



A 2002/ 6732

Andreas Maurer/Wolfgang Wessels (eds.)

National Parliaments on their
Ways to Europe:
Losers or Latecomers?



Nomos Verlagsgesellschaft
Baden-Baden

Table of Contents

Boxes	12
Figures	12
Graphs	12
Tables	13
Preface	15
Major Findings	17
I. The Approach	17
II. Findings	19
1. From Slow Adapters to National Players?	19
2. Slow Adapters on their Ways towards Multi-Level Players?	21
3. Reconsidering the Tension between the Parliament-Government Logics and the EU's Fusion Dynamics	22
III. Strategies and Future Options	23
1. National Parliaments beyond Nice - More Access or Illusions?	23
2. A New Challenge: Building Links between Multi-Level Scrutiny and the Citizens	25
National Parliaments in the European Architecture: From Latecomers' Adaptation towards Permanent Institutional Change?	27
<i>Andreas Maurer</i>	27
I. European Integration: A Challenge for Parliamentary Democracy	27
2. The Conventional Wisdom: Self-Mutilation by Parliaments?	28
3. Getting Out of the Trap: A Renewed and Intensified Debate	30
3. On the Political Relevance: The Nice Declaration on the Future of the European Union	32
II. Parliaments in the Multi-level Game: The Analytical and Theoretical Framework	33
1. On the Analytical Approach: A Closer Look at the Multi-level Game	33
2. On the Theoretical Approach: Assuming a Fusion Process	36
3. Consequences for National Parliaments: From Losers to Latecomers?	38
III. The Structure of De-nationalized Governance in Europe	39
1. The Dynamics of the EU's Political System	39
2. The Democratic Deficit Revisited	45
2.1. A European Demos: Prerequisite or Outcome of European Integration?	45
2.2. Majority-Voting in the Council of Ministers: Consequences for National Parliaments	47
3. The Process of De- and Re-Parliamentarisation in the EU	49
4. Characteristics of a Problematic Democracy	50
5. Bringing National Parliaments Back into the Process: Institutional Reform from Maastricht to Amsterdam	51
6. The Amsterdam IGC Process in Retro-Perspective	53
IV. Conceptualising Parliamentary Involvement in EC/EU Affairs	64
1. Towards a Scheme for Measuring Parliamentary Participation in EC/EU Affairs	64
2. The Focus on Institutions and Institutional Adaptation	73
V. What to Expect?	75

The Federal Parliament of Belgium: Between Wishes, Rules and Practice <i>Claire Vandevivere</i>	77 77
I. Introduction: Political Culture and Societal Background	77
1. Belgian Interests and Views in EU Affairs	77
2. The Institutional Framework - The Nature of Federalism and Decentralisation	78
II. The Practice and Evaluation of Parliamentary Scrutiny in EC/EU Affairs	79
1. The Nature of Parliamentary Scrutiny	79
2. The Scope of Parliamentary Scrutiny	82
3. Evaluation: A Limited Control	85
III. The Belgian Parliament and the Negotiation of the Amsterdam Treaty	86
IV. The Federal Parliament and the Federated Councils after Amsterdam	91
1. No Immediate Interest in the New Role Given by Amsterdam to COSAC	92
2. The Legal Obligation to Inform the Chambers and Councils	95
V. Conclusions: Maintaining the EU's Multi-Level Momentum	96
The Danish Folketing and its European Affairs Committee: Strong Players in the National Policy Cycle <i>Finn Laursen</i>	99 99
I. Introduction: The Political System and Culture of Denmark	99
II. Parliamentary Involvement in EC/EU Affairs 1993-1999	104
III. The Danish Parliament and the Negotiation of the Amsterdam Treaty	110
IV. The Folketing after Amsterdam	114
V. Conclusions: Continuous Lesson Drawing from Maastricht	115
The German Bundestag: From Benevolent 'Weakness' Towards Supportive Scrutiny <i>Sven Hölscheidt</i>	117 117
I. The Constitutionalised Relevance of European Integration for the German Bundestag	117
1. European Integration and German Public Opinion	117
2. The Co-operation between the Bundestag and the Federal Government in Matters Concerning the European Union	118
II. The Treatment of European Affairs in the German Bundestag	119
1. The Bundestag's Participation in European Affairs as a 'Democratic Necessity'	119
2. Institutions and Instruments for the Treatment of EU Issues in the Bundestag	121
2.1 The Legal Framework	121
2.2. The Appointment of the Committee on the Affairs of the European Union	124
3. The Committee on the Affairs of the European Union	126
3.1. Composition, Organisation and Working Methods	126
3.2. Powers and Potential Voice Opportunities	128
3.3. Characteristics of 'Committee Scrutiny' in EU Affairs	130
4. General Instruments of Control	133
4.1. Procedures for the Treatment of European Affairs in the Bundestag	134
4.2. Other Matters Relating to the European Union	135
5. Practical Outcomes for the Federal Government	138
III. The Treatment of the Amsterdam Treaty in the German Bundestag	141
IV. The Bundestag after the Amsterdam Treaty's Entry into Force	144
1. The Bundestag and the Protocol on the Role of National Parliaments in the European Union	144
2. The Bundestag and the Conference of European Affairs Committees	144
V. Conclusions: A Supportive Scrutiniser and Protagonist of the European Parliament	145

The Parliament of Greece: Slow but Constant Moves Towards European Integration? <i>Peter Zervakis and Nikos Yanniss</i>	147 147
I. Political Culture and Parliamentary Democracy in Greece	147
1. Greece in View of European Unification	149
2. The Relationship between Parliament and Government	151
II. The Long Way towards Europeanisation of Greece	153
III. The Institutional Framework in EC/EU Affairs from Maastricht to Amsterdam	156
1. The Institutional Framework of the Government	157
2. The Institutional Framework of the Greek Parliament	158
3. The Committee for European Affairs	159
IV. The Greek Parliament and the Negotiation of the Amsterdam Treaty	163
1. The Mobilisation of the Greek Society	163
2. The Amsterdam Treaty and Greek 'National Claims'	166
3. The Parliament and Civil Society: National Interests and Shared European Interests	167
V. The Relations between the Greek Parliament and the European Parliament after Amsterdam	168
VI. The Vouli after Amsterdam: Slow Adaptations	169
The Parliament of Finland: A Model Case for Effective Scrutiny? <i>Tapio Raunio</i>	173 173
I. Introduction: Elite Orientations and Mass Attitudes Towards European Integration	173
II. The Practice and Evaluation of Parliamentary Activity in EU Affairs	179
1. The Institutional Setting	179
2. The Scope and Procedural Features of Parliamentary Involvement	180
3. National Policy Formulation on EU Matters	181
4. Instructing the Government before Council Meetings	183
5. European Council Summits	184
6. The Implications of Parliamentary Involvement	187
III. The Finnish Parliament and the Negotiation of the Amsterdam Treaty	188
IV. The Finnish Parliament after Amsterdam	195
V. Conclusions: Streamlining the Dialogue	196
The Parliament of Spain: Slowly Moving onto the European Direction? <i>Felipe Basabe Lloréns and Maria Teresa González Escudero</i>	199 199
I. Introduction: The Political Culture and System of Spain	199
1. Interests, Ideas and Attitudes in EU Affairs	199
2. Dynamics of Political Parties at the Domestic and the European Level	200
3. The Territorial Distribution of Power: Increasing Asymmetric 'Regionalisation'	202
4. Basic Features of Parliament-Government Relationship	202
II. The Practice and Evaluation of Parliamentary Scrutiny in EU Affairs	205
1. The Participation of the Cortes in European Policy-Making	205
2. The Participation of the Parliaments of the Autonomous Communities in EU Affairs	211
III. The Spanish Parliament and the Negotiation of the Amsterdam Treaty	213
IV. The Spanish Parliament after Amsterdam	215
V. Loose Supervision: National Restrictions Matter	219

The French Parliament and the EU: Progressive Assertion and Strategic Investment <i>Andrea Szukala and Olivier Rozenberg</i>	223 223
I. French Parliamentarism: A Difficult Quest for Accommodation	223
1. The Political and European Culture in France	223
2. The French Party System and the European Issue	224
3. The French Political System	226
4. French European Policy-Making	228
5. The Pioneers of Parliamentary Intervention in European Policy-Making	229
II. The Practice and Evaluation of Parliamentary Involvement in EU Affairs	230
1. A Bounded and Complex Procedure	230
2. A Complete Examination of EC Documents by the Delegations for European Affairs	232
3. The Nature of Parliamentary Scrutiny	235
4. The Extent of Parliamentary Scrutiny, the Delays and the Access to Information	236
5. Parliamentary Involvement without Implications ?	239
III. The French Parliament and the Negotiation of the Amsterdam Treaty	241
1. High Parliamentary Expectations	241
2. The Strategic Support of the French Government	243
3. The Reasons for the 'Exception Française'	244
IV. The French Parliament after Amsterdam	245
1. The Reform of Article 88-4	245
2. The Protocol on National Parliaments	246
3. The PNP Provisions on COSAC	247
V. Conclusions: An Ambitious Parliament without Real Powers?	248
The Parliament of Ireland: A Passive Adapter Coming in from the Cold <i>Brigid Laffan</i>	251 251
I. Introduction: Political Culture and the Political System	251
II. Relevance of European Integration for the Irish Parliament	252
III. The Practice of Parliamentary Scrutiny in EU Affairs	255
1. Plenary Sessions	255
2. The Committees	258
3. The Scope and Timing of Parliamentary Scrutiny	262
IV. The Irish Parliament and the Negotiation of the Amsterdam Treaty	264
V. The Irish Parliament after Amsterdam	267
VI. Conclusions: Institutional Adaptation to Exogenous Demands	268
The Parliament of Italy: From Benevolent Observer to Active Player <i>Federiga Bindi Calussi and Stefano B. Grassi</i>	269 269
I. Introduction: The Political Culture and System of Italy	269
1. Attitudes towards European Integration	270
2. Basic Features of the Italian Political System	272
3. How European Affairs are organised in Italy	274
II. Parliamentary Practice in EU Affairs	276
III. The Italian Parliament and the Negotiation of the Amsterdam Treaty	283
1. The Reforms after the Amsterdam Treaty	285
2. The Unfinished Transformation of Specialised Committees	286
3. Parliamentary Access to Commission Initiatives and Technical Information	287
4. Scrutiny of EU Draft Legislation	289
5. Review of the Government's EU Reports and of the European Commission's Program	292

6. A Special Feature: The Schengen Committee	293
7. Quality of Legislation and the Re-organisation of Implementing EU Law	293
8. Participation in COSAC's Activities	295
IV. Conclusions: An Awakened Parliament?	295
The Luxembourg Chamber of Deputies: From a Toothless Tiger to a Critical Watchdog?	301
<i>Danielle Bossaert</i>	301
I. Introduction: The Socio-Political Framework	301
II. Practice and Evaluation of Parliamentary Activity in EC/EU Affairs	303
III. The Luxembourg Parliament and the Negotiation of the Amsterdam Treaty	306
IV. The Luxembourg Parliament after Amsterdam	310
V. Conclusion: The Silence of a Loyal Parliament	311
The Parliament of Austria: A Large Potential with Little Implications	313
<i>Barbara Blümel and Christine Neuhold</i>	313
I. Introduction: The Political System of Austria	313
1. Austrian Interests and Views on EU Affairs	313
2. The Austrian Framework for Parliamentary Involvement in EU Affairs	315
3. Basic Features of the Parliament-Government Relationship	317
3.1. The End-Formulation in the Legislative Process	317
3.2. Partial Participation in the Process of Implementing EC Law	318
3.3. Control of the Implementing Process	318
3.4. A Forum of Political Debate	318
4. The Institutional Framework in European Decision-Making	320
II. The Practice and Evaluation of Parliamentary Scrutiny in EU Affairs	322
1. The Nature of Parliamentary Scrutiny	322
2. The Institutional Setting of Parliamentary Scrutiny	322
3. The Scope of Parliamentary Scrutiny	325
3.1. Quantitative Analysis	325
3.2. The Number of EC/EU Documents Considered by Parliament	326
3.3. Documents Produced after Consideration of EC/EU Documents	327
3.4. Public Access of Documents, Debates and Outcomes	327
3.5. The Timing and Procedural Features of Parliamentary Scrutiny	329
3.6. The Implications of Parliamentary Scrutiny	329
III. The Austrian Parliament and the Negotiation of the Amsterdam Treaty	331
IV. The Austrian Parliament after Amsterdam	333
V. Conclusions: The Limits of Constitutional Safeguard Clauses	334
The Parliament of the Netherlands and the European Union: Early Starter, Slow Mover	337
<i>Ben J.S. Hoetjes</i>	337
I. Introduction: The Netherlands in EU	337
1. Public opinion: From Captive Audience to Positive Indifference	337
2. Political Parties	338
3. The Dutch Political System	340
3.1. Executive-Legislative Relations	340
3.2. The Party System	341
3.3. The Distribution of Power	342
3.4. Dutch Bicameralism	342
3.5. The Constitutional Frame	343
3.6. Interest and Intermediary Groups	344

II. Government and Parliament in EU Decision-Making	344
1. General features: Supportive Co-operation	344
2. Strong Support, Weakening Control	346
3. The Involvement of the Parliament in European Integration	347
3.1. The Organisation of the Parliament	348
3.2. Committee Scrutiny in the Shadow of EU Efficiency	349
3.3. The Roles of Individual Members of Parliament	351
3.4. The Role of Parties and Political Groups	351
3.5. EU Policies in the First Chamber	352
4. Distance in a Small Circuit	352
5. The Substantial Scope of Parliament's Involvement	353
6. Timing, Management and Procedures	354
7. The Impact of the Dutch Parliament's Participation in EU Affairs	355
III. The Dutch Parliament and the Amsterdam Treaty	356
1. The Preparation and Ratification of the Treaty	356
2. The Dutch Parliament after Amsterdam	357
IV. Conclusion: Towards another Awakening?	358
The Parliament of Portugal: Loyal Scrutiny and Informal Influence	359
<i>Ana Fraga</i>	359
I. Introduction: The Relevance of European Integration for the Portuguese Parliament	359
1. Historical Background	359
2. The Political Framework	360
3. The Institutional Framework	361
II. The Practice and Evaluation of Parliamentary Scrutiny in EU Affairs	364
III. The Negotiation of the Amsterdam Treaty	368
1. The Parliamentary Procedure	368
2. The Amsterdam Referendum and Its Failure	370
3. Political Issues at Stake	371
IV. The Portuguese Parliament after Amsterdam	372
V. Conclusions: The Limited Effects of Amsterdam	374
The Parliament of Sweden: A Successful Adapter in the European Arena	377
<i>Hans Hegeland</i>	377
I. Introduction: The Political System of Sweden	377
II. The Practice and Evaluation of Parliamentary Scrutiny in EU Affairs	379
III. The Swedish Parliament and the Negotiation of the Amsterdam Treaty	387
IV. The Riksdag after Amsterdam	390
V. Conclusions: EU Membership Matters for an Influential Parliament	393
The Parliament of the United Kingdom: From Supportive Scrutiny to Unleashed Control?	395
<i>Caitriona A. Carter</i>	395
I. Introduction: The Socio-Political Framework of the United Kingdom	395
II. Practice and Evaluation of Parliamentary Scrutiny	399
1. The Nature of Parliamentary Scrutiny	401
2. The Institutional Setting	403
2.1 The House of Commons	403
2.2 The House of Lords	405
3. The Scope of Parliamentary Scrutiny	406
3.1 The House of Commons	407

3.2 The House of Lords	408
4. The Procedural Features of Parliamentary Scrutiny	409
4.1 The House of Commons	409
4.2 The House of Lords	410
5. The Timing Features of Parliamentary Scrutiny	410
6. The Implications of Parliamentary Scrutiny	412
III. The UK Parliament and the Negotiation of the Treaty of Amsterdam	413
1. Negotiation under the Conservative Major Government	414
2. Negotiation under the Blair Labour Government	418
IV. The UK Parliament After Amsterdam	419
V. Conclusion: A Modernising Parliament in Search for EU-Fitness	421
National Parliaments after Amsterdam: From Slow Adapters to National Players?	425
<i>Andreas Maurer and Wolfgang Wessels</i>	425
I. Locating National Parliamentarians in the European Union	425
1. Relevance for European Politics	425
2. On the Process of European Integration: Fusion Dynamics	426
3. The Growing Significance: A Key Issue for the Political System of Europe	427
II. Patterns and Phases: The Challenges	429
1. Staying Outside the Games: The Traditional Patterns of the Slow Adapter	429
2. Being Replaced by a European Player: The European Parliament as the Parliamentary Body of the EU	430
III. National parliaments on Their Ways Towards National Players	431
1. Public Opinion: From Permissive Consensus to Reluctant Acceptance	431
2. Shaping the National Level of the EU's Policy-Cycle	434
2.1. Institutionalisation and Institutional Adaptation: The Creation of Committees	435
2.2. The Scope of Information and the Sift of Documentation	439
2.3. An Indicative example: The Third Pillar on Justice, Home Affairs, Police and Judicial Co-operation	444
2.4. Timing and Management: Key Instruments of National Players	446
2.5. Influence and Impact: Parliaments as 'Supportive Scrutinizers'	451
IV. Building Links to the EU Level: Catching Up with Multi-level Governance	453
1. The Consequences of 1979 and the Abolition of Dual Mandates	454
2. The Presence at the National Level	454
4. First Attempts at the Interparliamentary Level: The Conference of Speakers of Parliaments	456
5. The Conference of European Affairs Committees (COSAC)	457
6. Joint and Bilateral Committee Meetings: Informal Tools for Playing the Multi-level Game	458
V. Conclusions: Beyond Slow Adaptation?	461
1. On the Record: One-level Players?	461
2. Explanations on the Negative Balance Sheet: A Misguided Role Attribution?	463
3. Traps, Trends and Options for the Future	465
3.1. The Scope of Options	466
3.2. Three Alternatives	470

The Reticent Acknowledgement of National Parliaments in the European Treaties: A Documentation	477
<i>Astrid Krekelberg</i>	477
1. Treaty on European Union 1993	479
1.1 Declaration No. 13 on the role of the national parliaments in the European Union	479
1.2 Declaration No. 14 on the Conference of the Parliaments (Assizes)	479
2. Treaty of Amsterdam 1999: Protocol on the role of the national parliaments in the European Union	479
3. Treaty of Nice 2001: Declaration No. 23 on the Future of the European Union	480
4. Documents of the Conference of European Affairs Committees (COSAC)	481
4.1 COSAC rules of procedure	481
4.2 Dublin COSAC Conclusions adopted by the XV COSAC in October 1996	485
4.3 COSAC documents from 1997 to 2001	485
Bibliography	491
Abbreviations	514
Notes on Authors	518