

## EUROPEAN ASSOCIATION OF FORMER PARLIAMENTARIANS

THE HAGUE, 4th October 2013

Madam President of the European Association of Former Parliamentarians,  
Mister Speakers,  
Ladies and gentlemen,

Dear colleagues

- Good evening and welcome in what was once the plenary hall of the Tweede Kamer. It is an honour to host the members of the EAFP here tonight. I would like to welcome four special guests: Mr. Dick Dolman, Mr. Piet Bukman, Mr. Wim Deetman and Mr. Frans Weisglas, who each have been Speaker of the Dutch House of Representatives.
- The beautiful room in which we will enjoy our dinner tonight is known as the Old Chamber. It was first used as the assembly hall of the National Assembly of the Batavian Republic. Under French rule it served as a soldier's mess and military hospital. In eighteen-fourteen its function once again returned to being a parliamentary assembly. As the House of Representatives changed and grew, so did this room. It may be hard to believe that a room can grow, but this one actually did. The floor was lowered and the balconies were enlarged to seat public and press.

- If you look upstairs, you can see behind the shutters there used to be the civil servants loge. In case, during a debate, a Minister needed additional information, they would, desperately or not, look up. A quick note would be written, addressed to the Minister after which it was lowered in a tube on a cord. The message was then taken from this make-shift lift and rushed to the Minister who would have taken his time answering the question. The latest update in front of him then enabled him to accurately deal with matters. It was a sport for fellow Representatives to, in the meantime, ask additional or difficult questions to throw the Minister of his game. (to confuse)
- Since the last plenary meeting in this hall in 1992, the room was restored to its original beauty and updated with, amongst other things, this colourful carpet. It was specially designed by Jan van den Dobbelen to symbolise the multi-cultural Dutch society. It is, however, more commonly and quite befittingly known, as the bulb field. The lamps up here exemplify the openness of the Dutch democracy but are also known as the soccer balls.

Ladies and gentlemen!

Politicians around the world are facing challenging times, both economically and financially. The world, Europe and its citizens are going through rough times, trying to cope with the biggest crises since World War II. Most European countries have to take harsh measures in order to restore economic and financial stability. Our national policies aim to control the economic crisis and the role of the European Union in this respect is important.

- Speaking of the European Union - as you may know, since the start of the Treaty of Lisbon in 2009, national parliaments have the right to scrutinize EU-proposals on the principle of subsidiarity. If the majority in the House of Representatives is of the opinion that a proposal could better be performed at a national or local level, instead of the European level, it can reflect this in a reasoned opinion to Mr Barroso, President of the European Commission. And if 9 other parliaments are of the same opinion, this could lead to a 'yellow card' and the European Commission ultimately could withdraw the proposal. This instrument has the potential to bring high-brow European politics closer to its citizens, I therefore consider it an important step in improving democratic legitimacy.
- In May last year the "yellow card" was drawn for the first time on a proposal on the right to strike (the so-called Monty II-package). This led the Commission to withdrawing the proposal. In the proposal the general right to strike was acknowledged, but judges could forbid the strike if the strike would conflict economic interests. More than one third of the national parliaments, including the Dutch House of Representatives, stated that the European Union is not allowed to confine the right to strike.

- And I can inform you that this week the committee on Security and Justice of our House decided that the European Proposal to introduce a European Public Prosecutor's Office does not comply to the principle of subsidiarity. It is known that other national parliaments also scrutinize this proposal on subsidiarity. Perhaps this would lead to a yellow card, forcing the Commission to reconsider the proposal.

Ladies and gentlemen!

- From the very start the Dutch Parliament has been both an initiator and strong advocate for the principle of subsidiarity. To increase the influence of national Parliaments the Netherlands furthermore pleaded for the introduction of an very befittingly, 'orange card'. With it, when the majority of European national parliaments object a proposal on basis of the subsidiarity principle, the European Commission can be forced to eventually withdraw the proposal altogether.

However, the official rules regarding using 'the yellow and orange card' instrument are strict. One of the rules is that this scrutinizing procedure should be done within 8 weeks after the publication of the proposal. This time schedule is extremely tight. Especially if we would like to use inter-parliamentary co-operation in order to strengthen our argumentation and eventually reach agreement among the 10 parliaments that are needed for a yellow card. And even more so if a parliamentary recess falls within this 8-week period.

One other characteristic of this instrument is that national parliaments can only scrutinize subsidiarity. Objections under the title of 'proportionality' are not allowed. So while we can claim that a proposal should not be done at European level, we cannot object to the way or the amount of European action that is proposed. Something we, like our British counterparts, often do at national level.

We have a few years of experience with this relatively new instrument of scrutinizing subsidiarity, and one thing that struck me was that while national parliaments deal with these strict deadlines and quality standards, the European Commission has no quality standards whatsoever regarding her replies on the letters of national parliaments. Therefore, more often than not the answer of the European Commission is only received more than 6 months after we sent out a letter!

Ladies and gentlemen!

These issues are close to my heart. Therefore I will try in the coming months to improve these rules of procedure. In inter-parliamentary meetings such as COSAC and the Speakers conference, I will try to get an agreement with other national parliaments on a more generous timeframe than 8 weeks to scrutinize subsidiarity, on including aspects of proportionality as well as subsidiarity, and on setting quality standards for the answer of the European Commission.

The 'yellow' and 'orange card' could become important and significant tools. In order for that to happen however, Parliaments of all member states should and need to be aware of the possibilities of this instrument. Even more importantly, they will need to embrace to be able to effectively use it when objecting on the basis of subsidiarity. Could I ask for your support and influence in this matter when meeting with parliament in your countries?

- With that I would like to now turn to the more informal part of this evening, and propose a toast to the health of both former and present parliamentarians and wish them good luck with their much appreciated and very important work, both inside parliament and outside of it!

May I propose a toast!