

## OPAL Country Reports

# The Maltese Parliament and EU Affairs

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# OPAL Country Report on the Maltese Parliament<sup>1</sup>

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<b>I. General Position of Parliament in the Constitutional Balance of the Member State: Constitutional and institutional factors</b>	
This section looks at the role of Parliament in the political system, to help us understand the relative power position of the legislature.	
1.1	What is the type of government in the political system of your member state? (i.e. parliamentary or semi-presidential)
	It is a parliamentary government formed by the leader of the party which commands a majority of seats in the House of Representatives.
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	It is uni-cameral.
1.3	Is the state federal, decentralized or unitary? If applicable, is it a form of asymmetrical federalism?
	Malta is a unitary state with some comparatively local powers mainly of a civic nature transferred to the local councils.
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	The electoral system is a proportional one, based on the single transferable vote. Elections take place every five years and the next one is expected in 2013 at the latest. But the prime minister can call one whenever he deems fit or it can be forced on him if he loses a vote of confidence or a key money vote in parliament. Malta is divided into 13 electoral districts each electing 5 MPs. The ballot sheet in each district groups the candidates according to the party they belong to in different colours (blue for the Nationalists, red for labour etc.) to make it easier for the voter to choose the party. Candidates are then listed within each group in alphabetical order. Voters vote by placing the number 1 in the box opposite the candidate of their choice and if they wish to they continue to give their preferences to the other candidates in descending order. They may also cross party lines by giving successive preferences to candidates of the other parties. Since 1987, the party which secures a majority of preference votes also earns the right to a one seat majority in the parliament which means that extra seats are given to it. That is why the number of MPs has tended to vary from 65 to 69.
1.5	What (f)actors can prevent the parliament agreeing on EU legislation and/or treaty reform? (e.g. a constitutional court, or public referenda on questions of EU integration)

<sup>1</sup> This country report provides some basic data that has been collected in the context of the research for a chapter to be published in C. Heffler, C. Neuhold, O. Rozenberg, J. Smith & W. Wessels (Eds.). (forthcoming in 2014). *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave, Macmillan.

	The courts have no power over EU law. Nor are referenda organized on EU Treaties or legislation. A parliamentary majority voting against a bill or treaty is what can prevent parliament approving a law/treaty.
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**2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors**

This section is about the basic political factors which might influence parliament's strength in relation to the government.

2.1	What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?	
	Single party with a one seat majority formed by the Nationalist Party (Christian Democrat)	
2.2	When were the most recent general elections and what were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?	
	Latest election:	2008
	Nationalist Party	35 seats – 51% Christian Democrat
	Labour Party	34 seats – 49% Socialist
2.3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?	
	The Lisbon Treaty was unanimously approved by the House of Representatives on 30 January 2008	

**3. New Provisions of the Lisbon Treaty on Direct Contact with EU Institutions**

The Lisbon Treaty provides national parliaments with new opportunities for direct contact with the EU institutions. This section addresses the incorporation of the new Lisbon provisions into national law and concrete procedures. Questions 3.3 to 3.5 investigate in how far these procedures have been used.

3.1	<p>Have there been any regulations adopted by your member state to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon? If so, please list the regulations in their appropriate categories:</p> <ul style="list-style-type: none"> <li>a. Constitutional provisions</li> <li>b. Legal provisions - Statutory provisions</li> <li>c. Parliamentary Standing Orders</li> <li>d. Other (please specify)</li> </ul>
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	Is this process complete or ongoing?
	<p>No Constitutional provisions were adopted.</p> <p>The European Union Act was amended in 2012 as shall be explained below.</p> <p>Parliamentary procedures were changed following a memorandum circulated by Mr Speaker on 21 November 2011 on the application of the Lisbon Treaty mechanisms regarding the principle of subsidiarity. Thus, when the Chairperson of the Standing Committee on Foreign and European Affairs draws his attention to an alleged breach of the principle of subsidiarity, the Speaker must inform the members of the House Business Committee – by the silent procedure if a meeting of the Committee cannot be convened – in order to take further action.</p> <p>On the 7 December 2011, the House Business Committee formally appointed the Standing Committee on Foreign and European Affairs as the parliamentary body vested with the role of checking draft legislative proposals for compliance with subsidiarity. A six-month rendezvous clause would enable the House Business Committee to review the effectiveness of the new procedure and make changes as necessary.</p> <p>In 2011, Parliament twice made use of the powers and sent a reasoned opinion to the President of the European Parliament, of the Council and of the European Commission. The first concerned a proposal for a Common Consolidated Community Tax Base (CCCTB) which was sent to the EU Institutions in May, while the second one referred to the proposal for a Financial Transaction Tax (FTT), highlighted by the Standing Committee on Foreign and European Affairs and which was sent in December.</p>
3.2	What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament’s involvement, cooperation in bicameral systems) for...
3.2 i	The “Political Dialogue“ with the Commission
3.2 ii	The Early Warning Mechanism (EWM)
	No information on this that specific rules exist, but responsibility to handle this is up to the government, principally the Ministry of Finance, which has to take corrective action. Implementation of such action might require a corrective “money bill” in parliament which would certainly trigger a parliamentary debate in which many MPs would become involved.
3.2 iii	The “Passarelle clause”
	In this case, the European Union Act was amended by Act VII of 2012 which says that all treaty amendments including a decision in Council (such as the “passarelle clause” though this is not mentioned by name) after being discussed in the Standing Committee on Foreign and European Affairs  , must be submitted to the House (plenary) for its approval.
3.2 iv	The action of annulment before ECJ on breach with the subsidiarity principle (What quota of MPs is needed to enforce the action of annulment?)
	A decision to seek annulment would be taken by government, without the need of prior parliamentary approval, though a supportive parliamentary resolution cannot be excluded altogether if this is necessary to strengthen political support, and no quota of MPs is required.

3.2 v	Accession of new member states to the EU
	An accession treaty has to be approved by the House of Representatives by simple majority. No change has taken place here.
3.3	How actively does the parliament engage in the political dialogue and “early warning mechanism” with the Commission?
	Not much. The “early warning” given by the Commission regarding the excessive deficit on 10 November 2011 did not feature in the discussions of the Standing Committee on Foreign and European Affairs.
3.4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity concerns?
	No
3.5	If applicable to your member state, how does parliament proceed on the ratification of: a. Treaty Establishing the European Stability Mechanism, signed 2 Feb 2012 b. Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed 2 March 2012
	Both treaties have to be ratified by parliament and there appears to be cross-party consensus on ratification.