

MONTESQUIEU INSTITUUT

Sceptic UK can bring new ideas on bottom up democracy in Europe – prof. Curtin

The prospect of an in-out referendum in the UK in 2017 (if the Conservatives are back in power) is a fantastic incentive for politicians to come up with new ideas on ways of governing Europe.

The British input into this wider debate on the future of Europe is often 'negative' and defensive. An example is the proposal by a group of UK parliamentarians to get a new power to 'veto' planned EU legislation.

Yet all is not negative or destructive in the UK thinking on Europe. The House of Commons is engaged in forward-looking reflection and recommendations on its own scrutiny role in particular. In a recent report it looks to re-invent a wider role for national parliaments in democratic self-government in Europe. National parliaments are after all the key actors to hold their governments (ministers and civil servants) to account for what they agree in European Council and Council meetings. This is a task that cannot be taken over by the European Parliament but that needs to be exercised pro-actively on the ground by the parliaments in the various national capitals.

The House of Commons report zooms in on one of the key obstacles that currently hampers national parliaments right across Europe. This is the fact that they very often do not get the information they need on the decisions that are in the pipeline early enough in the process to scrutinise the input of their own national government. But it is not just that their own government does not give them all the information they require on time. It is often also the case that their own government says that they cannot give them information because it is 'sensitive'. Such sensitive EU information refers to what is loosely known as the EU institutions professional secrets. These are not classified secrets but rather documents that the institutions prefer to deliberate on in private as decision-making is on-going and publicity could make negotiations more difficult.

Some national parliaments, including the *Tweede Kamer*, get direct access to the EU database with all such EU 'limited' documents'. But they do so provided they too keep them secret. These rules are adopted by the EU governments in Council.

One way of challenging this structural inequality of arms is parliamentary disobedience. In the UK an MP who had obtained a limited document considered very important in the context of the economic bailouts raised it as an urgent question with the Speaker of the House of Commons. She gave authority for the matter to be exposed in the House of Commons and to be debated fully and publicly. This happened and the roof did not fall in.

The fact that one national parliament stands up to its own government (and the EU rules) makes it easier for another national parliament to do the same. Parliaments are increasingly looking to one another and learning from one another. It is up to both the national parliaments and the European Parliament to roll up their shirtsleeves. They must ensure that they are the visible vectors for a genuinely *public* and on-going debate on the accountability of executive power in Europe. This is the next stage of democratic self-government in Europe and one on which the UK is now showing the way.

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