



Assembleia da República
European Affairs Committee

**Law no. 43/2006 of 25 August 2006 as
amended by Law no. 21/2012 of 17 May 2012**

Monitoring, assessment and pronouncement by the *Assembleia da República* within the scope of the process of constructing the European Union

Article 1 Object

1 — The present Law defines the *Assembleia da República's* competences to monitor, assess and pronounce on Portugal's participation in the process of constructing the European Union and exercise the powers of the national Parliaments as set out in the treaties that govern the European Union.

2 — For the purpose of the exercise of its powers there shall be a regular consultation process between the *Assembleia da República* and the Government.

Article 1-A Pronouncement

The *Assembleia da República* shall issue opinions on matters that fall within the sphere of its reserved legislative competence and are pending decision at European Union bodies and on the other initiatives of European institutions, ensuring that their content is analysed and, when applicable, compliance with the principles of subsidiarity and proportionality.



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Article 2

Pronouncement within the scope of matters that fall within the *Assembleia da República's* exclusive legislative competence

- 1 — When matters that fall within the sphere of the *Assembleia da República's* exclusive legislative competence are pending decision at European Union bodies, it shall pronounce itself thereon in accordance with the following paragraphs.
- 2 — Whenever the situation referred to in the previous paragraph occurs, the Government must inform the *Assembleia da República* and ask it for an opinion, and shall in a timely manner send an information note containing a summary of the draft act, an analysis of its implications and, if one has already been defined, the position which the Government wishes to adopt.
- 3 — The European Affairs Committee shall draw up the opinion in articulation with the parliamentary committees with competence for the matter in question.
- 4 — The opinion shall be submitted to the Plenary for the purposes of discussion and voting, in the form of a draft resolution.
- 5 — At any subsequent stage of the decision-making process at the European Union bodies, the *Assembleia da República* may, on its own initiative or that of the Government, draw up new opinions and put them to the vote or update the one that has already been passed.

Article 3 Pronunciation on conformity with the principle of subsidiarity

- 1 — The *Assembleia da República* shall ensure the exercise of the powers set out in the Protocol on the Role of National Parliaments in the European Union and the Protocol on the Application of the Principles of Subsidiarity and Proportionality annexed to the treaties governing the European Union.
- 2 — The European Affairs Committee shall exercise the powers provided for in the previous paragraph, without prejudice to the competence of the Plenary and of the other parliamentary committees.
- 3 — Any opinion which has been approved by the European Affairs Committee and which concludes that there has been a breach of the principle



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of subsidiarity shall be submitted to the Plenary for the purposes of discussion and voting, in the form of a draft resolution.

4 — When the opinion refers to a matter that falls within the competence of the Legislative Assemblies of the Autonomous Regions, the latter must be consulted in a timely manner.

Article 4 Means of monitoring and assessment

1 — The *Assembleia da República* shall monitor and assess Portugal's participation in the process of constructing the European Union, particularly by holding:

a) A plenary debate in which the Prime Minister shall take part and shall be the first to speak, to be held before each European Council, without prejudice to the provisions of the law and the Rules of Procedure;

b) A plenary debate in which the Government shall take part, at the beginning of each presidency of the Council of the European Union, on the priorities thereof. The debate in the second half of the year may also include discussion of and voting on the annual report sent by the Government in accordance with the provisions of Article 5(4);

c) A plenary debate in which the Government shall take part, on the State of the Union, after the respective debate at the European Parliament and to be held during the final quarter of each year;

d) A plenary debate in which the Government shall take part, on the various instruments for the economic governance of the European Union that are included in the European Semester, and particularly on the Stability and Growth Programme, in the second quarter of the year;

e) A debate in the European Affairs Committee, with the presence of a member of the Government, on the European Commission Work Programme, in the last quarter of the year;

f) Meetings during the weeks before and after the date on which the European Council is held, between the European Affairs Committee and a member of the Government, except when the debate is scheduled for a plenary sitting in accordance with subparagraph (a);

g) Joint meetings, whenever deemed necessary, between the European Affairs Committee, the parliamentary committee with competence for the matter in question and the competent member of the Government, during the



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week before or after the date on which the Council in its different configurations is held;

h) Meetings on European draft acts, in the European Affairs Committee with members of the Government;

i) Hearings of senior figures whom the Government has nominated for or appointed to European Union positions.

2 — On its own initiative or at the request of the Government and in the exercise of its competences, the *Assembleia da República* shall consider the draft guidelines for the European Union's policies and actions in accordance with the Rules of Procedure.

3 — The *Assembleia da República* shall consider the European Union's financial programming, particularly with regard to the structural funds and the Cohesion Fund, in accordance with the Law on the Budget Framework, the Major Options of the Plan, the Regional Development Plan or other national programmes that provide for the use of such funds.

4 — Without prejudice to the provisions of the previous paragraphs, the *Assembleia da República* or the Government may also raise debates on all the subjects and positions under discussion at European Union institutions which involve matters that fall within their competence.

5 — Under the terms of the Protocol on the Application of the Principles of Subsidiarity and Proportionality annexed to the treaties governing the European Union, the *Assembleia da República* may, by means of a resolution, urge the Government to lodge an appeal before the Court of Justice of the European Union on the grounds that the principle of subsidiarity has been violated by a legislative act of the European Union.

Article 5

Information for the *Assembleia da República*

1 — The Government must keep the *Assembleia da República* informed in a timely manner about the subjects and positions that are to be discussed at European institutions, as well as about proposals that are under discussion and negotiations that are underway, sending the *Assembleia da República* all the relevant documentation as soon as it is presented or submitted to the Council, particularly including:



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- a) Draft agreements or treaties to be signed by the European Union or between Member States within the context of the European Union, without prejudice to the rules governing exclusivity or confidentiality that apply to the negotiation process;
- b) Information notes on the subjects and positions that are to be discussed at European institutions, as well as about proposals that are under discussion and negotiations that are underway;
- c) Positions that it has taken or wishes to take with regard to a draft legislative act of which the *Assembleia da República* has been made aware under the terms of the Protocol on the Role of National Parliaments in the European Union annexed to the treaties governing the European Union, when asked for by the *Assembleia da República*. d) *(Repealed.)*
- e) *(Repealed.)*
- f) *(Repealed.)*
- g) *(Repealed.)*
- h) *(Repealed.)*
- i) *(Repealed.)*
- j) *(Repealed.)*
- l) *(Repealed.)*

2 — Under the terms of the Protocol on the Role of National Parliaments in the European Union annexed to the treaties governing the European Union, the *Assembleia da República* receives in particular:

- a) Draft legislative and non-legislative acts for adoption by the European Union institutions;
- b) The European Commission's annual analysis of growth, its work programme, and any other legislative programming or policy strategy instrument;
- c) Initiatives taken by the European Council authorising it to act by qualified majority, in cases where the treaties governing the European Union state that the decision must be taken unanimously;
- d) Initiatives taken by the European Council authorising it to adopt legislative acts in accordance with the ordinary legislative procedure, where the treaties governing the European Union provide that the Council must adopt those acts in accordance with the special legislative procedure;



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- e) Agendas and results of the Council's meetings, including the minutes of meetings at which the Council decides on draft legislative acts; f) Reports on the application of the principle of subsidiarity;
- g) Consultation documents;
- h) The annual report of the European Court of Auditors.

3 — Members of the *Assembleia da República* may request any available national or European documentation that is important to the exercise of the competences provided for in the present Law.

4 — In the first quarter of each year, the Government shall submit a succinct report that makes it possible to monitor Portugal's participation in the process of constructing the European Union to the *Assembleia da República*; that report must particularly provide information on the decisions with the greatest impact on Portugal which the European institutions took during the previous year, and the measures which the Government has put into practice as a result of those decisions, with particular emphasis on the transposition of directives.

Article 6 European Affairs Committee

1 — The European Affairs Committee is the parliamentary committee with the competence to monitor and assess European affairs in overall terms, without prejudice to the competence of the Plenary and the other parliamentary committees.

2 — The European Affairs Committee specifically has the competence to:

- a) Consider all subjects that are of interest to Portugal within the framework of the construction of Europe, the European institutions or cooperation between European Union Member States;
- b) Consider the Government's actions with regard to such subjects, particularly arranging the hearings provided for in the present Law;
- c) Consider, vote an opinion and submit a draft resolution when matters that fall within the *Assembleia da República's* exclusive legislative competence are pending decision at European Union bodies;
- d) Consider, vote an opinion and possibly submit a draft resolution on a draft legislative act's compliance with the principle of subsidiarity;



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- e) Stimulate a greater participation by the *Assembleia da República* in the work of the European institutions;
- f) Articulate the exchange of information and appropriate forms of cooperation with the parliamentary committees with competence for the matter in question in order to ensure that the *Assembleia da República* participates efficiently in matters regarding the construction of the European Union;
- g) Draw up and approve an opinion on documents which the Government submits to the *Assembleia da República* or is obliged by the law or regulations to submit to European Union institutions;
- h) Hold an annual meeting with Members of the Legislative Assemblies of the Autonomous Regions, and ask them for opinions in accordance with Article 3(4) whenever regional legislative competences are at stake;
- i) Intensify the exchanges between the *Assembleia da República* and the European Parliament, proposing the attribution of reciprocal facilities, regular meetings and the possibility of holding videoconferences with Members of the European Parliament, particularly those elected in Portugal, who shall regularly meet the European Affairs Committee;
- j) Arrange meetings or hearings with European Union institutions, bodies and agencies on subjects that are important to Portugal's participation in the construction of the European Union;
- l) Promote interparliamentary cooperation within the European Union, particularly within the scope of the application of the Protocol on the Role of National Parliaments in the European Union and the Protocol on the Application of the Principles of Subsidiarity and Proportionality annexed to the treaties governing the European Union;
- m) Appoint the Portuguese representatives to the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC), and consider their work and the results of the Conference;
- n) Hear senior figures whom the Portuguese Government is to appoint or nominate and consider their *curricula vitae*, in accordance with Article 7-A;
- o) Arrange hearings and debates on European issues with civil society representatives, thereby contributing to the creation of a public European forum at the national level.

3 — The European Affairs Committee also has the competence to approve the methodology that defines the process of drawing up reports and opinions on compliance with the principle of subsidiarity by draft European Union



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legislative acts in the light of the time limits and procedures established in the Protocol on the Role of National Parliaments in the European Union and the Protocol on the Application of the Principles of Subsidiarity and Proportionality annexed to the treaties governing the European Union and the provisions of the following Article.

Article 7 Assessment process

- 1 — The European Affairs Committee shall refer draft legislative acts, as well as other documents referred to in Article 5(2), to its members and the other parliamentary committees.
- 2 — The other parliamentary committees shall issue reports whenever asked to do so by the European Affairs Committee, or on their own initiative.
- 3 — The reports referred to in the previous paragraph may conclude with concrete proposals for consideration by the European Affairs Committee.
- 4 — Whenever it approves an opinion on a matter that falls within its competence, the European Affairs Committee shall attach the reports of the other committees in annexe thereto. In cases in which there is any divergence with regard to the analysis of compliance with the principle of subsidiarity, the European Affairs Committee opinion shall prevail.
- 5 — In urgent situations, or when it sees fit to do so, the European Affairs Committee may simply adopt the report of the parliamentary committee with competence for the matter in question or draw up an opinion without first asking for a report or without one being drafted.
- 6 — After considering a European draft legislative act, the European Affairs Committee may draw up a draft resolution for submission to the Plenary.
- 7 — Opinions issued by the European Affairs Committee shall be sent to the President of the *Assembleia da República*, who shall forward them to the Presidents of the European Parliament, the Council, the European Commission and, where appropriate, the Committee of the Regions and the Economic and Social Committee, as well as to the Government.
- 8 — Consultation documents, the work programme and any other European Commission legislative programming or policy strategy instrument may be the object of a European Affairs Committee opinion, in accordance with the procedure laid down for the consideration of draft European Union legislative acts, *mutatis mutandis*.



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Article 7-A Hearing senior figures whom the Government has nominated for or appointed to European Union positions

1 — Acting via the European Affairs Committee, the *Assembleia da República* shall hear the senior figures whom the Government wishes to nominate for or appoint to positions at European Union institutions, bodies or agencies, when filling those positions is not subject to competitive recruitment and the applicable norms require the nomination or appointment of members from each of the Member States.

2 — The procedure set out in the previous paragraph applies to the nomination or appointment of senior figures for or to positions of a jurisdictional nature, particularly those of Judge of the Court of Justice of the European Union, including the Court of Justice and the General Court, Member of the European Court of Auditors, and attorney-general.

3 — The procedure set out in paragraph (1) applies to nominations for or appointments to senior positions at the European agencies, when this is compatible with the specific selection process according to European Union rules.

4 — The present rules do not apply to candidates for membership of the European Commission, the European Central Bank, the Committee of the Regions or the Economic and Social Committee, or to candidates for election to the European Parliament.

5 — Before senior figures are nominated or appointed in accordance with paragraph (1), the Government shall send their names and *curricula vitae* and confirmation that they fulfil the requisites for exercising the position in question to the *Assembleia da República*, and shall do so a reasonable amount of time in advance, in the light of the time limits for nominations or appointments.

6 — For the purposes of the previous paragraph, when what is at stake is not the reappointment of a senior figure who already occupies the position, the Government shall send a list of at least three candidates for the place that is to be filled.

7 — Acting via the European Affairs Committee, the *Assembleia da República* shall draw up and approve a report, which it shall make known to the Government.



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Article 8 Human, technical and financial resources

The *Assembleia da República* shall provide the European Affairs Committee with the human, technical and financial resources that are indispensable to the exercise of its competences in accordance with the present Law.

Article 9

(Repealed.)

Article 10

(Repealed.)

Article 11

(Repealed.)

Article 12 Repeal

Law no. 20/94 of 15 June 1994 is hereby repealed.