

**Keynote address by
Anġlu Farrugia, Speaker of the House of Representatives,**

**“The parliamentary dimension of the Presidency of the Council:
an occasion to reflect on the role of national parliaments in the European
decision-making machinery”**

on the occasion of the

Conference on National Parliaments and the European Parliament

*Organised jointly between the Office of the Speaker of the House of
Representatives and the Office of the European Parliament in Malta*

11 December 2015

Ms Christine Verger, Director, Relations with National Parliaments, European Parliament

Luciano Busuttil, Chairman, Foreign and European Affairs Committee

Dr Peter Agius, Head, European Parliament Office

Distinguished Guests

Ladies and Gentlemen

Good afternoon and welcome to the House of Representatives.

Rules are meant to be broken. That's a saying we are all familiar with. But if rules were consistently broken without a qualm, there would be no rules. And if there are no rules, then we cannot break them. Rules must exist, and someone must set them.

Who should set these rules? This has been a question troubling even the most primitive of societies. In ancient times, tribal councils composed of village elders would assume this role with the blessing of the people. One may consider these proto-parliamentarian institutions as the first step toward today's parliamentary democracies.

Naturally, these rules govern decisions which must be executed by someone - and in our democratic systems of checks and balances it cannot be the same entity which sets them. Hence, we have the dichotomy between the executive and the legislative. The legislative makes laws, and the executive implements policies and actions according to these laws, in the interest of the people. These rulers are not dictators, but rather guardians of society, to borrow a term from Plato.

Still, even this state of affairs raises a question which is as ancient as humankind's wish for better governance. In his poem "Sitires", the Roman poet Juvenal asked "*Quis custodiet ipsos custodes?*", which means "Who will guard the guards themselves?" In democracies, Parliament is thus both the rule-maker and the overseer: if government is the guardian of society, then Parliament is the custodian of democracy.

By very definition, democracies need Parliaments. Even in presidential systems, where the executive does not derive legitimacy from the legislature, the importance of the latter is nonetheless crucial, for its role as custodian is universally acknowledged.

During a lecture given at Hilla University for Humanistic Studies, in Babylon, Iraq, in 2004, less than a year after the invasion of Iraq, Professor Larry Diamond pinpointed four key elements which a democracy must have:

1. A political system for choosing and replacing the government through free and fair elections.
2. The active participation of the people, as citizens, in politics and civic life.
3. Protection of the human rights of all citizens.
4. A rule of law, in which the laws and procedures apply equally to all citizens.

Parliament, being an elected, representative body, satisfies and enables all these democratic requirements: by making laws, by protecting the human rights of citizens, by bridging the gap

between the government and the citizens, and by coming into being through free and fair elections, Parliament is by its very nature the quintessential democratic institution.

Although rules are meant to be broken, on the contrary roles are **not** meant to be broken. And while the game changes in the European context, with the introduction of new institutional actors and a supranational legislative process, and with a different structure and a distinct *modus operandi*, the requirements needed for democracy remain the same, and are just as important, if not more.

In the past, we had kings ruling through council, and today we have governments ruling through parliament, and, ironically, a European Council making decisions through and together with a European Parliament.

In that same lecture, Professor Diamond had defined democracy as "a means for the people to choose their leaders and to hold their leaders accountable for their policies" - two elements which, time and again, some critics have found lacking in the European Union. I also do ask myself this question.

Indeed, much has been said about a democratic deficit. The issue has been debated academically, and has popped up in the media countless of times. Be it real or perceived, it is nonetheless a danger to democracy: a danger which we must avert.

The Lisbon Treaty has certainly reduced, but certainly not expunged, this deficit. The European Parliament was granted more powers, thus establishing its rightful part in the legislative process in line with the traditional role of parliament being a legislative body. National Parliaments were given additional roles and powers as overseers of the European decision making-process.

The European dimension must never be forgotten. Article 12 of the Treaty on the European Union states that national Parliaments contribute actively to the functioning of the Union, whereas Article 10 stresses the accountability of local government to parliaments.

National Parliaments should scrutinise both the Union and European affairs - in particular *vis-à-vis* the application of the principle of subsidiarity and proportionality - as well as the local government and national affairs.

The European Affairs Committees in the individual Member States, working jointly with other committees and through the assistance of staff based both in Brussels and at home, ensure that work in the European Union is monitored and properly scrutinized, in line with the tenets of democracy and in the interests of both the citizens and the Union itself.

One of the key roles of national Parliaments at EU level is to serve as a bridge between the Union and the individual Member States. National Parliaments are therefore overseers and intermediaries at one and the same time.

In this regard, I am happy to note that both national Parliamentarians and MEPs are recognizing the fact that the role of national Parliaments goes far beyond scrutiny: it has an active role to play as partner in the European project. And this is now a reality, thanks to regular inter-parliamentary meetings.

A hammer is a head and a handle. It becomes a *tool* in the hands of a workman. It becomes an *effective* tool in the hands of an *able* workman.

We have the tools: let's work hard to hit the proverbial nail on its head.

Whether the institutions of the Union should do more to acknowledge the new powers of the national Parliaments, whether there is enough accountability in the European Union's institution setup, and whether this is tantamount to a new democratic deficit, are all pertinent questions which require urgent attention.

We look forward to a new inter-institutional agreement which will strengthen this democratic process.

Putting all the blame on the tools is the mark of a bad workman. We must look at the whole picture: at our own role in ensuring that democracy thrives in our Union.

Can we, as national Parliaments, do more? Doing more is always a possibility; doing less is not an option. It is with this frame of mind that the parliaments of European Member States have proposed a green card procedure while agreeing to strengthen the existing mechanisms.

If we are going to define democratic deficit as a lack of accountability, as a lack of representation or accessibility of the ordinary citizen to the decision-making process, if we are to define the deficit, existing or threatened, in any of these terms, then it is clear that national Parliaments, as directly elected bodies and representatives of their people, have a key role to play in remedying the situation.

I believe that parliaments need to work together – without further delay – to fill the gaps which can be identified in the relationship between parliaments and the EU institutions. This is required in order for national parliaments to address this democratic deficit and remain relevant for its citizens. I have in mind specifically a greater role for national parliaments at the pre-legislative stage. This could require a treaty change in the long-run, however in the short-term I believe that this could take the form of a pilot project between three to five parliaments working together, to find ways in which parliaments can be given a stronger voice than they have today. This is a suggestion I made to the Presidents of both the European Parliament and the European Council when in Malta a few weeks ago and when they addressed a special sitting of the House of Representatives, as well as to the President of the European Commission during a visit I made to Brussels towards the end of September.

This brings me to the most important point for today: Malta's first opportunity to hold the Presidency which is fast approaching. In just a little over a year, Malta will hold the Presidency of the European Council. However, work starts before those exciting six months. The parliamentary dimension of the Presidency spills over to the cooperation with the Presidency trio. To that end, last April I signed the trio declaration with the Speakers from the Dutch and Slovak Parliaments during the Conference of the Speakers of the European Union held in Rome.

As many have pointed out, the Lisbon Treaty marked a change in how inter-parliamentary relationships are viewed, as the influence of national Parliaments in EU decision-making

increased. National Parliaments have a distinct opportunity to take advantage of their new position, thanks to the parliamentary dimension of the Presidency, which is complementary to the Council Presidency. Let us be clear here: the parliamentary dimension is still, unfortunately, not as popular as the Council Presidency. When we talk of Presidency, the first things that come to mind are governments and inter-governmental meetings. But being less glamorous does not mean being less important.

In reality, the parliamentary dimension of the Presidency has undeniably strengthened the role of national Parliaments in the EU, whose involvement after all predates even the Lisbon Treaty, and takes place on both local and international levels. Indeed, during the Presidency, the Maltese parliament will be responsible for organizing meetings both at home and abroad in conjunction with the European Parliament.

The Conference of the Speakers oversees the coordination of inter-parliamentary activities in the context of the EU, while COSAC meetings will continue to ensure exchange of information and best practices, as well as serving as a springboard for ideas to improve parliamentary involvement and strengthen the role of national Parliaments at the EU level.

The Presidency gives the parliament of the country holding it an added opportunity to organise Joint Meetings on topics of common interest, and we shall be making full use of this tool to ensure that the Maltese Parliament contributes to the fullest when it comes to the European project.

The fact that the national Parliaments and the European Parliament are different in their structure is a positive and clear sign that the two should be complementary. The strengths of each will strengthen the whole.

Hopefully, the parliamentary dimension will start getting more attention. Having its own website enables us to reach out to the citizen, but here the media must do their part and help to highlight the importance of the parliamentary dimension of the Presidency.

This year marks the 800th anniversary of the Magna Carta, itself an important step in European Parliamentary history and an affirmation of the equality of all men in the eyes of the law. It was one of the earliest attempts at ensuring proper scrutiny and accountability of those in power. This goes beyond mere symbolism. Indeed, I firmly believe that we must look at the past when building our future.

These are troubled times that Europe is facing, but troubled times bring us together: together as nations, together as Member States, together as Parliaments, and together as citizens of the European Union.