



**International Relations  
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Doctoral School**

## **THESES OF THE DISSERTATION**

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**POSSIBILITIES OF THE NATIONAL PARLIAMENTS  
TO INFLUENCE THE EUROPEAN UNION'S DECISION-MAKING**

**WAY TILL THE TREATY OF LISBON AND BEYOND**

Ph.D. thesis

**Supervisor:**

**Dr. Gábor Kutasi, PhD**  
university docent

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**World Economics Department**

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## **Theses, motivation and applied methodology of the dissertation**

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### Subject of the dissertation, theses

To examine the possibilities of national parliaments to influence EU decision-making is a highly actual topic. On one hand, with the entry into force of the Treaty of Lisbon in 2009 national parliaments gained historical legal opportunity to influence EU decision-making. Even if they still cannot be considered as de facto participants of the decision-making system, instruments were delegated to them, thanks to which they came close to this status. At the same time, in the internal politics of Member States and opinion polls on EU institutions a constant topic is the so called democratic deficit and the issue of how to ensure better legitimacy of EU decisions.

As one of the hypothesis of the dissertation, it can be assumed that national parliaments (partly in cooperation with the European Parliament) can help of overcoming the problem of democratic legitimacy arising ever more frequently in relation with the EU. However, in order to do so, national parliaments have to fulfil their EU-related tasks in the complex system of multi-level governance, in the net of supranational and subnational decision-making and influencing levels, that is, undoubtedly a new territory compared to the traditional legislative work.

With the accession, national parliaments have to transfer certain competences to EU level – mostly to the Governments representing the country in the Council – however above the issue of the transfer of competences, at least such and interesting and actual topic is the examination of the possibilities of national parliaments in such cases where decisions are taken in the framework of European Council or intergovernmental negotiations, which makes it hard for national parliaments – and the European Parliament by that matter – to influence or supervise those decisions. An example for such an issue is the European Semester, which has effect on topics that are core parts of sovereignty.

It can therefore be assumed that national parliaments should not decrease their efforts to scrutinize the governments even if other rights (e.g. subsidiarity control) requires more resources. Even more, national parliaments have to seek for new methods and resources maintain influence in cases of intergovernmental decisions and mechanisms not directly belonging to the EU decision-making framework.

Influence of national parliaments to EU have been slight in the past decades of the EU integration, even if considerable amount of legislation applied in Member States derives from the EU. The

intention is to increase this low influence, which is mirrored in the relevant provisions of the main treaties of the European integration. National parliaments are given tools by which they can – at least in theory – actually influence EU decision-making. Treaty of Lisbon is a milestone in this sense (as well) – referred to as the ‘treaty of parliaments’ frequently. Subsidiarity check was already introduced by the Treaty of Amsterdam but actual substance was added with the Treaty of Lisbon. The new yellow and orange cards gives legal guarantee to national parliaments to force EU institutions to react on their concerns in certain circumstances. It can be considered based on the four years spent since the entry into force of the Treaty of Lisbon – and measured by tendencies and decision – whether national parliaments can live up to this possibility.

One and maybe the most important hypothesis of the dissertation is that despite of the received rights and possibilities, national parliaments cannot influence EU decision-making in such a manner to become real part of the EU level legislative work. At the same time it can be assumed that the fact that national parliaments cannot use their possibilities entirely is caused by external and internal reasons, too.

Since the entry into force of the Treaty of Lisbon many interparliamentary cooperation have been transformed, emerged, became more formal, and moreover steps have been taken to make them work more effectively. The results are, though, - even despite of the continuous efforts and engagement – limited. The dissertation aims to find and analyse the internal (within parliaments [organization or work, timing, etc.]) and external (e.g. different parliamentary set-ups, deadlines, interinstitutional problems) reasons and to offer optional solutions to these where possible.

It can be considered that there are more and less successful parliaments in adopting to the new systems. This can be caused by more general facts (e.g. general constitutional set-up) and other more concrete issues (what roles to they play within their respective parliaments in EU matters).

The dissertation examines the possibilities of national parliaments to represent their interest in a more effective way from a different – more practical – angle too. According to the assumptions this way is, beyond the more optimal use of treaty-based options, more informal influencing mainly concentrating to the pre-legislative phase with the involvement of diversified communicational channels and tools.

The dissertation moreover assumes that there are further possibilities lying in the cooperation between national parliaments themselves and with the EU institutions, thanks to which, even ‘*à droit constant*’, that is within the same legal framework the role of national parliaments in EU matters can be increased.

Pervious researches in this field have partly been outdated and moreover, most of them concentrates solely on the possibilities of national parliaments ensured by the Treaty of Lisbon, analyzing tools such as the early warning mechanism and the issue of subsidiarity. On the contrary, the dissertation considers that ways exist beyond and while treaty-based possibilities have to be used more effectively as well, new, more creative means of cooperation have to be found in order to make real influence. Moreover, it can be assumed that the present system should be revised – even by treaty change – and fine-tunings will have to be made in the further years.

The present crisis – which touched the EU both economically, politically and ideologically – necessitates that national parliaments, representing the citizens, truly follow what happens in the EU center. This is true for many fields, but to mention one, the supervision of what happens within the European Semester is still problematic years after its introduction.

### Motivation and objective

The topic has been very obvious for the author, since during the more than ten years' experience in the field, she dealt with national parliaments and the EU fulfilling diplomatic missions partly from the capital and partly as representative of the Hungarian National Assembly in Brussels – firstly representing an acceding country, then a freshly joined Member State and further on as presidency. The motivation and objective of the research is to summarize these experiences and mirror them according to the present framework given to the national parliaments. It is an important goal to enrich the existing work in the field with such a research that looks beyond the treaties and points out paths to the future, which might even already exist in the practice of some parliaments but might not be given enough priorities in an institutionalized manner.

Above the aforementioned, an actuality of the topic is that on the course of the crisis the conflicts between capitals and Brussels are more in the front which gives even more actuality to the question whether EU institutions or national parliaments, or they together can ensure the best representation of the citizens' opinion. The dissertation aims to cover all aspects of the topic, however, because of time and space limitations some questions are not dealt with in such depth as they could be (e.g. relation of EP and national parliaments). These can constitute the basis for further research of the author in the field.

## Methodology applied on the course of the research

On the course of the research in order to discover the most aspects of the topic, I aimed to lean on first-hand resources (i.e. EU documents) and practical experiences. Moreover, the dissertation considers the work of the most relevant scholars in the field, among whom I would highlight the work of Dr. Enikő Győri, Dr. Gavin Barrett, Dr. Philipp Kiiver, Raunio Tapio and Dr. Andrew Moravcsik. While at the same time picture is drawn mostly thanks to the relevant documents of the national parliaments themselves, the EU institutions and documents of interparliamentary cooperations, some of which the author had the chance to influence at their birth. The most important source therefore is the practice itself, which, at the same time, ensures the new approach of the dissertation.

## Key findings and conclusion

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The dissertation has attempted to process an issue that is – in the current state of the Union – arising almost every day, that is to address the main question whether the national parliaments can strengthen the democratic legitimacy and whether they are able to reduce the democratic deficit, and if so, how.

However, these in order to give answer to this fundamental question, not solely one area has to be examined, but one has to look into deeper in the evolution of activities of national parliaments in EU affairs, changes in the daily work and in the legal framework.

The thesis considers the theoretical aspects first, which are essential for the further practical approach. Firstly, I presented the most important and most relevant classification criteria in relation to the EU activities of national parliaments. Subsequently, it was necessary to present the issue of democratic deficit, where different scientific views are presented. Among the theoretical aspects, finally I attempted to place the national parliaments in the theoretical integration models, reaching finally to the model that describes the functioning of the EU the most, that is the multi-level governance.

The theoretical line is continued with the analysis of the evolution of the role of national parliaments within the framework of the EU treaties. In order to do this, first I used the relevant theories that help categorizing the adaptation skills of national parliaments, as well as analysis of the relations of the European and national policy focuses. In these two classifications I further adapted the previously described manners making use of my experience. Then the exact legal changes through the treaties were examined.

Now increasingly turning to the practical functioning of the national parliaments, in the next section, I examined how the parliaments work in EU affairs, what tasks have to be met, and what actors are participating in the process at national parliamentary level. In this connection, I tried to isolate the tasks that are more important and less important typically in everyday life (emphasis in terms of importance is put mostly on government control). The role and operations of European affairs committees of national parliaments were then presented, which – being the most important actors – is indispensable in analysing this topic. In the end of this part I attempted – with strongly

subjective elements – to compare the practices of national parliaments in EU matters. Finally, I pointed out the problem of regional parliaments.

The third part of the dissertation presented the legal framework in force, which is – due to space limitations – focused on the most important aspects. Besides introducing the ‘dry’ treaty points, an attempt has been made to consider some critical aspects considering the implications of the Treaty of Lisbon.

The greatest added value of the dissertation is probably the fourth and fifth section, firstly overviewing the EU relations of national parliaments (including the EU institutions, and the interparliamentary cooperation), while later on, based on this evaluates the possibilities of national parliaments for the influence. In the latter section a detailed analysis of the forms of cooperation is presented and it is evaluated how national parliaments can practice their influence within treaty framework and beyond. Moreover it is examined how parliamentary civil servants can contribute to this work and what new methods and tools can be traced. In this part practical recommendations are also introduced to operate more effectively.

During my research I tried to find answers to many questions, of which perhaps the most important are:

- How national parliaments can give answer to the democratic deficit at the EU level?
- How can national parliaments fit in in the multi-level governance model?
- Can parliamentary accountability be extended to EU level?
- What are the options to deal with the new areas and modes of decision-making (particularly in relation to economic governance)?
- How can the scrutiny over the government be more effective?
- Which difficulties and challenges do the national parliaments face in connection with use of their powers?
- What causes the fact that some national parliaments can adapt to new tasks easily while others only limitedly?
- What new or informal opportunities exist to better reflect the interests of national parliaments?
- What changes are possible to enforce the interest of national parliaments better in the future?

In the dissertation, the following main conclusions have been reached:

To strengthen the role of national parliaments has become a kind of symbol of the past few years of how to increase the democratic legitimacy of the European Union and ensuing democratic deficit. Most of this trend is mirrored in the various treaty developments since the beginning of the integration, throughout the key milestones (Maastricht Treaty, Amsterdam Treaty, preparation of the Constitutional Treaty, Lisbon Treaty), all of which caused the national parliaments to be more and more powerful in the EU decision-making and giving them possibilities to express themselves. Thanks to the provisions of the Lisbon Treaty the appropriate use of political influence of the national parliaments (primarily in relation with national governments and effective cooperation with each other) is laid down but this resulted also in the soft power of parliaments as well.

For the national parliaments, however, it is often causing difficulties to join in to the EU mechanisms, since it is not that vital to cooperate with supranational and subnational levels in their everyday traditional lives of legislation as it is in the complex system of the multi-level governance, that the European Union is. Moreover, the situation is complicated by the difficulty and ductility of the delineation of national and EU decision-making powers (see European semester).

In addition, the adaptation of the parliaments to the multi-level governance differs even from one Member State to the other, since it also determined by the constitutional arrangements. A further challenge for the national parliaments is the management of increasingly significant ‘special arrangements’ and the Union method in the case of which it is had for the parliaments to find the possibilities and the means to enforce their interests. In these occasions they can mostly rely on their own proactivity and creativity to stay in the loop.

It is therefore important that the parliament step into the so called step into the so called proactive phase as soon as possible, recognizing that it is in their own interest to tackle EU affairs and to find the means to do it in the best possible way.

The role of national parliaments played within the multi-level governance model can potentially be influenced even by characteristics such as a majority or minority government, parties in the respective legislations, or the nature of the integration approach.

It is important to point out that becoming a Member State, national parliaments lose some of their

powers and those are not given back by the Lisbon Treaty either. Therefore it is essential that they discover the importance to strive to compensate this loss.

The research revealed that while the role of parliaments has increased a lot over the past few decades, but their influence is still not working well. Examining the practice has enabled that due to specific characteristics, the parliament can not reap the opportunities (e.g. too short a time to examine subsidiarity, legislative breaks, resource issues in parliaments, etc.), thus enhancing the discourse on the role of national parliaments in EU issues is still desirable.

The positive atmosphere between the national parliaments due to new rights is spoiled on the one hand by the fact that the practical significance of the new rights is not that much as it had been expected before and on the other hand since the Lisbon Treaty came into force in the European Union a number of situations had to be faced caused mostly by economic reasons in which national parliaments met new challenges (e.g. managing the European Semester at national parliamentary level).

The treaty framework does not seem to provide satisfactory answers to better involvement of parliaments, therefore it is important that parliaments are able to find new ways and means, and in order to do that it is essential to be able to accurately determine their priorities in EU affairs.

In relation to the activity of the parliaments in EU affairs, the following factors are the most significant: (i) constitutional, political system; (ii) traditions and political culture; (iii) parliamentary norms and practices; (iv) the quantity of parliamentary work; (v) general political climate. Also, the kind of caliber of politicians dealing with EU affairs, or knowledge of languages can be significant too.

With regard to parliamentary duties, it should be noted, that government control (scrutiny) is likely to remain in the focus of the work that parliaments play in. Therefore, the continuous improvement of these systems is a priority for the national parliaments. Therefore, best practices should be shared (which may be performed through COSAC). Scrutiny systems are bringing about national peculiarities as well, therefore there is no one single solution for all national parliaments.

On the subsidiarity control, the outcome of the research shows that the progress so far with only two yellow cards, and responses given to them by the European Commission indicates that so far more energy is invested than the actual result is brought by the EWS. In order to make this bitter

experience be changed in the future, better cooperation between parliaments; greater commitment by the European Commission; and possibly refining the system is needed (for example, extending the deadline, or decreasing threshold).

The parliaments are also becoming more active in EU matters above government control and under the subsidiarity control in other areas, such as, increasing use of plenary sessions (regular political debates on EU issues, for example, parliamentary control of the European Council, control of the Commission's Annual Work Program). This helps to sensitize MPs in EU affairs and reach citizens with messages on EU matters.

With regards to the parliamentary actors, the paper found that a crucial role is played by the presidents of parliaments in strategy issues (especially regarding shaping of interparliamentary relations), but the most important role is played in parliaments is dealt by European affairs committees. Other sectoral committees are playing and increasingly important role (see the example of the Swedish Parliament), so that instead of a generalist approach real specific political opinions can appear in EU issues dealt by the parliaments.

A key role is in addition to the political level is played by officials who can contribute to the work of politicians significantly, who can, in case of being really competent, point out the possibilities that can be best made use of. Among the key players involved, European affairs committee secretariats and the permanent representatives of parliaments in Brussels are the most important.

Looking at the results of the comparison of parliaments, we can say that the Swedish parliament, the *Riksdag*, and the Danish *Folketing* is considered as an example of effective operation in EU issues. In addition, a good example can be seen in both houses of the UK parliament (*House of Commons* and *House of Lords*), the Finnish *Eduskunta*, the two houses of the Dutch parliament (*Tweede Kamer* and *Eerste Kamer*), the Italian *Senato della Repubblica*, and the Portuguese *Assembleia da República*. The evaluation of the government control it is worth noting that in general the Nordic countries are those in which the parliaments plays the most powerful role in EU matters in scrutiny. Some parliaments (such as the Portuguese parliament or both houses of the Italian parliament) is not so strong in scrutiny but in different aspects (such as interparliamentary cooperation) can compensate for this. Visibility to parliaments in EU affairs is typically strong in countries where parliaments operate EU affairs information centers to citizens. It seems to increase not only the preparedness of officials and institutional background, but brings about greater interest in parliaments in general and more responsibility for the parliaments in EU matters. In the case of

institutional background it is generally found that significantly increase both the level of MPs and officials of interest and preparedness caused by the EU presidency.

The dissertation briefly reviews the role of regional parliaments, on which issue it points out the possibilities for the regional parliaments to join national parliaments in EU affairs for better representations.

Looking at the post-Lisbon period, it should be underlined that the relations of the parliaments with the government is just one channel of communication, while other tools and partners appeared in the every day lives of parliaments in EU issues. An increasingly important role is played by the multi-level dialogue with the European Commission and the European Parliament, as well as the intensification of interparliamentary relations.

However, the communication with the European Commission is more frequent since the 2006 introduction of the political dialogue, new problems appeared in this context. In addition to the close cooperation taking place on many levels, continuous criticism is echoed by the national parliaments for the Commission failing to treat adequately national parliaments. This is the most seriously manifested in the management of reasoned opinion and yellow cards by the Commission. The dissertation has attempted to gather the most important recommendations in this regard. The dialogue has become more intense, although its impact is still appears to be limited.

Referring to the European Parliament, the research seem to find and even difficult and more controversial relationship. The European Parliament has now become policy-influencing parliament, but parallel to the institutional powers the self-consciousness was increased as well, which manifests itself in the contacts with national parliaments. This discrepancy is partly due to the European Parliament's place in EU decision-making, its institutional communication, the tensions in the cooperation over the years and the fact that the EP has significantly more resources, so can achieve more influence as well. The thesis also formulate recommendations with regard to the relations with the European Parliament for the sake of improved cooperation (such as closer collaboration, more efficient utilization of video conferencing facilities with rapporteurs, etc.).

As results of the thesis, it has to be underlined that while the scrutiny is governed usually by a law or other relevant legal act, which provides a framework for cooperation, relations with the EU institutions are much more indirect, often rely on mutual intention, instead of being able to be enforced based on a document. A more productive field is the cooperation among parliaments.

Present forms mainly serve channeling of parliament opinions, sharing of experiences and it is highly unlikely for real conversation to emerge from these forums among representatives of institutes of the Union, executive officers and representatives of the national parliaments.

The most important interparliamentary cooperations are the Conference of Presidents (strategic guidance); the COSAC (discussion of horizontal issues and sharing of best practices); the interparliamentary sessions organized by the European Parliament (IPM/ICM - the amount of these alone contribute to sharing of opinions among parliaments); last but not least there are the two recently created conferences about CFSP/CSDP and about the economical and financial government of the EU. It would be too early to draw consequences from the latter two, nonetheless I think the future of these are highly important since they are meant to serve the parliamentary control of two fields important for national sovereignty and national parliaments. When analyzing cooperations it is not only important to evaluate what new forms are created and what they target but also to examine their efficiency and the influence they mean for national parliaments. This raises doubts in case of interparliamentary meetings. More serious questions are raised by fields in case of which the national parliaments could not or could hardly follow the accelerated jurisdiction of the Union. It seems that the mentioned forms only partly provide influence for parliaments in fields raising sensitive sovereignty questions (e.g. economical coordination).

Reviewing the measures of increasing parliamentary influence (treaty-based and non-treaty-based possibilities) it can be declared that focusing only on treaty-based possibilities - namely mostly on subsidiarity - may present a pitfall since its practical significance is lower than its theoretical one. This means the possibility that results achieved in another field with potentially informal influence might prove more significant in the future. Nevertheless, national parliaments are constantly thinking on measures to utilize present rights more efficiently and on steps that might improve efficiency in the future (outstanding example of these is the work of the Danish, Dutch and British parliaments that the thesis analyzes in details).

Experience suggests that besides achieving better cooperation in contractual possibilities, it would be better to put more emphasis on informal cooperations since this might bring better results than formal ones. Exploiting the following possibilities might prove fruitful:

- joining the decision making of the Union at the beginning of the legislative phase or in the pre-legislative phase - setting up dialogues with the appropriate European Commission officers (even at technocrat level low for MPs) to initiate lobbies efficiently and in time; monitoring white and green books;

- closer cooperation with MEPs either in person or via video conferences;
- more efficient exploitation of Brussel's permanent offices and other officer relations (e.g. IPEX).

In my opinion, national parliaments can really contribute to increasing democratic legitimacy and decreasing democratic deficit in the European Union, to fill this role, however, other participants are also necessary. For this to happen the conversation the new college of the European Commission forming in autumn 2014 will conduct with the national parliaments will be of key importance as well as the relationship the new European Parliament elected in May 2014 creates with the national parliaments and whether or not will it include closer cooperation with the national parliaments in its working methods.

I think that instead of changing treaty framework, more emphasis should be put on exploiting existing ones better. To do this, on one hand cooperation among national parliaments should be improved, on the other, inner-parliamentary structures should also be improved for better enforcement of interests. I think furthermore that to have influence on the decisions of the Union national parliaments should continue to have a close and wide control over governments while optimally exploiting informal channels. Therefore it is necessary that more and more members in the national parliaments deal with issues of the EU and MPs consider EU legislation as important as the national one (or at least to get close to it).

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- *Christine Verger*, Director of the European Parliament's Directorate for Relations with National Parliaments
- *Christiana Fryda*, present permanent member of the COSAC Secretariat
- *Libby Kurien*, previous permanent member of the COSAC Secretariat
- *Carmen Preising*, Head of Unit, General Secretariat of the European Commission, previously Head of Unit of the department dealing with national parliaments
- *Calin Mihai Racoti*, IPEX Information Officer
- Advisors of the European Affairs Committee of the Hungarian National Assembly, especially *Judit Járadi*
- Selected group of permanent representatives of national parliaments in Brussels
- Selected group of EU specialists of national parliaments

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