

which allowed it to expand its powers significantly during the financial crisis.³² It is the forum where Euro Area finance ministers meet “to discuss questions related to the specific responsibilities they share with regard to the single currency” (Art. 1, Protocol 14) at least once a month, before the Ecofin meetings, but in fact they have normally met more often. The Commissioner for Economic and Financial Affairs and the ECB’s President regularly take part in the Euro Group’s meetings, while the President of the IMF and the Managing Director of the ESM can be invited. Unlike the six-month rotating presidency of the Union and of the Council’s formations, the President of the Euro Group is elected by a majority of the Eurozone countries for two and a half years and is also appointed as the Chair of the ESM Board of Governors, besides being the Finance Minister of one of the Member States. This concentrates several hats on a single, powerful, head.

The Euro Group holds preliminary discussions on the decisions to be taken by the Council that are applicable only to Euro Area countries. The Euro Group, however, has also played an increasingly crucial role, as a decision-maker during the crisis, for example when an agreement on a rescue package was needed, and in terms of policy planning, for instance in relation to the priorities to ensure the coordination of the economic policies, on the construction of the Banking Union and on prospective reforms, now including the reform of the ESM Treaty. Moreover, the Euro Group is in charge of the preparation and the follow up of the Euro Summit’s meetings, gathering together the Heads of State and Government of the Eurozone countries only, after the entry into force of the TSCG. It ensures the continuity of the Euro Area coordination in between the Euro Summit meetings and, to this end, the Euro Group’s President is always invited to attend the Euro Summit meetings. Finally, the Euro Group is responsible for monitoring the implementation of financial assistance programs, for the implementation of the Stability and Growth Pact and for the implementation of the Single Supervisory Mechanism (SSM) (while only indirectly for the Single Resolution Mechanism, for which the target is the Council next to the EP). Indeed, the Euro Group receives the ECB’s reports on the SSM, can hear the Chair of the ECB Supervisory Board and can pose related questions to the ECB.³³

The Euro summit, officially recognized by the TSCG (Art. 12), meets at least twice a year (but in practice much more often), “to discuss questions relating to the specific responsibilities which the Contracting Parties whose currency is the euro share with regard to the single currency, other issues concerning the

³² See P. Craig, *The Euro Group, power and accountability*, cit., pp. 234-249.

³³ See P. Craig, *The Euro Group, power and accountability*, cit., pp. 237-238.

governance of the euro area and the rules that apply to it, and strategic orientations for the conduct of economic policies to increase convergence in the euro area". It provides for the high-level political directions in the governance of the Euro Area. Besides the heads of state and government of the countries whose currency is the euro, the Commission's President participates in the Euro Summit and the ECB President and the President of the Euro Group are invited to attend.³⁴ In order to ensure proximity to the ordinary institutional architecture of the Union, the President of the Euro Summit tends to coincide with the President of the European Council even when, like in the last term, the latter comes from a non-Eurozone country. The Euro Summit President, indeed, is appointed by its members by a simple majority "at the same time as the European Council's President and for the same term of office" (two and a half years, renewable once).³⁵

The divide between Eurozone and non-Eurozone countries may be destined to further crystallize should the ESM Treaty's revisions be adopted³⁶ and should the proposals to establish a Eurozone budget line within the whole EU budget with a stabilization function and aiming to promote convergence and for competitiveness eventually be approved, even though it is meant to also include ERM II Member States on a voluntary basis.³⁷

2.3. How do parliaments cope with these asymmetries and in particular with the governance of the Euro Area?

In areas of differentiated integration, the European Parliament stands somewhat

³⁴ Based on Art. 12.3 TSCG, the Heads of States and Governments of non-Eurozone countries "shall participate in discussions of Euro Summit meetings concerning competitiveness for the Contracting Parties, the modification of the global architecture of the euro area and the fundamental rules that will apply to it in the future, as well as, when appropriate and at least once a year, in discussions on specific issues of implementation of this Treaty on Stability, Coordination and Governance in the Economic and Monetary Union."

³⁵ M. Bovens and D. Curtin, An unholy trinity of EU Presidents? Political accountability of the EU executive power, in D. Chalmers, M. Jachtenfuchs, and C. Joerges (eds.), *The End of the Eurocrats' Dream. Adjusting Europe to Diversity*, Cambridge University Press, 2016, pp. 190-217 tend to include the President of the European Council in the trio of the most influential "Presidents" in the Union, next to the ECB's President and the Commissioner for Economic and Monetary Affairs and the Euro, Vice-President of the Commission.

³⁶ See the revised draft text of the treaty establishing the European Stability Mechanism as agreed by the Euro Group on 14 June 2019.

³⁷ See Euro Group, Press release – Term sheet on a Budgetary Instrument for Convergence and Competitiveness, 14 June 2019. ERM II stands for European Exchange Rate Mechanism set up in 1999, as the waiting room before joining the Euro Area.

in an uncomfortable position, given its composition and its aspiration to represent the EU citizenry (Art. 14 TEU). Indeed, all MEPs participate and vote on decisions binding some Member States only, including Eurozone only decisions, regardless of the fact that some of them were elected in constituencies of countries that do not take part in a particular area of integration. The problem – as also the authors of the T-Dem advance – is that in relation to the Euro area a significant number of MEPs take decisions for which then they do not bear responsibility before their constituents as they are expected to affect purely citizens of other Member States. In other words, the aspiration of the EP to represent EU citizens does not match the reality, which is that of an institution still elected based on national electoral legislation and constituencies beyond some common principles and whose seats are assigned to Member States based on the contested principle of degressive proportionality.³⁸ However, if we were to assume that the EP is simply gathering together representatives of national citizens its *raison d'être* as a supranational institution, compared to Member States-oriented institutions like the Council, is disregarded with complex implications for the EU's overall inter-institutional balance. Moreover, as a parliament, it is very difficult from a constitutional standpoint to bind the MEPs' mandate according to their nationality also because EU citizens can elect their representatives in the EP or run for the EP elections in the Member State where they are resident despite not being a national of that State. This discussion will be further developed in section 3, but beyond the disagreement on understanding the role and mission of the EP, it is clear that this institution as it currently stands finds it particularly difficult to control increasingly powerful intergovernmental authorities of an asymmetric nature, like the Euro Group and the Euro Summit, which structurally represent some Member States only.³⁹ This is evident also looking at the EP's rules of procedure that refer to the Euro Group just in one instance, allowing for the question time of the Euro Group President (rule 137).

In light of the “six-pack” and the “two-pack”, the Euro Group President and the Euro Summit President can be asked to appear before the EP ECON Committee in the framework of the economic dialogue, for instance in cases of significant deviations from the MTO by a Member State or when there is a risk

³⁸ See the German Constitutional Court's case law, since the judgment of its Second Senate on the Treaty of Lisbon and the laws ratifying and accompanying it, of 30 June 2009, 2BvE 2/08.

³⁹ Although the Euro Group in 2019 has met frequently in an inclusive format, i.e. with the participation of the Ministers of Finance of non-Euro Area countries, for example to discuss the ongoing reforms of the Eurozone.

for excessive macroeconomic imbalances.⁴⁰

On the Euro Summit, limited accountability mechanisms are foreseen by Art. 12 TSCG. Upon insistence of the EP representatives associated to the TSCG negotiations, references to the EP were included in this article to allow the EP President to be heard by the Euro Summit upon invitation – though not being part of the Summit like the Commission President – and to impose a duty upon the Euro Summit President to report to the EP after each meeting. Moreover, as the President of the Euro Summit and the President of the European Council so far have been the same person, the EP may try to use the (limited) parliamentary scrutiny procedures established vis-à-vis the European Council President to exert pressure on him/her acting as President of the Euro Summit, but this is probably a too creative interpretation of the EP rules of procedure.⁴¹

On the side of national parliaments, in the aftermath of the Eurozone crisis, domestic legislatures have typically adapted or reformed the ordinary scrutiny procedures on EU affairs to the particular case of the EMU.⁴² The target of this scrutiny is mainly the national government, although the creation of the Banking Union and the reinforced Stability and Growth Pact have paved the way for more interactions, in terms of national parliamentary hearings and reporting, of ECB representatives, especially the ECB President and the Chair of the ECB supervisory board, and of the Commission. This has happened upon request by national parliaments, but it should be pointed out that, instead, in the framework of the implementation of financial assistance programs, the troika review missions also targeting the relevant parliaments have clearly worked as instruments of control and constraint of the action of domestic legislatures rather than the other way around (i.e. as to favor parliamentary accountability mechanisms).

National legislatures have regulated, also at the constitutional level, like in Austria and to a lesser extent in Italy, the scrutiny procedures on the government

⁴⁰ C. Fasone, European Economic Governance and Parliamentary Representation. What Place for the European Parliament?, *European Law Journal*, 20(2), 2014, pp. 175-177.

⁴¹ It should be pointed out that the European Council meetings are by far more frequent than the Euro Summit's meetings. Moreover, on the ground of Art. 235.2 TFEU the President of the European Parliament is regularly invited to make a statement at the beginning of every European Council meeting, although there is no obligation of the European Council to invite the EP's President.

⁴² See K. Auel and O. Höing, Parliaments in the Euro Crisis: Can the Losers of Integration Still Fight Back?, *Journal of Common Market Studies*, vol. 52, 2014, pp. 1184-1193 and V. Kreiling, Scrutinising the European Semester in national parliaments: what are the drivers of parliamentary involvement?, *Journal of European Integration*, vol. 40, 2018, pp. 325-340.

for what concerns the Eurozone governance. They have defined the obligation of the government to report and inform the Parliament, to comply with parliamentary resolutions or explain the deviation and, in some exceptional circumstances, have forced the government to resign, like in Portugal and in Italy, have vetoed a first draft of the MoU, like in Cyprus, or have rejected a first version of the draft ESM Treaty, like in Finland.⁴³ Given the very active stance of the German Constitutional Court in protecting the prerogatives of the German *Bundestag* in the wake of the Eurozone crisis, the German Parliament has been traditionally considered as the benchmark. Other considerations affect this assessment, like the leading role of Germany in the reform of the EMU in general and the attitude of other courts – in Austria, Belgium, Estonia, Poland – to follow similar lines of reasoning on the democratic principles as the German Court in their case law on the TSCG and the ESM Treaty.⁴⁴

There are patent asymmetries in the strength of parliamentary accountability mechanisms across the Member States. Within the group of Eurozone Member States such parliamentary asymmetries partly reflect the particular situation of a country during the crisis – i.e. the stability of its economy, the fact of being a creditor or a debtor country, the level of compliance with EU fiscal rules, the political strength of the government towards the opposition – and the pre-crisis practice in terms of scrutiny on the government in EU affairs. Nonetheless, no matter how strong a Parliament is in controlling its government, there can be a mismatch between the information obtained and the influence exerted on the national government and the decision taken in collective intergovernmental bodies like the Euro Group or the Euro Summit (like happens in the Council and in the European Council), especially if decisions are not adopted by consensus or unanimity. It is impossible for a national parliament alone to hold those intergovernmental bodies accountable: collective bargaining and decision-making remain out of the control of individual legislatures.

With a view to counter this information asymmetry, especially since the Lisbon Treaty, forums of horizontal and vertical interparliamentary cooperation have flourished (Art. 12 TEU and protocol no. 1), even though many of them remain purely informal. While instances of interparliamentary cooperation in the EU dates back to the 1970s, with the Conference of EU Speakers, and to the end of the 1980s, with the Conference of parliamentary committees on European affairs (COSAC), the growing conferral of competences to the EU at every treaty revision, the rise of the powers of the EP and the gradual involvement of

⁴³ K. Tuori and K. Tuori, *The Eurozone Crisis: A Constitutional Analysis*, Cambridge University Press, 2014, pp. 1991-180.

⁴⁴ See *supra*, ft 28.

national parliaments in EU procedures have let a need for interparliamentary coordination to emerge. While it is not easy to combine the interests of 40 parliaments or parliamentary chambers in an enlarged EU – the EP, for example, is willing to secure a special position whereas national parliaments try to resist to the EP’s attempts to establish its primacy – the main aim of interparliamentary cooperation so far has been to favor the exchange of information and best practices among parliaments in different policy sectors. It is indubitable that interparliamentary cooperation can help to fill the gaps of information asymmetries amongst the parliaments,⁴⁵ especially in the context of the EMU governance where each national parliament holds a narrow and country-oriented piece of information while lacking the overall picture of what is going on at the EU broad executive level. By contrast, the EP can probably get a general picture, but it misses the nuances of different national constitutional and political systems and is unable to exercise any meaningful control over the Eurozone-only bodies though it can hold the Commission accountable.

To date, interparliamentary cooperation has been quite ineffective in countering this information asymmetry and in improving the functioning of parliamentary accountability mechanisms at the domestic and at the EU level. This partly depends on the limited follow up that the interparliamentary meetings have in each participating parliament and, in part, derives from the fragmentation of interparliamentary cooperation. Every year dozens and dozens of bilateral meetings, among domestic legislatures and between each of them and the EP, and multilateral meetings – through interparliamentary conferences or interparliamentary committee meetings hosted by the EP or by a national parliament – are organized without any clear coordination (which, in theory, should be provided by the Conference of the EU Speakers). The many crises the EU has experienced have centered on the promotion of “regional” interparliamentary meetings, of parliaments from Southern Europe, Northern Europe or from the Visegrad group meeting together, or of interparliamentary meetings by “clusters of interests”.⁴⁶ One of the most recent initiatives in this respect is the creation of the Franco-German Parliamentary Assembly for a better interparliamentary coordination on EU affairs and to deepen EU integration, which met for the first time on 25 March 2019, after the adoption of the Treaty of Aachen on 22 January 2019.

⁴⁵ D. Curtin, *Challenging Executive Dominance in European Democracy*, cit. p. 2-4.

⁴⁶ See A. Esposito, *The role of COSAC in EU interparliamentary cooperation: An (endless) quest for identity*, in *Interparliamentary Cooperation in the Composite European Constitution*, cit., pp. 325-334 and D. Fromage, *Increasing Inter-Parliamentary Cooperation in the European Union: Current Trends and Challenges*, *European Public Law*, 22(4), 2016, pp. 761-762.

Specifically on the EMU, the TSCG in its Art. 13 provides for the “organization 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”. Established in 2013, this conference meets twice a year, once on the premises of the EP and once at the parliament of the country holding the Presidency of the EU. At present it is a plethoric body, unable to exercise any control over the EU fragmented executive leading the EMU. The failed experience – so far, at least – of the Interparliamentary Conference on Stability, Coordination and Governance in the EU depends on several factors: the choice not to limit the participation to national MPs from Eurozone countries only and to extend the participation even beyond the TSCG contracting parties, as to include also the UK Parliament and the Czech Parliament (though the latter recently ratified the Treaty); the problems faced in adopting the rules of procedure of the Conference, passed only in 2015; the decision not to fix the size of the parliamentary delegations; and the lack of discussions on substantive policy options and of questions posed to representatives of EU intergovernmental bodies, to the Commission and to the government holding the EU Presidency.

3. The many alternative “treatments” proposed and their limits

To this malaise affecting the democratic legitimacy of the economic, monetary and fiscal policies in the EU, in particular in the framework of the Eurozone, several “treatments” have been proposed, including the T-Dem described in the introduction. Each of these “treatments” presupposes a specific understanding of what the EU and the Eurozone are and should be, which in turn influences the design and the role of the mechanisms of parliamentary accountability suggested to improve the current situation, especially the balance of power between the EP and national parliaments. The proposals, indeed, range from those that can be implemented under the current Treaty provisions to those entailing a Treaty change as well as a new institutional set up and move in between purely domestic-oriented solutions to clearly supranational, if not pro-federal.

3.1. Strengthening national parliamentary control on the domestic executives

A first prospective solution considers the democratic legitimacy of the EMU as strictly linked to the well-functioning of national democracies. That is to say that what is needed is first and foremost the strengthening of accountability mechanisms vis-à-vis national executives, also based on Art. 10.2 TEU which highlights the indirect link between the Council and the European Council with

the national parliaments via ministerial responsibility as one of the pillars of representative democracy in the EU.⁴⁷ It is primarily at domestic level that responsibility and accountability can be vindicated, the underlying assumption being that the Eurozone governance is still in the hands of the Member States. Even though the EMU suffers from a problem of executive fragmentation and of “too many hands” to trace clear accountability chains, “the primacy of political choices remains with national governments (as long as they do not face an immediate liquidity crisis)”.⁴⁸

This standpoint reflects, for the specific case of the EMU, the claims that had already been supported in relation to the democratic enhancement of the EU integration project at large by those authors seeing in a tighter parliamentary control on the national executives the best recipe to counter the “democratic deficit”, rather than empowering the EP or trying to create mechanisms of transnational cooperation amongst parliaments.⁴⁹

National parliaments are still perceived as the main locus for putting in place processes of democratic deliberation and for the politicization of EU policies. Richard Bellamy, for example, substantiates this claim on the ground of the demoicratic nature of the EU,⁵⁰ composed of “peoples” of Europe reunited together in a common integration project.⁵¹ These peoples (plural), in light of the national history, culture, legal tradition and constitutional particularities, are better represented by domestic legislatures than by a European-wide legislature whose democratic credentials are still disputed by many.

Of course, such an approach is affected by national constitutional and political choices. There is no one-size-fit-all solution and every Member State’s legislature and system of government remains free to determine the extent to which a parliament is able to interfere domestically with the decision its own executive is going to defend within the Euro Group, the Council, the Euro

⁴⁷ Indeed, according to Art. 10 TEU representative democracy in the EU is built around two pillars: EU citizens’ direct representation in the EP and Heads of States and Government and Ministers’ accountability to national parliaments or to the citizens in the framework of the European Council and of the Council’s activities.

⁴⁸ See B. Crum, Another Road to a Democratic Euro Area, in C. Fasone, N. Lupo, A. Vauchez, *Parlamenti e democrazia in Europa tra integrazione differenziata e federalismi asimmetrici*, Il Mulino, 2020, forthcoming.

⁴⁹ See T. Raunio, National Parliaments and European Integration: What We Know and Agenda for Future Research, *Journal of Legislative Studies*, vol. 15, 2009, pp. 317–334

⁵⁰ R. Bellamy, *A Republican Europe of States. Cosmopolitanism, Intergovernmentalism and Democracy in the EU*, Cambridge University Press, 2019, pp. 97-130.

⁵¹ See K. Nikolaïdis, European Demoicracy and Its Crisis, *Journal of Common Market Studies*, vol. 51, 2013, pp. 351-369.

Summit or the European Council, depending on the object of the deliberation. Usually amongst the most effective systems of parliamentary scrutiny are considered those, like in Denmark, where the parliament is able to mandate the government about the precise position to support at EU level – in contrast to a purely document-based scrutiny.⁵² In case the political directions voted by the parliament are disregarded by the government the parliament can sanction it up to the point of withdrawing the confidence. This weapon, however, cannot be exerted routinely at the cost of undermining the political stability of the system, but only as an *extrema ratio*. The mere codification of this mandate-based system and the threat of a parliamentary sanction, however, should be enough for the government to act in line with parliament's will, although the practice may be heavily affected by the political logic dominating legislative-executive relationships, whether it is consensual or more adversarial.

The idea to mainly invest in national parliamentary accountability mechanisms has some limits though. Being focused on a purely domestic perspective, it risks overlooking the broader picture of where the Eurozone is going and the common challenges and benefits, but also the troubles other countries might experience and that can be of concern anyway, given the repercussions of asymmetric shocks on the whole Euro Area. Moreover, a narrow perspective disregards the importance of considering the integration and the stability of the Eurozone as a common good, also in a spirit of solidarity. The position of non-Euro Area Member States is not taken into account, as if they were not affected by Eurozone decisions,⁵³ not even in the event they are willing and committed to adopt the euro. In addition to it, the proposal undermines the value of transnational representation that, although imperfect and still weak, is currently offered by the EP with its inclusive supranational attitude and does not consider that the European Commission has also strengthened its powers in the EMU reformed framework – and may still increase them especially in the perspective of a future Minister of Economic and Finance acting at the same time as a Vice President of the Commission and Chair of the Euro Group. A single domestic legislature can exert little influence on the Commission and can hardly hold it accountable.⁵⁴

⁵² M. B. Christensen, The Danish Folketing and EU Affairs: Is the Danish Model of Parliamentary Scrutiny Still Best Practice?, in C. Neuhold et al. (eds.), *The Palgrave Handbook of National Parliaments and the European Union*, Palgrave, 2015, pp. 275-289.

⁵³ While in fact they are. See P. Craig and M. Markakis, The Euro Area, its Regulation and Impact on Non-Euro Member States. In P. Koutrakos and J. Snell (Eds.), *Research Handbook on the Law of the EU's Internal Market*, Edward Elgar, 2017, pp. 289-316.

⁵⁴ However, it has been questioned whether this reform can have a desirable impact on the democratic governance of the EMU, also in relation to the EP: see M. Patrin, A European

A recent study has highlighted that there is growing evidence of forms of “transnational representation” in the making amongst members of different national parliaments.⁵⁵ In other words, national MPs try to get informed about the domestic situation in other Member States, to share information, and to speak in domestic parliamentary debates also on behalf of their colleagues elected in other countries. This happened, for instance, during the Eurozone crisis in the Austrian and German Parliaments where left-wing MPs tried to oppose EU decisions, related to the bailout program, that could undermine the interests of Irish citizens. Although this can be seen as a first attempt to build up forms of transnational representation, MPs speaking on behalf of other national citizens, especially if on the part of opposition members, might also appear as a strategic and instrumental use of parliamentary rhetoric to mobilize consensus, in addition to the fact that those Irish nationals do not enjoy any right to be represented and to have their voice heard beyond their own parliament, government and the EP.

3.2. The involvement of national parliaments at EU level

A second approach met significant support at the time of the Convention on the future of Europe, when the first provisions involving national parliaments directly at EU level, following the EP elections, were conceived and later on included in the Lisbon Treaty after the failure of the Constitutional treaty to be ratified. This approach reflects a certain nostalgia for the past representation of national parliaments in the EP, completely banned since the abolition of the dual parliamentary mandate starting from 2004. Back then the pressure to grant domestic legislatures a direct say in the EU decision-making, in addition to their power to authorize the ratification of EU Treaty changes and to contribute to the implementation of EU law, came from the parliaments themselves – in particular the German *Bundestag* – being then represented in the Convention. Since then parliaments have been involved in a variety of ways (Art. 12 TEU), through the so-called “political dialogue” with the European Commission already established in 2006 (now based on Protocol no. 1), by monitoring the compliance with the subsidiarity principle by EU draft legislative acts by means

Finance Minister: Form follows function, but is it legal? A legal analysis of the European Commission’s proposal to create a European Minister of Economy and Finance, ADEMU Working Paper Series, WP 2018/096, April 2018.

⁵⁵ See L. Kinski and B. Crum, Transnational Representation: How members of national parliaments in the European Union also speak for other EU nationals, *Political Studies*, early view, 2019, pp. 1-19.

of the “early warning mechanism” (protocol no. 2),⁵⁶ by being given the possibility to veto the use of the passerelle clauses under Art. 48.6 TEU and, with the European Parliament, through interparliamentary cooperation (protocol no. 1).⁵⁷ The Former President of the European Council, Van Rompuy, got to the point by saying that “Maybe not formally speaking, but at least politically speaking, all national parliaments have become, in a way, European institutions”.⁵⁸

Along these lines, national parliaments have tried to directly participate in some EMU procedures as well, thereby creating forms of direct interaction with EU institutions, ranging from the Commission, as said, in the framework of the revised Stability and Growth Pact, or the ECB, the European Supervisory Board or the Single Resolution Board, in the context of the Banking Union. These forms of direct interaction within the Eurozone, however, are practiced in addition to the ordinary parliamentary scrutiny of the domestic executives (certainly without claiming to replace it); they do not entail the creation of binding accountability mechanisms for EU institutions and bodies through which they could be sanctioned in case of a lack of compliance with the requests of the domestic legislatures. Should this happen these new mechanisms would probably create even more confusion of responsibilities than the one we actually have.⁵⁹

Perhaps a dimension of direct national parliaments’ involvement at the EU level that has not been effectively exploited yet by domestic legislatures refers to the interaction with the EP in the Eurozone, also on a bilateral basis. The limits and weaknesses of the Interparliamentary Conference on Stability, Coordination and Governance in the EU have been already discussed (section 2.3). However, there is potentially much more beyond that to be used.

The EP’s rules of procedure allow for mechanisms of cooperation with the national parliaments at committee level (Rule 150), both in terms of pre-legislative and post-legislative scrutiny. National MPs can attend EP committee

⁵⁶ See K. Granat, *The Principle of Subsidiarity and its Enforcement in the EU Legal Order. The Role of National Parliaments in the Early Warning System*, Hart Publishing, 2018.

⁵⁷ See, amongst many, N. Lupo and C. Fasone, (eds.), *Interparliamentary Cooperation in the Composite European Constitution*, Hart Publishing, 2016.

⁵⁸ K. Auel and T. Christiansen, *After Lisbon: National Parliaments in the European Union*, *West European Politics*, vol. 38, 2015, p. 261.

⁵⁹ Indeed, the direct involvement of national parliaments at EU level as ordinary veto players is inherently problematic as shown by the proposal to introduce an individual “red card” for national parliaments: see D. Chalmers, G. Davies and G. Monti, *European Union Law*, 4th edition, Cambridge University Press, 2019, p. 1237, discussing David Cameron’s proposals of a “red card”.

meetings, in particular EP ECON committee meetings, with the right to intervene though not to vote in that context. National MPs could be invited to participate in the “exchange of views” with MEPs as “Member States’ representatives” or as part of the national delegation in the framework of the economic dialogue established by the “six-pack” and the “two-pack”. However, to date, national parliaments have never been involved in such “exchanges of views” and have not taken part in ECON Committee meetings on a regular basis.

3.3. Turning interparliamentary cooperation into a form of joint parliamentary decision-making or scrutiny

Linked to this idea of having national parliaments involved at EU level, is the proposal to strengthen the role of interparliamentary cooperation as an instance of parliamentary decision-making or control. This idea has often been related to the suggestion, coming from the French Parliament at least since the end of the 1980s⁶⁰ and later endorsed by some scholars, to establish a structured forum of representation of national parliaments at supranational level in a sort of assembly of domestic legislatures. Some have even proposed to endow such an assembly of powers comparable to a “Third Chamber” – next to the EP and the Council – or a “Council of State”, to review *ex ante* and collectively the compliance of EU draft legislative proposals with EU structural principles, in particular with the principle of subsidiarity to make sense of the procedure of the “early warning mechanism” that, according to these authors, needed some form of coordination amongst parliaments in order to be effective.⁶¹

To the idea of a “Third Chamber” it can be observed that national parliaments are granted this power individually precisely because the aim of the control they are expected to carry out is to bring domestic politics with its complexity, including the viewpoints of the opposition and minorities, into the EU deliberation, so that they are not just the “ambassadors” of national interests. There is the Council to that end where the compromise amongst national majorities’ positions emerges. So, the real added value of having that “Third Parliamentary Chamber” remains unclear, besides the fact that it may just add

⁶⁰ See, Mr. Laurent Fabius, then Speaker of the French National Assembly, *Les Parlements Européens dans la perspective de l'Europe de 1993. Le traitement des affaires communautaires et la collaboration entre Chambres*, Report presented at the I COSAC Meeting, Paris, 16-17 November 1989.

⁶¹ See P. Kiiver, The early-warning system for the principle of subsidiarity: The national parliament as a Conseil d'Etat for Europe, *European Law Review*, vol. 36, 2011, pp. 98-108 and I. Cooper, A ‘Virtual Third Chamber’ for the European Union? National Parliaments after the Treaty of Lisbon, *West European Politics*, vil. 35, 2012, pp. 441-465.