

# The “Green Card”: discussion paper

19 January 2015

## Introduction

This paper explores how the procedure for preparing a “green card” might look. It takes a high-level approach, considering general principles and one possible procedure for national parliaments to agree a green card. It focuses on the “terms of engagement” between national parliaments—the preliminary ground-rules for enhanced co-operation leading to a green card being issued to the Commission.

This paper does not address the internal processes of national parliaments to determine whether to sign up to a green card. These are a matter for each chamber.

It is hoped that it will be possible for all national parliaments to reach rapid agreement on the general principles underlying the green card, and on a possible procedure for issuing it.

## What is the point of a green card?

Various committees of national parliaments have identified the green card as a means by which national parliaments can increase their influence on the development of EU policies and legislation, enhancing the political dialogue between national parliaments and the Commission. The Commission, in responding to the House of Lords report on *The Role of National Parliaments in the EU*, indicated that it was “ready to consider national Parliament’s input on whether there is a need for new or modified rules in any policy field”.

There thus appears to be broad support for a green card procedure to allow national parliaments to propose not only new ideas for action at the EU level, but also the repeal or amendment of existing legislation.

## A possible approach

The green card procedure could build on the existing political dialogue. Extra political weight could be gained if national parliaments were to agree some common standards and a few “formal” requirements for a green card (e.g. a minimum number of signatories). This would help national parliaments to establish a procedure for adopting a green card that would set it apart from a co-signed letter to the Commission under the existing political dialogue.

Such a procedure would not undermine the European Commission’s right of initiative. However, if national parliaments agreed a procedure, the Commission could be invited to give some political undertakings in response, reflecting the

additional weight of the green card, and demonstrating that the work of national parliaments has had a real impact.

### **General principles**

Delegates are invited to discuss the general principles that should govern a green card procedure between national parliaments. The following suggestions are offered as a starting point for discussion.

#### ***Initiating a green card***

- It should be open to any chamber of a national parliament to propose a draft green card on a specific issue.
- Each national parliamentary chamber should agree its own internal process for agreeing to propose a draft green card.
  - *Additional remarks: to ensure that green cards have political weight, it may be preferable for green cards formally to be initiated only by a Chair, either of a European Affairs Committee or of a sectoral committee, on behalf of that committee.*

#### ***Content and scope***

- Green cards could call for new legislative action, or the amendment or repeal of existing legislation, including delegated or implementing acts.
- Proposed green cards should outline the legislative action proposed in sufficient detail for the Commission, as the ultimate recipient of any green card, to make a considered response.
  - *Additional remarks: although we do not seek to prescribe a set form, it might be useful for green cards to include: a summary of the reasons behind the proposed action; the anticipated benefits; the preferred type of legislation (e.g. Directive); and a possible legal base.*

#### ***Dissemination and consideration of proposed green cards***

- Before proposing a green card, a chamber may wish to consult other chambers informally via the network of national parliament representatives, informal contacts between parliamentarians and officials in capitals, or other means.
- Informal cluster meetings could be useful to discuss possible green cards, but whether or not to hold one should be a matter for the chamber considering making a proposal. Alternatively, meetings between parliamentarians and officials in the margins of relevant interparliamentary conferences may be useful, avoiding additional travel expenditure.

- A chamber wishing to propose a green card should prepare a draft letter to the Commission (according to the criteria for “Content and Scope” agreed by national parliaments) and disseminate this to all other chambers inviting them to sign the green card.
  - *Additional remarks: the network of national parliament representatives might be a useful way to disseminate proposed green cards, but other mechanisms, such as the list of COSAC Chairs, could also be considered.*
- A green card should reach an agreed minimum threshold of signatories within a certain time-frame.
  - *Additional remarks: agreeing certain criteria will not only lend political weight to a green card, but will ensure that the number of draft green cards “on the table” does not become excessive. One possible set of thresholds could mirror the existing yellow card procedure, so that:*
    - *The period available for co-signing a green card could be eight weeks from the date of a proposing chamber circulating a draft*
    - *Each national parliament could have two votes, with each chamber having one vote each in bicameral systems*
    - *A draft proposal would qualify as a green card if, within the agreed time frame, chambers representing one quarter of all available votes agree to co-sign the proposal.*
- Each national parliamentary chamber should agree its own internal procedure for agreeing to co-sign a proposal.
  - *Additional remarks: to ensure that green cards have political weight, it may be preferable for green cards to be signed only by a Chair, either of a European Affairs Committee or of a relevant sectoral committee.*
- Other national parliamentary chambers may wish to propose amendments to the initial proposal. It should be for the proposing chamber to respond to such suggestions. If amendments are accepted, then an amended text should be circulated.
- Once the threshold is reached, the proposing chamber should send the co-signed text to the Commission under the political dialogue, making clear that the proposal is considered by national parliaments to be a green card.
- If a proposal fails to reach the required thresholds, the proposing chamber may wish to send it to the Commission under the political dialogue, but the proposal should not be presented as a “green card” unless it has met the threshold agreed by national parliaments.

### ***Commission response and continued dialogue***

- It is hoped the Commission will respond positively to the green card initiative by making a renewed political commitment to engagement with national parliaments. This renewed commitment could take many forms.
  - *Additional remarks: the Commission could commit to publishing a formal response to a green card within a specified deadline (e.g. 8 or 12 weeks), saying whether or not it intends to take the proposed action, and giving reasons; or the relevant Commissioner could go to the proposing chamber to respond in person to the green card, with all co-signatories being invited to attend such a meeting.*
- It may be useful for the first green card explicitly to state what type of response national parliaments wish the Commission to make to green cards.

### **Next steps**

We hope these suggestions will help focus discussion of the procedure that will be needed to make the green card work.

The next steps will be, first, to encourage wider debate of the procedure, perhaps at the COSAC Plenary at the end of May. However, formal endorsement by COSAC is not strictly necessary, and there could be benefits in pressing ahead in the interim with a specific, non-controversial proposal, in order to “trial” the procedure.

Lord Boswell of Aynho  
House of Lords