



*Senado*

## **6th MEETING OF THE ASSOCIATION OF EUROPEAN SENATES**

**WARSAW, 24-25 MAY 2004**

### **Answers to questionnaire**

1. The Senate, being one of the Houses of the Spanish Parliament (Cortes Generales), intervenes in European Union affairs through two ways:

A) A general one, exercising its constitutional powers and functions in EU affairs as it does in any other area of the political, economic and social life. In that condition, the Senate legislates, controls the Government action and represents the citizens in relation with EU questions. For example, it adopts statute laws that transpose directives, debates interpellations and oral or written questions on European matters, etc.

B) A specific one, participating, together with the Congress of Deputies in the formation and activities of the Comisión Mixta para la Unión Europea (Joint Committee for the European Union). This is a parliamentary body, composed of members of both Houses, specifically charged by the Act 8/1994 of 19 May with several competencies dealing essentially with the control of Government action in EU matters.

According to the above mentioned Act, the Comisión Mixta para la Unión Europea is set up "...in order to establish the adequate participation of the Cortes Generales in the legislative proposals made by the European Commission and to provide the Cortes Generales with the largest information on the activities of the European Union". (article1).

The competencies of the Comisión Mixta para la Unión Europea, according to article 3 of the Act, are as follows:

- a) the knowledge, after publication, of the legislative decrees issued in application of the EU derivative Law;
- b) the reception, through the Government, of the legislative proposals of the European Commission, time in advance to be examined;



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- c) the debate of concrete legislative proposals of the European Commission; for that debate, it can ask the hearing of members of the Government;
- d) the reception, from the Government, of the information available on the activities of the EU institutions;
- e) the information, from the Government, of the main lines of its EU policies and of the decisions and agreements of the Council of Ministers of the EU;
- f) the drafting of reports on questions relating to the activities of the EU;
- g) the setting up of cooperation relations with the adequate bodies of other Parliaments of member States of the EU and with the European Parliament;
- h) having joint meetings with the Spanish members of the European Parliament;
- i) having reciprocal information and cooperation relations with european committees of other Parliaments and with corresponding committees of the European Parliament.

2. The fact of existing a Joint Committee for the European Union doesn't permit a division of competencies between the two Houses. Nevertheless, in a possible future reform of the Senate, the territorial interest of the Regiones could be considered, through the Senate's representation in that Joint Committee.

3. The main questions stated here have been answered in question nº1. Concerning the appointments to EU institutions, the Senate plays no role. As for the transposing of EU legislation into national legislation, the Senate participates in the legislative process leading to the adoption of norms with the status of formal law. In that respect, it has to be said that not all the EU directives are transposed through statute general laws; some of them can be



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integrated in the internal legal system by way of regulatory provisions (reglamentos). In cases when the matter falls into the competence of the Autonomous Communities, the transposing is made by way of regional regulations (either laws or regulatory rules).

4. The Senate participates in inter-parliamentary collaboration within the EU essentially through the Comisión Mixta acting in COSAC. It also regularly participates in meetings with other EU Parliaments, mainly in those organised by the European Parliament (for example of specialised committees of Agriculture, Social Affairs, etc). It also has bilateral relations and friendship groups with several Parliaments of the EU and of the acceding countries.

5. The assesement mentioned is sometimes made by way of parliamentary initiatives asking for or complaining about the results of the participation of the Parliament in EU affairs. Up to now, no formal changes are planned in this respect. Nevertheless, the new Spanish Government has exposed some general ideas or plans to increase the role of the Parliament in the political life of the country.