



FACT SHEET

NOVEMBER 2011



The Danish Parliament and the European Union

TRANSPARENCY IN THE WORK OF THE EUROPEAN AFFAIRS COMMITTEE

Since 2006, most meetings of the European Affairs Committee have been open to the public, and since 2007 it has also been possible to watch the open meetings on the Internet via the Danish Parliament's website: www.ft.dk. The meetings can also be seen on the Danish Parliament's TV channel.

Most documents related to the work of the European Affairs Committee, including government minutes, are published on the Danish Parliament's EU Information Centre website: www.euo.dk.

The Danish Parliament in brief

The Danish Parliament is called the Folketing. It is located at Christiansborg Palace in the heart of Copenhagen.

The Danish Parliament, which has been unicameral since the last revision of the Constitutional Act in 1953, consists of 179 Members. As part of the Danish Realm, the two self-governing regions, Greenland and the Faeroe Islands, each elect two Members.

European policy in the Danish Parliament

The basic principles governing the Danish Parliament's scrutiny of European policy are laid down in the Danish Accession Act from 1972 and in agreements between the European Affairs Committee and the Danish Government.

These documents state that the European Affairs Committee and the Sectoral Committees, within their respective fields of competence, are at the centre of the parliamentary scrutiny of the Government's EU policy.

European debates during the Danish Parliament's plenary sittings are chiefly reserved for the adoption of Bills and parliamentary resolu-

tions on European issues, including the ratification of new treaties.

The European Affairs Committee – central to the scrutiny of EU policy

The European Affairs Committee was established on a permanent basis following the Danish accession to the EEC in 1973. It is one of the Danish Parliament's 26 Standing Committees.

The most important task of the European Affairs Committee is to scrutinise the Danish Government's EU policy. The importance of the Committee is underlined by its ability to speak on behalf of Parliament as a whole on most EU issues.

The working procedures and competences of the European Affairs Committee are regulated on an ongoing basis by a series of reports embodying political agreements between the Committee and the Government.

First negotiating mandate system in Europe

The Danish Parliament was the first national parliament in Europe to set up a negotiating

OPINIONS DELIVERED BY THE DANISH PARLIAMENT

In 2010, the Danish Parliament submitted 11 opinions (as part of the political dialogue with European institutions) in response to new legislative proposals, green and white papers.

The Folketing also submitted two reasoned opinions on the application of the subsidiarity principle. They relate to the proposal on a Regulation amending the regulation on food distribution to the most deprived persons in the Community and the proposal for a Directive on Deposit Guarantee Schemes.

All opinions are uploaded to the IPEX-database: www.ipex.eu, with a courtesy English translation.

DENMARK AND THE EU – THE DANISH OPT-OUTS

In response to the Danish no-vote in the Maastricht referendum in 1992, Denmark was granted four opt-outs from European cooperation. The opt-outs concerned defence policy, justice and home affairs (JHA), the Euro and union citizenship, and paved the way for the Danish yes-vote in 1993.

The opt-outs are maintained in the Lisbon Treaty as protocol no. 22. However, the Lisbon Treaty also made it possible for Denmark to abandon the opt-outs or to change the opt-out on justice and home affairs into an opt-in model (similar to the one granted to the UK and Ireland). If approved in a referendum, Denmark would be able to cooperate on justice and home affairs on a case-by-case basis.

In the policy plans for the new Danish Government from October 2011, it is announced that the Government intends to submit two of the opt-outs (Defence and JHA) to a referendum in the first election period. The opt-out on JHA would then be replaced by an opt-in.

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mandate system, which requires the Government to obtain negotiating mandates from a parliamentary Committee before important deliberations in the Council. The Danish negotiating mandate model has inspired other Member States in the elaboration of their parliamentary procedures.

The most important provisions in the European Affairs Committee's negotiating mandate system were laid down in the Committee's first report of 29 March 1973.

This report states that matters of major significance require the Government to obtain a negotiating mandate from the European Affairs Committee before a Council meeting, while matters of considerable importance must be submitted to the Committee for members' information. The Government determines which EU issues fall within each of these two categories.

In practice, the Government presents the proposed negotiating position orally at the Committee meeting, which normally takes place every Friday, and provides a detailed account of the matter in question and states the consequences of a Council decision for Denmark. Although there is no formal vote in the Committee, the Chair counts how many Members oppose the Government's proposed mandate. In doing so, the Committee Chair takes account of the number of seats in the Danish Parliament represented by the respective parties of each Committee member.

Adaptation to changes in the European decision-making process

Developments in the EU decision-making process have made it necessary to strengthen the negotiating mandate system over the years. Formerly, the Government presented its proposed negotiating position to the European Affairs Committee when the matter was on the Council agenda.

However, the use of trialogues and first reading agreements between the European Parliament and the Council has led to an increasing number of issues being settled in advance of their formal adoption by the Council. This has made it necessary to include the European Affairs Committee in the decision-making process at an earlier stage.

As a consequence, a 2006 Committee report made it clear that the Government must seek a mandate in the European Affairs Committee on

proposals of major significance before the Danish position is established. Furthermore, the Government may be required to ask the Committee for a new mandate if the proposal changes fundamentally during the negotiations.

Cooperation with the Danish Members of the European Parliament

The Danish Parliament cooperates with the Danish MEPs on an individual political party basis and at monthly meetings between the members of the European Affairs Committee and the MEPs. Current European issues of common interest are discussed at these informal meetings.

Involvement of Sectoral Committees in the scrutiny of EU policy

The Danish Parliament's Sectoral Committees are involved in those EU issues that are within their respective spheres of competence. Their contribution is highly appreciated due to their technical expertise in the various policy areas. As a rule, the Sectoral Committees decide how and to what extent they wish to deal with EU issues.

However, the Danish Parliament recently decided to strengthen the role of the Sectoral Committees in the parliamentary scrutiny of EU policy. Accordingly, the Sectoral Committees will be involved in prioritised EU issues on a mandatory basis.

The Sectoral Committees and the European Affairs Committee also issue joint statements on green and white papers from the European Commission, and Sectoral Committees also play a key role in checking that the subsidiarity principle is taken into consideration.

The Danish Parliament's handling of the subsidiarity principle

After the Lisbon Treaty came into force in December 2009, the Danish Parliament set up an internal procedure for checking up on the subsidiarity principle based on close cooperation between the European Affairs Committee and the Sectoral Committees.

On the basis of an annual selection of a number of proposals from the European Commission's Work Programme, checks are conducted on the principle that Sectoral Committees are responsible for the initial consideration of the proposals. The European Affairs Committee adopts the reasoned opinion and then sends it to the European institutions.

