

Working group IV – "Role of National Parliaments"

**Subject: Paper by Dr Andreas Maurer
on "National Parliaments in the European Architecture:
Elements for Establishing a Best Practice Mechanism"**

As was announced at the meeting of 26 June 2002, Dr Andreas Maurer (Stiftung Wissenschaft und Politik, Berlin) will present to Working Group IV on 10 July the results of his research on the role of national parliaments in the European architecture.

Members of Working Group IV will find attached for information a summary paper of Mr Maurer's study on the above subject.

Andreas Maurer
Senior Research Fellow, SWP, Berlin
Jean Monnet Lecturer, University of Osnabrück

Ludwigkirchplatz 3-4
10719 Berlin
Phone +49 30 880 07-201
Fax +49 30 880 07-100
www.swp-berlin.org
andreas.maurer@swp-berlin.org

National Parliaments in the European Architecture: Elements for Establishing a Best Practice Mechanism

Part A. National Parliaments in the European Architecture: Towards Permanent Institutional Change?

I. Parliaments in the Multi-level Game: The Analytical and Theoretical Framework	3
1. Characteristics of a Problematic Democracy	3
2. The Constitutional Bases for Parliamentary Participation in EU integration	4
II. Conceptualising Parliamentary Involvement in EC/EU Affairs	5
1. Towards a Scheme for Measuring Parliamentary Participation in EC/EU Affairs	5
2. The Focus on Institutions and Institutional Adaptation	12
3. Shaping the National Level of the EU's Policy-Cycle	14
III. The Presence of Europe at the National Level	23
IV. Conclusions: Beyond Slow Adaptation?	24

Annex: Elements for Establishing a Best Practice Mechanism on the role of National Parliaments in EU affairs

I. The relevance and salience of European integration for 'your' Parliament	25
II. The practice and evaluation of parliamentary involvement in EC/EU affairs	26
III. The Amsterdam Treaty protocol on the role of national parliaments	27

Part A. National Parliaments in the European Architecture: Towards Permanent Institutional Change?

By ratifying para-constitutional treaty amendments, national parliaments affect themselves. Do para-constitutional revisions like the Treaty of Amsterdam matter - and in how far do they matter - for the set-up and the functioning of parliamentary involvement on the national level of EU governance? How can we grasp the process European integration and the loss of original legislative powers of national parliaments? The major question is how national parliaments (re-)act in and adapt to a dynamic institutional and procedural set up. How do parliamentary actors in *different* national and socio-political settings, and coined by different national traditions, adapt to *common* challenges, constraints and opportunities for which they are mainly responsible themselves, since they have ratified the fundamental set-up of these opportunity structures? Given the growing salience of the EU system and its daily output, participation and involvement are vital issues for the overall weight and role of parliaments. The degree of parliamentary involvement is a significant indicator for the fundamental trends of the national systems and of the EU system. It is of major importance for both the legitimacy of the constitutional set-ups of the EU member states as of the Union itself. It will affect the capabilities of all political institutions on both levels to deal with the challenges of public policies. Whatever institutional arrangements will be taken it will tell us something about the future shape of the European polity in the broader sense.

When discussing the role of national parliaments in the EU, it belongs to the conventional wisdom that national parliaments have increasingly lost in overall importance due to the evolution of this political system.¹ This assessment starts from one fundamental question which has been put forward since the beginning of the European integration process and has since then re-emerged in certain intervals during the 'constitutional debates' on the finalité européenne: Why have those national institutions, which are seen as major cornerstones of their respective polities, weakened their own constitutional rights by ratifying in recurrent steps the making of a supranational quasi-constitution? How can they regain some of their lost powers?

I. Parliaments in the Multi-level Game: The Analytical and Theoretical Framework

1. Characteristics of a Problematic Democracy

The partial or complete transfer of national competencies towards the EC/EU implies an immediate loss of the national parliaments' legislative powers towards the Council of Ministers, the European Commission and - to a lower degree and at a later stage -, towards the European Parliament. Only after the introduction of the so-called co-operation procedure and the co-decision procedure, the European Parliament gained important rights in the field of EC legislation. But still after Maastricht, Amsterdam and Nice, the transfer of national parliamentary powers to the European level has not entailed a complete and direct transfer of these originally legislative powers to the European Parliament.

As regards the national level of policy-making in EC/EU politics, this loss of legislative powers in the upstream process of policy-making may be compensated by an increase in the national parliament's control function vis-à-vis their governments.² Hence, since the German Bundesrat's

1 See for an overview: Maurer, Andreas: Parlamentarische Demokratie in der Europäischen Union. Der Beitrag des Europäischen Parlaments und der Parlamente der EU-Mitgliedstaaten zur Reduzierung des Demokratiedefizits, Baden-Baden 2002, pp. 10-29, 196-211; Wessels, Wolfgang: Die Öffnung des Staates. Modelle und Wirklichkeit grenzüberschreitender Verwaltungspraxis 1960-1995, Opladen 2000, pp. 337-340.

2 Schüttemeyer, Suzanne: 'Funktionsverluste des Bundestages durch die europäische Integration?', in: Zeitschrift für Parlamentsfragen, No. 2/1979, p. 261.

decision of 1957 to create a special EC affairs committee, national parliaments established institutions, general norms and procedures in order to scrutinise their governments in the EC decision-making process more effectively. Nevertheless, the degree of parliamentary scrutiny might vary a lot. Given different concepts and meanings of ‘control’, ‘participation’, and ‘scrutiny’, it ranges from simple ex-post information rules to mandatory procedures.³ Although some parliaments are provided with a high and comprehensive amount of EC documents, they do not necessarily influence their governments' stance in the Council of Ministers: Their effective impact on the formation of national views did not only depend on the amount and type of documents, but also on the timing, institutional capacities and personal resources available to deliberate efficiently and effectively on a given document.

2. The Constitutional Bases for Parliamentary Participation in EU integration

The 1996/1997 Intergovernmental Conference (IGC) led to the insertion of the “Protocol on the role of National Parliaments in the European Union” (PNP) into the Amsterdam Treaty.⁴ The PNP addresses both the issues of the scope of information for parliaments, the timing of parliamentary scrutiny, and the institutional provisions for locking interparliamentary co-operation into the inter-institutional framework of the EU. The PNP holds the following:

Firstly, national parliaments shall receive all pre-legislative Commission documents such as green and white papers or communications. These documents shall promptly be forwarded to national parliaments. However, the Protocol does not answer the question whether the governments of the member states, the European Commission or any other European institution will provide the parliaments with these documents. Instead, it simply stipulates each Member State may ensure that its own parliament receives the proposals 'as appropriate'. Thus the PNP does not oblige the governments to send all legislative proposals to their parliaments, or if this duty should be ‘scapegoated’ to another body. Secondly, the PNP implicitly excludes several types of documents of the general provision from the transmission of legislative proposals to national parliaments: all documents falling under the second pillar of Common Foreign and Security Policy (CFSP), all documents concerning the entry into enhanced co-operation, all documents prepared by member states for the European Council, and all documents falling under the procedure of the ‘Protocol on the integration of the Schengen acquis into the framework of the European Union’.

The PNP also includes a commitment on the management of how parliaments are to be informed about the EU’s rolling agenda. At first, the Commission shall ensure that any legislative proposal is ‘made available in good time’. Then, a six week period between issuing a “legislative proposal or a measure to be adopted under Title VI” (Police and Judicial Cooperation in Criminal Matters) TEU and its discussion or adoption by the Council has to elapse. These two provisions are geared to allow the governments to inform their parliaments about the proposal and leave time for discussion. However, the protocol does not constrain the governments to really use the time provided by the Community institutions for informing their parliaments. Thus, it is up to the parliaments and their governments to negotiate on the content and the procedures to be applied for the implementation of the PNP.

Besides the provisions on the improvement of unilateral parliamentary scrutiny mechanisms, the PNP also recognized COSAC as a contribution to a more effective participation of national parliaments in EC and EU Affairs. The PNP specified three areas for deliberation within the

3 See the contribution by Andreas Maurer and Wolfgang Wessels in Maurer/Wessels, 2001.. For earlier findings, see Laprat, Gérard: ‘Parliamentary Scrutiny of Community Legislation: An Evolving Idea’, in: Laursen, Finn/Pappas, Spyros (eds.): *The Changing Role of Parliaments in the European Union*, Maastricht: European Institute of Public Administration 1995, pp. 4-10; Norton, Philip (ed.): *National Parliaments and the European Union*, Special Issue of *The Journal of Legislative Studies*, No. 3/1995.

4 See the documentation by Astrid Krekelberg in Maurer/Wessels, 2001., document No. 2.

COSAC framework: COSAC may examine “any legislative proposal or initiative in relation to the establishment of an area of freedom, security and justice”, “legislative activities of the Union, notably in relation to the application of the principle of subsidiarity” and “questions regarding fundamental rights”. Thus, the PNP directly leads to the question whether COSAC may become the appropriate body for these issues. The fact that the PNP’s Chapter II focuses on the area of freedom, security and justice and on the fundamental rights policies reflects the political and legal sensibility of these issues in the EU member states. If we add this specification to the consultative role of the EP in the relevant policy area, we observe the introduction of a certain kind of ‘three-level-scrutiny-mechanism’: Firstly, the EP is to monitor the European level of decision-making in the First and the Third Pillar. Secondly, provided that they organize their scrutiny mechanisms effectively, the national parliaments may unilaterally monitor their governments on matters falling under this policy area. Thirdly, COSAC is enabled to deliberate these issues between the EP and the national parliaments.

There are at least three shortcomings with regard to the implementation of the PNP:

- First, the PNP does not improve the lack of parliamentary control with regard to the CFSP/ESDP pillar. The European Union’s Foreign and Security policy may not be simply conceived as a ‘domaine réservé’ of the Council and its administrative substructure. Democratic control of these policy fields is completely excluded.
- Secondly, neither the EP nor the national parliaments or COSAC can monitor the process of transferring the ‘Schengen acquis’ into the EC/EU area.
- If this lack of democratic control may be reduced due to further negotiations on both the European and the national level, a third structural problem will certainly not be resolved in the next years: COSAC Delegations are constituted by MP’s of the Committees responsible for handling EC/EU affairs and not of the Committees on civil liberties, justice and/or home affairs. Therefore, it is hardly conceivable how MP’s who mainly deal with horizontal EU issues will be apt to deliberate effectively on matters falling under the area of freedom, security and justice. COSAC’s problems are of a structural nature.

The focus of the second part of the PNP on COSAC indicates the limits of institutionalising a mutation of national parliaments into ‘multi-level players’: Parliaments might be able to use more informal instruments of multi-level parliamentary interaction (such as joint and bilateral meetings between specialised standing committees of national parliaments and the EP). Given the structural shortcomings of COSAC, at which aspects of specific policy areas are discussed to only a limited extent, the involvement of the national parliaments’ specialized committees represents a more flexible option for the achievement of interparliamentary co-operation. Moreover, these informal modes of interparliamentary co-operation might generate some multi-level features within the relevant bodies of the national parliaments.

II. Conceptualising Parliamentary Involvement in EC/EU Affairs

1. Towards a Scheme for Measuring Parliamentary Participation in EC/EU Affairs

How can national parliaments adapt to the EU’s multi-level and multi-actor system of governance? The process of co-operation and integration leads to a ‘fusion’ of national and Community institutions, instruments and policy devices. Actors of different policy-making levels try increase their effectiveness with regard to the preparation, making and implementation of decisions through and with European institutions while keeping a major say by “a broad and intensive participation”.⁵ Accordingly, I suppose that not only the European Parliament, but also national parliaments adjust and calibrate the possibilities and arrangements for parliamentary activity in response to EC legislation and other activities related to the European Union.

5 Wessels, 1996, op.cit., p. 58; see also Raunio, Tapio: ‘Always One Step Behind? National Legislatures and the European Union’, in: *Government and Opposition*, No. 2/1999, pp. 182-184.

Much attention has been paid not only to the effects of the shift of competences from the national level of governance towards the EC level (and later, since 1993, towards the European Union), but also to the effects of introducing qualified majority voting for decisions in the Council of Ministers instead of unanimity. This innovation “limited even further the scope for indirect influence by national parliaments”⁶ because since Maastricht member states can be overruled by a decision of about 71% of the weighted votes in the Council.⁷ Thus, even in cases where parliaments may affect the position of their government in the Council of Ministers effectively (e.g. through the adoption of binding mandates), qualified majority voting generates a decrease of the capacity for national parliaments to influence the outcome of European decision-making.⁸ Moreover, until 1994, the Council was not compelled to publish the results of qualified majority voting.⁹ Consequently, parliaments did not have the opportunity to verify how their government's representative negotiated and voted in the Council. Accordingly, it could be argued that unanimity instead of majority-voting would lead to a higher degree of parliamentary participation if not influence because each Member Government is responsible for the Council decisions and, “as such, accountable for them to its national parliament.”¹⁰

During the Maastricht ratification process, a number of governments provided their parliaments with some communication, information and consultation mechanisms. In the course of these constitutional reforms, national parliaments amended their rules of procedure. Overall, the post-Maastricht period can be characterised as a fresh attempt by major actors to calibrate institutional provisions for guaranteeing parliamentary back-up in EU policy-making. However, institutional adjustments with regard to the structure and the exercise of parliamentary scrutiny constitute no guarantee for effective and efficient monitoring of national representatives in the Council of Ministers and its substructures. In order to identify and explain variations in the participation of national parliaments in EU policy-making,¹¹ we also need to take some basic indicators into account. Political systems differ with regard to the established relationships between government and parliament, party systems and the ideological spectrum mirrored by parties and other societal groups. One has to take a look at the internal organisation of parliaments, as well as at the roles, functions, styles of parliamentary democracy in the different national settings. In addition, we should look at the relationships between standing committees, special or select committees, the plenary and cross-party working groups. Their impact on the potential behaviour of individual members, political groups and parliamentary committees must then be taken into consideration, too. Country differences might be significant: the types of executive-legislative relations and the subsequent differences in type and structure of parliamentarism vary between floor-centered ‘talking parliaments’ and committee-centered

6 Norton, 1995, op.cit., p. 6.

7 As Pimentel puts it: ‘Le contrôle danois est également un moyen de responsabilisation, surtout depuis la généralisation du vote à la majorité qualifiée: la menace de voir le Danemark mis en minorité à Bruxelles permet d’éviter utilement les tentations maximalistes’. See Pimentel, Carlos-Miguel: ‘Le contrôle des parlements nationaux peut-il pallier le déficit démocratique communautaire?’, in: *Révue Internationale de Politique Comparée*, No. 2-3/1995, pp. 561-575. See also: Schüttemeyer, 1979, op.cit., p. 268; Marquand, David: ‘Parliamentary accountability and the European Community’, in: *Journal of Common Market Studies*, No. 3/1981, p. 226; Hänsch, 1986, op.cit., p. 197; Saider 1990, op.cit., p. 88.

8 See Birkinshaw/Ashiagbor, 1996, op.cit., pp. 503 and 526.

9 See Code of Conduct on public access to the minutes and statements in the minutes of the Council acting as legislator, General Secretariat of the Council, Doc. No SN 3604/1/95 REV 1, Brussels 2 October 1995.

10 Marquand, 1981, op.cit., p. 226.

11 See the contribution by Ana Fraga in Maurer/Wessels, 2001.; Pahre, Robert: ‘Endogenous Domestic Institutions in Two-Level Games and Parliamentary Oversight of the European Union’, in: *Journal of Conflict Resolution*, No. 1/1997, pp. 147-174; Bergman, Torbjorn: ‘National parliaments and EU Affairs Committees: notes on empirical variation and competing explanations’, *Journal of European Public Policy*, No. 3/1997, pp. 373-87; Raunio, Tapio/Wiberg, Matti: ‘Does Support lead to Ignorance? National Parliaments and the Legitimacy of EU Governance’, in: *Acta Politica*, No. 2/2000, pp. 146-169; Raunio, Tapio/Wiberg, Matti: ‘Parliaments’ Adaptation to the European Union’, in: Esaiasson, Peter/Heidar, Knut, (eds.): *Beyond Westminster and Congress: The Nordic Experience*, Columbus 2000, pp. 344-364.

‘working parliaments’.¹² Pahre identifies three necessary conditions for strong parliamentary oversight: “there must be a significant portion of the public, and at least one party represented in parliament, that prefers the status quo to further integration. Second, a country must have frequent minority governments. Third, there must be some party that would rather enjoy a policy veto through an oversight committee than join a majority government.”¹³

With regard to European integration, specific factors have to be considered: public opinion on European integration in general, on democracy and the loci of democratic legitimisation of policy-making, on institutions and the distribution of institutional roles, on the functional scope of EC/EU politics and the allocation of powers differs widely between the EU member states.¹⁴ Public opinion may generate political traction between political parties. However, these ‘pushed’ demands for debating ‘Europe’ do not automatically determine specific forms of parliamentary scrutiny: political systems which favour polarisation in parliament would necessarily produce other forms of scrutiny than systems which are largely characterised by a consensual mode of party politics. Moreover, the salience of EU integration as a source for political conflict varies across the EU member states. Consequently, we need to analyse the relationship between the contentious orientation of parliamentary involvement in EU politics and the traditional working styles of parliaments in national politics.

Finally, we also have to look at the MP’s own evaluations of the EU system and the roles they wish to fulfil. In this context, Katz’ 1996 survey shows that the majority of MP’s think that national parliamentary scrutiny of EU decision-making is too weak and should be strengthened.¹⁵ Those who were satisfied with the way democracy works in their own country were also more comfortable with parliamentary involvement in EU matters. Finally, the average of MP’s thought that the EP should have more influence in EU policy-making than national legislatures. Only the Swedish MP’s ranked the two institutions in the opposite order. How did these self-perceptions evolve over time? Did the revision of the Treaties have any impact on the attitudes of parliaments? The country studies will provide evidence to answer these questions.

Apart from these underlying factors, I refer to the criteria originally proposed by Laprat¹⁶ and Scoffoni.¹⁷

¹² See Lijphart, 1999, op.cit.

¹³ Pahre, 1997, op.cit., pp. 165-166. See also Bergman, 1997, op.cit.

¹⁴ See on these factors especially Norton, Philip (ed): *Parliaments in Western Europe*, Portland 1990; Olson, David M., *Democratic Legislative Institutions. A comparative View*, London 1994; Blondel, Jean, *Comparative Government*, Hertfordshire 1995; Blondel, Jean/Sinnot, Richard/Svensson, Palle (eds.): *People and Parliament in the European Union*, Oxford 1998; Katz, Richard S./Wessels, Bernhard (eds.): *The European Parliament, the National Parliaments and European Integration*, Oxford 1999; Lijphart, Arend: *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*, New Haven/London 1999.

¹⁵ See Katz, Richard S.: ‘Representation, the Locus of Democratic Legitimation and the Role of the National Parliaments in the European Union’, in: Katz/Wessels, 1999, op.cit., pp. 21-44.

¹⁶ See Laprat, Gérard: ‘Reforme des Traités: Le Risque du double déficit démocratique’, in: *Revue du Marché Commun*, No. 351/1991, pp. 710-721. Laprat, Gérard: ‘Parliamentary Scrutiny of Community Legislation: An Evolving Idea’, in: Laursen/Pappas, 1995, op.cit.

¹⁷ See Scoffoni, Guy: ‘Les relations entre le Parlement européen et les parlements nationaux et le renforcement de la légitimité démocratique de la Communauté’, in: *Cahiers de Droit Européen*, No. 1-2/1992, pp. 22-41; see also Maurer, Andreas: *Les implications du Traité de Maastricht sur la coopération interparlementaire - le cas du Parlement européen et du Parlement français*, Editions Interuniversitaires, Bruxelles 1996.

Figure 1: A Scheme for Measuring Parliamentary Participation in EC/EU Affairs

	II) SCRUTINY VARIABLES		
	Scope	Timing and Management	Impact
Weak parliaments	Rather low	Reactive and Accidental	None
Modest policy influencing parliaments able to modify or to reject government proposals	Low - High	Reactive but Formalised	Low
Strong policy-making parliaments able to substitute government proposals	High	Anticipative, Proactive and Institutionalised	High

According to their framework for analysis, the efficiency and effectiveness of parliamentary scrutiny in European affairs can be evaluated by addressing the following three criteria:¹⁸

- A. The scope of parliamentary control which firstly results from the extent of documents forwarded to parliaments by their governments: to what extent do national parliaments receive draft proposals of legislative acts and other acts, i.e. white and green papers,

¹⁸ See Laprat, 1995, op.cit., pp. 4-8.

recommendations, declarations, documents produced by COREPER, the Council working groups, the European Parliament and its committees? The scope of parliamentary scrutiny concerns not only the type and number of documents, which governments transmit to their legislatures. Hence the methods national systems incorporate of organising an efficient and functionally oriented sift of documents vary and induce different degrees of the scope of available information at different stages and in different parliamentary bodies. The general orientation of ideas associated with a parliament's control function as well as the financial, personal and managerial resources of a parliament may cause the exclusion of various types of EC/EU documents (legislative draft proposals, Commission's white papers or communications, draft proposals related to the Second and Third Pillars of the TEU etc.) from the subsequent phases of the scrutiny process: How do national parliaments select and sift documents forwarded by their respective executives?

The Maastricht Treaty contained amendments to the Treaties establishing the (supranational) EC on the one hand and provisions for the foundation of two intergovernmental areas within the realm of the European Union (Titles V and VI) on the other. Given that until Maastricht, national provisions on the scope of parliamentary scrutiny focused on the participation of parliaments in the fields of EC legislation, the introduction of two new policy fields in a separate international treaty may have led to a legal restriction of the potential scope of parliamentary involvement. Thus, our third question is: to what extent do parliaments supervise governmental action in matters regarding the Common Foreign and Security Policy, Co-operation in Justice and Home Affairs and European Monetary Union? Do national parliaments consider 'new' forms of governance such as the open method for co-ordination in Economic and Employment policies?

- B. The timing and management of parliamentary scrutiny: effective scrutiny presupposes that parliaments receive draft proposals for EC/EU legislation in good time and that they have enough time for examining it. Timing and management of parliamentary scrutiny varies according to its implications on the Government's European policy. Timing as a criterion to measure the effectiveness of parliamentary scrutiny in the framework of EC/EU affairs therefore depends on the constitutional and legal provisions concerning the transmission of relevant documents to parliaments. In this context, some rules governing the parliamentary monitoring process for handling European affairs may oblige the governments to transmit the relevant documents at the 'earliest possible date', 'in advance on the preparation of meetings of the Council of Ministers' or within a certain time limit such as 'after receipt of a document by the Government'.

The timing of scrutiny may also vary according to the internal management of European Affairs on the governmental and the parliamentary level and depending on the implications of parliamentary scrutiny powers for the Government's European policy. If ministers are bound by decisions of their parliament, governments are politically obliged to forward the relevant documents within a certain period of time allowing national parliaments an examination before the meeting of the Council of Ministers. Finally, the timing of parliamentary scrutiny also varies according to the frequency of meetings of the legislative actors involved. In this regard, parliaments are required to adapt their own organisation of meetings to the rolling agenda of the EU institutions. National officials work closely together in preparing decisions of the Council in approximately 350 working groups under the Council and the Committee of Permanent Representatives.¹⁹ These interaction patterns involve many sectors and levels of the national administration hierarchy. The working groups have a significant impact on the decision-making arena. Around 90 per cent of EC

19 The German Presidency of the Council January-June 1999 listed 351 operating working groups.

legislation is ‘pre-cooked’ at this stage.²⁰ Furthermore, the Brussels-based infrastructure is surrounded by consultative and advisory committees - almost private, i.e. non-governmental and sectoral specialists providing expertise for both phases of decision-preparation and -implementation. As a mirror of the EC/EU’s external policy activities, one can also find joint committees bringing together administrations from the EU institutions, the member states and third parties. The potential influence of committees differs largely according to the phase and the policy sector. The involvement of national civil servants in the EU policy-cycles is not just a ‘watch-dog exercise’. Both for the Commission and the national institutions the “engrenage”-like²¹ interlocking of actors is an important component for a calculable joint management of the policy-making process. If any major element is to be made responsible for the criticised bureaucratisation²² in ‘Brussels’, it is this quite intrinsic network of multi-level administrative interpenetration. Assuming that this bureaucracy is not just an accidental product of personal mismanagement, national parliaments are confronted with an ever-growing realm of policy-making infrastructures, which is less open to parliamentary oversight than bodies bringing together politicians. If governments, administrations and intermediary groups such as industrial lobbies optimise their multi-level games, how do national parliaments react? At which stage of the EU’s arenas’ decision-making process do parliaments start the monitoring process vis-à-vis their governments? Are the necessary procedures established for monitoring the Government’s policy constrained by time limits?

- C. The impact of parliamentary scrutiny on the Government’s room of manoeuvre differs in every parliament of the EU. We can roughly distinguish between formal and informal arrangements between parliament and government, between procedures aimed at substantially influencing the position of the Government in the Council and those simply aimed at tactically delimiting the relative independence of governmental representatives’ actions in the Council. The impact may differ between those parliaments that are able to mandate their government’s representative before a Council decision takes place and those without any formal means for influencing their government’s standpoint in the Council. In between these two extremes we might find parliaments that are able to express their views on a certain proposal, however still dependant on whether governments incorporate them or not. Apart from the mandate, several parliaments may refer to the so-called “parliamentary scrutiny reserve” mechanism. In close relation to the criterion of the impact of parliamentary scrutiny, the basic interests and ideas behind parliamentary involvement in European decision-making also need to be addressed. Moreover, one should not forget that a given, at first sight quite impressive set of parliamentary scrutiny rights may be instrumentalised by their respective governments to block Council decisions. Hence, only the well-known Danish mandatory procedure works in close connection with the fact of minority governments. Therefore, the criterion of the impact of parliamentary scrutiny should also include the issue of the level and of the minimum number of deputies required for effective parliamentary intervention.

20 See Van der Knaap, Peter: ‘Government by Committee Legal Typology, Quantitative Assessment and Institutional Repercussions of Committees in the European Union’, in: Pedler, Robert/Schäfer, Günther (eds.): *Shaping European Law and Policy: The Role of Committees and Comitology in the Political Process*, Maastricht 1996, pp. 83-116, here p. 114. The Council itself notes that some two thirds of its rolling agenda is closed by COREPER, out of which 70 % are agreed at the working groups level. See Rat der EG, Der Rat der EG, Luxembourg: Amt für amtliche Veröffentlichungen, 1990, p. 22; see also Wessels 2000, op.cit., pp. 228-229.

21 See Sasse, Christoph/Poullet, Edouard/Coombes, David/Deprez, Gérard: *Decision-Making in the European Community*, New York, London, Praeger, 1977.

22 See Peters, Guy: ‘Bureaucratic Politics and the Institutions of the European Community’, in: Sbragia, Alberta (ed.): *Euro-Politics: Institutions and Policymaking in the ‘New’ European Community* Washington: Brookings, 1992, pp. 75-122; Wessels, Wolfgang: ‘The Growth and Differentiation of Multi-Level Networks: A Corporatist Mega-Bureaucracy or an Open City?’, in: Wallace, Helen/Young, Alasdair R. (eds.): *Participation and Policy-Making in the European Union*, Oxford: Oxford University Press, 1997, pp. 17-41.

At first glance, criterion ‘A’ presupposes the other two criteria: if parliaments do not get any information about relevant activities in European affairs, possible findings and conclusions on timing, time limits and the impact of parliamentary scrutiny are irrelevant. However, if parliaments are legally provided with a right to engage themselves in gathering and treating information independently from what they get from their governments, their parliamentary scrutiny mechanisms may be more effective.

The criteria for measuring effective and efficient parliamentary control in European affairs lead us to the problem of classifying national parliaments according to the application of scrutiny powers in the policy processes. One model that has been devised for this purpose derives from earlier studies by Mezey²³ and has subsequently been modified by Norton.²⁴ Both authors developed frameworks for classifying legislatures in various countries. They are based on two basic indicators: the *policy-making strength* and the *support for the legislature*. Mezey defined the policy-making strength as “the constraint that the legislature is capable of placing on the policy-making activities of the executive”.²⁵ On the basis of the first criterion (policy-making strength), Mezey distinguished between three categories of parliaments:

- parliaments possessing strong policy-making power based on the veto power and the possibilities of making modifications or of finding compromises in the course of the policy process,
- parliaments with modest policy-making power characterised by the right to modify (but not to reject) policy proposals and
- parliaments having little or no policy-making power and thus not being able to modify or reject proposals issued by the executive.

Norton's work concentrated on the first two categories. He underlines the fact that the having a right to reject policy proposals does not automatically entail a real i.e. proactive policy-making power of parliaments.²⁶ Accordingly, the category of parliaments possessing strong policy-making power should encompass “policy-making” legislatures that can modify, reject or substitute policies of their own, while the category of parliaments with modest policy-making power should only include “policy influencing” legislatures capable to modify and to reject but not to substitute policy proposals.²⁷ The difference between these two categories lies in the qualification of parliaments as legislative bodies which are able to generate their own sets of proposals that may substitute the original government position.²⁸

In this context, our substantial criteria of ‘scope’, ‘timing’ and ‘impact’ of parliamentary scrutiny serve as the main variables. They form the basis for a classification of parliaments in one of the three aforementioned categories of “strong policy-making parliaments”, “modest policy-influencing parliaments” and “weak parliaments” possessing neither a policymaking nor a policy-influencing power.

²³ See Mezey, Michael L.: *Comparative Legislatures*, Durham, N.C. 1979, pp. 21-44.

²⁴ See Norton, Philip: ‘Parliament and Policy in Britain: The House of Commons as a Policy Influencer’, in: *Teaching Politics*, No. 2/1984, pp. 198-221.

²⁵ Mezey, Michael: ‘Classifying Legislatures’, in: *Comparative Legislatures*, 1979. As our paper is concerned only on the role parliaments play in the European decision-making process, we neglect Mezey’s second criteria which is oriented towards the general profile of legislatures.

²⁶ In ‘*Comparative Legislatures*’, Mezey acknowledged the missing of the combination ‘parliaments possessing the power to reject but not to modify’. For him, it was ‘inconceivable that a legislature could have the power to reject proposed legislation but not have the power to modify it’. Mezey, 1979, p. 43 Footnote 1.

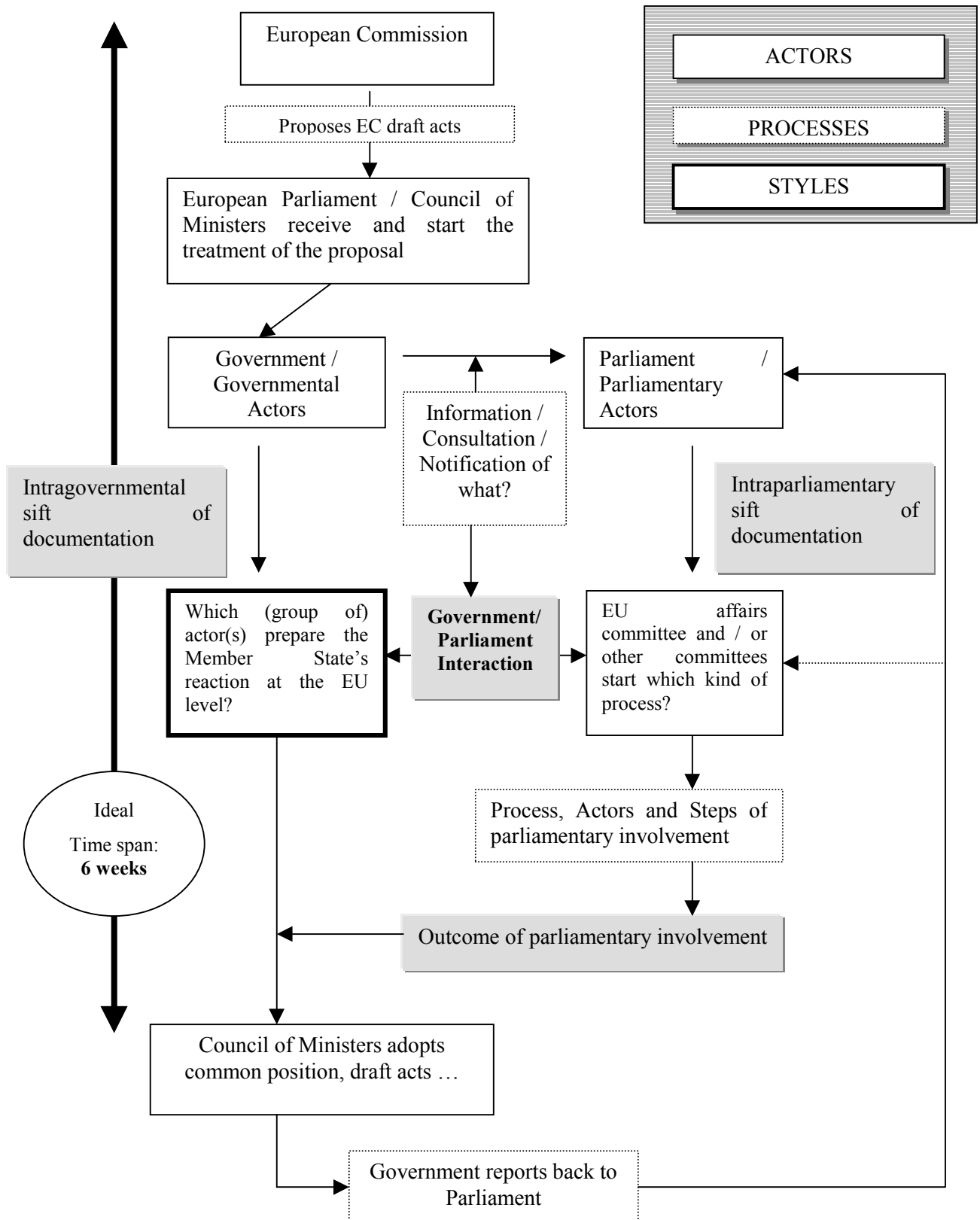
²⁷ Norton 1990, op.cit., p. 5 and 1984, op.cit., p. 201.

²⁸ In the context of European legislation the question should be: Are national parliaments able to substitute policy against the original government proposals on the so-called ‘common positions’ for the Council of Ministers?

2. The Focus on Institutions and Institutional Adaptation

Any consideration about the capacity of parliaments to cope with EC/EU policies needs to take the Treaties as serious as national constitutions and the underlying factors of parliamentary involvement in politics. Thus, the question whether national parliaments introduce new methods, rules and/or institutions in order to scrutinise EC/EU policy is of crucial importance: As the European Union constitutes an organisational machinery in process, parliaments may alter their scrutiny methods according to new developments of the institutional and procedural framework of the European Union. We therefore concentrate on the evolution and real performance of EU affairs committees with regard to the EU system. That is why we take the Amsterdam Protocol on the role of national parliaments as a heuristic model for understanding the ‘real’ impact of Treaty and institutional change in the member states.

Figure 2: The Ideal Process of Parliamentary Scrutiny in EC/EU Affairs



Special thanks to Tapio Raunio for the concept of this model.

3. Shaping the National Level of the EU's Policy-Cycle

Our research design focused on the following indicators:²⁹

- The institutionalisation of parliamentary structures, instruments and procedures for dealing with EU policy-making at the national level,
- The substantial scope of parliamentary control resulting from the extent of documents forwarded to parliaments by their governments,
- The basic orientation and methods of national parliaments with regard to the organisation of filtering documents within the parliamentary bodies,
- The timing and management of parliamentary scrutiny, and
- The potential and real impact of parliamentary scrutiny on the Government's room of manoeuvre within the EU Council of Ministers.

The results point at a considerable legal constitutionalisation³⁰ and institutional adaptation, and at a modest impact with regard to the real patterns of participation.

3.1. Institutionalisation and Institutional Adaptation: The Creation of Committees

If we look at the EU's present (2002) institutional structure, the role of the national parliaments in the decision-making process lies in 'one-level'-scrutiny and advice within the model framework of government-legislature relationships.³¹ National parliaments exercise these roles according to the constitutional and political context of the country. Since the mid-1980s national parliaments have made important changes to their procedures concerning the examination of EC/EU issues. We can identify three major evolutions with regard to institutional adaptation of national parliaments in view of the EU system:

- A greater specialisation of parliamentarians with regard to policy areas and functions of parliaments,
- A greater activity of committees within the management of parliamentary business, and - as a result of the two aforementioned changes, and
- A higher rate of segmentation and fragmentation of parliamentary bodies and groups.

In some cases (DK, S, SF, D, A), EU Committees perform as key interlocutors for government representatives in order to voice a more or less binding opinion on a given document. Moreover, several of these committees function as transmission belts between their parliaments and public opinion (DK, S, SF, F) by organising hearings and through the management of EU-related internet pages. Finally, all EU committees share the task to participate in COSAC as the main interparliamentary co-operation network.

We observe some convergence in organisational adaptation, i.e. the set up of specific bodies within parliaments that deal with the incoming documentation of the EC/EU's policy processes. The growing salience of EC/EU affairs would suggest that parliaments would adjust their existing resources accordingly. In institutional terms, one could expect that parliaments would revise the composition and the relative strength of EU Committees. However, table 1 indicates a rather stable share composition of EU Committees.

Table 1: Ratio of EU Committee members in relation to the total strength of parliament

In per cent		1987/88	1992/93	1995/96	1999
Belgium	Chambre.	9.43	9.43	15.79	13.57
	Senate		20.75		
Denmark	Folketing	9.71	9.71	9.71	9.50
Germany	Bundestag	2.5	6.45	7.44	5.9
	Bundesrat	37.77	31.88	33.33	33.33

29 See the contribution by Andreas Maurer in Maurer/Wessels, 2001..

30 See Olsen, Johan P.: Organising European Institutions of Governance. A Prelude to an Institutional Account of Political Integraion, Arena Working Papers WP 00/2, Oslo 2000.

31 Norton, Philip (ed.): National Parliaments and the European Union, Special Issue of The Journal of Legislative Studies, No. 1/1995.

Finland	Eduskunta	-	-	12.5	12.5
France	Assemblée Senate	3.13	6.23	6.23	6.23
		5.60	11.24	11.24	11.24
Greece	Vouli	-	10.33	10.33	10.33
UK	Commons Lords	2.46	2.46	2.46	2.43
		1.87	1.87	1.87	3.00
Italy	Camera Senate	n.a.	8.1	7.94	7.62
		7.92	7.92	7.36	7.36
Ireland	Dail Senate	11.06	11.06	7.52	8.41
Luxembourg	Chambre.	n.a.	18.33	18.33	18.33
Netherlands	Tweede Kamer Eerste Kamer	17.33	17.33	17.33	16.66
		n.a.	n.a.	17.33	14.66
Austria	Nationalrat Bundesrat	-	-	14.75	15.85
				11.48	25.0
Portugal	Assembleia	10.0	10.0	11.74	11.74
Sweden	Riksdag	-	-	4.87	4.87
Spain	Camera Senate	n.a.	6.63	6.63	6.44

Source: Maurer 2001; Raunio/Wiberg 1999; WWW-Pages of the IPU and of the national parliaments.

The information recorded in table 1 does not allow to deduce an overall immunity of parliaments vis-à-vis EU integration. EU Committees can be seen as but one specific translation of institutional adjustment, but we should not restrict our view to the development of bodies and their membership. The creation of EU Committees is thus one specific focus of parliaments for getting involved through special institutional provisions. Some of the parliaments turned to be more active on EU affairs, especially after the Single European Act and the Maastricht Treaty. As the country studies show, not only the Committee of the Danish Folketing, but also those of the French Parliament, the German Parliament, the Dutch Second Chamber, the Austrian Nationalrat and the Finnish Eduskunta have developed their formal position and potential leverage on EC and EU affairs. They are not only dependant on filtered EU information of their governments, but generate their own - additional - information about the EU's daily business. They are not only allowed to deliberate on incoming EU draft legislation, but produce and pass resolutions, voice their opinion on a given issue, and ask their governments to act in the Council of Ministers according to their opinion.

3.2. The Scope of Information and the Sift of Documentation

Information is the ultimate basis for participating in public policy-making. The self-made loss of original legislative powers in the upstream process of EC/EU policy-making may be compensated by an increase in the national parliament's control function vis-à-vis their governments.³² Since the German Bundesrat's decision of 1957 to create a special EC affairs committee, national parliaments established institutions, general norms and procedures in order to scrutinise their governments in the EC decision-making process. The degree of effective parliamentary scrutiny varies a lot, ranging from simple ex-post information rules to mandatory procedures.³³ The scope of parliamentary participation in EC/EU affairs results from the extent of documents forwarded to parliaments by their governments. The country reports in Maurer/Wessels 2001 explored the extent to which national parliaments receive draft proposals of EC legislative acts and other EU acts, i.e. white and green papers, recommendations, declarations, documents produced by COREPER, the Council working groups, the European Parliament and its committees etc. Table 29 shows how national systems responded to the growing space of information, which can be forwarded to parliaments.

32 See Schüttemeyer, Suzanne: 'Funktionsverluste des Bundestages durch die europäische Integration?', in: Zeitschrift für Parlamentsfragen, No. 2/1979, p. 261.

33 Laprat, Gerard: 'Parliamentary Scrutiny of Community Legislation: An Evolving Idea', in: Laursen, Finn/Pappas, Spyros A. (eds.): The Changing Role of Parliaments in the European Union, Maastricht, European Institute of Public Administration 4-10, 1995; Norton, 1995, op.cit.

Table 2: Evolution of the scope of information for national parliaments 1987 to 1998

	1987-1992 (SEA-Period)	1992-1997 (Maastricht-Period)	Since 1997 (Amsterdam-Period)
Belgium	Draft EC acts, explanatory information of the Government. But no systematic transfer.	Unchanged	Unchanged
Denmark	Systematic transfer of all EC-Documents and explanatory information by the Government on each forwarded document.	All Commission documents (COM and SEC), important documents of the Council, factual notes of the Government. Extension to pillars II and III and other - non-legislative - documents.	More systematic transfer of pre-legislative documents.
Germany	Systematic transfer of Draft EC acts.	All EC/EU proposals according to Art. 23 of the Basic law; progress reports prepared by Council Working groups, views of the Government.	Unchanged
Spain	All legislative proposals of the Commission, brief reports of the Government.	Since 1994 information on all EC draft acts.	Unchanged
France	No systematic transfer of legislative COM documents.	All EC draft acts including provisions of a legislative nature according to Art. 88-4 and 34 of the Constitution, Agendas of the Council, at irregular intervals notes of the Government on the French position. Since 1994 also documents of the EU.	All EC and EU documents of legislative nature
Greece	The government only submits a report on developments in EC affairs and the end of each parliamentary session.	Unchanged	Unchanged
Italy	No systematic transfer of legislative COM documents.	All Commission draft proposals, fact sheets of the Government.	Unchanged.
Ireland	EC draft acts at the Government's discretion.	Drafts acts falling under ex-Art. 189 ECT, opinions of the Council, programmes and guidelines of the Commission, explanatory memoranda of the Government.	Unchanged
Luxembourg	No systematic transfer of legislative documents at the Government's discretion.	Draft regulations and directives, documents arising out of the 'Comitology', decisions of the Commission. Additional information of the Government.	Unchanged
Netherlands	Tweede Kamer receives a monthly table of new COM-proposals. Eerste Kamer only deals with implementation of EC law.	Tweede Kamer: Binding responsibility o governmental transfer of documents only for III pillar proposals.	Unchanged
Austria	Not yet member of the EC	All EU proposals. Explanatory memoranda by the Government.	Unchanged
Portugal	No systematic transfer of EC draft acts at the Government's discretion.	Since 15 June 1994 systematic transfer of EC draft proposals.	Unchanged
Finland	Not yet member of the EC	All EC and EU-documents.	Unchanged
Sweden	Not yet member of the EC	Transfer of all EC and EU draft acts, explanatory memoranda by the Government.	Unchanged
UK	EC draft acts and explanatory memoranda.	All legislative documents except II. and III. pillar documents.	All EC and EU documents.

Source: Maurer 2001, p. 254; and country reports in Maurer/Wessels, 2001..

As findings on the French system show, the extend of information forwarded to national parliaments may be restricted according to national hierarchies of norms.³⁴ The concept of proposals containing provisions of a legislative nature implies that Parliament only receives those draft acts, which, if they were to be adopted in France would form part of the law within the meaning of Article 34 of the Constitution. Thus, Article 88-4 leaves to the 'Conseil d'État' and the Government the decision whether draft proposals constitute legislative acts.

The supply with information is much more comprehensive in Denmark, Finland, Germany, the Netherlands, Austria, Sweden and the United Kingdom. These parliaments do not only have access to the overall amount of incoming documents of the European Commission, the Council, the EP and the other EU institutions, but succeeded to bound their governments to provide comprehensive explanatory informations in order to facilitate the sift of documents between MP and committees. These focused government 'translations' of EU

34 See the contribution by Andrea Szukala and Olivier Rosenberg in Maurer/Wessels, 2001..

information are of high political relevance, since they allow MP not only to discuss the documents as such, but also their government's perspective on a given issue. Explanatory informations orient national debates with regards to the issue of competencies (B, D, A) and the respect of the subsidiarity principle (DK, D, F), the financial implications of a proposed act (D, DK, NL, S, SF, UK), the state of the art on a given policy issue as well as the - perceived - progress of negotiations (DK, D, F, S, UK).

As regards the initial phases of the EU's policy cycle, parliaments and governments in Denmark, Germany, the UK and the Netherlands fine-tuned the mechanisms for drafting short commentary sheets on incoming draft acts of the European Commission.

Table 3: Evolution of supplementary information practices 1992-1998

	1992/1993		1995		1997/1998	
	Initial	Continuous	Initial	Continuous	Initial	Continuous
B	0	0	Unchanged	On demand	2	Unchanged
DK	2	3	3	Unchanged	Unchanged	Unchanged
D	2	3	3	Unchanged	Unchanged	Unchanged
E	0	1	2	On demand	2	Unchanged
F	1	0	2	2	3	3
GR	0	0	Unchanged	Unchanged	Unchanged	Unchanged
I	1	1	Unchanged	On demand	Unchanged	Unchanged
IRL	1	0	1	On demand	2	Unchanged
LUX	0	On demand	Unchanged	Unchanged	2	Unchanged
NL	3	2	Unchanged	Unchanged	Unchanged	Unchanged
A	n.a.	n.a.	3	3	Unchanged	Unchanged
P	0	0	2	1	Unchanged	Unchanged
S	n.a.	n.a.	3	3	Unchanged	Unchanged
SF	n.a.	n.a.	3	3	Unchanged	Unchanged
UK	3	2	Unchanged	Unchanged	Unchanged	3

Legend for initial phases of the EU's policy cycles ('Initial'): 0 : No supplementing information, 1: Some supplementing informations like summaries of the draft; 2: document summaries, agendas and minutes of Council of Ministers, 3: substantial supplementing information like financial forecasts, analyses on constitutional implications, subsidiarity/environmental impact assessment/social affairs forecast sheets etc. Legend for the decision-making phase of the EU's policy cycles: ('Continuous'): 0 : No information at all; 1: Short hand information about the envisaged dates of the decision-making process; 2 Commented information about the stance of other EU actors in the decision-making process; 3: Complete and timely information about each stage in the decision-making process; On demand: New information on the decision-making process only on specific demand by MP or committees.

A continuing source of dissatisfaction of both the EP and the national parliaments is the fact that new - post-SEA - policy fields and new modes of governance³⁵ evade any parliamentary guidance or control.³⁶ Some of these fields have evolved recently, i.e. foreign policy and common security, justice and home affairs, economic and monetary policy in the context of the EMU, the Euro 12-nucleus' policies within the framework of the growth and stability pact and the so-called 'open method of co-ordination' policies. In these areas both the Amsterdam and the Nice Treaty reforms have not made any progress towards an inclusion of at least one level of parliamentary participation, whilst they have sanctioned particularly innovative decisions, at strictly intergovernmental level, such as those concerning the introduction of a political and military structure for common crisis reaction forces or the setting up of new intergovernmental committees in the fields of EMU and employment. New modes of governance have thus created new democratic deficits on both levels. The recent tendency to replace the 'Community method' has become obvious with the recent heads of state and governments' decisions on ESDP, where the intergovernmental dimension in steering the Union has been strengthened, as expressed most clearly in the emphasis given to the role of the European Council. The serious limits, as regards both transparency, 'traceability' and

35 See Wallace, Helen: 'Analysing and Explaining Policies', in: Wallace, Helen/Wallace, William (eds.): Policy-Making in the European Union, Fourth edition, Oxford, 2000, pp. 65-81; Kohler-Koch, Beate: 'The Evolution and Transformation of European Governance', in: Kohler-Koch, Beate/Eising, Rainer (eds.): The Transformation of Governance in the European Union, London/New York 1999, pp. 14-35; Wessels, Wolfgang/Linsenmann, Ingo: 'EMU's impact on national institutions: Fusion towards a Gouvernance économique or fragmentation?', in: Dyson, Kenneth (eds.): European States and the Euro: Playing the semi-serenity game, Oxford 2001 (forthcoming).

36 See also the European Commission's White Paper on European Governance, COM(2001) 428, 27. July 2001, pp. 21-22.

‘monitorability’, of the Council’s activities, were merely touched upon in a few provisions of the Amsterdam Treaty.³⁷

The scope of information in these areas was and remains particularly low in the Southern European parliaments (GR, E, P) and in Ireland. The parliaments of France and the UK had to fight for the application of existing information routines in the EC area to the intergovernmental policy areas. Comparing their relative positioning in 1991/1992 and 1997/1998, both parliaments developed from a ‘weak adapter’s’ to a ‘national player’s’ role.

While conquering ground in the classic areas of EC policy-making, national parliaments lost influence in other ‘vital’ policy areas: Also after the Treaty of Amsterdam, parliamentary involvement in CFSP and Police and Judicial Co-operation in Criminal Matters depends on the willingness of governments to keep their legislatures informed on intergovernmental events. It is not unusual for parliaments to be made aware of international agreements only at the time of their presentation to the legislature for ratification. As both areas feature co-operation that remain officially outside the EC arena, the traditional domestic scrutiny procedures for Community legislation do not automatically apply. Information remains a vital tool for processes of scrutiny and accountability and parliaments depend heavily on executives and/or interest groups for this key resource.

3.3. Timing and Management: Key Instruments of National Players

Parliamentary involvement in EU affairs is also a product of efficient procedures. Parliaments are confronted with the growing diversity of inter-institutional deliberation and decision-making processes at the Brussels/Strasbourg level of the Council and the EP. A closer look at the EC/EU treaties reveals a clear trend towards procedural ambiguity over time.³⁸ Whereas the original treaties foresaw a restricted set of rules for each policy field, subsequent treaty amendments have led to a procedural differentiation with a variety of rule opportunities. As a result, the treaty provisions do not dictate a clear nomenclature of rules to be applied to specific sectors. Instead, since the SEA, member states and supranational institutions can, in an increasing number of policy fields, select whether a given piece of secondary legislation - a regulation, a directive or another type of legal act - should be decided by unanimity or qualified majority in the Council; according to the consultation, co-operation or (after Maastricht) the co-decision procedure; without any participation of the European Parliament or with or without consultation of the Economic and Social Committee, the Committee of the Regions or similar institutions. In other words, different procedural blueprints and inter-institutional codes compete for application and raise the potential for conflict between the actors involved.³⁹

From a national government’s perspective, this growing variation of institutions and procedures means a mixed set of opportunity structures and “engrenage-like”⁴⁰ networking systems for access and participation in the EC/EU policy cycle.⁴¹ Assuming that the resulting bureaucracy⁴² is not just an accidental product of personal mismanagement, national parliaments are confronted with an ever-growing realm of policy-making infrastructures, which are less open to parliamentary oversight than bodies bringing together politicians. Unlike the component units of the Council (governmental administrations and services, and the Council

37 See Maurer, 2001, op.cit., pp. 345-361.

38 See Maurer/Wessels, 2001, op.cit.

39 See for a detailed analysis: Maurer/Wessels, 2001, op.cit.

40 See Sasse, Christoph/Poullet, Edouard/Coombes, David/Deprez, Gérard: Decision-Making in the European Community, New York/London, 1977 ; see also the contribution by Andreas Maurer in Maurer/Wessels, 2001..

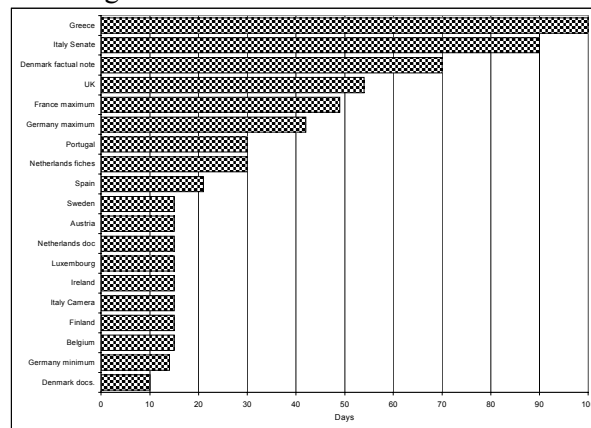
41 See van der Knaap, Peter: ‘Government by Committee: Legal Typology, Quantitative Assessment and Institutional Repercussions of Committees in the European Union’, in: Pedler, Robert/Schäfer, Günther (eds.): Shaping European Law and Policy: The Role of Committees and Comitology in the Political Process, Maastricht 1996, pp. 83-116. The Council itself notes that some two thirds of its rolling agenda is closed by COREPER, out of which 70 % are agreed at the working groups level. See Rat der EG, Der Rat der EG, Luxembourg: Amt für amtliche Veröffentlichungen, 1990, p. 22; See also Wessels 2000, op.cit., pp. 228-229.

42 See Peters, Guy: ‘Bureaucratic Politics and the Institutions of the European Community’, in: Sbragia, Alberta (ed.): Euro-Politics: Institutions and Policymaking in the ‘New’ European Community Washington: 1992, pp. 75-122; Wessels, Wolfgang: The Growth and Differentiation of Multi-Level Networks: A Corporatist Mega-Bureaucracy or an Open City?, in: Wallace, Helen/Young, Alaisdair R. (eds.), Participation and Policy-Making in the European Union, Oxford 1997, pp. 17-41.

Secretariat), national parliaments need to employ a more limited set of resources according to the variety of institutional-procedural codes.

Some member states facilitate the management of parliamentary EU business, because the efficient sift of EC/EU draft legislation is in their own interest: Given that ministers are bound by decisions of their parliament in Denmark, the Netherlands, Austria, Germany and Finland, the respective governments must forward the relevant documents within a certain period of time, which allows parliamentarians the examination before the meeting of the Council of Ministers. As graph 7 clearly indicates, the parliaments in these countries receive relevant EC/EU information in sufficient time.

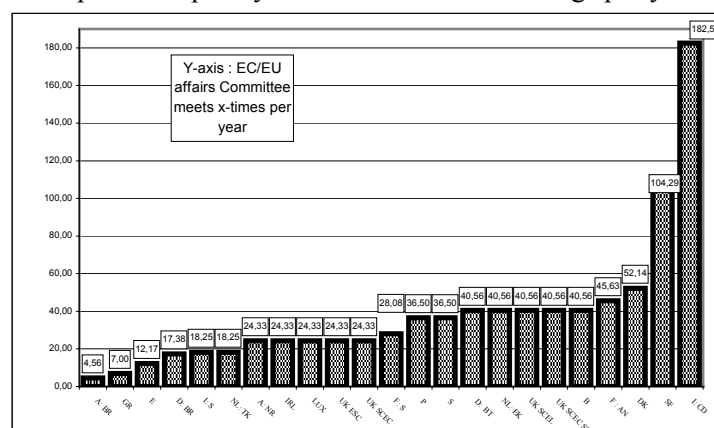
Graph 1: Average Duration for the Transfer of EC/EU documents



Source: Maurer 2001, p. 295. Note: Duration is the difference between the arrival of a document at the parliaments' chancellery (or another comparable recipient) and the publication of this document by the relevant source (for COM documents the Commission, for Council documents the Council's General Secretariat).

Today, about half of the parliaments are able to run with their governments in EC/EU affairs. Theoretically, parliaments could manage the problem of timely information by referring to the documentary bases, which are already open to each citizen in the Union. Today, Commission initiatives and EP draft reports are available the day after their adoption. However, parliaments claim to get relevant information officially, i.e. translated in their official language, stamped by their governmental service etc. In this regard, parliaments hamper themselves for, however, understandable reasons. Since they are constitutionally entitled to act on behalf of their electorates, in co-operation or vis-à-vis a constitutionally delimited set of institutions, they hardly start to deliberate on information that is not 'officialised' within their realm of competencies.

Graph 2: Frequency of EU Committee meetings per year



Source: Maurer 2001, p. 296.

The information in graph 2 recounts a dilemma of national parliaments in relation to EC/EU affairs: On the one hand, parliamentarians wish to get involved in the EU policy cycle. To facilitate the digestion of incoming draft acts, they have created specific bodies, which are entitled to sift documents, to elaborate reports and to prepare resolutions for the plenary. The activity of EU Committees varies not only according to the amount of documents to be dealt with, but also depending on the general orientation of their work and the intra-parliamentary focus on committee and plenary meetings.

Hence, whereas EU Committees in Denmark, Finland, Austria, Ireland and the UK House of Commons deal with incoming EC/EU documentation as *the* Committee-in-charge of the whole scrutiny process, other EU Committees (D, NL, S, I) are simply regarded as the first - sifting - institution within parliament in order to facilitate the further consideration of the relevant documents within specialised Standing Committees. EU Committees in these countries specialise themselves on some European issues like IGC's, Enlargement and other - horizontal - themes of the EU's long-term agenda, whereas the first group of EU Committees-in-charge need to digest each incoming EU dossier on behalf of their parliament. These EU Committees need much more time to deliberate EU issues. Necessarily, they meet more frequently than EU Committees of the second group.

The basic orientation of parliaments in EU affairs also differs with regard to the - ideally constructed - nature of the scrutiny process. Hence, the parliaments of Denmark, Austria, Sweden, and France focus their EU-related activity on the formulation and issuing of voting instructions for their respective government members in the Council of Ministers. These parliaments build on an ideal bipolar legislature-government scenario. The other parliaments follow a more open and consensual (NL, D, SF), or supportive (IR, I, B, LUX, P, E, GR) approach vis-à-vis their governments. Their main rationale is to ensure that interested parliamentarians can track the EU policy cycles according to the constitutional rules.

Finally, the consideration of the different steps in the EU policy cycle also generates different time constraints for parliamentarians and their EU Committees. If parliaments anticipate EC/EU legislation, their scrutiny process starts earlier and the involved committees meet more frequently. If parliaments adopt a more reactive stand by focusing on already adopted EU legislation, their timing and management of EU scrutiny processes is less intensive and frequent.

Table 4: Basic Orientation of Parliamentary Scrutiny EC/EU affairs

(1) Parliament's Working style	(2) Nature of Scrutiny processes		(3) Consideration of phases in EU policy cycles			
	Orientation towards supportive Scrutiny	Orientation towards formulating and/or voting instructions	Anticipative, ex-ante examination of EC/EU draft legislation	Reactive, ex-post consideration of EC/EU legislation		
Main Focus on EU Committee	SF, IR	F, UK	DK, A	DK, SF, A, UK	IR	
Strong involvement of Specialised Standing Committees	D, NL, SF, I		S	D, F, NL, S		I
Focus on Plenary sessions	B, GR, LUX, P, E			B, LUX	P, E	GR

Authors' own classification. Sources: Country studies in Maurer/Wessels, 2001.; Maurer 2001; Raunio/Wiberg 1999.

If we only consider the time-frame from 1994 to 1998, the Belgian Parliament dealt with 136 selected ‘summaries of the Secretariat for EU affairs’,⁴³ the Finnish Eduskunta with 678 so-called ‘U’- and ‘E’- matters,⁴⁴ the German Bundestag with 2387 ‘EU documents’,⁴⁵ the UK House of Commons with 2635 ‘scrutiny events’,⁴⁶ the Swedish Parliament with 3563,⁴⁷ the French Parliament with 10.415,⁴⁸ and the Austrian Nationalrat with 93.926 EC/EU documents.⁴⁹ The difference of submitted EC/EU documents is due to the variety of selection criteria. The productivity of EU Committees also varies according to the different orientations of their scrutiny mechanisms. To illustrate: The Belgian EU Committee issued only 22 reports from 1993-1997.⁵⁰ The Spanish Parliament’s Plenary adopted 44 resolutions, the Parliament’s EU Committee 32 resolutions and 2 reports (1993-2000).⁵¹ The French National Assembly issued 83 and the French Senate 47 resolutions (1994-1998).⁵² The German Bundestag selected 981 out of 2387 incoming documents as ‘printed EU items’ (1994-1998). Of these, only 111 were subject to a recommendation for a plenary decision.⁵³ In contrast, the Finnish Parliament’s Standing Committees issued 620 opinions (1995-1998).⁵⁴ As regards the Main Committee of the Austrian Nationalrat, 18 binding instructions were passed during the XIX. legislative period (1995-1/1996), and 13 during the XX. (1/1996-10/1999). In addition, the Standing Sub-Committee on European Affairs passed two opinions until June 2001.⁵⁵

Given the self-made multitude of portfolios, EU Committees face the problem of remaining locked in the national organisation of parliamentary business. The ‘one-level-only’-problem becomes visible in the fact that the handling of EU affairs does certainly not influence the rolling agenda of national parliaments. Compared to the governments’ ministerial administrations, parliamentarians need to allot their capacities for several agendas. Members of EU committees get not re-elected by focusing their campaign towards the handling of EU affairs. In addition - and partly of the same reason -, the parliaments’ agendas remain oriented towards national debates. With few exceptions⁵⁶, the EU committees stay ‘outsiders’ in their parliaments, perceived as ‘EU-ised Trojan horses’, which challenge the competencies and - more important - the reputation of other committees.

3.4. Influence and Impact: Parliaments as ‘Supportive Scrutinizers’

The impact of parliamentary scrutiny differs between those parliaments which are legally able to mandate their government’s representative before a Council decision takes place (DK, D: Bundesrat, NL: Tweede Kamer for CJHA, A: Nationalrat, and SF) and parliaments which simply do not have any means for effectively influencing their government’s standpoint in the Council of Ministers (GR, I, IRL, P). Note in this context that the legal provisions might differ from the real patterns: Whereas the Danish, Finnish and Dutch parliamentarians use the practice of formulating mandates for, or of assenting draft mandates of their governments, their counterparts in Germany and Austria use this possibility less frequently.

The other ‘northern European’ parliaments are able to express their views on a certain proposal (F, LUX, B, E, UK), but their governments decide whether to integrate them or not.

43 Answer to the questionnaire of Andreas Maurer and Astrid Krekelberg by Hugo D’Hollander, Secretary of the Advisory Committee on European Affairs in the Belgian House of Representatives, Brussels 29 June 2000.

44 See the contribution by Tapio Raunio in Maurer/Wessels, 2001..

45 See the contribution by Sven Hölscheidt in Maurer/Wessels, 2001..

46 See: House of Commons: 27th Report on the Scrutiny of European Business, 18 July 1996, pp. 18, 21, and 24; and: Cygan, Adam: The United Kingdom Parliament and EU Legislation, The Hague/London 1998, pp. 79-81.

47 See the contribution by Hans Hegeland in Maurer/Wessels, 2001..

48 See the contribution by Andrea Szukala and Olivier Rosenberg in Maurer/Wessels, 2001..

49 See the contribution by Christine Neuhold and Barbara Bluemel in Maurer/Wessels, 2001..

50 See the contribution by Claire Vandevivere in Maurer/Wessels, 2001..

51 See the contribution by Felibe Basabe and Maria Teresa González Escudero in Maurer/Wessels, 2001..

52 See the contribution by Andreas Szukala and Olivier Rosenberg in Maurer/Wessels, 2001..

53 See the contribution by Sven Hölscheidt in Maurer/Wessels, 2001..

54 See the contribution by Tapio Raunio in Maurer/Wessels, 2001..

55 See the contribution by Christine Neuhold and Barbara Bluemel in Maurer/Wessels, 2001..

56 See the contributions by Finn Laursen on the Danish Parliament and by Tapio Raunio on the Finnish Parliament.

Since Maastricht, we can observe a tendency of some parliaments to contribute to their governments' position in the Council by imposing the so-called parliamentary scrutiny reserve. However, whereas these scrutiny reserve mechanisms apply to all three pillars in Denmark, Austria, France and the United Kingdom, it only applies to the third pillar in the Netherlands.

Parliamentary scrutiny reserves are an ambiguous instrument for influencing governments. Provided a government is politically dependent on the day-to-day acceptance of parliament, scrutiny reserve mechanisms might help to render the Government 'online' with its parliamentarians. However, Montesquieu's repartition of powers remains a model and apart from Denmark, governments are not juxtaposed to their parliament. In this regard, it is worthy to note that scrutiny reserves may be instrumentalised by governments in order to scapegoat their veto in the Council of Ministers. As a civil servant of the House of Commons holds: "From a tactical viewpoint, it can be useful to Ministers to be able to go into Council in the knowledge that Parliament has approved the stance they wish to take - or even to be able to say, 'Parliament would not tolerate my agreeing to this'."⁵⁷ Moreover, parliamentary scrutiny reserves are formulated as a demand and not as a legally binding 'ruling'. Such a demand "is not a mandate. If the Government agrees, the resolution may be a trump for it in European negotiations. If it disagrees, the Government is not bound by the resolution".⁵⁸ Thus, the scrutiny reserve facilitates parliaments to strengthen their potential for worst-case-situations. But the logic behind the reserve mechanism is a parliament, which acts as a 'supportive scrutinizer'⁵⁹ of and not - systematically - against its government.

In the Netherlands, where consociational policy-making delimits open confrontation between parliament and government⁶⁰, a special procedure for parliament's participation in CJHA was established: Any draft decision falling within the scope of Title VI TEU that is intended to bind the Netherlands is subject to the consent of the States-General. In practice, ministers for home and justice affairs send Parliament the annotated agendas together with the background documents. This agenda states which decisions are in the Government's view binding the Netherlands and thus require the assent of Parliament. In conclusion then, Parliament's approval right is dependent to Government's power in the framework of agenda-setting on the third pillar. The Standing Committees on Justice and Home Affairs of the Dutch States-General may hold consultations on these subjects with the ministers before the Council meeting takes place, after which the Chambers may give a formal ruling in plenary sitting on draft decisions for which the assent of parliament is required. However, tacit consent is deemed to have been given in case the desire to give explicit approval has not been expressed by or in the name of one of the Chambers within 15 days of the draft being submitted to the States-General.⁶¹

A similar consent procedure applies in Austria, where the Government is bound by a decision of the Nationalrat, if the draft act to which the decision relates must be transposed by means of a Federal law or it is designed to provide for the adoption of a directly applicable act concerning a matter which would otherwise have been regulated by a Federal law.⁶²

In Germany, the Government is required to 'base its position in the Council of Ministers' on a proposal of the Bundestag provided that the latter expressed its views. On the other hand, the Government's position in the Council is not subject to the assent of the Bundestag. Yet assent is required in the Bundesrat, where Government under certain conditions is legally bound by the decision of the chamber in cases where a proposal requires approval pursuant to domestic law or in instances where the Länder have jurisdiction.⁶³

57 Flood, Elizabeth: 'Interaction between the Government and Parliament in the Scrutiny of EU Decision-Making', in: Finnish Parliament/COSAC Presidency (ed.): National Parliaments and the EU: Stock-taking for the post-Amsterdam era, Eduskunnan Kanslian Julkaisu, No. 1/2000, p. 63.

58 Dubois, Louis: 'The European Union: An Opportunity for the French Parliament to Recover Powers?', in: Smith, Eivind (ed.): National Parliaments as Cornerstones of European Integration, Den Haag/London 1996, p. 60.

59 See the contribution by Sven Hölscheidt in Maurer/Wessels, 2001..

60 See the contribution by Ben Hoetjes in Maurer/Wessels, 2001.; and Lijphart, 1999, op.cit., pp. 248 and 255-256.

61 See the contribution by Ben Hoetjes in Maurer/Wessels, 2001..

62 See the contribution by Christine Neuhold and Barbara Bluemel in Maurer/Wessels, 2001..

63 See Hrbek, Rudolf: 'The Effects of EU Integration on German Federalism', in: Jeffery, Charlie (ed.): Recasting German Federalism. The Legacies of Unification, (London: Pinter, 1999), p. 218; Knodt, Michèle: 'Auswärtiges Handeln der deutschen

Moreover, where exclusive competencies of the Länder are involved, Germany might be represented in the Council of Ministers by a minister of the Länder nominated by the Bundesrat.

The protagonists of the role of the national parliaments invoke the diffusion of the so-called ‘Danish model’ of parliament oversight. The Danish model consists in the decisive - though not formal - power of the European Affairs Committee of the Folketing. The Committee gives the Government a mandate before important decisions are taken by the Council of Ministers. The Danish model can be explained “by the presence of minority governments which has made it imperative to current governments to inform and to take the opinion of the committee into careful consideration”⁶⁴. Beside this factor, the small size and the mono-cameral nature of the Danish Parliament must be taken into consideration to understand why this model works rather well despite the complex and cumbersome EU decision-making process which discourages any regular exercise of mandate control of the parliament on the national government. Finally, both the Danish party system and public opinion provide a sufficient ‘critical mass’ for the Government to respect the Folketing’s views. The Danish system of parliamentary control has made Denmark good at implementing EU legislation. And the mandate-giving part of the process assures that post-decision political problems can usually be avoided even under minority governments. But is it possible to export this ‘success story’ of parliamentary oversight into other national systems? Hence, the essential framing factor - minority governments, EU-sceptical parties and, as a result the Folketing as a Parliament which can perform as ‘one’ actor with or against ‘the’ government - would be difficult to find in any other Member state.

III. The Presence of Europe at the National Level

The ‘one-level-only’ activity of MEP’s is documented in the weak presence in those committees of national parliaments which are specialised on EU affairs.⁶⁵ Since 1979, parliaments began to open up their committees by integrating MEP’s into EC/EU-related activities (see box 1). This process was strengthened by the more recent - post-Maastricht - set up of ‘liaison officers’ within the European Parliament (Italian Chamber, French Senate, Danish Folketing, Finnish Eduskunta, Swedish Riksdagen, UK House of Commons).

Thus, most of the parliaments developed some institutional devices in order to perform as multi-level players between their countries and the EU institutions, although the Italian perception is still valid for most legislatures: “Really effective contacts between parliamentary groups at the two levels have not yet been established. In the administrative bodies of the national parties there is usually someone responsible for relationship with the federations and European political unions, so that the political circuit is closed: European groups-national parties-national parliamentary groups”.⁶⁶

Box 1: Participation of MEP’s in national parliaments’ meetings

Specific cases of de-facto ‘Joint MP/MEP Committees’	
1.	The EU Committee of the Belgian Parliament is composed by 10 members of the Chamber of Representatives, 10 Senators and 10 Belgian MEP’s. The latter’s’ rights and obligations do not differ from the MP’s ones.
2.	The EU Committee of the Greek Parliament is composed by 16 MP’s and 15 Greek MEP’s. The latter’s’ rights and obligations do not differ from the MP’s ones.
3.	The EU Committee of the German Bundestag is composed by 36 MP’s and 14

Länder’, in: Eberwein, Wolf-Dieter./Kaiser, Karl. (eds.): Deutschlands neue Außenpolitik, Band 4 - Institutionen und Ressourcen, München 1998, pp. 153-166; Maurer 2001, pp. 314-325.

64 Sidenius, Nils C./Einersen, Bjorn/Sorensen, Jens A.: ‘The European Affairs committee and Danish European Union Politics’, in: Wiberg, Matti, (ed.): Trying to make democracy work. The Nordic parliaments and the European Union, Stockholm 1997, pp. 9-28, here p. 27.

65 See e.g. the contribution by Sven Hölscheidt in Maurer/Wessels, 2001..

66 See the contribution by Federiga Bindi and Stefano Grassi in Maurer/Wessels, 2001.; and Guizzi, Vincenzo: ‘Italy’, in: Morgan, Roger, Tame, Clare, (eds.): Parliament and Parties. The European Parliament in the Political Life of Europe, New York 1996, p. 135 and p.141.

German MEP's. The latter's' have a right to speak, but not to vote.	
Participation of MEP's	
4.	<p>possibility to attend EU Committee meetings for all MEP's from the respective member state:</p> <ul style="list-style-type: none"> - With a right to speak and consultative voting rights: <ul style="list-style-type: none"> Assemblée nationale (F) Sénat (F) - With a right to speak: <ul style="list-style-type: none"> Chambre des Députés (LUX) Bundesrat (D) Senado (E) Camera del Deputati (I) Senato della Repubblica (I) Eerste Kamer (NL) Tweede Kamer (NL) Nationalrat (A) Bundesrat (A)
5.	<p>Possibility for all MEP's having a double mandate in the EP and their respective member state</p> <ul style="list-style-type: none"> Folketing (DK) Dail Eireann (IR) Seannad Eireann (IR) House of Commons (UK) House of Lords (UK)
6.	<p>No regular participation of MEP's</p> <ul style="list-style-type: none"> Eduskunta (SF) Riksdagen (S) Assembleia da Republica (P)

Source: Maurer 2001, p. 281.

As the country reports on Denmark⁶⁷, Belgium⁶⁸ and France⁶⁹ note, the offer to participate in the work of national parliaments is used to a growing extent. Also within the bodies of European parties, parliamentarians of both levels have not evolved at any set of regular interactions. Yet the Finnish⁷⁰, Dutch⁷¹ and Swedish⁷² case studies observe a growing recognition of intra-party links in order to facilitate informal contacts between members of both sides of parliament.

IV. Conclusions: Beyond Slow Adaptation?

In sum, the Danish case remains a unique archetype of a parliament, which is apt to formulate its own political assumptions about the daily EU business effectively. The parliaments of Finland, Austria and Sweden followed this line, although their scrutiny systems are less binding for their governments. As to the scheme for measuring parliamentary participation in EC/EU affairs, these parliaments certainly fulfil the criteria of strong policy-making, and thus 'national players'. Their performance is based on a certain veto

67 See the contribution by Finn Laursen in Maurer/Wessels, 2001..

68 See the contribution by Clair Vandevivere in Maurer/Wessels, 2001..

69 See the contribution by Andrea Szukala and Olivier Rosenberg in Maurer/Wessels, 2001..

70 See the contribution by Tapio Raunio in Maurer/Wessels, 2001..

71 See the contribution by Ben Hoetjes in Maurer/Wessels, 2001..

72 See the contribution by Hans Hegeland in Maurer/Wessels, 2001..

power, the possibility of making modifications and of steering compromises in the course of the national policy process. The EC/EU-related policy-making strength of the parliaments of Germany and the Netherlands is similar to the first group. However, the consensual policy-making style and the - still existing - pro-European consensus among the political parties in these countries prevents parliamentarians from a systematic confrontation with their governments. They thus perform as potential or latent ‘national players’. The French and the UK Parliament are both cases of modest policy-making legislatures, who wish to act the games of the ‘national players’. Both parliaments are able to comment on incoming EC/EU information and to voice their opinions by reports, resolutions and the so-called parliamentary scrutiny reserves. But they are not able to effectively change a governmental draft reaction to EC/EU input. The remaining parliaments (IR, B, LUX, I, E, P, GR) should be categorised as ‘slow adapting’ parliaments, which are not willing or able to affect their government’s stance in EU negotiations. If we turn our view to the real performance of parliaments in interparliamentary co-operation, we can identify an emerging group of multi-level players in the Nordic countries as well as in Germany, the UK and France. Parliamentarians of these countries use the informal networking arenas for joint consultation through committees, committee chairs, parliamentary staff and, to a limited extent, through rapporteurs.

Figure 3: Real Types for actors in a two-level game

		Participation in the National Arena	
		Strong	Weak
Participation in the Brussels / Strasbourg Arena	Strong	Multi-level players [DK, SF]	European players [EP]
	↑↑	S, D, B, UK, F	
	↑↑	National players [A, NL]	Slow adapters [IR, LUX, I, E, P, GR]
	Weak		

In some limited cases, the role of the ‘national players’ was strengthened to a certain degree. At the same time the EP developed into a more efficient European player - with a strong trend to become a ‘real’ second chamber in the EU’s institutional set-up.

This record also highlights that the majority of MP’s have not become strong multi-level players. In comparison with national governments and administrations, with intermediary bodies as lobbies and NGO’s parliamentarians are less competitive especially in cases where the participation in the EC/EU policy cycle on both levels is of a major importance. In this sense the national parliaments of the last two categories are still ‘losers’ in the evolution of the EU system. Their late efforts of the 1990’s did not lead to a fundamental upgrade of their relative role vis-à-vis their governments.

Annex: Elements for Establishing a Best Practice Mechanism on the role of National Parliaments in EU affairs

I. The relevance and salience of European integration for ‘your’ Parliament

- Interests and Main Ideas on EU affairs, Attitudes of public opinion and political parties towards European integration.

- Basic features linked to the political system and political culture: Executive-Legislative relations, Type of parliament, Party system and the potential impact on anti-/pro-European cleavages, style(s) of government and governance, salience of EU-policies at the national level. One may refer to the typologies of **Arend Lijphart, Patterns of Democracy, Yale University Press 1999** and his characteristics on the executives-parties and the federal-unitary dimension (3ff.):
 - Fragmentation of Party system: 74ff.;
 - Concentration of Executive power: 109ff.;
 - Relation between Executive/Legislative: 116ff.;
 - 119ff.
 - Vertical power segmentation (decentralised - federal/ central - unitary states): 188ff.
 - Uni-/Bicameralism: 211ff.
 - Flexible / Rigid Constitutions: 218ff.
 - Strength of judicial review: 225ff.
 - Pluralism/Corporatism: 176ff.
- The institutional framework in European decision-making: General constitutional, institutional and procedural features of Government, Parliament, etc. with regard to the EC/EU policymaking process.

II. The practice and evaluation of parliamentary involvement in EC/EU affairs

- The **nature and method of parliamentary involvement**:
 - The driving idea behind and/or the general behavioral modes and methods used in parliamentary involvement in 'your' country
 - as to the 'method', one may identify e.g. parliaments willing/apt/conceived to be informed, to officialize/publicize politics – to make an issue public to the citizenry, to participate actively/passively in politics, to (co)shape politics, agenda-setting or agenda-taking parliaments. The leading question is: Why is 'your' national parliament involved in the EC/EU decision-making process?
- The **institutional setting** of parliamentary involvement
 - Roles of plenary, committees, EU affairs committee, parliament's administration, individual members
 - EU affairs committees: What roles do they perform (advisory, sifting, reviewing etc.)? What are the relations between the EU affairs committee and the other committees, the plenary.... Are there special relationships between the EU affairs committee and any kind of governmental body(ies)?
 - Staffing of parliament: Administration, European affairs departments, Research departments, No. and/or styles of MP assistants, political group staff etc.
 - Institutionalised Routines in EU business: Formal / informal institutional settings between actors concerned (MP/Government officials; Working groups of political groups; Cross-party intergroups)
- The **scope of parliamentary involvement**:
 - The number and quality of EC/EU documents transmitted by Government to parliament (Sources of information - Prime Minister, Other Ministry or Governmental Agency, Other sources of information - Internet, Online-Access to EU-Resources),
 - The number and quality of EC/EU documents considered by Parliament (on the initiative of whom? Single or minimum number of MPs, Political Group(s), Committee(s), President or Speaker of Parliament, etc.).
 - Documents produced after consideration of EC/EU documents (the nature of documents - information report, explanative report for a motion, draft resolutions

- produced in relation and/or after consideration of EC/EU documents and the subject area).
 - The general orientation regarding the scope: What is relevant for parliamentary scrutiny? (EU documents, or/and Government presentation of EU documents, or/and Government views on EU documents)
 - Public access of documents, debates and outcomes. Is 'your' parliament open to the citizenry? How does parliament publicize its work with regard to EU business? Is the issue of transparency discussed in 'your' parliament?
- The **timing, management and procedural features of parliamentary involvement**:
 - When do parliaments start the process of parliamentary scrutiny?
 - Do parliaments refer the EU's main planning instruments such as the Commission's legislative programme, the EP's resolution on the programme, the EU's budgetary planning etc.
 - How do parliaments organize the sift of documents provided for parliamentary scrutiny?
 - What are the main problems linked to the issue of timing?
 - The frequency of meetings of the EC/EU affairs committee, the – average - duration of Committee meetings on EU affairs, hearings or similar events organized by the EC/EU affairs committee.
- The **implications of parliamentary involvement**:
 - What effect does parliamentary involvement in EC/EU affairs produce for the Government?
 - How do parliamentary actors define the potential and real impact of their activity?
 - Are there differences between on the one hand the impact of parliamentary involvement in 'normal' national and international (NATO, UN, WTO etc.) affairs and in European affairs on the other? Why? What is special about EU business?

III. The Amsterdam Treaty protocol on the role of national parliaments

- How did 'your' parliament react on the introduction of the Protocol on national Parliaments (PNP) in the Amsterdam Treaty? Why did it not react?
- How did or how will 'your' parliament implement the PNP ([draft] constitutional amendments, [draft] amendments to the rules of procedure of parliament or of parliamentary committees)?
- The PNP implicitly excludes documents falling under the CFSP pillar, documents concerning the entry into closer co-operation, documents prepared by Member States for the European Council, or documents falling under the procedure of the 'Protocol on integration the Schengen Acquis into the framework of the European Union'. Are there any debates in 'your' parliament about a possible extension of the scope of parliamentary involvement? Apart from the transmission of EC/EU documents, does the government provide parliament with additional information (Fact sheets etc.)?
- The PNP includes a commitment of timing addressed to the Commission and the Council. However, the PNP does not clearly commit the governments to use the time provided by the EC Council for informing their parliaments. Since it remains up to the parliaments and their governments to negotiate on the content and the procedures to be applied for the implementation of the PNP, we would like to know how the PNP provision on the six-week-period is implemented by 'your' parliament.
- The PNP recognizes COSAC as a means to contribute to the lack of parliamentary involvement in EC and EU Affairs on a multilateral basis. In general, how does 'your' parliament adapt to COSAC:
 - Who decides about the composition of the delegation?
 - Are documents produced and debated before COSAC?
 - How does the delegation report on the outcome of COSAC?

- Do you observe any kind of ‘interparliamentarisation’ or ‘Cosac-iation’ in ‘your’ parliament, i.e. could you identify an increased interest/involvement of MP’s beyond the core of the COSAC delegation in interparliamentary / COSAC affairs?
 - COSAC may examine "any legislative proposal or initiative in relation to the establishment of an area of freedom, security and justice", "legislative activities of the Union, notably in relation to the application of the principle of subsidiarity" and "questions regarding fundamental rights". Thus, the PNP leads to the question, how the parliaments have incorporated these provisions into national (parliamentary) law.
 - Did the PNP provisions on COSAC induce a revision of the composition of ‘your’ parliament’s delegation to COSAC?
 - Is there a discussion in ‘your’ parliament to revise the working mechanisms of the EU-committee (regarding the frequency of meetings, specific competencies, etc.)?
-