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***The European Parliament and National Parliaments:
Irreconcilable Rivals, possible Partners – or just Dinosaurs?***

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ABSTRACT

This paper discusses the evolution of the European Parliament (EP) and the national parliaments (NPs) of the European Union during the last ten years. In this decade, the EP has achieved a substantial role in legislation and partially in influencing composition and policy formation of the Commission. Its constitutional role understood as launching far reaching ideas on the future of European integration has, in contrast, lost in profile. The NPs, on the other hand, went through a learning process which resulted in an increased awareness of the importance of the EU. They reacted via institutional adaptations in each parliament and an enhanced cooperation on EU level, now formally acknowledged by the Amsterdam treaty. Both the EP and the NPs concentrated on specific changes: the EP emerges as an institution which has come close to a role perception which it developed since the late eighties, that of a co-player in the present setup, somewhat trading in ideas and possible illusions against power-sharing in a real world. The NPs , by contrast, are still in search of their role; on their side the process remains more open. Cooperation between the two levels did, alas, not progress at an adequate rhythm. The paper uses categories of parliamentary functions as a heuristic tool. This results in the assessment that important functions are inadequately taken care of, including the relations with the citizens. Finally, looking at some critical research perspectives, one could ask the question whether parliaments, especially in governance beyond the nation state, still matter , or whether they are not just dinosaurs left over from another age.

Transnational governance and the parliamentary dimension

The parliamentary dimension of the European Union (EU) has come more into focus during the last decade, mainly as a result of the gains in profile of the European Parliament (EP) which has finally overcome its formerly shadowy existence and reached the status of an institutional co-player. The national parliaments (NPs) of the EU member states have gone, on the other hand, also through a process of transformation in their perceptiveness of EU affairs: the long period of frustration – for most of them – seems to have ended, attempts to be directly present within the institutional European setup basically discarded, and a new more pragmatic and somewhat harmonized approach emerges as a guideline for the future.

In this paper, I intend to outline the evolution of the political roles of the two levels of parliamentary institutions over the last ten years, as far as EU activities are concerned, discuss their cooperation and conflicts with the aim to arrive at some conclusions about the functioning of this dimension for the Union and its member states. If you look at the role of the EP and the NPs in the EU, you have to choose your parameter and your set of references carefully. You may concentrate on their respective activities, their working relationship, their possible rivalries. A number of studies provide relevant

information and insight on these issues (Bergman, Norton, Raunio, Pöhle). But if you want to go a step further, you have to include questions like the possibility of democracy beyond the nation state, a question which has triggered off a considerable amount of literature during recent years (Benhabib, Held, McGrew, Scharpf). In addition, Parliaments are, after all, representative institutions, and the question who represents whom is part of the subject and has not yet adequately discussed (Marsh/ Norris, Neunreither, 1999 b). Furthermore, if the member states and the EU are intrinsically linked and if both are parts of the same public power which is supposed to be democratic, then the issue of the interrelationship of the two levels of governance and its evolution are of primary importance. In how far, for example, is the legitimacy of the EU based on national democratic structures, and in how far, new, independent elements have evolved? Or, if the creation of the EU has led to an overall strengthening of the executives at the expense of parliaments, what are the effects of this trend for the future of democracy?

These questions indicate that it might be worthwhile to discuss the evolution of the relations between the EP and the NPs in a wider framework. One heuristic principle which might be useful in this context, is the classical one originally presented by Walter Bagehot, not to look primarily at constitutional rights but at the actual functioning of parliaments¹. Criteria and categories have certainly changed over time, and many adaptations have been made to this original approach. Recently, parliamentary functions have also been used for the analysis of the EP (Wessels/Diedrichs), based on a breakdown in three functions: policy-making, system-development, and interaction with the public and the citizens.

I follow this general approach in this paper because it differs substantially from a somewhat reduced understanding of parliaments where e.g. the role of the EP is primarily discussed in its function of controlling the Commission or that of the NPs in scrutinizing the voting behavior of their own national minister in the Council. This does, by the way, not exclude that such reduced role conceptions, often stemming from textbook notions of parliaments play a major role, even if their lack sometimes logical coherence – as I will demonstrate using the example of the notion of control as compared to that of legislative participation.

In comparison to Wessels/Diedrichs I break up the policy-making function in which quite distinct elements are put together, into several functions: control, legislative, elective, and budgetary functions. With the constitutional or system development function and the interaction function this results in a total of six functions (see Table 2, annex II). This should allow us to get a more detailed picture of the evolution of the EP.

Elements of evolution of the EP in the Nineties

In order to get a rough idea of the evolution of the EU parliamentary dimension in the nineties – as compared to the rather static situation of the preceding decades – it might be useful to have a short look at the EP during that period, then at the NPs, and finally their cooperation or conflicts. In doing this, we should keep in mind the wide range of possible functions and evaluate which were concerned and which were not.

1. Bagehot (1867) when analyzing the classical Westminster model of his time, did not put the legislative function at the top of his list, but the elective function, the designation of the executive by a parliamentary majority. The elective function still ranks first with EU national parliaments whatever their overall categorical differences (Norton, p. 2) may be . The EU, by contrast, does not elect its 'executive', but it rather by consensus. This does not allow for a parliamentary opposition, the lack of which is a major shortcoming in the democratic structure of the EU (Neunreither 1998), even if you characterize it as a negotiation system. Without opposition, there is no site for the citizens to opt for alternative solutions and democracy loses a vital dimension. (see also note p. 17)

As far as the EP is concerned, it has come a long way and is without doubt the EU institution which has undergone more substantial transformation than any other. Conceived as an institution of 'control' within Jean Monnet's original design – that is political control as compared to the jurisdictional one reserved for the Court of Justice – it was not meant as a part of decision making which would be left to a 'supranational' body, the High Authority and its follower, the EC Commission, and to the Council of Ministers, representing the member states. The EP spent many years to get around this crucial blockade it was confronted with: the treaties did not give it any significant role in decision making, above all in legislation. Partial budgetary powers – 1970/75 – were only a minor remedy; and even there the 'power of the purse' was limited to spending and did not include the more important part to decide on revenues. The introduction of direct elections in 1979 did not change anything in EP's powers and except for the somewhat twisted budgetary argument – the system of 'direct income' would need direct parliamentary legitimation – it was not accompanied at all by a functional justification. Direct elections, what for? Only the launching of the Single Market set the train going – and it accelerated ever since.

This is where our short account (Table 1 in annex I) starts. On the side of the EP it is marked by the application of the new dispositions introduced by the Single European Act (SEA) which contained, for the first time a – still very limited – opening towards legislative participation, the so-called coordination procedure. This procedure gave the EP in limited areas, mainly connected with the internal market, an increased influence, though not the final word vis-a-vis the Council. It was rather complicated and seemed more designed to create highly complex problems than to facilitate things. This was the time when questions were asked whether democracy and efficiency were not mutually exclusive (Robert A. Dahl). On the ground, a most astonishing change took place: the progressive creation of an institutional system not based on confrontation, but on at least a limited degree of cooperation. The reason for this were only partly the new procedure, but to an even greater extent the time pressure which was – artificially or not – created. As a matter of fact, Delors had included in his plans the deadline of 1992 for the completion of the internal market program which called not only for an overall framework, but in addition for exact annual plans for its realization. The EU legislative machine had not only to cope with a new and inexperienced procedure, but also with a dramatic increase of its workload. This was the historic moment for the EP to show that it should not only be considered as a debating club, but that it could be counted upon as a reliable partner. The road of its integration into EU decision making – and not just control – began which led to a fundamental transformation both of its own perception of its role and that of others as well. Above all the member states which held the key for the granting of future additional powers, started to see it if not as a friendly partner, then as perhaps somewhat difficult, but basically reliant co-player.

One side effect of cooperation was that the EP which still has no formal say on legislative initiative convinced the Commission that the annual legislative programs, drafted by the Commission should be finalized together and be considered as common programs. Unfortunately, this considerable achievement which should have eventually included the Council in a trilateral arrangement, was later on handed away shortsightedly by the EP leadership. At present, the Commission has taken its responsibilities back in these matters – one of the few questions where it has made ground against the EP under the Santer administration. This is the more deplorable as annual legislative programs could become a major topic of parliamentary cooperation in the EU, involving the NPs on an important subject.

Another breakthrough – this time for good – can be seen in the growing importance of budgetary planning which were above all necessary to handle the increase of funds – Delors I and II –

accompanying the progressive installation of the internal market. Since the late eighties, the annual budgetary benchmarks for the various expenditures are defined by multi-annual programs which allow only for limited flexibility. The forthcoming period, decided at the recent Berlin European Council in March 1999, will cover the years until 2006, including the costs of enlargement. The main point in our context is that the EP – far beyond its limitations in terms of treaty provisions – has become a full partner in the discussions about these programs in which the artificial splitting up of expenditures in obligatory and non-obligatory ones becomes meaningless. This is largely ignored in studies on the subject.

As a result of its constructive behavior, the EP was ‘rewarded’ with additional legislative powers in the Maastricht treaty, in the form of the co-decision procedure which makes it practically impossible for the Council to overrule an parliamentary veto in the areas concerned and which led to a system of increased institutional bargaining dominated by conciliation procedures over EP amendments. The positive results of the new arrangements² led to an expansion of the areas of co-decision in the Amsterdam treaty where the EP was even considered to be the ‘winner’ in terms of modifications as compared to the Commission, the Council, let alone the Council of the Regions which was denied even a rather modest upgrading.

On the other side we can notice a gradual fading of the imaginary visions of the future of European integration, as expressed in many documents, the most famous one being the Spinelli report of 1984. The ‘United States of Europe’ became less and less an agreed objective. This evolution was veiled for a long time by the underlying consensus between the two largest political groups in the EP, the Socialists and the Christian-Democrats. But the moment of truth came – or should have come – when a last effort was made to actualize the institutional orientations in 1994. The Herman report still based on federal principles for the future evolution of the EU was still agreed upon in the competent committee but was finally ‘sunk’ in a peculiar plenary procedure where it was not adopted but only considered and recommended as a basis for further discussions. This came close to deceiving the public at large. In any case the following reports, and especially those linked to the EP’s position in view of the Amsterdam treaty reform³, clearly steered away from any federal dreams and their modest demands for reform can only be characterized as definitely incremental. The EP, as a result, had also to pay its share: it proved to be impossible to resist to the change of values connected with its career. One is reminded of the evolution of a young man who starts as a rebel then finds himself in a process of irresistible transformation once he climbs up the career ladder.

While the increase of legislative powers was largely noted, the second new element introduced in Maastricht and now strengthened in Amsterdam, received much less attention: the enhanced role of the EP in the nomination process of the Commission. The first application of the new procedure began with a major row in July 1994. The EP was furious about the handling of the selection of the candidate for Commission President by the European Council. The first choice, Belgian prime minister Dehaene, was vetoed by John Major as allegedly too federal. The governments came then up with their second choice, Jacques Santer, the Luxembourg prime minister. The EP felt that in this peculiar situation it should have been contacted and given a possibility to express its position. The large majority of groups was determined to protest against this situation by voting against Santer who, by the way, was a leading Christian Democrat, a former member of the EP, and no less federal than his Belgian colleague. Only in the last minute, by massive interventions of the prime ministers of various political background vis-a-vis ‘their’ MEPs a small majority was secured for

² See updated account and evaluation in Michael Shackleton’s paper ‘The Politics of Codecision’ presented in this panel.

³ Starting with the Bourlanges/ Martin report of May 1995, doc. PE 190 441.

Santer in the decisive vote. This raises the important question whether EP majorities can maintain their position against the combined interests of national governments in similar cases, or whether a coalition of prime ministers will not always prevail ⁴.

In any case, the EP applied the following steps of the investiture procedure extensively by organizing hearings of individual commissioners by its competent permanent committees. Some of these hearings resulted in substantial criticism which while not preventing a final positive vote, added, seen in retrospective, to the insisting and inquiring behavior of EP committees towards commissioners. It may well have contributed to the generalizing of uneasiness which developed during the following years, an aspect not yet reflected in academic studies. The committees of inquiry – one on the handling of BSE, the other on transborder fraud in trade – became further elements in this process in which internal weaknesses in the Commission became evident and the EP not only took its distance, but turned to some extent into the advocate of the people, the public as a whole. Seen under this aspect, the seemingly surprising clash with the Commission which broke out openly in December 1998, continued during the following month and finally led to the ‘collective’ resignation of the Commission in March 1999 ⁵, was only the culmination of a process which had begun years ago. This is a new qualitative element in the relationship between EP and Commission and it will have to be seen in which direction this will evolve. The setting up of the Prodi Commission under the new Amsterdam procedure and the arrangements that will accompany it, will provide important clues.

Finally, in this short review of EP evolutions, we should not forget the aspect of what we might call ‘interlinkage’ of different prerogatives, that is their use in areas which are in first sight quite distinct. The best example concerns the use of budgetary powers: on several occasions, the EP has used its position in budgeting in order to get satisfaction in other areas. One example concerns the TACIS program where it could not convince the Commission to improve its administration. Only when the budgetary committee came in and blocked a substantial part of the credits, the Commission finally took action. The same happened in the area of comitology, where the EP claimed increased accountability, and only the cutting of spending for meetings led to some results.

Looking at table 2 (annex II), we can note that since the beginning of the nineties the elective and above all the legislative functions have gone up, that control has in the last years achieved a certain political momentum, that mainly due to pluriannual programs and interinstitutional agreements the budgetary function carries now more weight, whereas the interaction with the public and the citizens has remained at a low level, and the constitutional function has even declined, if you look less at formalities than at the actual input.

⁴ Simon Hix (1999) provides valuable arguments for the second interpretation, that of an EP ruled by the prime ministers on crucial questions. The question is what actually happened in January 1999 when the EP came very close to overthrow the Commission. Can this be interpreted along these lines?

⁵ It would be useful to analyze the semantic confusion linked with the resignation of the Commission in March 1999. First, there is no ‘collective’ resignation foreseen in the treaty. The term ‘collective’ is by the way never used in relation to the Commission, it is a ‘collegial’ body. As far as resignation goes, the treaty obviously envisages above all individual resignations (Art.215 ECT; Amsterdam). Commissioners who resign by their own initiative – which was formally the case – remain in office without restrictions (Art. 215), there is no ‘care taker’ Commission in this case. Only if a motion of censure (Art. 201) is voted by the EP, the Members of the Commission will resign as a body and are restricted to current business. That is why a number of MEPs insisted, in April 1999, to apply Art. 201 against the Commission which had already resigned. A look at the Europa server demonstrates, that the present Santer Commission is still quite active in launching initiatives.

National Parliaments in the EU: 24 actors in search of their role

All present EU member states provide for a parliament in their constitution, most of them have bicameral systems. This adds up to 24 chambers totaling more than 7000 members. The original EC treaty did not mention this dimension at all ⁶, except for the fact that the EP was composed by delegated members from these institutions who had until 1979 by definition a dual mandate, and quite often a triple one, because many of them were also sent as delegates to the Council of Europe Assembly. Direct elections finally cut off this link with the EC – which in retrospect was very useful, though difficult to manage – and national parliaments were left on their own. They had up to then, it must be said, not integrated EC questions very much in their agendas, let alone in their internal structures. The EC was still not much more than an international trade organization and only in limited policies, like agriculture, basic decision making was transferred to it with resulting losses of national parliamentary influence. Most national parliaments reacted on a low level to this; they created EU committees with no real powers to follow the general evolution of the EU risking by this inherent conflicts with the standing specialized committees which dominated the access to plenary decision making. The exceptions are known: above all the Danish parliament with its effective scrutinizing of national ministers (see Bergman, Morgan , Raunio)

All this began to change towards the end of the eighties. The reasons for this can first be seen in the psychological impact of the launching of the Single Market. An additional explanation refers to the introduction of qualified majority voting (QMV) in a number of areas which is supposed to have the consequence of making it more difficult to scrutinize the voting behavior of a national minister in the Council. I will come back to this argument later. But even if it were valuable; why should the national parliaments, which had not, with a few exceptions, installed an efficient system of controlling their ministers up to now, insist on having one at the exact moment when it would be much more difficult to operate?

The increasing interest of national parliaments in the EU is connected with the general feeling in the public that European integration had become dynamic again and that it was likely to embrace important policy fields in a foreseeable time, not only concerning the deregulation of many economic sectors, but the necessary following re-regulations also, as well as completely new fields like the emerging EMU. All this would result in a much greater loss of national parliamentary influence than during the preceding three decades. This vague feeling was reflected in the timely initiative by Laurent Fabius, the then president of the French National Assembly, in 1989 to create a consultative body composed of the various European affairs committees of the member states. The new body, called COSAC, which is an acronym for 'Conférence des Organes Spécialisés dans les Affaires Européennes des Parlements de l'Union Européenne', proved soon to be very useful as an information center: it was the ideal workshop for finding out how other parliaments handled EU questions and use the findings in the discussions at home. Since the COSAC is a meeting place of the national EU committees, not of the specialized ones, it is not surprising that the increased flux of information helped above those who actually sat at the source.

If COSAC has to be seen as the first institutional element triggering off a new phase of EU awareness of the NPs leading to a partial harmonization of their approaches, the Rome 'Assises' of November 1990 were the second one. For the first – and only – time larger delegations of the NPs and the EP convened in a congress. Though the EP had been assigned only one third of the seats,

⁶ In addition a number of treaty articles refer indirectly to NP, especially when procedures of national ratification are mentioned.

the 'Assises' resulted in a powerful demonstration of its superior administrative and organizational skill. Among others, participants were asked not to sit by national delegations but by political groups which were also evidently dominated by the EP infrastructure. The final resolution, not astonishingly, claimed more powers for the EP and was oriented on more or less federal principles. It was, a first sight, a complete success for the EP. But soon it became evident that it was rather an overkill. As a result, the 'Assises' formula was never used again, despite the encouragement of the Maastricht treaty, which refers to it in its declaration No.14, but which was subsequently deleted in the Amsterdam revision.

To be precise, Maastricht opened two avenues for the NPs. Besides the Assises, and more important, was the declaration No. 13 which called for fuller information and encouraged cooperation with the EP. These are two distinct elements. As far as information is concerned, the rather weak Maastricht formula was obviously not satisfying and led to more detailed demands in the Amsterdam process. Practical cooperation on committee or rapporteur level on given subjects evolved during the years and is seen by the EP as a success story, which is somewhat exaggerated. Surprisingly, this element was completely dropped in Amsterdam. No further encouragement for pragmatic cooperation? I will deal with this aspect separately.

The repositioning of NPs in the EU which has started at the beginning of the present decade, included also various attempts to create an additional institution, either in the form of a 'senate', a second parliamentary body besides the EP, but composed exclusively of national MPs, or a mixed body, or a smaller committee type scrutinizing institution. Areas of competence would have included the application of subsidiarity and the domains not covered by direct parliamentary supervision, namely the CFSP and JHA. All these attempts⁷ failed; they would have diminished the efficiency of the EU decision making without adding clear responsibilities. The political origin of most of these attempts indicate that this might have been part of the reasoning⁸. As a result, Amsterdam concentrated on improved information of the NPs and an evolution of the role of COSAC.

Amsterdam and the National Parliaments: Full information and the role of COSAC

As already indicated, the NPs have at last succeeded, in the Maastricht and Amsterdam revisions, to have their existence formally recognized, first by two declarations which are non-binding and then in Amsterdam in the qualitative form of a Protocol which has, among others, the advantage that it could be made the object of court procedures.

The Amsterdam Protocol singles out only two main issues: that of information and that of the role of the COSAC. On the other hand, two further matters which were still mentioned in Maastricht,

⁷ For a critical review of the various proposals concerning additional parliamentary bodies see Neunreither 1994. Also: European Parliament 1996 (doc. W – 19) and Pöhl 1997.

⁸ The academic community did not participate very actively in these initiatives. Recently, Bieber/Bieber (1997) have suggested to replace the present EP, during the process of enlargement, by a mixed body composed of two halves: one directly elected, the other one being composed by delegates from the national parliaments. The full body would be responsible for deliberation, control and nominations, the elected half for legislation (p.149). It seems doubtful whether this journey in the past (the present elected EP would meet its predecessor, the non-elected one) would resolve the problems of the future: it would further decrease interest in EP elections, while NPs would be still be excluded from legislation. In daily practice, control and legislation are so interwoven – in committees, political groups, the plenary – that it would be very difficult and suboptimal to separate them.

have disappeared: that of the 'Assises' and the encouragement of pragmatic cooperation with the EP. As a result, the agenda is very short and does not refer to most parliamentary functions. The treaty texts reflect the priorities of the actors concerned, and in this question the NPs were the agenda setters, followed by the governments, with the EP more or less echoing what was already in the making. The immediate objective of NPs was to receive guarantees for a timely and comprehensive information. NPs are now given the assurance to receive the Commission's prelegislative documents – mainly so-called green or white books – and the formal legislative proposals promptly. It is not clearly said who should be responsible for the actual transmission. The EP could have been helpful, but preferred wisely not to get involved if not asked to do so. As a rule – except urgencies – a period of six weeks will be respected between a formal transmission of a proposal and its adoption in the Council. The NPs had originally thought that even four weeks would be sufficient.

This last point indicates a somewhat naive approach to highly complex questions. In six weeks, let alone four, it is hardly possible – if there is not substantial preparatory work done – to study a detailed Commission proposal, to consult with the relevant standing committees, with the national bureaucracy, possibly interest groups, and finally the minister, in order to arrive at a qualified input. A possible coordination of timetables with the EP which will deliberate during the same period and which might be an important ally on a number of issues, is not even mentioned nor envisaged. It will have to be seen, how this system will function, which suits within the often complicated structures of NPs more the European affairs committees than anybody else.

It is indeed these committees which have succeeded to emerge from the shadow and gain in profile during the last decade. Mainly their cooperation – compared to the limited influence of the periodic meetings of the conference of presidents and speakers of parliaments – has provided substantial input on organizational questions, and more generally, on the awareness of NPs of their weak position in the EU system. Quite naturally, those NPs which were dragging behind profited more from this process than those which had already put in practice efficient techniques. As a result, the following harmonization of approaches⁹, was largely due to the learning experiences which Cosac provided.

At the same time, the limitations of this formula became evident: First, COSAC lacks an independent infrastructure and has no own secretariat. Administrative questions are handled by the 'troika', imitating the formula for the Council presidency. The biannual meetings take accordingly place in the country which holds the EU presidency. More important is the fact that the delegates – six per country, and six from the EP – have not the possibility to come to conclusions which would bind their parliaments. Further on most representatives come from the general EU committees and shy away from digging too deeply into matters where they feel they are not specialists. The COSAC agendas which concentrate on general political questions, reflect this dilemma¹⁰.

Now what are the perspectives for evolution which Amsterdam opens? First, COSAC is expressively encouraged to present 'contributions' to the EU institutions on all matters, but more specifically in those cases where it had been seized by the 'representatives of governments'. For matters handled in the third pillar such a procedure is more directly envisaged. In general terms,

⁹ This does not exclude that major differences between the national processes for scrutiny and coordination continue to exist (Bergman, pp.376-9).

¹⁰ By its internal rules, COSAC meetings are limited to one day and a half. The last meeting in Berlin (31 May / 1 June 1999) contained a typical, rather broad and informative agenda: 1. Institutional reforms following the Amsterdam treaty; 2. Relations between the EU and third countries; Internal COSAC matters (rules, etc.); 4. Report of German Presidency on Agenda 2000 and enlargement.

COSAC may take position concerning all EU legislative questions, above all if questions of subsidiarity are concerned. This last item is, by the way, also mentioned in a new protocol concerning the application of the principle of subsidiarity.

As a result, Amsterdam saw an upgrading and a certain institutionalization of the role of COSAC, but at the same time more ambitious projects of putting the NPs on the Brussels scene were clearly discarded. The question is now, in how far the COSAC will be able to fulfill its new role in how far this will influence the relations with the EP. Some observers (Pöhle, pp. 84-86) see a limited scope for the possible evolution of an independent role. At present, there are serious organizational limitations concerning the lack of a secretariat, of a permanent seat, and even of an own budget. More important are the differences in the mandate of MPs participating in COSAC. Very likely, the NPs will not hand over a formal mandate to the COSAC, but will want to maintain their independent possibilities of action. In addition, as already mentioned, COSAC members tend to be European generalists, not specialists on given issues. How could then their opinions or contributions go beyond general statements with likely little impact. An increased participation of 'specialists' from the national standing committees on an ad-hoc basis would be the obvious solution. But even then the diversity of opinions we find in most NPs would not be guaranteed.

To conclude, we will have to see how the new formula will operate. It may well inspire an enhanced interest of the NPs in EU affairs, possibly in form of a division of activities, increasing both scrutiny and policy shaping on the national level and a to some extent a direct input via the COSAC. On the other hand, the present organizational and political limitations may lead to frustration. This would play in the hands of those who favor a more institutionalized formula. In any case, the EP will have to watch this evolution very closely.

Zooming in: How to become a winner using the wrong arguments

There are basically two approaches if you want to argue, as an institution, that you should have more to say: either you draw on historical or otherwise comparative examples, or you stress the novelty of the situation and rely on functional arguments, the inherent logic, efficiency or others to support your point. In the EU, the Commission could obviously not draw on examples; it could not say, e.g. that normally an executive has these prerogatives, because this would have been interpreted as a claim to become a European government. The EP, on the other hand, could feel free to do so. To argue that budgetary powers are in the core of parliamentary rights, is considered to be perfectly legitimate. The same is true for the control of the executive and for legislation.

But, of course, one should be cautious which arguments to use. A peculiar question which has already been mentioned, is the linkage between qualified majority voting (QMV) in the Council and an increase of the so-called democratic deficit. This argument suggests that in cases where the Council uses QMV a national parliament would lose control over the voting behavior of its national minister because he could always claim that he had defended his national interests but that he had been outvoted. The EP took up this argument and asked, in its submission to the Amsterdam conference that in view of this lacking control all cases where QMV would be used should be transferred to the procedure of co-decision ¹¹. The Commission, by the way, did not follow this line of argumentation and worked out own criteria.

¹¹ Bourlanges/ Martin report, see note 3.

But let us follow the EP's reasoning. First one can question whether a national parliament becomes really so helpless if QMV is applied. I would argue that in an efficient system of control, the minister would hardly dare to lie or even be evasive about his own voting behavior. Otherwise, he would put his career in the hands of those who are supposed to guarantee the secrecy of Council meetings – assuming that it still exists - which would be extremely risky.

But what happens if the minister is really outvoted? What is the resulting lack of parliamentary control? Zero. The full control is still there, though its possible direct effect on an EU decision has diminished. The dilemma is obviously of a different nature as pretended: it is based on an understanding of democracy closely linked with national sovereignty. If a country is outvoted what are the effects on the relations between its institutions? Does this cause damage to democracy? Can a balancing act within the EU institutional setup help? Let us, for heuristic reasons, distinguish between three possible categories:

1. Unanimous decision is required: The problem connected with QMV does not arise. Voting behavior of national minister can be controlled by respective NP.
2. Outvoting possible (QMV), but subject to scrutinizing procedures in NP: Full information and transparency become more important. But national control is still possible; what changes is the possible effect on the decision itself¹² .
3. Outvoting (QMV) possible, but only if EP agrees via co-decision: This would be the variation following the EP's argumentation line. Many reasons speak in favor of a further increase of the role of the EP, including a more coherent application of co-decision. Amsterdam, unfortunately, did not solve this problem. But where is the logical link with the pretended impossibility of future NP oversight and what kind of remedy could the EP provide?

On theoretical grounds, increased EP participation in legislation has nothing to do with control. It is time that the existing confusion between different parliamentary functions comes to an end. Co-decision means being involved in decision making, not staying outside. The EP sees itself as part of an evolving bicameral system, the Council being the other chamber. In none of these systems – be it the US, France, Switzerland, Germany, Italy, even the UK – one chamber 'controls' the other. Instead, each of them exercises their rights to participate, to shape, and to co-decide on legislation. In addition, institutions like the Council of Ministers can hardly be 'controlled' by another institution, except for judicial oversight. Who controls the US senate as a legislator, who the German Bundesrat? In all national systems, political sanctions are provided for by elections, even indirectly via the Länder, as in the German case, but not via co-legislators.

But even if we forget about this systemic observation, how should, in practical terms, an increased involvement of the EP compensate the loss of national parliamentary control? If we have a close look, what QMV puts in danger, is not the capacity of a NP to scrutinize its minister, but the loss of protection of minority rights. If we argue that there is an additional deficit, we view less the possibilities of a NP to control its minister, but we deplore the impossibility of this NP to react, on behalf of its population, against a certain decision. Can this reduced protection of minorities be restored by granting the EP more powers in legislation? Obviously not. The EP can only amend or reject a legislative proposal in second reading by the majority of its members, not just that of those voting. This is a very high obstacle indeed and has contributed to a policy of cooperation between the largest political groups because they understood that otherwise the opinion of Parliament would

¹² If you go beyond the perspective of a single NP, you could argue that if all NPs would install an effective procedure, we would have a control by the representatives of the 15 demoi, the majority of which would see their positions confirmed (if Council voting corresponds to majorities in respective NPs).

not be heard. It has also resulted in a process of concentration of groups, a number of minor ones feeling more and more marginalized. How could in such an institutional environment the rights of a small country be especially safeguarded? This is illusionary. But if there are no safeguards, if the former control of a NP cannot be guaranteed or taken over by the EP, acting in co-decision, where is then the link between the two issues?

In order to repeat it, the EP is completely legitimate in asking a larger share in legislation. The legislative function of a parliament is still a genuine one. But it should be not confounded with the function of control and oversight of the executive. The EP can exercise control over the Commission, and as recent events have shown, this can be very effective and lead to ultimate conclusions. But it cannot in legislation when it is a partner, control the Council as a co-legislator. It is another story, that NPs by controlling their minister who is part of their executive, often control his activities as a EU legislator. This is due to the peculiarities of the EU system and has the unfortunate result that the still considerable legitimacy of the NPs is used for upholding the governments' role while it would be badly needed on the parliamentary side. But this leads us away from our argument.

To sum up, one could say that the EP has used a wrong argument to forward its justified claims for more legislative participation. It can be considered as an indication of the absence of a substantial constitutional debate in the EU that this has not been corrected and that, on the contrary, it has become, in the Amsterdam revision, a winning case.

Policy-oriented cooperation: A low level approach to increase parliamentary influence?

If you look at some charts outlining existing forms of EP/NPs relations (e.g. Nothomb), you are struck by their hierarchical presentation : At top rank the Assises, the Conference of Parliaments. On the second level there is the Conference of Presidents of Parliaments, at third level the COSAC, fourthly the Conferences of Committee Chairmen (Foreign Affairs and Finance) and finally at the bottom the various forms of pragmatic contacts, mostly on committee level or beyond (rapporteurs, working groups, etc.), either bilateral or multilateral ones. Looking at such tables, you might get the impression, that the higher forms are more important, more effective, adding more to the cause of efficient parliamentary participation in the EU. It is not excluded, that this could be misleading.

The shortcomings of formulae like the Assises, the weaknesses of the Conference of Presidents due to their different status, even the limitations of the activities of the COSAC, which I have discussed earlier, indicate that a bottom-up perspective might be more appropriate. As a matter of fact why should those who have a job to find out about the impact of a given EU legislation, who need information and documentation to this end, the opinion of others, access to decision makers, why should they not join their forces, get together as often as possible and mutually win from such cooperation? And since influence on EU legislation can, as a rule, not be based on vague statements or convictions, but only on a detailed knowledge of the files – which includes, in a negotiating scheme, the bargaining positions of the other players – why is there not much more of this pragmatic cooperation?

The EP had in 1991 designed a strategy for this important area ¹³ which was subsequently mentioned and highlighted in the Declaration No.13 of Maastricht. The EP considers the increasing contacts during the following years as a remarkable success, and indeed, the numbers and the variety of meetings have increased over the years. There are no recent figures published, so we have

¹³ Report Cravinho (Internal Document adopted by the Enlarged Bureau in September 1991)

to rely on informal internal informations (see Annex 4). Between June 1997 and the end of 1998 no less than 74 meetings of all kinds took place between the EP and representatives of the NPs. This remarkable figure covers a great variety of contacts: As far as working contacts are concerned, the multilateral meetings (17), the round tables (12) and the bilateral committee meetings and hearings (28) are certainly more interesting than the others. If you look which committees are the most active in these contacts, you have to mention foreign relations and economic/financial affairs which regularly meet with their national counterparts. On the other hand, about half of the 20 EP standing committees did not organize any meetings of that kind at all.

Definitely, this area of pragmatic contacts has developed substantially over the last five years. But there is still room for going further, both in number, but above all in the conceptual framework. As far as numbers are concerned, the roughly 50 meetings per year look not so impressive, if you compare them with the largely more than one thousand meetings of all kinds which the EP organizes annually, most of them dealing with EU legislation, including meetings of EU committees, sub-committees, working groups and political groups. The reasons for this situation are numerous. Often, competencies of committees are not comparable, some NPs do not have a system of rapporteurs, so they can not delegate one, still others NPs lack the budget to send MPs on a larger basis to Brussels for contacts or to gain information. Crowded and overlapping timetables add to this. But the main obstacle lies in the absence of a culture of cooperation beyond the nation state which still marks most NPs. Those who have regular outside contacts, like the members of the COSAC , are in a special category, and sometimes they are not eager to share their privileges with others.

The EP, of course, is in a different position. Its activities are, by definition, multinational, and this includes all its specialized committees. Consequently, it does not have to bridge a cultural difference between a European minded general committee and specialized ones which are used to work mainly within a narrower framework. This is a definite advantage, which could be made instrumental in its relations with the NPs. Unfortunately, the EP has not, with all vigor, defended its privileged position there and did not insist on strengthening the Maastricht declaration No.13 along these lines. It has resisted very little to the switch of orientation which can be seen in the new Amsterdam protocol which sets the information of the NPs in the context of national scrutiny and not in that of a possible cooperation with the EP, and fails also to link the new functions of COSAC with this cooperation.

The EP has not, as indicated, reacted sufficiently to this important change of priorities in the treaty. The Neyts report of 1997 on the relations between the EP and the NPs, its most central contribution in this context, devotes only one short paragraph of four lines to the question of practical cooperation. No less than 26 further paragraphs deal with all kind of other subjects. This is an indication that those who handle institutional questions are often tempted to become specialists in institution building and risk to forget the importance of the institutional realities which surround them. Practical cooperation, to sum up, should be the core of the EP's strategy for closer collaboration with the NPs, a strategy which urgently needs updating.

Towards a new democratic paradigm: do Parliaments still matter?

I have argued that both the EU and the NPs should not be discussed within the narrow limitations of their own functional preferences, but that a more comprehensive approach is required. But even so, some authors would observe that my perspective is still too much fixed on institutions, that it is state centered, and that it does not take into account the fundamental evolution from classical government to governance, to a completely new way of doing business.

Just to take one example, we are told that we live not only in a period of parliamentary erosion, but that the EU should be analyzed in terms of a post-parliamentary democracy (Andersen/ Burns). The progressive inclusion of private and semi-private actors in 'public' policy-making has led, so we read, to a marginalization of territorial representation, only expert knowledge can cope with the increasing differentiation and complexity of modern societies. Self-representation of interests replaces territorial representation, and expert sovereignty tends to prevail over popular or parliamentary sovereignty. In this happy new world of post-parliamentary or organic governance politicians and parliamentary bodies can not longer 'maintain the myth of their capability of monitoring, assuming responsibility, being accountable, and exercising political authority' (*ibid*, pp. 229-30).

In this presentation, both the EP and the NPs appear as dinosaurs which have outlived their time. I can not discuss in detail the fallacies contained in it, including the naive assumption that MPs are incapable of digging in and of acquiring sufficient knowledge in fields like animal rights, biotechnology or telecommunications. Since the EU has regulated in these areas, it is easy to verify or falsify this point. The results would probably show, that the system of specialized committees and of rapporteurs who often follow given subjects over a long period, allows for a remarkable specialization of a core of parliamentarians who are not, as suggested, permanently at the mercy of the executive services or of lobbyists. In the EP, the more and more extended use of hearings, where various opinions, including interest-oriented ones, are presented, is one of the useful mechanisms in this context. Another one is the selected use of scientific institutes and other external expert advice. As ministers in national governments, or as Commissioners are surrounded by expert staff and seek outside advice, a parliament can not act like a conference of amateurs. This is a difficult and a permanent challenge, but the possibility to cope with it should not be denied on the basis of generalized assumptions. Parliaments must also fulfill the function of reducing the complexity of issues which again is indispensable in the relations with the public, the citizens. Parliaments will have to go this way much further, if they want to avoid that organized interests and experts regulate matters among themselves with the inherent lack of transparency, openness for participation and accountability. A new dimension of cooperation between the EP and the NPs in this respect would be most important.

Nevertheless, we have to take into account that public power – both in the member states and the EU – is no monolith any more, that an increasing number of actors come in, that decision-making may vary from one policy area to another, and that decisions are more determined by negotiation than by hierarchies. If you add the dimension of 'deborderization' which indicates that sites of decision-making are often not identical with their territorial application¹⁴, you get a complex picture indeed. One way to reduce the inherent difficulties for democracy would be to limit substantially the scope of public power dominated by majoritarian institutions. Some authors recommend a kind of substantial 'outsourcing', following the example of central banks (Majone). Democratic legitimacy would then be only required in a reduced number of areas.

Other studies concentrate on the implications of the negotiation system. Since the accountability of specific actors can not be defined any more in this system, 'a new kind of legitimacy without (full) transparency' (Wessels/ Diedrich, p.12) might be the outcome, and the citizens would have to learn to accept it as an inevitable result of EU policy-making, not due to EU bureaucracy, but to the rational interest of modern welfare and service states. The strength of the EP would then lie in providing a public arena of debate and political discussion. Finally, we are reminded by another

¹⁴ See the various dimensions of this problem in : Kohler-Koch (ed.), 1998.

scholar of the fact that classical legitimacy rests on two factors: input via elections and confidence of the citizens, and output of policies which are acceptable to them. These two sides are basically balanced in functioning national democracies, but structurally imbalanced in the EU which will always have a weak input side (Scharpf).

These examples of research perspectives demonstrate that the evolution of the parliamentary function in the EU and the member states is far from certain. It shows also the limits of the discussion of the respective roles, if we use a heuristic scheme of functions which is after all derived from classical studies of parliament. That is why we are vigorously recommended to steer away from these conceptions and to redefine the role of the EP from 'scratch', possibly seeing it not as a parliament at all but more as a congress, as an arena for all the social forces that can not find an expression in the existing national frameworks (Coombes).

Unfortunately for all radical solutions, institutional evolution tends to be slow and path-dependent (March/Olsen). Institutions adapt to changing conditions by learning from the experience of their past; dramatic, disruptive solutions are definitely an exception. That is why the dinosaurs are likely to be around for some time.

Conclusion: Differentiated evolution containing a potential both for conflict and cooperation

If the nineties have seen more substantial parliamentary evolution than the preceding decades, as I have suggested, what are the main elements in it? A first element could be seen in the low level of interaction between the EP and the NPs. Both have moved quite considerably during the last ten or twelve years, but they have not done so – with a few notable exceptions – in a coordinated way. Both were fixed on their own priorities as defined by themselves, which resulted in a different agenda for action. Consequently, theoretical assumptions about the inward looking character of institutions, their analysis as rather closed social subsystems seem to have been confirmed in this respect. On the other hand, perspectives which insist on a permanent process of fusion between the two levels (Wessels/ Diedrichs), or the evolution of networks or negotiation procedures are only partially confirmed, above all in the question of harmonization of approaches by the NPs due to their learning experience on COSAC¹⁵.

On the side of the EP, the strategy was quite evident: to continue the march towards participation in real powers. After more than thirty years of frustration in arena-type activities, this is not surprising. This is why recommendations, the EP should concentrate on this function (Wessels/Diedrichs, Coombes), will not only find deaf ears in the EP leadership, they have also to be considered in view of this historical traumatic experience. The most highly qualified debate on a vital subject raises no interest whatsoever in the public, if it is not close to a site where the results of it might influence future decisions. This is a sad truth which has not been forgotten in the EP, and dominates, by the way, still the daily life of the Council of Europe assembly. Looking at the nineties, the EP has certainly gone the other way and has, e.g., drastically reduced the numbers of so-called own initiative reports in favor of legislative activities even of extremely low importance. There a correction seems necessary.

As a result, the EP has almost exclusively put its emphasis on an increase of legislative co-decision. In this function, the improvement is the most substantive (Table 2, annex II). Influence on the

¹⁵ Raunio (1999) applies Wessels' approach and arrives at more positive conclusions. His center of interest are, however, the NPs. On the limits of harmonization and the various factors concerned see Bergman (1997).

nomination of the Commission has started from zero, and so the curve goes also up steeply. Nevertheless, it is still the governments which designate and the outcome of a possible major conflict in this area seems uncertain, due to the hidden power of prime ministers on EP majority (Hix). The budgetary function did improve as well, not on the base of changes in the treaties, but due to a clever handling of existing powers, their linkage with other policies, and above all the strict orientations now introduced by pluriannual planning. The linkage of several powers proved to be useful, and can bring surprising results, as the recent downfall of the Commission demonstrates. The big loser in this picture is – and it may be questioned, I know – the constitutional function, if we define it as the role of the EP to bring forward inventive ideas for the future of European integration. During the last years, no major proposal has come from the EP for a grand design of the European Union beyond a medium term horizon. Not only has the tacit consensus on a federal orientation been lost, still worse, is has not been replaced by something else. The EP wants a bit more here and a bit more there, but nothing should shock any body, above all not the governments which still are the masters of treaty evolution. As an example, the EP claims a slightly increased role in the nomination of the Commission, but dares not to ask for a government which would be fully responsible before it. On other, rather new concepts, like flexibility, the EP is even more on the defensive. As a result, at a time, where its constitutional role in organizational terms is increasing – as proved during the preparation of the last IGC - , its actual input becomes definitely pragmatic and incremental and lacks the former visions linked to names like Altiero Spinelli.

The concentration on a larger share in power led to an ambiguous attitude towards the NPs. Until the Rome assises of 1990, the EP regarded the NPs in a slightly patronizing way: They had historically lost substantial powers to the EU which were now exercised by the Council. The first objective should be that they should recognize this situation and not pretend that nothing had changed. The second one would then be to claim more powers for the EP in order to restore the former overall balance between the executive and parliamentary branches of government. The first lesson was well taken, but the second one much less so.

One must keep in mind that the NPs are much less a corporate actor than the EP. Their traditions, powers, political culture vary substantially. In addition, and as a result of these differences, they had up to the beginning of the present decade reacted quite differently to the challenge presented by the EU, and an important part of them had chosen to ignore it altogether. This was now no longer possible, and the first task for most of them seemed to be how to get organized in a more efficient way. Since the more 'advanced' NPs had European affairs committees, this formula became to be considered as the most promising one, and the representatives of just these committees who now met regularly in the COSAC did everything to encourage this line of thinking. If harmonization is part of a wider process of fusion, here it is.

The further process was again, to a large extent, auto-referential and did not include structural elements for closer links with the EP. We should recall, however, that pragmatic contacts on the levels of committees and others developed considerably during this decade. But as the changes between the Maastricht and Amsterdam treaties indicate, they were not considered a priority from either side, as regrettable this may be. Amsterdam clearly summarizes the present orientation of NPs: They insist on full information at home, and they want a somewhat increased, but not too precise collective role within the EU institutional system. The first element, information, is of course not an end in itself, it is rather the prerequisite of various possible functions: it could be used to exercise scrutiny of the national government, it could be made instrumental in the relations with the citizens, or applied in formulating a direct input via the COSAC.

The NPs, as a result, are still in the search of their role in the EU polity. The EP, on the other hand, seems to have settled in a system which is quite ambiguous, but not fundamentally challenged and which is sometimes analyzed as an institutional balance (Falkner/ Nentwich). This system differs substantially from that of the nation states, which is clearly reflected in the respective roles of parliaments. If we look at the functions of the NPs linked directly or indirectly to the EU (Table 3 , annex III) we still have to put the elective function in the first place: the majority of an NP elects the government, and all the mainstream approaches on negotiation or network systems do not alter this basic fact ¹⁶. As regards the EU, the NPs provide legitimacy for the most powerful institutions, the Council of Ministers and the European Council. The interaction or educative function comes next: without parliament, political forces, and above all the opposition would lack a prime site for action, and the interplay between governmental majority and opposition stills provides the indispensable reduction of complexity of issues which allows us – as non-experts – to follow a public debate. Turning to more specific EU activities, NPs have a say via ratification in treaty revisions, new memberships and associations, as well as other treaties. While not directly involved in EU spending, they hold in their hand the other element of the ‘power of the purse’, namely income. They are also involved in the process of transformation of EU directives into national legislation.

So where is the fundamental difference? NPs, on could say, provide unity in systems of strong we-feeling on the basis of polarization, while the EP in a system of weak we-feeling endeavors to integrate itself in an institutional setup which is characterized by consensus seeking. The difference from outside, from the citizen, is enormous: if I vote for a party in a national election, I want this party in power, or even this candidate as a leader of government. If I vote for the same party in an EU election, I know not only that this will not lead to a given composition of the Commission (nor the Council), but I rather cast my vote in the hope that my opinions and preferences will be somewhat represented in the vast forum which is the EP, and through it - via its influence and share in power - in the complex decision making machine of the EU. It is the representative function which resurfaces at the end of the 20th century after it has been written off by many scholars.

If this is the case, and if, as we are told, the EU will not be able, for many years to come and perhaps never, to be founded on a majority system, should we then not redefine our perception of the respective roles of parliaments? Some claim in any case, that the EU will basically remain a regulatory system, perhaps just an agency (Majone), for which expertise was more needed than political convictions, while the nation states could concentrate on the redistributive functions, which tend to be costly, often zero-sum oriented and controversial. Such a repartition would have obvious consequences for the respective roles of parliaments.

¹⁶ In parliamentary systems the government is – as a rule – elected by the majority of parliament. This does not exclude that in practice decision making incorporates negotiations with all kind of other political and above all social forces. It would be useful to distinguish two elements: the composition of an institution, and the exercise of power. Classical majoritarian systems , you might call them palaeo-majoritarian ones, are based in both areas on the rule of the majority, i.e. not only the election of an executive is based on this principle, but actual decision making consists in outvoting the minority, the opposition. Presently, in the EU member states, we are confronted rather with a system where the executive still represents the majority, but decision making is less crude and includes all kind of actors. We might call it neo-majoritarian or so. Some of the more recent labels – negotiation systems, etc. – tend to conceal that basic political options still exist and are practiced daily. In the EU, it should be recalled, we have a quite a different setup: though majority decisions in the Council are now more and more applied – and are the rule in the EP, and not excluded neither in the Commission nor in the Court – we do not have a structural majority based on one – or several, in the case of coalitions – political groups.

In addition, we should take into account that the EU has contributed to a fundamental evolution of values: neoliberal orientations and monetary stability are now given the rank of constitutional principles, they have gone up. For human and social rights this is less certain. In academic studies we can also find amazing upgradings: the former disrespectful function of a lobbyist has not only moved to interest representation, to its integration in networks or neo-corporate structures, but now to the additional category of 'auto-representation' (Andersen/Burns), to something more democratic than the dinosaur forms of parliamentary representation via elections. The next step would then logically consist in winning the trust and belief of the citizens in these new and opaque forms of governance. For, one may regret it or not, the legitimacy of them is still far from being ascertained.

Both the EP and the NPs are centrally affected by this evolution, more than they are certainly aware, if we judge them by their acts. As a first step to get out of their present short and medium term orientation, it might be useful to engage in a comprehensive dialogue about their own past, their presence, and their future, talk openly about the inherent rivalries, areas of possible partnership, and perspectives of the role of parliaments in the next century. This might broaden their understanding of their respective roles and the challenges they are confronted within our societies.

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ANNEX I

Table 1 : EU PARLIAMENTARY EVOLUTION IN THE NINETIES

Period	European Parliament	Interaction Functions (public space, citizens)	National Parliaments
Since 1987	<ul style="list-style-type: none"> - beginning of legislative powers - attempts to enhance in areas like annual legislative programs - confronted with strong Delors Commission - advances in budgetary programming - still dominated by federal ideas 	<ul style="list-style-type: none"> - Insufficient awareness in the public - Elections dominated by national elements 	<ul style="list-style-type: none"> - highly differentiated awareness of EU impact and organizational response - founding of COSAC - shock of Rome assises (Nov.1990)
1992/93	<ul style="list-style-type: none"> - EP is rewarded by governments in Maastricht for its constructive handling of internal market legislation - Increased role in Commission investiture 	<ul style="list-style-type: none"> - Public debate on Maastricht ratification including the introduction of EMU becomes highly controversial (first damages to the image of the Commission) 	<ul style="list-style-type: none"> - NPs receive In Maastricht two declarations: One on possible 'assises', the other on increased cooperation with the EP and fuller information - Partly as a result of COSAC, internal procedures are strengthened and reformed - 'subsidiarity' becomes topical
1994	<ul style="list-style-type: none"> - Co. Investiture is handled extensively, including scrutiny of individual Commissioners - Several Committees of inquiry result in weakening the Commission - EP continues to 'amalgamate' disperse powers 	<ul style="list-style-type: none"> - EP elections do not result in progress of public awareness - In contrary, anti-market forces win stronger access as political groups to the EP 	<ul style="list-style-type: none"> - some NPs start campaign on the subject of setting up an additional parliamentary body on EU level
1997/99	<ul style="list-style-type: none"> - EP is again given more co-decision in Amsterdam - Increased participation in Co. Investiture - EP places itself in a position of (partial) de facto oversight of the ECB 	<ul style="list-style-type: none"> - Strong anti-EURO feelings weaken and give way to the facts; 	<ul style="list-style-type: none"> - Amsterdam steps up role of Cosac and enhances possibilities of information - Cooperation with EP dropped as goal in treaty
1998 1999	<ul style="list-style-type: none"> - EP initiates conflict with the Co. on charges of maladministration and nepotism which results in the 'collective' resignation of the Co. in March 1999 - May 1999: EP approves Romano Prodi as the candidate for Co. president 	<ul style="list-style-type: none"> - EP elections in June 1999 (likely to be) still dominated by national factors - Progress in harmonization of electoral laws 	

ANNEX II

Table 2: Evolution of main EP functions

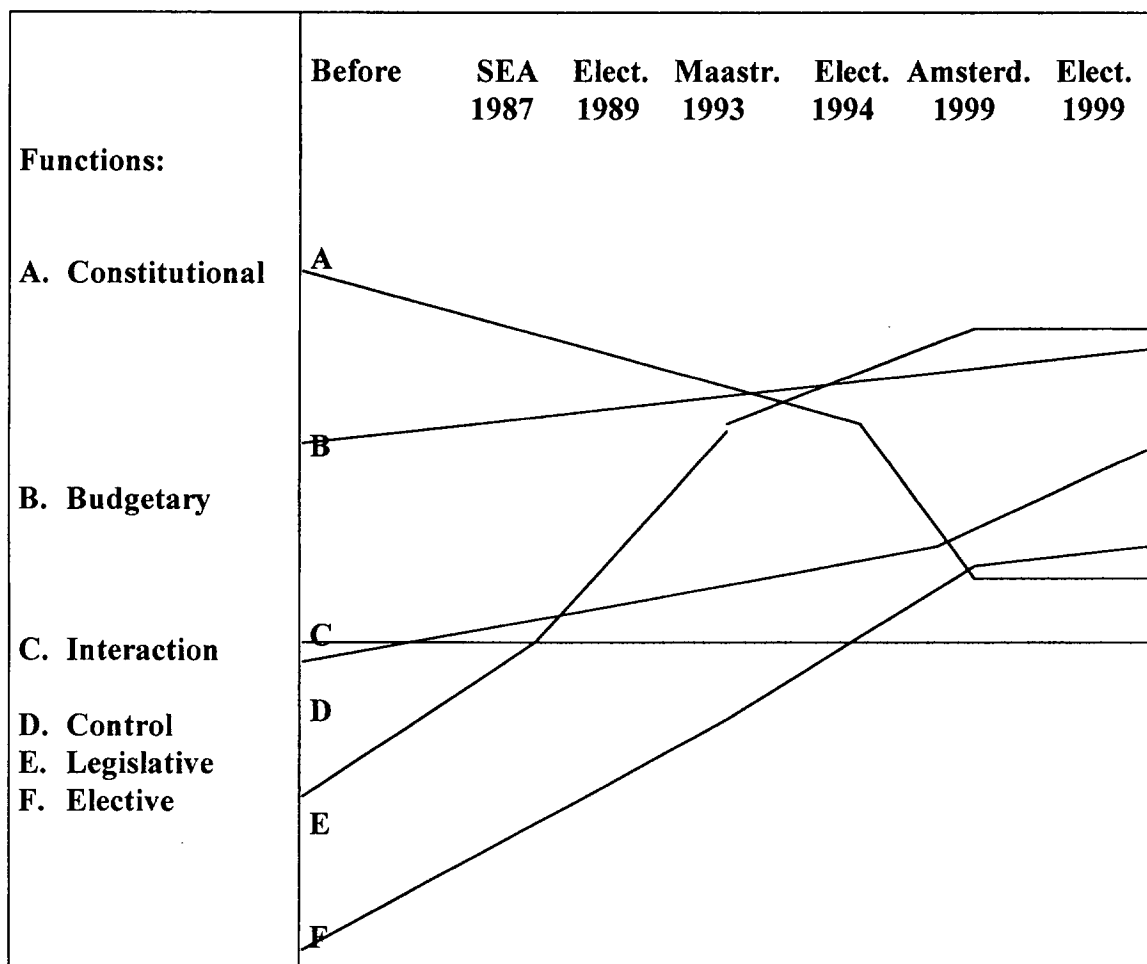


Table 3: Functions of NPs in regard to the EU

Functions:	1990	1999
A. Elective	A. F.	
B. Interaction/ Educative	B.	
C. Constitution	C.	
D. Legislation		
E. Control	E.	
F. Revenues	D.	

- A. Elective : Refers to the election of national governments providing legitimacy for the EU council
- B. Interaction/Educative: NPs as arena for political parties on EU questions. Very important, despite shortcomings like the dominance of national matters in EU elections.
- C. Constitution: Ratification of treaty amendments, membership, treaties, etc. Increasing lack of forward looking ideas.
- D. Legislation: Partial participation in transformation of EU directives into national law. Future possible direct input via COSAC.
- E. Control : Of national ministers. Still possible despite QMV. Overall increase due to improved internal organization in most NPs and in some countries corresponding constitutional changes.
- F. Revenues: Highly important. Determines overall action capacity (including CESP) and orientation (regulatory vs. redistributive functions) of EU.

ANNEX IV

EP Meetings with NPs and Interparliamentary Assemblies

(Period: 6 June 1997 – 31 December 1998)

Meetings with NPs:	Number
- Multilateral meetings:	17
- Visits of Presidents of NPs to EP	12
- Round Tables on invitation of EP	12
- Visits of NPs' European affairs committees	5
- Bilateral committee meetings and hearings	28
- Meetings, visits, exchanges on staff level	28
Meetings with NPs of candidate countries:	6
Meetings with Interparliamentary Assemblies:	
- Council of Europe	5
- Interparliamentary Union	4
- WEU Assembly	4
- OSCE	4
- NATO Assembly	4
- Others (Nordic Council, etc)	6

Source: Internal document of EP services