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OF THE EU AFTER THE CRISIS:  
ON THE CREATION OF THE ‘ARTICLE 13’  
INTERPARLIAMENTARY CONFERENCE

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# ABSTRACT

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Article 13 of the Fiscal Treaty (2012) foresaw that the European Parliament and national parliaments of the EU would convene a conference to “discuss budgetary policies and other issues covered by this Treaty.” However, the first Interparliamentary Conference on Economic and Financial Governance of the European Union, which met in Vilnius in October 2013, was beset by controversy. The main disagreements were not substantive (i.e. over economic policy choices) but rather constitutional, institutional, and procedural. They pitted the EP and its allies, favouring a weak conference with a narrow mandate, against a number of national parliaments (led by the host parliament, the Lithuanian Seimas), favouring a strong conference with a broad mandate. At the root of this institutional struggle for power lay competing visions for the parliamentary oversight of the EU: should scrutiny be centralized in the EP, or should there be a new system of joint scrutiny involving the EP and national parliaments together? These issues remained unresolved not only at the second conference (Brussels, January 2014), but also in the run-up to the third conference in Rome, hosted by the Italian Camera dei deputati, in September 2014.

*Keywords:* National parliaments of the EU; European Parliament; inter-parliamentary conferences; parliamentary oversight; parliamentary democracy; democratic legitimacy of the EU; economic governance of the EU; “Article 13” conference; Treaty on Stability, Coordination and Governance of the EU.

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## I. INTRODUCTION

One easily overlooked provision in the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (the Fiscal Treaty) was its Article 13. This treaty article anticipated that representatives of the relevant committees of the European Parliament (EP) and the national parliaments would come together in a conference to “discuss budgetary policies and other issues covered by this Treaty.” Many saw this as merely a token gesture in favour of parliamentary oversight, in a document that otherwise placed severe strictures on the budgetary autonomy of national parliaments. Nevertheless, spurred on by the ongoing economic crisis, the parliaments of the EU rapidly made arrangements to bring the conference into being. The first meeting of the “Article 13 Conference” (as I will call it through this paper) took place in the Lithuanian parliament (the *Seimas*) in October 2013, a mere 18 months after the Treaty was signed and nine months after it came into effect; its second meeting took place three months later, in January 2014, at the EP premises in Brussels.<sup>1</sup> Yet despite its rapid creation, the conference was – and still is – beset by controversy. The principal aim of this paper is to explain how the Article 13 Conference came into being, as well as how it is stilled dogged by ongoing disagreements – in particular between the EP and many national parliaments – over its nature and purpose.

The Article 13 Conference is such a new phenomenon that it has received little scholarly study, and most of what has appeared thus far was written before its first meeting,<sup>2</sup> and so is largely prospective (Fasone 2014; Hefftlar and Wessels 2013; Kreiling 2013; Maurer 2013). The present study feeds into the growing academic literature on the role of national parliaments in the EU after the Treaty of Lisbon (see e.g. Cooper 2012; Crum and Fossum, eds. 2013; Hefftlar et al. 2014 (forthcoming); Kiiver 2012; Raunio 2009). In particular, it is relevant for the debate concerning the role of national parliaments in the wake of the financial crisis (see e.g. Benz 2013; Maatsch 2014). While the new conference gives national parliaments an EU-level platform to address the crisis, it would hardly seem to compensate for the ways in which their power to make autonomous budget decisions has been eroded by the post-crisis measures, including the Fiscal Treaty.

However, the early experience of the Article 13 Conference most pointedly revives the long-standing debate over whether the relationship between the national parliaments and the EP is ultimately one of cooperation or conflict (Neunreither 1994, 2005); this story so far has been mainly one of conflict. In this, it broadly parallels the history of the creation of the other two major

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<sup>1</sup> The third meeting is scheduled to take place in Rome, in the Italian *Camera dei deputati*, in September 2014.

<sup>2</sup> This paper is based mainly on primary documents, interviews with a number of key participants, and direct (in-person) observation of the first and second meetings of the Article 13 Conference (in Vilnius, October 2013, and Brussels, January 2014).

interparliamentary conferences in the EU: significant conflict between the EP and the national parliaments also beset the establishment of COSAC in 1989 (Knudsen and Carl 2008), and the Interparliamentary Conference on CFSP-CSDP in 2012 (Herranz-Surrallés 2014). Over the years the EP has fought against the creation of any body that could challenge its position as the sole – or at least preeminent – EU-level parliamentary forum. Judging by its actions, the EP’s preferred mode of interparliamentary cooperation is the kind that it can control, such as Interparliamentary Committee Meetings (ICMs) where it is the host and sets the agenda. When it cannot avoid the establishment of a quasi-independent interparliamentary body – such as the Article 13 Conference, whose creation was mandated by the Fiscal Treaty – then the EP pursues the sometimes contradictory goals of keeping the conference weak, but at the same time maintaining a privileged position for itself in the new structure, with the power of veto over major decisions. In particular, the EP is loath to be treated merely as one parliament among twenty-nine, on an equal footing with national parliaments. Among national parliaments there is a range of views, but in general they prefer an independent forum (not dominated by the EP) where they can exchange opinions on policy issues and oversee the actions of the EU institutions.

The clashing views of the EP and national parliaments evince not just a power struggle between institutions, but competing visions for the parliamentary oversight of the EU, a contest between the model of centralized scrutiny (dominated by the EP) versus that of joint scrutiny (shared between EP and national parliaments). Those who make the case for joint scrutiny argue that parliaments at multiple levels have an incentive to cooperate, as by working together they overcome information asymmetries with executive authorities – at both levels – and thereby better hold them to account; this is especially true in the EU, where powers are shared between levels and lines of accountability are blurred, and it applies in particular to areas of EU activity where decision-making is largely intergovernmental, such as foreign and security policy (Crum and Fossum 2009; Wouters and Raube 2012; Wagner 2013). The same logic could also be said to apply in the field of post-crisis economic governance in the EU, which has been dominated by intergovernmental decision-making. On the other hand, it has been argued that the EP has limited incentive to cooperate with national parliaments, even – or indeed especially – in policy areas where intergovernmentalism prevails; acting strategically, the EP can better increase its institutional power either by exploiting treaty loopholes in order to maximize its competences under the current rules, or by increasing the normative pressure for treaty change that would bring the policy area in question under the control of the EP:

Ironically, therefore, it is precisely in areas with a strong intergovernmental component, where both NPs and the EP experience the greatest difficulties in exerting oversight and hence where inter-parliamentary cooperation would be most apposite and mutually beneficial, that competition over authority is likely to become a recurrent theme impairing inter-parliamentary relations (Herranz-Surrallés 2014: 7).

The above sentence was in fact written in reference to the acrimonious negotiations between national parliaments and the EP that eventually resulted in the creation of the Interparliamentary Conference on CFSP-CSDP in 2012, but it could equally apply to the establishment of the Article 13 Conference in 2013.

This paper is analytical in form, in that it is structured according to a series of questions which needed to be addressed in the course of the setting-up of the Article 13 Conference. On most of these questions, there was a clear cleavage: a group of national parliaments, led by the *Seimas*, favoured a strong conference with a wide mandate; on the other side, the European Parliament (EP), with some support from a small number of national parliaments, favoured a weak conference with a narrow mandate. On questions ranging from the esoteric (what is the treaty basis for the conference?) to the mundane (what should the name of the conference be?), opinion was split between these two camps. The conflict was played out mostly behind the scenes, but it did get a public airing during the first conference – in particular during the abortive debate over the Rules of Procedure. In this process, the parliaments of the EU were confronted with three kinds of questions: constitutional, institutional, and procedural:

Constitutional Questions: How should the conference be established?

- A. *What is the treaty basis for the conference?*
- B. *Which interparliamentary institution should set up the conference?*
- C. *Which national parliaments should attend the conference?*

Institutional Questions: How should the conference be organized?

- D. *Where and when should the meetings take place?*
- E. *What should the size of the delegations be?*
- F. *Which meetings will be replaced by the conference?*
- G. *What should the name of the conference be?*

Procedural Questions: What should the conference do?

- H. *What should be the scope of the conference?*
- I. *What is the oversight function of the conference?*

- J. Which speakers should come to the conference?*
- K. Should the conference adopt rules of procedure?*
- L. Should the conference adopt conclusions?*

The rest of this paper is structured in such a way as to set out these twelve questions and show how they were dealt with (though not necessarily “resolved”) in the course of creating the conference. Ordering them into three kinds of questions from most to least fundamental (constitutional, institutional, procedural) allows me to explain how the most basic issues were confronted before more mundane questions could be addressed. This ordering also allows me to tell the story in roughly chronological order. Yet it should be emphasized that there is significant overlap between the three kinds of questions, and they are all inter-related. Early constitutional questions concerning the treaty basis for the conference are reflected in later questions about the conference agenda. The question (point H) concerning the substantive scope of the conference (here labelled as “procedural”) reflects a theme that runs through the entire process, and is still not resolved. The question (point K) about whether to adopt Rules of Procedure (also labelled a “procedural” question) is actually also a “constitutional” question, because such a document functions something like a constitution for this kind of parliamentary body; but, in the event, the first conference was consumed with the question of whether to debate and adopt rules of procedure, which is a procedural question. In general, most questions refer back to one basic and still contested question: what is the appropriate model of parliamentary scrutiny of EU economic governance? Is it a system of centralized scrutiny, exercised by the EP alone, or joint scrutiny, shared between the EP and the national parliaments?

## **II. CONSTITUTIONAL QUESTIONS: HOW SHOULD THE CONFERENCE BE ESTABLISHED?**

Article 13 of the Fiscal Treaty called for an interparliamentary conference, but it was not self-evident exactly how, when, or by whom this body should be brought into being. Towards the end of 2012 it became clear that the Fiscal Treaty would soon pass into law (as it did on schedule on 1 January 2013) and this spurred parliaments to respond to Article 13. For its part, the EP adopted its own report in November 2012 stating its firm opinion that while it welcomes increased interparliamentary cooperation, this should not take the form of “...a new mixed parliamentary body which would be both ineffective and illegitimate on a democratic and constitutional point of view”;



rather it stressed that the EP itself has “full legitimacy... as parliamentary body at the Union level for a reinforced and democratic EMU governance.”<sup>3</sup> This perfectly encapsulates the EP’s insistence that parliamentary scrutiny of EMU should be centralized in the EP itself, and its rejection of a system of joint scrutiny – shared between the EP and national parliaments – as both ineffective and illegitimate.

Around this time, there were a number of *ad hoc* interparliamentary meetings held to discuss the pending Article 13 Conference. In November 2012 the Chair of the European Affairs Committee (EAC) of the Danish parliament invited several of her counterparts from other EU parliaments to an informal meeting in Copenhagen to discuss the Article 13 conference, among other issues; this group sent a letter to European Council President Van Rompuy, who was then preparing his report on “Genuine Economic and Monetary Union.” Subsequently, in March 2013 the Danish parliament hosted a much larger follow-up meeting of EAC chairs from national parliamentary chambers, sixteen of which (who I will call the “Copenhagen group”) sent another letter – this time to the Speaker of the Cypriot parliament who would chair the upcoming EU Speakers conference – outlining their views on the Article 13 conference. In parallel to this, in January 2013 the Luxembourg parliament hosted a meeting of the speakers of parliaments of the six founding members of the EU, plus that of the EP (the “Luxembourg group”) which produced a “working paper” stating their views on the Article 13 conference; this too was sent to the Cypriot speaker. Then in April 2013 the Speakers of parliament from four ex-communist member states (the “Visegrad group”) issued a joint declaration which stated their views on the Article 13 conference. In addition to these, there were a number letters sent to the Cypriot speaker from individual parliaments, expressing views on the conference.<sup>4</sup> These interventions concerned both constitutional questions (this section) and institutional questions (section III, below).

#### *A. What is the treaty basis for the conference?*

What should be the treaty basis for this – or for that matter, any – interparliamentary conference in the EU? From a constitutional-legal perspective, the answer is genuinely uncertain. History shows that an interparliamentary body may function perfectly well, i.e. periodically conduct meetings, without a treaty basis. The oldest EU interparliamentary body, the Conference of EU

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<sup>3</sup> European Parliament, Report with recommendations to the Commission on the report of the Presidents of the European Council, the European Commission, the European Central Bank and the Eurogroup “Towards a genuine Economic and Monetary Union” 24/10/2012 (2012/2151(INI)), p. 19.

<sup>4</sup> All of the above-mentioned correspondence, as well as the Conclusions of the Nicosia EU Speakers conference, is available on the Ipex website: <<http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?id=082dbcc53782a3ff0137bbfaafe71dbb>> (accessed 15 June 2014).

Speakers (created 1963), has never been referenced in the EU treaties. Moreover, the most prominent interparliamentary conference, COSAC (created in 1989), met regularly for many years before it was recognized in an EU treaty (Treaty of Amsterdam 1997). As parliaments are autonomous institutions enjoying their own democratic legitimacy and freedom of action, they can and often do join together in interparliamentary forums regardless of whether there is a treaty basis for such cooperation and/or their respective governments are joined together in an international organization. However, interparliamentary bodies generally have few if any formal powers except those delegated by a treaty to oversee and perhaps influence the work of an international organization.

The treaty article which foresaw the creation of the conference was Article 13 of the Fiscal Treaty:

As provided for in Title II of Protocol (No 1) on the role of national Parliaments in the European Union annexed to the European Union Treaties, the European Parliament and the national Parliaments of the Contracting Parties will together determine the organisation and promotion of a conference of representatives of the relevant committees of the European Parliament and representatives of the relevant committees of national Parliaments in order to discuss budgetary policies and other issues covered by this Treaty.

There is little doubt that this treaty provision provided the impetus for the creation of the conference. In fact, those involved in its creation routinely refer to it informally as the “Article 13 Conference.” However, as is clear from the wording of the article, it does not *establish* the conference but merely *foresees* its creation; it is up to the parliaments themselves to determine its organization and promotion.<sup>5</sup> Moreover, Article 13 itself refers to a provision of the Treaty of Lisbon, Title II of Protocol 1, which contains two articles under the heading, “Interparliamentary Cooperation”:

The European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union (Art. 9).

A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the

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<sup>5</sup> See Kreiling (2013: 8-10) on how the wording of Article 13 changed over the course of the negotiations of the Fiscal Treaty.

Commission. 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, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudge their positions (Art. 10).

Title II implies that any interparliamentary conference may rely on the treaty to lend it a certain amount of legitimacy, but it is not a creature of the treaty; rather it is an autonomous and self-organizing body. This said, if we are looking for a treaty basis, this provision apparently gives a blanket authorization – if such authorization is even necessary – to the parliaments of the EU to organize interparliamentary cooperation as they see fit, including interparliamentary conferences on specific topics. The fact that Article 13 references this provision seems to indicate that the treaty basis for the conference does not rest on Article 13 alone. Perhaps it is based on both; it is probably not possible to give a definitive legal answer.

The choice between the two treaty bases does have important implications, however. If the treaty basis for the conference were found solely on Article 13, then this would anchor it in the Fiscal Treaty, a document that is not part of the EU treaty framework, and to which not all EU member states adhere; this would call into question the relation between the Article 13 Conference and the EU. The choice of treaty basis also raises questions about what mechanism should be used to establish the conference, and which member states' parliaments should be permitted to attend (see points B and C below).

The EP and national parliaments disagree on what is the correct treaty basis for the conference. In general, the EP tends to emphasize Article 13, and national parliaments emphasize Protocol 1. Insofar as the EP allows that Protocol 1 may also be a treaty basis, it refers to Article 9 specifically, which says that the EP and national parliaments together determine the organization of interparliamentary cooperation. National parliaments counter that Article 13 refers not to Article 9 but Title II, which contains Articles 9 *and* 10, the latter of which gives a role to COSAC in the organization of interparliamentary conferences on specific subjects (see point B below). On the face of it, Article 10 is more relevant than Article 9, as it concerns “conferences” specifically rather than the more general “cooperation.” It may seem strange that the EP would wish to emphasize the Fiscal Treaty – a document which almost entirely ignores the EP, even as it reinforces the powers of the Commission, the Council, the ECB and the ECJ (Fasone 2014). However, the EP may have preferred Article 13 as a treaty basis because it implied that the conference was limited in scope to

“budgetary policies and other issues covered by this Treaty,” and so was less of a threat to the EP’s authority in the parliamentary oversight of economic and financial governance of the EU more generally (see points F, G, and H below).

*B. Which interparliamentary institution should set up the conference?*

A more practical constitutional question regarding the new interparliamentary conference was, how was it to be created? Specifically, what should be the constitutive body that establishes – or, more accurately, lays the groundwork for the establishment of – the new conference? As it happens, this question was intertwined with the above question of the treaty basis for the new conference. Many national parliaments might have favoured establishing it through COSAC, whose role is recognized in the treaty. However, the EP favoured using the EU Speakers Conference, a more obscure body which meets once per year and is not mentioned in the treaty. As the Speakers Conference brings together the persons who occupy what is generally the highest formal office in each parliament – the speaker/president – they can with some legitimacy play a quasi-constitutional role in setting up new forms of interparliamentary cooperation; they did so, for example, in setting up and continuing to oversee IPEX, the electronic system for the exchange of information among EU parliaments. It is understandable that the EP would favour the EU Speakers conference because its decisions are made strictly by consensus, thus giving the EP a veto; in contrast COSAC may, where consensus is not obtainable, adopt its “Contribution” (political conclusions addressed to the EU institutions) by a 3/4 qualified majority, which denies a veto to the EP.<sup>6</sup>

Just before the Fiscal Compact passed into law, a strong precedent was set which proved difficult to break: the new conference should be established by the EU Speakers Conference, because that had been the body which had just the year before established the Interparliamentary Conference on CFSP-CSDP. A close reading of Article 10 of Protocol 1 of the Treaty of Lisbon (cited above) strongly implied that future forms of interparliamentary cooperation should be organized by COSAC – which the treaty does not refer to by name but calls “a conference of Parliamentary Committees for Union Affairs” – including “interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy.” While this seemed to give COSAC a mandate to establish the CFSP-CSDP conference, the EP strongly resisted proceeding in this way; the disagreement

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<sup>6</sup> In addition, the EP may have favoured the Speakers Conference because, whereas the prestige of the office of speaker varies from one national parliament to another, the EP has no more prestigious office than that of its president, as it has no equivalent to a prime minister.

delayed the conference's creation until more than two years after the Treaty of Lisbon had passed into law. Eventually the EP prevailed, and the practical arrangements for the CFSP-CSDP conference were decided at the EU Speakers' conference held in Warsaw in April 2012; the conference met for the first time in Cyprus in September 2012. Given this precedent, it was commonly accepted from an early stage that the EU Speakers' conference would set the parameters for the new conference. This was accomplished at the meeting in Nicosia in April 2013, without the delay that had plagued the creation of the CFSP-CSDP conference.

### *C. Which national parliaments should attend the conference?*

Given that the impetus for the conference came from the Fiscal Treaty, it was not clear whether parliaments from all member states of the EU should be represented there. The Fiscal Treaty, which treats member states unequally, could be seen as providing grounds for excluding certain classes of member state – non-signatories, states that have signed but not ratified, or non-Eurozone states. Recall that the Fiscal Treaty is not formally part of the EU treaty framework but an agreement made under international law by 25 EU member states, notwithstanding the fact that it is intended to be interpreted in harmony with, and ultimately incorporated into, the EU treaties (see Art. 16). Article 13 states that it is the EP and the “national Parliaments of the *Contracting Parties*” (emphasis added) that should organize and promote the conference, implying that the parliaments of the non-signatories (Croatia, Czech Republic, and the UK) should not be involved in its establishment.

Moreover, the Fiscal Treaty formalized the Euro Summit, and in doing so implicitly endorsed the idea that certain member states may be excluded from participating in certain forums. Article 12 of the Fiscal Treaty stipulates that the Euro Summits should be attended in the first instance only by national leaders of “Contracting Parties whose currency is the euro,” to discuss issues specific to the single currency, excluding non-Eurozone leaders. Moreover, it also introduces a right of participation based not only on whether a state has signed the Fiscal Treaty but also whether it has ratified it. When other issues are discussed, the Euro Summits may be broadened to include the “Heads of State or Government of the Contracting Parties other than those whose currency is the euro, *which have ratified this Treaty*” (emphasis added). Unlike a typical EU treaty, the Fiscal Treaty did not require unanimous ratification to enter into force, but only the ratification of 12 Eurozone states. As a result, while the treaty entered into force on schedule, on 1 January 2013, it did not do so uniformly, but only in states which had ratified it prior to that date; other signatory states did not become bound by the terms of the Fiscal Treaty until after they had ratified it. At the time of the first Article 13 conference, in October 2013, three signatory states (Belgium, Bulgaria, and the Netherlands) had not yet completed the ratification process.

The idea of creating a parliamentary oversight body excluding some member states was in circulation at the time. For example, in September 2012, in the course of preparing his report on “genuine Economic and Monetary Union,” Herman Van Rompuy briefly floated the idea of creating a parliamentary assembly solely for Eurozone member states, referred to obliquely as “dedicated accountability structures specific to the euro area.”<sup>7</sup> However, this idea was rejected not only by the member states that would have been excluded, but also by members of the EP, who saw the proposal as a threat to the EP’s institutional position.<sup>8</sup> Representatives of many national parliaments also expressed their opposition to any exclusion from, or unequal representation in, the nascent Article 13 Conference. Noting the fact that those EU member states not currently in the Eurozone are required eventually to join it, the Marshal of the Polish Senate wrote:

The Senate of the Republic of Poland takes the view that parliamentarians from the Member States formally obliged and indeed aspiring to membership should participate in the conference on equal terms with parliamentarians from the Member States belonging to the Economic and Monetary Union. The smooth running of the process of adopting the single currency requires the acceding country to be protected by the right to vote and participate in decisions concerning its future.

In a similar vein the EAC of the Czech Senate stated its opinion that “representatives of national parliaments of those member states of the European Union that have not yet become parties to the [Fiscal Treaty] shall be allowed to participate in the conference from the beginning, at least as observers.” Letters from the Visegrad group and the Copenhagen group stated the opinion that all EU member states should be represented at the conference.

In the end, the question was resolved with little conflict. The Nicosia Speakers conference stated that, “the Conference should consist of representatives from all the National Parliaments of Member countries of the European Union and the European Parliament...” In the end, the first conference in Vilnius followed the same inclusive, broad-based rules of attendance as COSAC and the CFSP-CSDP conference: along with the EP, all the national parliaments of the EU were welcome to attend, and parliaments from the five candidate countries were invited to send observers. (However, it is not clear whether the same logic applied to the second conference, in Brussels, because there were no officials from the five candidate countries on the list of

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<sup>7</sup> “Van Rompuy paper floats eurozone budget, parliament,” *EUObserver.com*, 13 September 2012.

<sup>8</sup> Three leading MEPs swiftly expressed their opposition: see “No eurozone-only assembly, say MEPs,” *EUObserver.com*, 6 October 2012. The idea of a separate Eurozone assembly was absent from Van Rompuy’s final report.

participants; there were, however, representatives from Norway, a country which is an EEA member but not a candidate.) Unlike most of the questions discussed in this paper, this one did not cause a rift between the EP and national parliaments.

### **III. INSTITUTIONAL QUESTIONS: HOW SHOULD THE CONFERENCE BE ORGANIZED?**

The above constitutional questions had mostly been resolved by the time the EU Speakers conference met in April 2013 to decide on more practical, organizational questions.

#### *D. Where and when should the meetings take place?*

The timing and location of the conference was determined at the EU Speakers conference. The two other major interparliamentary conferences, COSAC and the CFSP-CSDP conference, take place twice per year – normally between April-June and September-November – in the parliament of the member state holding the Council presidency. Some in the Copenhagen group suggested that the Article 13 Conference should take place on the margins of COSAC meetings, in order to save time and resources. Alternatively, the Luxembourg group suggested that while the meeting in the second half of the year should be hosted and chaired by the presidency parliament – as is the case with the other two major conferences – the meeting in the first half of the year should take place in the EP, and be co-hosted and co-chaired by the EP and the presidency parliament. The EP had just hosted a “European Parliamentary Week” in January 2013, in which almost all national parliaments participated, and it wanted to make this an annual event, perhaps in the context of the Article 13 Conference (see point F below). It was the latter formula that found acceptance at the EU Speakers Conference. As a result, while the first meeting in Vilnius in October 2013 was hosted and chaired by the *Seimas*, the second meeting took place in Brussels in January 2014 and was co-hosted and co-chaired by the EP and the Greek parliament.

In theory, these meetings are timed to coincide with dates in the EU's annual cycle of economic policy guidance and surveillance. However, what is the rationale for holding the first meeting in January? This is extremely early in the “European semester,” the first phase of the cycle, as it takes place just after the Commission’s publication of the Annual Growth Survey (AGS) at the end of the previous year, but prior to most of the key decision-making points in the cycle, such as when EU leaders endorse economic priorities based on the AGS (March), or when the Commission adopts country-specific recommendations (May-June) which are then debated and endorsed by national ministers and EU leaders (June-July). However, the apparent rationale for holding the meeting in January, according to an EP document explaining the European semester, is

that in this way the EP may consult with national parliaments before holding its own debate on the AGS:

In February, the European Parliament (EP) expresses its opinion on the draft AGS in specific resolutions, also taking into account the contributions of the European Parliamentary Week meeting on the European Semester with National Parliaments held at the beginning of the year.<sup>9</sup>

What this implies is that the Article 13 Conference should not, as a body, formulate opinions or recommendations regarding the ongoing decision-making process in the European semester, and directly impart them to the EU institutions; rather, it should merely operate as a mechanism through which the EP may consult with national parliaments before making its own recommendations. In this way the EP is attempting to preserve its position as the pre-eminent parliamentary body on matters of EU economic governance, and the sole parliamentary interlocutor with EU-level institutions.

#### *E. What should the size of the delegations be?*

Delegation size has historically been a thorny question for EU interparliamentary conferences: specifically, should the EP delegation be the same size as, or larger than, national delegations? At one extreme, the COSAC conference maintains a principle of equality: just as each national parliament may send up to six MPs, the EP may send only up to six MEPs. At the other extreme, the *Assizes* (which met only once, in 1990) was an interparliamentary meeting made up of one-third MEPs and two-thirds national MPs. The question of delegation size was in fact one of the sticking points that delayed agreement over the CFSP-CSDP conference. In that case, the EP fought for a formula of representation that was unequal in its favour: eventually a compromise was reached on a “6+16” formula wherein each national parliament can send six MPs, but the EP can send *sixteen* MEPs.

Given this fraught history, it might have been expected that delegation size would prove a highly contentious issue regarding the Article 13 Conference, but ultimately it did not. The Luxembourg group endorsed use of the 6+16 formula; by contrast the Copenhagen group expressed the opinion that the “European Parliament should be represented at the conference on equal footing with national parliaments.” Ultimately, the issue was defused by the EU Speakers, who did not specify precise numbers: instead, they decided in their conclusions that the new

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<sup>9</sup> European Parliament, “The European Semester: Main steps at the EU level,” 12.12.2013, p.1. Available at <<http://www.europarl.europa.eu/webnp/cms/pid/1975>>, last accessed 15.06.2014.



conference could build upon the precedent of the CFSP-CSDP conference, but that, “the composition and size of each delegation rests upon each Parliament.”

*F. Which meetings will the conference replace?*

There was another practical, organizational question that was closely connected with broader questions about the identity and purpose of the conference. It is not as if there had previously been no interparliamentary coordination in the field economic governance. Rather, the idea of the conference was to consolidate smaller, somewhat *ad hoc* meetings into one big regularly-scheduled meeting. In this way, it was closely modelled on the CFSP-CSDP conference. Previously, during each six-month presidency the parliament had hosted two separate and much smaller meetings, involving only the chairs of the relevant committees from each national parliament, one for foreign affairs (COFACC) and one for defense (CODACC). The CFSP-CSDP conference combined these two into one single, larger, meeting, involving members of both committees (not just the chairs) from the national parliaments and the EP. In that case, it was obvious which parliamentary committees were the “relevant” committees to be involved in the larger conference.

However, in the case of the Article 13 conference, it is not self-evident which parliamentary committees should be involved; it depends, ultimately, on the scope and purpose of the conference. If the focus of the conference is solely on monitoring national budgets, then the relevant committee is that concerned with budget and/or fiscal matters. Yet if the discussion also involves broader issues of financial regulation – e.g. banking – then this implies that it should involve committees involved in broader financial and/or economic questions. Going further, one could picture the involvement of committees overseeing social affairs and/or employment, or even EACs – which can address questions with an EU dimension that cut across the above sectoral issues. Complicating the picture still further, every parliament/chamber has its own committee system, where the tasks relevant to budgetary, economic, and financial issues may be distributed in an idiosyncratic way.

Going into the EU Speakers Conference, this question was unresolved. The Copenhagen group suggested that EACs might be one of the relevant committees at the conference, as they supposed it could take place in conjunction with, or on the margins of, COSAC. The Luxembourg group simply called for a meeting of the “relevant committees” without specifying which ones. In the end, just as with delegation size, the EU Speakers worked around the problem by leaving it up to each parliament to decide which committees should be involved, stating simply that, “the composition and size of each delegation rests upon each Parliament.”

Even after the Speakers conference, however, the *Seimas* was still forced to confront this question in a practical way. Previously, the *Seimas* had already drafted a schedule of the

interparliamentary meetings which it would host within the “parliamentary dimension” of the Lithuanian Council presidency, in July-December 2013. After the EU Speakers Conference mandated the creation of the Article 13 Conference, the *Seimas* was forced to rearrange its schedule to accommodate the new conference, and to decide which meetings to cut as a result. Two meetings of “relevant” committee chairs had been scheduled to discuss specific topics: one was a joint “Meeting of the Chairpersons of the Committees on Budget and Finance and the Committees on Economics, on *Prevention of Smuggling of Goods Subject to Excise and Customs Duties*”; and the other was a “Meeting of the Chairpersons of the Committees on Economics, on *Energy Policy of the European Union: Towards Competitiveness, Growth and Employment*.” These two meetings were cancelled and the Article 13 Conference was held in their stead. Following the analogy of the CFSP-CSDP conference, the new conference did in fact replace two planned meetings of committee chairs of the relevant committees – committees on Budget and Finance, and committees on Economics (although in one case the planned meeting involved the chairs of both committees).

However, this did not entirely resolve the question of which meetings would be replaced by the new conference, because it was unclear whether the second conference, which took place in the EP, would replace or coexist with the “European Parliamentary Week” (EPW). The first EPW had taken place in January 2013: with some fanfare, the EP had hosted a large interparliamentary meeting to discuss economic policy coordination in the context of the European Semester. Some at the EP seem to have hoped that the EPW would itself suffice as the interparliamentary meeting foreseen in the Fiscal Treaty; when introducing the meeting, Othmar Karas, Vice-President of the EP, said that the EPW could be their “joint answer” to Article 13. However, even after it was decided that a new conference would be created, it was uncertain whether the EPW would remain a stand-alone event or would be merged with the Article 13 Conference for the first half of the calendar year.

In the event, the second Article 13 Conference, held in Brussels in January 2014, coincided with the EPW; however, it was ambiguous whether the former replaced, merged with, or was subsumed by the latter. The formal programme of the Conference leaves the impression that the Article 13 Conference is merely one event that took place *within* the EPW, rather than being identical with the EPW.<sup>10</sup> The conference began with pomp, in that there was an “opening plenary

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<sup>10</sup> From the EP website summarizing the event: “European Parliamentary Week (EPW) 2014 will take place from 20 to 22 January 2014 at the EP premises in Brussels. [...] *Within its framework* it will host the Interparliamentary Conference on Economic Governance. [...] The EPW *will also include* plenary sessions relevant to the European Semester Cycles 2013-2014 and interparliamentary committee meetings which will be organised by the EMPL, BUDG and ECON Committees...” (emphasis added). Available at <<http://www.europarl.europa.eu/webnp/cms/pid/1975>>, last accessed 15.06.2014.

session,” which was addressed by the presidents of the EP, the Commission and the European Council. Yet only after this session was over (and Messrs. Schulz, Barroso and Van Rompuy had departed) did the actual “Interparliamentary Conference on Economic Governance of the EU (Art. 13 TSCG)” formally begin. Moreover, the programme also implied that the Article 13 Conference came to an end before the EPW formally concluded, and so that the final events, three parallel Interparliamentary Committee Meetings (ICMs) and a final wrap-up session, also technically took place outside the framework of the Article 13 Conference *per se*. The overall effect was to subtly downgrade the importance of the Article 13 Conference as an event, insofar as it seemed to be just one event among many that occur during the EPW. The intention may have been to introduce a distinction between the meetings of the Article 13 conference that take place in the first and second halves of the year, so that the first one, which takes place in the EP, is seen to be of greater importance than the second.

*G. What should the name of the conference be?*

Disagreement over the nature and purpose of the conference even spilled over into a disagreement over what it should be called. Obviously its unofficial title, the Article 13 Conference, would not do. The full name of the Fiscal Treaty – the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union – is itself too unwieldy to provide a basis for a name, and the EU Speakers conference conclusions did not recommend one. The *Seimas* decided to call it the Interparliamentary Conference on Economic and Financial Governance of the EU. This briefly caused friction with the representatives of the EP, who wished to replace the word “Financial” with “Fiscal.” The rationale for the proposed change was that the conference was based on Article 13 of the Fiscal Treaty, and would be mainly focused on fiscal issues; this was apparently an attempt to limit the scope of the conference to a discussion of national budgets rather than broader issues such as financial regulation. Representatives of the *Seimas* countered that in some parliaments, including their own, the committee dealing with fiscal matters is called the “Budget and Finance” committee, which is separate from the committee on “Economics.” Following again the analogy of the CFSP-CSDP conference, the new conference will involve a merging of previously separate meetings of these two committees; hence the logical

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Interestingly, despite the EP’s desire to limit the scope of the first Article 13 Conference to strictly fiscal questions (see points G and H below), the agenda for the Brussels conference suggested a broader substantive scope by including three ICMs, hosted not only by the EP committees on Budgets (BUDG) and Economic and Monetary Affairs (ECON), but also the committee on Employment and Social Affairs (EMPL). The inclusion of the last of these permitted an even broader discussion than in Vilnius, as it also addressed the social dimension of EMU, under the title, “Tackling unemployment and the social consequences of the crisis.”

title, “Interparliamentary Conference on Economic and Financial Governance” – which was the title used in Vilnius.

The debate is not over, however, as the title for the second meeting, held in the EP in January 2014, dispensed with both “fiscal” and “financial” and was simply called the “Interparliamentary Conference on Economic Governance of the European Union.” More recently, the issue was entirely sidestepped by the Italian *Camera dei deputati*, which in the run-up to the third conference in September 2014 simply referred to it as the “Conference under Article 13 of the Fiscal Compact.”<sup>11</sup>

#### **IV. PROCEDURAL QUESTIONS: WHAT SHOULD THE CONFERENCE DO?**

Even after the main organizational questions were decided, it was still an open question what the substantive content of the conference would be – what issues would be discussed, which speakers would be invited, what decisions would be made. In short, what would be the agenda of the conference? The task of drafting an agenda fell to the parliament that was host and chair of the first meeting, the *Seimas*. Yet the final agenda needed to be approved by a quartet of four parliaments – the presidency trio (made up of the previous, current, and next presidency parliaments) and the EP. Among these four, the *Seimas* was generally supported by the Irish parliament (previous), and the EP was generally supported by the Greek parliament (next); and so the general disagreement discussed above was played out intensely in the negotiations between the members of the Quartet. And these disagreements continued right up to its last, particularly contentious, *in camera* meeting on the first day of the conference. Most of these remained unresolved even after the first meeting of the conference was over.

##### *H. What should be the scope of the conference?*

Article 13 envisioned a conference that would “discuss budgetary policies and other issues covered by this Treaty.” However, in terms of substantive policy issues, the Fiscal Treaty is narrowly focused on reinforcing the system of budgetary rules and surveillance (Title III, the “Fiscal Compact”), economic policy coordination (Title IV), and governance of the euro area (Title V). On the face of it, this mandate is too narrow to provide for a wide-ranging debate on the multi-dimensional economic crisis facing the EU. In a move that discomfited the EP, the *Seimas* decided to expand the scope of the conference beyond the strict confines of the Fiscal Treaty; for example,

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<sup>11</sup> See <<http://ue2014.parlamento.it/29>>, last accessed July 29, 2014.

one of the sessions on the agenda was a discussion of banking union – an issue that is without a doubt crucial with respect to the future economic and financial governance of the EU, but one that is not mentioned in the Fiscal Treaty at all.

A related question is, what should be the “ideological” scope of the conference? Implicit in the Fiscal Treaty and related reform measures is a particular macroeconomic analysis, that fiscal profligacy caused the economic crisis and only fiscal rectitude can resolve it; for this reason every Eurozone member must incorporate a balanced budget rule into national law, preferably as a constitutional rule that is beyond the reach of quotidian politics. In a conference based on Article 13 of the Fiscal Treaty, is it even possible to challenge the balanced budget orthodoxy embedded in that document with, for example, a proposal for a macroeconomic programme of budgetary expansion based on a Keynesian analysis? This remained an unresolved question at the first two meetings of the Article 13 Conference in Vilnius and Brussels.

#### *I. What is the oversight function of the conference?*

If the purpose of the conference is to exercise a democratic oversight function, then whom exactly is it supposed to oversee? Were national parliaments to watch one another, or to “watch the watchers”? The Fiscal Treaty is one among many numerous measures – also including the “Six-pack” and the “Two-pack” – creating a system in which EU institutions are now “watchers” in that they conduct extensive and continuous surveillance of national budget processes. The fact that the conference is an outgrowth of the Fiscal Treaty could be seen to imply that national parliaments themselves are being enlisted to function as one more layer of surveillance, keeping an eye on each other to be sure they are not breaking the fiscal rules. A more benign version of this idea would be that national parliaments would use the conference as an opportunity to share “best practices” regarding obedience to the rules.

An alternative notion of an oversight function for the conference is that instead of watching each other, as above, they should “watch the watchers”: that is, the EU’s system of economic surveillance should itself be subject to robust parliamentary oversight. This again raises the question, should the oversight be centralized in the EP or exercised jointly with national parliaments? Certainly, there is a normative logic in involving national parliaments, as they are the institutions whose traditional budgetary powers are traduced by this new system of surveillance. As it is, parliamentary oversight of this system – whether exercised by the EP, national parliaments, or both – is rather weak. Besides Article 13, the only element of parliamentary oversight in the Fiscal Treaty is Article 12(5) which states that the President of the EP “may be invited to be heard” at the

Euro Summit, and that the President of the Euro Summit “shall present a report” to the EP after each Euro Summit meeting.

The question of the conference’s oversight function remained unresolved after the first two meetings. Whereas criticism of the EU’s system of economic governance was relatively muted at the first conference in Vilnius, there was more vocal criticism in Brussels. During a session on “the democratic legitimacy of economic adjustment programmes,” two MEPs from the ECON committee presented their draft report on the role and operations of the Troika, raising pointed questions concerning both its democratic legitimacy and its economic stewardship in relation to bailout countries. However, while they decried the fact that national parliaments have inadequate oversight over economic adjustment programmes, their proposed solution – to phase out the Troika and integrate the European Stability Mechanism (ESM) fully into the Community legal and institutional framework – would effectively empower the EP as the parliamentary body that oversees such programmes.<sup>12</sup> Once again the EP was concerned to promote a system of centralized, rather than joint, oversight.

#### *J. Which speakers should come to the conference?*

With respect to inviting the most important potential speakers – whose schedules are often determined months in advance – the *Seimas* was disadvantaged in that it was forced to arrange the conference on relatively short notice. The top priority of the *Seimas* (in keeping with the idea of “watching the watchers”) was to ensure the participation of Olli Rehn, Commissioner for Economic and Monetary Affairs and the Euro, the one single EU official most closely associated with and responsible for the current policy in this field. Rehn did participate, though by video-conference rather than in person, which dulled the exchange; he was visibly tired and gave a lacklustre performance. He maintained his standard claim that despite the many difficulties, the current economic strategy for the EU is working, and the questions posed to him did not strongly challenge this claim. Still, his presence set a precedent that the responsible Commissioner should in principle participate in the conference, answering direct questions posed to him by national parliamentarians. At the second conference, in Brussels, he appeared in person, and perhaps for that reason he was subject to sharper questions and the exchange was more pointed.

Rehn’s appearance at the Article 13 Conference mirrors the experience of the other two interparliamentary conferences: by 2013 there was a well-established norm that the CFSP-CSDP

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<sup>12</sup> See the subsequent “Report on the enquiry on the role and operations of the Troika (ECB, Commission and IMF) with regard to the euro area programme countries,” (2013/2277(INI)), 28.02.2014.

conference was attended by the High Representative (Catherine Ashton) and COSAC was attended by the Commissioner for Inter-Institutional Relations and Administration (Maroš Šefčovič). All three of these – Rehn, Ashton, and Šefčovič – were Vice-Presidents of the 2009-2014 Commission, and so (in formal terms at least) quite senior officials of the EU: by custom, these officials is required to attend the interparliamentary conference in the respective field for which they are responsible, and respond to questions put to them by national parliamentarians (and MEPs) from across the EU. Of course, this is a quite minimal form of parliamentary oversight, as it amounts to an exchange of about ninety minutes' duration – typically a short statement followed by a question-and-answer session – two times per year.

Most of the other top officials invited to Vilnius were unable to attend. The *Seimas* had sought Christine Lagarde, Managing Director of the International Monetary Fund (IMF), in part because among the leading international financial institutions the IMF has been most tolerant of heterodox views concerning the effect of austerity on growth. As Ms. Lagarde could not attend, a lower-level official was sent in her stead. Similarly, the president of the ECB, Mario Draghi could not attend; but the Governor of the Bank of Finland, Erkki Liikanen, addressed the conference on the subject of banking union. In retrospect, one advantage of having every second conference in Brussels is that it greatly increases the likelihood that the most important officials will attend. As mentioned above, the Brussels meeting in January 2014 was addressed by the top officials of the EU – the presidents of the EP, the Commission and the European Council.

#### *K. Should the conference adopt Rules of Procedure?*

The question that provoked the most conflict at the conference itself was whether to debate and adopt Rules of Procedure. Despite the limited time available for preparation, the *Seimas* had nonetheless prepared a draft Rules of Procedure, a 5-page document that set the basic parameters for the conference; in this, they were following the example set by the CFSP-CSDP conference, which had debated and adopted rules of procedure at its very first meeting in September 2012. Most controversially, the draft Rules of Procedure included a provision (at point 3.7) allowing for decisions to be taken by a 3/4 qualified majority vote when it was not possible to reach consensus; this was similar to COSAC, but different from the CFSP-CSDP conference, which takes decisions solely by consensus. The *Seimas* had tentatively scheduled time during the Vilnius conference for the draft to be debated and, at the end, adopted. Some parliaments commended the efforts of the *Seimas* in preparing it, and a number of delegations (from Estonia, France, Poland and the UK) proposed amendments to the draft, on the presumption that this document would provide the basis for the debate in Vilnius.

The EP, however, was adamantly opposed even to debating, let alone adopting, Rules of Procedure; this sparked a flurry of correspondence in the days prior to the Vilnius conference.<sup>13</sup> On 8 October 2013 Martin Schulz, President of the EP, sent a letter stating that the Conference of Presidents of the Political Groups in the EP had agreed unanimously that the proposal “was not in line with” the Conclusions of the EU Speakers Conference in Nicosia, stressing that “...not only was the principle of drafting Rules of Procedure against the spirit of the conclusions reached in Nicosia, but the content of the draft proposal was not acceptable to the European Parliament.” In fact, the Nicosia Conclusions had said nothing about whether the new conference would adopt Rules of Procedure or Conclusions, but only recommended that a review of its “arrangements” be conducted and submitted to the EU Speakers Conference in 2015.<sup>14</sup> Disputing the Schulz letter, the speakers of the Swedish and Estonian parliaments each sent a letter expressing the opinion that the draft proposal was indeed “in line with” the Nicosia Conclusions. However, the general position of the EP received powerful support from the German Bundestag. The Speaker of the Bundestag (Norbert Lammert) objected to the content of the draft Rules of Procedure (not to their adoption in principle) for their inclusion of the option of qualified majority voting, which he saw as inconsistent with the Nicosia Conclusions which had envisaged the conference as a “purely advisory body.” Similarly, the German head of delegation (Norbert Barthle, also the Spokesperson of the CDU/CSU Parliamentary Group on budget policy) sent a letter welcoming a general debate on its “aims and functions” but stating the opinion that it would be “premature” to adopt Rules of Procedure.

In the face of this pressure, the debate on the draft Rules of Procedure was removed from the official conference agenda; it had been scheduled to take place during the session in which the overall “purpose and vision” of the conference was debated. However, this removal did not prevent it from being brought up spontaneously during the debate, in particular by national parliamentarians annoyed by what they saw as a last-minute change demanded by the EP. In the meantime, a compromise approach was developing, in which a working group would be given the task of studying the Rules of Procedure and reporting back to a future meeting of the Article 13 conference. This idea was promoted by the EP, as in one intervention by Swedish MEP Göran Färm:

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<sup>13</sup> These letters, the draft Rules of Procedure (with proposed amendments), the Contribution, the Presidency Conclusions and related documents, as well as videos of the debates, are available on the Seimas website: [http://www.lrs.lt/intl/presidency.show?theme=284&lang=2&p\\_eventguid=0f6147e3-6125-40b9-93d8-edc7c31e085f](http://www.lrs.lt/intl/presidency.show?theme=284&lang=2&p_eventguid=0f6147e3-6125-40b9-93d8-edc7c31e085f) (accessed 15 June 2014).

<sup>14</sup> This is in contrast to the 2012 Warsaw Conclusions which explicitly stated that the CFSP-CSDP Conference “...may adopt non-binding conclusions by consensus,” and “shall approve its rules of procedure and working methods on the basis of the aforementioned principles.” However, they also recommended a review of its “arrangements” after two years (EU Speakers 2012: p.5), just as the Nicosia Conclusions recommended for the Article 13 Conference.



If we shall be able to take our cooperation a step further, and develop a joint strategy for a more democratic economic policy in Europe, we have to tread carefully, and find a real consensus approach based on unanimity. It's more important to get it right than to get it quickly... So let's create a good working party to prepare rules of procedure to be adopted in January, as a basis for the future effective cooperation between the European Parliament and the national parliaments.

This approach was received skeptically by many national parliamentarians. One Dutch MP, Anne-Wil Lucas, found it absurd that instead of debating the rules of procedure, as originally planned, the conference was having a procedural debate over whether to debate the rules of procedure. She made the following blunt comments, effectively accusing the EP of obstructing the proceedings:

We can agree with the rules of procedure in their current form, and for us an extra draft from a report is not necessary. And actually I believe that for about 28 of the 29 delegations this would be the same. We have I believe an elephant in the room... But the elephant is not the rules of procedure; that elephant is the role of the European Parliament in this conference. I believe we have created a Kafkaesque reality where one parliament slowly dodges a lengthy procedural discussion on the rules of procedure by invoking an even lengthier discussion on the desirability of that discussion. And honestly, I cannot explain that to my citizens. We would like to leave the discussion on procedures behind so we can actually exchange views on substantial issues.

These remarks were greeted with applause from many other national parliamentarians.

In the end, no rules of procedure were adopted.<sup>15</sup> However, an agreement was made in principle to begin a "Vilnius Process" wherein a working group would aim to agree upon rules of procedure in 2014, using the *Seimas* draft as a basis. At the second meeting of the Article 13 conference, in January 2014, discussion of the Rules of Procedure and the Vilnius Process was entirely absent from the agenda; there was not even a planned meeting of the Quartet, which normally plays a steering role in interparliamentary conferences of this kind. During the opening session, a parliamentarian from the Lithuanian delegation decried the fact that these items were off the agenda. In response to the Lithuanian complaints, the co-chairs from the Greek parliament and the EP assured them that the Greek parliament would continue the Vilnius Process by making

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<sup>15</sup> This is in fact similar to the early experience of COSAC, whose Rules of Procedure were only established at its *fourth* meeting, and formally adopted at its *fifth* – a delay partly due to opposition from the EP. Largely for the same reason, more than a decade passed before COSAC was able to revise the rules, in 2003, to allow for decision-making by 3/4 qualified majority vote rather than consensus (Knudsen and Carl 2008: 461, 461n, 472). The *Seimas* showed some *chutzpah*, then, when drafting the Rules of Procedure for the Article 13 conference, in proposing that the conference could from the beginning take its decisions by 3/4 qualified majority vote rather than by consensus.

consultations with other national parliaments, with a view to finalizing Rules of Procedure under the Italian Presidency in the latter half of 2014.<sup>16</sup> A debate over the Rules of Procedure is scheduled to take place at the third Article 13 conference, to take place in Rome in September 2014.

*L. Should the conference adopt conclusions?*

The final disagreement was over whether the conference could adopt “conclusions.” As part of its preparations for the conference, the *Seimas* had drafted a 4-page document entitled, “Interparliamentary Conference on Economic and Financial Governance of the European Union: Conclusions,” which set out, in general and largely uncontroversial terms, the main points which had been discussed at the conference. This again followed the precedent of the first CFSP-CSDP conference in 2012, which had adopted a 3-page document with the title, “Conclusions of the Inter-Parliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy.” More generally, the *Seimas* sought to cap off each of its interparliamentary meetings with a document labelled “conclusions” in order to demonstrate in some way what had been achieved at the meeting. Yet, as happened in the case of the draft Rules of Procedure noted above, the EP was adamantly opposed even to the idea that the new conference should adopt any conclusions at all. As any conclusions must (at least in the first instance) be approved by unanimity, the EP could effectively veto any conclusions proposed by the *Seimas*.

It seems that the EP would have preferred that the whole conference did not adopt any final document at all; but if the conference were to adopt a final document, it preferred that it be given a more innocuous term. This led to a semantic debate over what label to attach the document formerly known as “Conclusions”: “Press Release”? “Declaration”? “Communication”? “Communiqué”? Eventually, the *Seimas* proposed calling it a “Contribution,” which the EP accepted. The *Seimas* was satisfied with this term because at another interparliamentary conference – COSAC – the “Contribution” actually carries more weight than the “Conclusions.” At every meeting, COSAC adopts two documents, entitled “Conclusions” and “Contribution.” The COSAC “Conclusions” is generally an internally-focused, housekeeping document, whereas the “Contribution” is an outward-focused, explicitly political document, addressed to the EU institutions and the world at large. For this reason the *Seimas* did not mind changing the name of

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<sup>16</sup> In February 2014, the chairs of the committees on European and Economic Affairs of the Greek parliament sent a letter to the other parliaments soliciting their suggestions for amendments to the Rules of Procedure, to which numerous parliaments have responded. This correspondence may be found on the IPEX website: <http://www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do?type=082dbcc5420d8f480142510d09574e02&appLng=EN> (accessed 15 June 2014).

the document to “Interparliamentary Conference on Economic and Financial Governance of the European Union: Contribution.”

Yet the disagreement over concluding documents did not end there. At the EP’s insistence, most of the substantive content of the original “Conclusions” had been stripped away to produce the “Contribution.” However, the *Seimas* did not discard these substantive conclusions, but rather repackaged them as a document called “Presidency Conclusions” – that is, not conclusions that have necessarily been endorsed unanimously by the whole conference, but conclusions endorsed by the parliament that presided over the meeting. This was a canny formulation, because it is the term used for the concluding document of the EU Speakers Conference. Indeed, it was the “Presidency Conclusions” of the EU Speakers Conference in Nicosia that had set the groundwork for the Article 13 Conference in the first place. In this way the *Seimas* managed to obtain its goals of having some kind of concluding document that spoke for the conference as a whole (the “Contribution”) and a document that summed up the main political points of the conference (the “Presidency Conclusions”).

As for the second Article 13 Conference, in Brussels in January 2014, no Conclusions were debated or adopted there; much the same as happened with the Rules of Procedure, the item was left entirely off the agenda.

## V. CONCLUSION

The world of interparliamentary cooperation has recently undergone a major upheaval. Until recently there was just one permanent interparliamentary conference – COSAC, the conference of European Affairs Committees, which has met twice yearly since 1989. With the creation of the CFSP-CSDP and Article 13 Conferences, there are now three. All three conferences have a treaty basis, giving them a legal-constitutional status that separates them from the many merely *ad hoc* inter-parliamentary meetings. While these bodies have little or no autonomous decision-making authority, and the actions of the delegates cannot bind their respective home parliaments, they arguably exercise a form of joint scrutiny that is more robust than if each parliament were to do so on a purely individual basis. Thus while the principal oversight function of each individual national parliament is still to scrutinize its own government in its conduct of EU affairs, in recent years national parliaments have assumed an important *collective* role, which they exercise alongside the EP, in the oversight of the activities of the EU. The latter form of scrutiny is particularly appropriate in areas such as foreign policy and economic governance, in which EU action is largely non-legislative, where powers of the EP are limited, and where sensitive issues of

national sovereignty are raised; hence the new interparliamentary conferences which have recently been created in these areas.

However, as we have seen in the (still-unfinished) story of the establishment of the Article 13 conference, interparliamentary cooperation continues to be plagued by disagreement over what form such cooperation should take. While national parliaments do not even agree among themselves on this question, the disagreement is sharpest between national parliaments and the EP. The actions of the different sides should not be interpreted purely as an institutional power struggle, although it is tempting to do so. It may be also be seen as a contest between competing visions of parliamentary oversight in the EU, one in which the EP is predominant (centralized scrutiny) versus one in which it shares this function with national parliaments (joint scrutiny). Which vision will ultimately prevail, it should be clear from the forgoing, is yet to be determined. Further steps towards the resolution of this question will be taken in September 2014, at the third meeting of the Article 13 Conference in Rome.

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