true given that initial differentiation trends, whereby some Member States collaborate with only a few others as described in Part 2, did not last over time. Informal interparliamentary meetings bringing together only some NPs with or without the EP still exist but they do not address issues linked to the financial and the economic domain. Thus it is reasonable to assume that they took place with the sole purpose of brainstorming and trying to exercise influence at the time of the creation of the conference when they formed ‘clusters of interest’.

#### **4. Conclusion: What next?**

At the time of writing and more than two years after the creation of this interparliamentary conference, the issue of the identity of the organ that should approve this conference’s rules of procedure has finally been clarified after the latest Speakers’ Conference meeting. Some principles have also been approved by the Speakers and they leave little margin for interpretation, although it should be noted that they have not ended the controversy over the mode of adoption of the conclusions. They have limited themselves to declaring that ‘The Presidency Parliament may present non-binding conclusions on the outcome of the meeting in English and French’. Therefore, lively debates might in fact be witnessed in Luxembourg in the coming months.

Even if some rules of procedure are eventually approved, this conference will certainly not be in a position to provide a solution to the overarching problem of democratic control existing in this field. A balance must be struck between the need to bring together the national parliaments of the Eurozone and the constraints they – and NPs in general – are already facing with the currently increasing number of interparliamentary meetings in the EU. It remains the case, however, that the NPs of Eurozone Member States should gradually deepen cooperation, when they participate in the European Semester for instance. This is particularly true as it is still unclear whether NPs and the EP can actually cooperate in this field given their different institutional positions: as discussed above, the EP seeks to strengthen its own (weak) position whereas NPs have the advantage of at least being able to control their representatives in the European Council (Maurer Andreas (2013: 3). They are obviously still constrained in their decisions and need to act in the general interest. Additionally, not all of them have the

same capacity to influence their government. Still, this prerogative exists and they could, in the worst-case scenario, use their ‘nuclear weapon’ of a vote of non-confidence in their government. This is not to say that NPs and the EP should not cooperate in order to strengthen their respective capacities as proposed by C. Fasone (Fasone Cristina (2014)). But the preceding analysis has shown that, as things currently stand, this is not (yet?) possible. The UK, the Czech Republic and Croatia should not be completely excluded from all interparliamentary cooperation initiatives either. But another, stronger, forum has to be introduced for the parliaments of the Member States that are engaged in closer economic integration, and this is simply justified by the fact that the involvement of MPs who represent constituencies outside the Eurozone lack the democratic legitimacy to act in the name of the citizens of the Eurozone.

In the same vein, some have advocated for the creation of a stand-alone parliamentary chamber for Eurozone countries, and others for the creation of a separate Eurozone committee within the EP. Even if the first of these proposals would most likely best fulfil a democratic function, its realization would require an amendment to the Treaties and this could be achieved if all Member States agreed. Therefore, Eurozone NPs should take advantage of the flexibility of interparliamentary cooperation, whereby NPs (and the EP) can and have cooperated either with or without the support of a specific Treaty provision. As a start, they could for example increase information-sharing and meet during one additional day before or after the regular Article 13 Conference meetings in order to minimize the resources needed. Such a move would undoubtedly further contribute multi-speed European integration, but this is already a fact in the economic area, among others. It would be best for the EU and its future if NPs recognized this reality and acted accordingly.

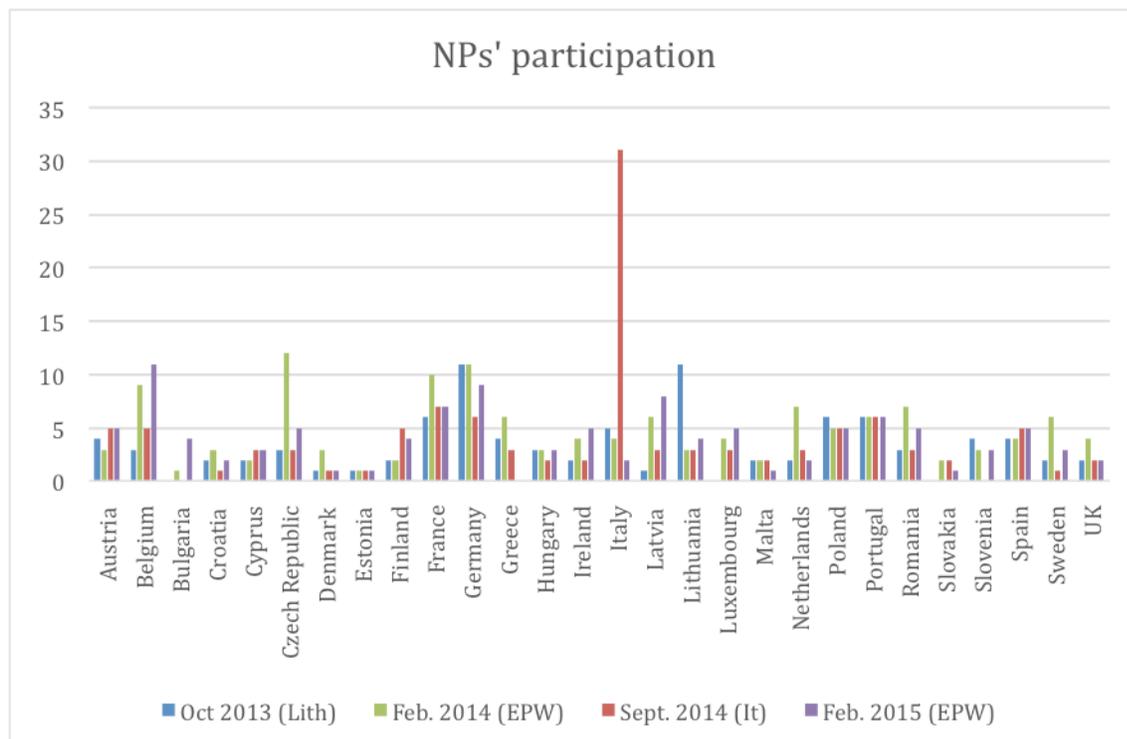
ANNEX 1: Attendance at the Article 13 Conference meetings (2013-2015)

	Oct. 2013 (Lith)	Feb. 2014 (EPW)	Sept. 2014 (It)	Feb. 2015 (EPW)
Austria	4	3	5	5
Belgium	3	9	5	11
Bulgaria	0	1	0	4
Croatia	2	3	1	2
Cyprus	2	2	3	3
Czech Republic	3	12	3	5
Denmark	1	3	1	1
Estonia	1	1	1	1
Finland	2	2	5	4
France	6	10	7	7
Germany	11	11	6	9
Greece	4	6	3	0
Hungary	3	3	2	3
Ireland	2	4	2	5
Italy	5	4	31	2
Latvia	1	6	3	8
Lithuania	11	3	3	4
Luxembourg	0	4	3	5
Malta	2	2	2	1
Netherlands	2	7	3	2
Poland	6	5	5	5

Portugal	6	6	6	6
Romania	3	7	3	5
Slovakia	0	2	2	1
Slovenia	4	3	0	3
Spain	4	4	5	5
Sweden	2	6	1	3
UK	2	4	2	2
<b>TOTAL</b>	<b>92</b>	<b>133</b>	<b>113</b>	<b>112</b>
<b>AVERAGE</b>	<b>3,29</b>	<b>4,75</b>	<b>4,04</b>	<b>4,00</b>

SOURCE: Own data collection from the EP's and the presidencies' websites. The EP has been excluded because the information was not available for all meetings.

#### ANNEX 2: NPs' participation per Member State



## BIBLIOGRAPHY

AUEL, Katrin & HÖING, Oliver. *Scrutiny in Challenging times - National Parliaments in the Eurozone crisis*, 2014, European Policy Analysis - Sieps 1–16.

BERTONCINI, Yves. Zone Euro et démocratie(s): un débat en trompe l'œil. *Notre Europe Policy Paper*. 2013.

CASANELA, Pier Giorgio, LUPO, Nicola and FASONE, Cristina. Commentary on the Protocol no 1 annexed to the Treaty of Lisbon. In BLANKE, Hermann-Josef and MANGIAMELI, Stelio (eds), *The Treaty on European Union (TEU) A Commentary*. Springer, 2013, 1592-1621.

COOPER, Ian. A "Virtual Third Chamber" for the European Union? National parliaments after the Treaty of Lisbon. *ARENA Working Paper*. 2011, 7, 1–28.

COOPER, Ian, Parliamentary oversight of the EU after the crisis: on the creation of the "Article 13" interparliamentary conference. *LUISS Working paper*. 2014, 21, 1-29.

COSAC, *Nineteenth Bi-annual Report: Developments in European Union Procedures and Practices Relevant to Parliamentary Scrutiny*. May 2013.

ESPOSITO, Antonio. La cooperazione interparlamentare Principi, strumenti e prospettive. In MANZELLA, Andrea and LUPO, Nicola (eds), *Il sistema parlamentare euro-nazionale*. Giuppichelli, 2014.

EUROPEAN PARLIAMENT, *Report on "interparliamentary relations between the European Parliament and national Parliaments under the Treaty of Lisbon" 2009-2014. Annual Report 2013/2014*, 2014.

FASONE, Cristina. European Economic Governance and Parliamentary representation. What place for the European Parliament?. *European Law Journal*. 2014, 20, 164–185.

FASONE, Cristina. Ruling the (Dis-)Order of Interparliamentary Cooperation? The EU Speakers' Conference. In FASONE, Cristina and LUPO, Nicola (eds), *Interparliamentary cooperation in the composite European Constitution*. Hart, forthcoming (2016).

FROMAGE, Diane. National parliaments and governmental accountability in the crisis : theory and practice. *Perspectives on Federalism*. 2014, 6, 149–171.

FROMAGE, Diane. Parlamento Europeo y Parlamentos nacionales después del Tratado de Lisboa y en un contexto de crisis: ¿Un acercamiento de grado diverso según el ámbito?. In ANDRES SAENZ DE SANTAMARIA, Paz and UGARTEMENDIA, Juan Ignacio (eds.), *El Parlamento europeo: ¿Esta vez es diferente?*. IVAP, 2015a, 223-249.

FROMAGE, Diane. A mapping of recent trends in interparliamentary cooperation within the EU. In FASONE, Cristina, FROMAGE, Diane and LEFKOFRIDI, Zoe (eds), *Parliaments, public opinion and parliamentary elections in Europe*, EU Working papers special issue. Forthcoming (2015b).

HEFFTLER, Claudia and GATTERMANN, Katjana. Interparliamentary cooperation in the European Union: patterns, problems and potential. In HEFFTLER, Claudia and others (eds), *Palgrave Handbook of National parliaments and the European Union*. Palgrave Macmillan, 2015, 94-115.

HOUSE OF LORDS EUROPEAN UNION COMMITTEE. *The Role of National Parliaments in the European Union*. 2014.

JANCIC, Davor. Parliamentary Involvement in the Economic and Monetary Union after the Euro Crisis. In FASONE, Cristina and LUPO, Nicola (eds), *Interparliamentary cooperation in the composite European Constitution*. Hart, forthcoming (2016).

KREILINGER, Valentin. La nouvelle conférence interparlementaire pour la gouvernance économique et financière. *Notre Europe Policy Paper*. 2013.

LUPO, Nicola. La Conferenza interparlamentare sulla governance economica e finanziaria: la deludente attuazione dell'art. 13 del Fiscal Compact. *Quaderni costituzionali*. 2014, 113–116.

MARTINICO, Giuseppe. L'art. 13 del Fiscal Compact e il ruolo dei parlamenti nel sistema multilivello. *Quaderni IAI*. 2012, 35–44.

MAURER, Andreas. From EMU to DEMU: The Democratic Legitimacy of the EU and the European Parliament. *IAI Working papers 1311*. 2013, 1–18.

NEUNREITHER, Karlheinz. The European Parliament and National Parliaments: Conflict or cooperation?. *Journal of Legislative Studies*. 2005, 11, 466–489.

PUNTSCHER RIEKMANN, Sonja and WYDRA, Doris. Representation in the European State of Emergency: Parliaments against Governments?. *Journal of European Integration*. 2013, 35, 565–582.

WESSELS, Wolfgang and others. Democratic Control in the Member States of the European Council and the Euro zone summits. European Parliament study. 2013. Available at [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474392/IPOL-AFCO\\_ET\(2013\)474392\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474392/IPOL-AFCO_ET(2013)474392_EN.pdf)

WOUTERS, Jan and RAUBE, Kolja. Europe's common security and defence policy: the case for inter-parliamentary scrutiny. *Leuven Centre for Global Governance Studies Working Paper 90*. 1–22.

