

Conclusion: National parliaments gradually learning to play the European game?

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According to the standard thesis of deparliamentarisation outlined in the introductory chapter of this volume, national parliaments have been the 'victims' or 'losers' of European integration. National governments, and not backbench parliamentarians, represent the member states at the European Union (EU) level, and hence the latter are always disadvantaged vis-à-vis the executive branch. Information is the key factor in these arguments, as the national MPs can practically never have the same level of policy expertise about the issues as representatives of the government. The existing literature has thus painted a fairly bleak picture of the impact of EU on domestic legislatures.

While not exactly disconfirming the deparliamentarisation thesis, the contributions included in this volume certainly force us to reconsider or moderate such arguments about the empowerment of the executive at the expense of parliaments. National parliaments clearly have become more active in European affairs, and subject their governments to tighter scrutiny in EU issues than previously. This finding is not very surprising. After all, the process of European integration has taken major steps or leaps forward since the early 1990s, and hence the EU has simply become a much more powerful actor whose policy competence extends now to basically all policy sectors. At

the same time the EU has become much more politicized, with integration matters occupying a more central role in domestic political discourses. Hence national MPs and their political parties need to pay more attention to politics at the European level.

In parallel with these domestic developments, the volume also shows that there is also increasing consensus and constitutional regulation about the collective role of national legislatures. The 1990s and first years of the new millennium saw the establishment and consolidation of interparliamentary cooperation, and a number of initiatives about how to further strengthen the presence of national parliaments in the EU's policy process. However, this phase is now basically over, and hence we have a better understanding of the opportunities and limits facing interparliamentary activities.

This concluding chapter discusses the theoretical and practical significance of these main findings. The next section examines the implications of tighter domestic scrutiny of national governments, arguing that the importance of the EU for national MPs should nevertheless not be exaggerated. Towards the end of that section we shift our attention to the European level, discussing the benefits and disadvantages of various forms of interparliamentary cooperation. In the final section we then map out some major challenges for research on national parliaments in Europe, focusing on the increasing use of the Open Method of Coordination (OMC) and the interdependence between national and European policy agendas, and stressing the need to move beyond studies that examine the organizational arrangements and legal norms of parliamentary scrutiny of EU matters.

Institutional convergence and tighter scrutiny

The contributions in this volume clearly testify that national parliaments are investing more resources in European matters than before. This gradual fight back has not taken place overnight, but the early 1990s and the signing of the Maastricht Treaty can clearly be seen as a turning point. Since then the parliaments process more EU documents, the powers and functions of the European Affairs Committees (EAC) have been upgraded, and in general national MPs subject the government ministers to tighter scrutiny in European affairs. The findings in this volume thus corroborate the pattern that was clearly visible already in previous publications – as the EU becomes more important through deeper European integration, domestic legislatures pay more attention to what goes on in the EU institutions.¹

The chapter by Conlan showed that the Irish parliament, which until then had adopted a rather passive approach towards European integration, redesigned its scrutiny system in the first years of the 21st century. However, it is still too early to draw any definitive conclusions about the capacity of the Oireachtas to influence governmental EU policy, and much depends on the political will of the Irish deputies to use the new legal instruments at their disposal. In his analysis of the parliaments of the four Mediterranean EU countries, usually categorized as laggards in terms of their engagement in European affairs, Magone examines how the Italian and Portuguese legislatures have since the mid-1990s invested considerably more resources in EU matters. The Spanish and Greek

parliaments remain, however, very weak vis-à-vis their governments in European matters, with MPs in these two countries in general showing relatively little interest in such questions. The other chapters on the 'old' member states illustrate similar developments. Hegeland shows that particularly the Danish and Swedish legislatures have evaluated the effectiveness of their scrutiny systems, and both the Swedish Riksdag and the Danish Folketing are attempting to make specialized committees more involved in the processing of EU issues. From the analysis by Sprungk of the German and French scrutiny models, we can see that especially the French parliament has also introduced constitutional and procedural changes that improve its capacity to control the government in EU issues. Finally, as Cygan shows, in the UK both houses of the parliament have consistently reviewed the existing scrutiny mechanisms.

The chapters on the 'new' member states prove that the countries which joined the EU in 2004 have already from the start of their respective membership implemented fairly comprehensive scrutiny mechanisms.² Here the parliaments benefited from their pre-accession involvement in interparliamentary cooperation and from studying the scrutiny systems in place in the old member states. Vehar discusses how the Slovene parliament basically by and large copied the Finnish model, while Gyori and Lazowski in their chapters also indicate that the Hungarian and Polish legislatures knew the benefits and weaknesses of the existing scrutiny systems. Particularly noteworthy in these new member states is the role accorded to specialized committees, which seems to be on average stronger than in the old member states. However, at the same time the country chapters on Hungary, Poland, and Slovenia clearly show that the engagement of the

sector-specific committees is yet to become institutionalized. Moreover, the new member states are still undergoing a period of adjustment, and hence it is probable that the scrutiny systems will become more effective once the national MPs are more familiar with the rhythm and rules of the EU's policy process. This also implies that the Bulgarian parliament, which according to Stoykova has during membership negotiations been effectively sidelined, is likely to redesign its scrutiny system either on the eve of accession to the EU or shortly after Bulgaria has joined the Union.

When designing new scrutiny systems (new member states), or choosing how to strengthen existing mechanisms of control (old member countries), the national MPs and parliamentary civil servants have learned 'best practices' from each other. And indeed, we can see substantial institutional convergence towards a common model. All national parliaments have an EAC, the main function of which is to coordinate parliamentary scrutiny of the government in EU matters. To be sure, the exact roles and legal powers of these Committees do vary, but this should not hide the plain fact that the EACs perform broadly similar functions throughout the Union.³ The status of these EU committees does, however, seem to fluctuate significantly between the member states. For example, while Hegeland shows in his chapter that in the three Nordic countries the EAC is a fairly prestigious committee, according to Magone the situation is pretty much the opposite in the Mediterranean region.

Secondly, specialized committees have gradually become more involved in processing EU matters. A higher share of national parliaments decentralizes scrutiny of European

affairs downwards to these committees, with the goal of benefiting from the policy expertise of the MPs. Nonetheless, as several of the chapters in this volume testify, in many countries this involvement of the committees is more formal than real. For example, Hegeland discusses how the Danish and Swedish legislatures have repeatedly tried to make committees more active in European questions, but with limited success. Hence it appears that the only way to guarantee the regular and active involvement of specialized committees is to force them legally to both process and report on EU issues as happens in Finland.

Third common feature is the limited role of EU matters in plenary debates. Here convergence is not explained by organizational choices, but mainly by the strategic interests of political parties. After all, there is no shortage of research confirming the disruptive impact of integration matters within parties.⁴ Expert surveys and public opinion data indicate that the parties are ideologically less cohesive on integration than in traditional left-right issues.⁵ Moreover, within parties the elected representatives are considerably more supportive of integration than their voters.⁶ Hence party leaders have an electoral incentive to marginalize EU issues and focus on socio-economic matters in order to avoid irritating their voters. Avoiding plenary debates on European integration should thus be seen as a logical response from political parties whose main goal is electoral success. The strategy of playing the EU card is risky business, and its success depends on the unity of the parties over European integration.

Moreover, governments and the main parties in several EU countries continue to 'depoliticize' the European issue through cross-party cooperation behind closed doors in the EAC with the aim of manufacturing consensus in national integration policy.⁷ Such consensus building has arguably been more pronounced in smaller member states, based on the logic that national unity and policy consistency increase their negotiating power in EU institutions.⁸ The chapter by Hegeland shows that this logic dominates proceedings in the Nordic countries – where European matters fall somewhere between domestic and foreign policy matters in terms of the openness of the decision-making procedures.⁹ While the political elites may defend such consensus-building behind closed doors with the need to further national interests and to allow the confidential exchange of views between the government and the parliament, this mechanism serves also the strategic interests of the parties.

National parliaments have without any doubt learned how to play the European game better, with more active scrutiny of the government in EU matters the reality in basically all member states. However, the big question remains still largely unanswered – namely, to what extent do parliaments really influence government behaviour? And secondly, what level of parliamentary scrutiny in EU affairs can we realistically expect? Attempting to answer the first question is very difficult, as legislative scholars have always faced great difficulties in trying to measure or assess the parliament's influence vis-à-vis the executive. The final section of this chapter will suggest ways of meeting this challenge. But the crucial point is the level of parliamentary scrutiny of EU affairs: can we expect tighter scrutiny or not?

Previous literature on explaining cross-national variation in the level of scrutiny of EU matters has shown that the variation is primarily explained by two factors: the role of the parliament in the domestic political system, and public and party opinion on European integration. According to the first variable, the executive-legislature relationship, the parliament controls the government to the same extent in European matters as it does in the context of domestic legislation (a kind of neofunctionalist "spill-over" effect). Similarly the contentiousness of salience of the European dimension is arguably important, with countries where integration matters produce divisions within parties and among the public adopting tighter scrutiny mechanisms. In a key contribution to the literature, and Saalfeld uses these factors to argue that the level of scrutiny we presently have – which by all accounts is not that impressive – is not very surprising and is in line with theoretical expectations. That is, national parliaments ‘delegate’ rather than ‘abdicate’ EU matters to the governments¹⁰ -- in a similar way in which they delegate policy-making authority to governments and their agencies in electorally less salient matters.

If we accept this basic line of reasoning, then we really have no reason to expect that national MPs would devote more of their time to EU matters in the future. In terms of election, focusing on European matters in parliamentary work is hardly an optimal strategy. EU policy may be important for the electoral districts (e.g., in terms of attracting regional policy funds), but not necessarily for the voters who still base their vote choices primarily on ‘domestic’ issues – taxation, health care, education, level of social services

and so on.¹¹ Secondly, as argued above, political parties are not very likely to push EU matters to the agenda of the plenaries. Hence the debating function of parliaments will remain unfulfilled in EU matters. And thirdly, even if the Constitutional Treaty was to enter into force, it would not mean any major transfers of power to the European level. Hence the policy reach of the Union, and the size of its budget, will stay more or less at the same level in the near future. This means that those issues that are salient in terms of voting behaviour in national elections will continue to be decided at the national level. In sum, these very basic considerations need to be taken into account when assessing the level of involvement by national MPs in European matters.

The findings in this section have so far focused on the national level, but the contributions in this volume point also towards interesting developments concerning the collective role of national parliaments at the European level. The period from the early 1990s to the start of the Convention saw a plethora of proposals about how to strengthen the status of national parliaments in the EU's policy process. The majority of proposals advocating the establishment of a new collective organ of national MPs were made by British and French politicians, whose views largely represented a combination of Euroscepticism and the desire to safeguard the powers of national parliaments and thereby to inject democracy and legitimacy to European integration. According to most such proposals the organ of national MPs would either have been a non-legislative body, convening to debate the state of the Union, or it would have focused on monitoring compliance with the principle of subsidiarity and on discussing the distribution of powers between the EU and the member states.

But, as the chapter by Raunio shows, support for such proposals was always thin, with most member states against the creation of (yet another) institution that would have made the EU's political system even more complicated. Also the proceedings of the Working Group on the role of national parliaments in the Convention illustrated well the lack of political will for further institutionalizing interparliamentary cooperation. The Working Group reached broad consensus on both sticking to present patterns of interparliamentary networking and on improving the capacity of individual national parliaments to control their governments in EU matters through giving better access to information. The new 'early warning system' included in the Constitutional Treaty, where domestic parliaments have the opportunity to review the Commission's legislative proposals and judge whether they are in compliance with the subsidiarity principle, will necessitate better exchange of information between national parliaments. This is likely to happen primarily through the Conference of European Affairs Committees (COSAC), the functions and powers of which are unlikely to change in the near future. Examining the value of COSAC, Bengtson argues that even in the context of its consultative role, national deputies seem to find the exchange of ideas and sharing of policy expertise worthwhile. And, as the country chapters on the 'new' member states show, the forum provided by COSAC was indeed highly useful when designing the parliamentary scrutiny systems for EU matters.

The contributions in this volume and in previous publications indicate that there is much variation in the interest shown by national parliaments in forging links with European Parliament (EP) or involving Members of the European Parliament (MEP) in their

work.¹² While ties between the EP and the national legislatures have become more institutionalized and regular over the years¹³, there is little reason to expect that such contacts would intensify to any great extent in the foreseeable future. The calendars of both sets of parliamentarians are quite full, and hence finding time for such trips to Brussels is no easy task. Timetable problems are also one of the reasons why most national parliaments and their committees seldom invite MEPs to their meetings.¹⁴ Moreover, while particularly bilateral meetings between the EP's committees and their counterparts in domestic parliaments may facilitate the sharing of expertise, national MPs can arguably get similar information much more easily in their domestic settings. Especially MPs of the governing parties can always benefit from links with the executive branch, and both government and opposition parties can involve MEPs in the work of party organs. Indeed, national parties throughout the Union make now more active use of their MEPs, and these intra-party links are likely to remain the main channel for contacts between national parliaments and the EP.¹⁵

To summarize, the findings of the volume reviewed in this section clearly point towards stronger involvement of national parliaments. This applies particularly to the national level, with most legislatures subjecting their governments to tighter scrutiny in EU matters than before. However, it is equally important to warn against too optimistic assessments of the strength of parliamentary scrutiny. European matters are simply not salient enough for most national deputies in order to facilitate a major qualitative leap in the level of control. Seen from the perspective of an average MP, engaging in EU issues is hardly very rewarding either in terms of re-election or of influencing public policy.

Turning to the collective role, we can safely state that the current forms and level of interparliamentary cooperation are likely to prevail also in the future. Following the flurry of proposals concerning the collective organ of national MPs, and their subsequent rejection by the Convention and the national governments, we now have a much clearer picture of the limits and possibilities facing contacts between parliaments in modern Europe.

Mapping out future challenges

This concluding chapter has so far focused on analyzing past developments and current experiences in parliamentary scrutiny of EU matters. This final section looks ahead, mapping out some future challenges for both the parliaments themselves and for academic research. We shall first examine what the increasing use of OMC and other forms of intergovernmental policy coordination imply for national parliaments, and finally we turn our attention to reconsidering how national MPs can contribute more effectively to the EU's policy process.

The challenge posed by OMC deserves to be taken seriously.¹⁶ While intergovernmental policy coordination has been a feature of the EU's decision-making system throughout the history of integration, such informal policy coordination has become much more prominent since the early 1990s. The European Employment Strategy (EES) adopted at the Essen European Council in 1994 and the coordination of national economic policies agreed in the Maastricht Treaty extended this coordination to two highly salient issues

areas of domestic politics. And, the Open Method of Coordination became officially a part of EU jargon at the Lisbon European Council in 2000. OMC has four main components: 1) fixed guidelines set for the EU, with short-, medium-, and long-term goals; 2) quantitative and qualitative indicators and benchmarks; 3) European guidelines translated into national and regional policies and targets; and 4) periodic monitoring, evaluation and peer review, organized as a mutual learning process. In recent years OMC (together with other forms of policy coordination) has been applied to a broad range of policies, including employment, social policy, environment, taxation, immigration, research, transport, working time, social protection, education, social infrastructure, regional cohesion and social inclusion.

The increasing use of OMC and other forms of informal, non-binding, primarily intergovernmental 'soft law' instruments needs to be understood in the context of the sensitive question of dividing competencies between the EU and its member states. European integration has reached the stage where the core areas of welfare state, such as social policy, employment, and education are starting to be affected. In these policy areas (that are both money-intensive and touch core areas of national sovereignty) it is very difficult to build the needed consensus among national governments for transferring policy-making authority to the European level - hence the resort to intergovernmental policy coordination. The national governments want, on the one hand, to achieve highly-valued policy objectives, such as reducing unemployment and making their economies more competitive, while on the other hand, they are not willing to cede formal sovereignty to the Union. The Commission meanwhile sees these new modes of

governance as a way to expand the EU's competence in the face of resistance from the national governments.

The literature on OMC and other forms of soft law instruments - or 'new modes of governance' - is already quite extensive.¹⁷ This literature has so far produced two main findings. First, it is still too early to make any definitive assessments of the success of OMC. Nevertheless, while the impact of OMC varies greatly between policy areas, scholars usually point that, unlike top-down supranational legislation, it is flexible and (supposedly) respects subsidiarity and national autonomy. The down-side of this flexibility and non-binding nature of outputs is that the EU has few if any means to make the national governments follow its recommendations. However, the more important findings in terms of national parliaments are those concerning the input of various 'stakeholders' in the process. OMC has strengthened the leadership role of the Council and the European Council, intruding thus on the Commission's right of monopoly. Yet, on the other hand, the Commission has a central role to play through its role as the institution setting objectives and issuing guidelines and recommendations to national governments.¹⁸ The EP is effectively sidelined, as it is merely kept informed or consulted of OMC processes. At the national level OMC seems to be the preserve of civil servants that possess expertise on the issues.

At this point it is worth comparing the position of national parliaments in two modes of EU governance - the traditional 'Community method' of producing supranational legislation and the OMC mode.¹⁹ When it comes to agenda setting and proposal power,

national parliaments are weak actors in both types of governance. In supranational legislation the Commission basically has the monopoly of initiative, but obviously its initiatives are largely based on instructions from the Council and the European Council. The OMC is much more a tool to be used collectively by the member states, but here too the EU institutions – mainly the Commission and the Council depending on the policy question – set the agenda and coordinate subsequent actions. In supranational legislation the formal competence belongs to the EU, whereas the OMC is primarily used in policy areas where the Union has no access to binding legislation. This division of competence impacts also on the Council decision rule. Most supranational legislation is passed nowadays in the Council by qualified majority voting (QMV), but in OMC processes issues are decided by unanimity. Thus domestic legislatures are in a stronger position, as national governments cannot be outvoted in the Council, and hence national parliaments can, at least theoretically, veto decisions they disagree with.²⁰

Turning to the domestic level, civil servants are central actors in both types of governance. However, in the OMC their role appears to have been far more influential, with much less guidance and instructions from members of government. As the chapters in this volume show, most national legislatures have become more actively involved in EU issues in recent years. The (so far relatively scarce) evidence from the OMC, in turn, shows that national parliaments have not scrutinized OMC documents in the same way as they process EU laws (see below). The formal information rights of national parliaments are also stronger in supranational legislation, as they receive the legislative initiatives from their own government and also from the Commission. As OMC documents are non-

legislative items, the information rights of national legislatures are generally weaker. Importantly, if the government is not obliged to send the documents to the parliaments, then it is up to the national MPs to ask for such documents (provided they are aware of their existence).

The role of the parliamentary opposition is quite different in the two types of governance. In supranational legislation the opposition of course attacks the government, but this criticism is modified by two factors. First, as discussed by Hegeland in the chapter on the Nordic EU countries, national integration policy is often based on broad parliamentary consensus, with the opposition also involved in forming national positions. Moreover, were the opposition to attack the government, the prime minister might blame the opposition parties for rocking the boat and jeopardizing the success of the government (and thereby the ‘national interest’) in EU negotiations.²¹ But in the OMC the opposition can use the information generated by cross-national comparisons to criticize the government for inefficiency and policy failures.

This brief comparison reveals that national parliaments could in fact in many ways benefit from the use of OMC, not least because it does not force the domestic legislatures to adopt legislation. However, the available evidence indicates that national parliaments have failed to make an impact in OMC. Examining policy coordination in employment and social inclusion strategies, the country chapters in the volume edited by Zeitlin et al. testify that the various OMC documents, particularly National Action Plans (NAP), largely escaped parliamentary scrutiny or debates.²² To be sure, parliaments were often

informed about NAPs, but mainly after they had already been produced and sent off to Brussels. In some exceptional cases national MPs did demand more information, and there were also some examples of opposition parties using EU's recommendations to support their own claims.²³ Examining also employment and pensions policies, de la Porte and Nanz note that these processes escaped parliamentary scrutiny.²⁴ National legislators thus have very little direct involvement in the OMC, playing at best a passive role by being informed of developments.²⁵ While there are no other comparative studies examining the contribution of NPs, it is noteworthy that domestic legislatures are hardly even mentioned in other publications on the OMC.

There are arguably three main reasons why national parliaments have failed to make an impact under OMC. First, the whole process is by its very nature intergovernmental, with civil servants primarily responsible for drafting national programmes and presenting them in Brussels.²⁶ National MPs are informed of these preparations, but far too often this happens much too late. Secondly, national MPs may find it hard to follow OMC processes. Unlike normal EU legislation, OMC and other forms of policy coordination do not often have any fixed deadlines or even rules guiding the behaviour of the various actors. Given the intergovernmental or informal nature of OMC, there is also (at least in some national parliaments) procedural ambiguity about how to process these things in parliament and domestically in general. Hence it might be that national parliaments have simply not learned yet how to contribute to OMC issues and that their contribution will become stronger over time. And thirdly, it appears that the actual impact of OMC and other forms of informal policy coordination has so far been relatively modest, if not even

inconsequential, in many policy areas. As a result, national parliamentarians have not found it worthwhile to spend their precious time on scrutinizing such processes.

Despite the relatively limited policy impact of OMC, its extended application means that national parliaments can not simply ignore such processes. Here it is important to emphasize the difference between OMC and supranational legislation. The negotiations that form part of OMC are always carried out behind closed doors, and the legal rules about information rights that apply to access to legislative documents do not cover non-legislative items. The processing of supranational legislation is on the whole much more transparent, particularly under co-decision procedure where the EP is actively involved, and, overall, national parliaments find it easier to follow the adoption of EU laws because such procedures are subject to clearer timetables and inter-institutional rules. As a result, OMC and intergovernmental policy coordination thus weakens the transparency of collective decision making and, consequently, the accountability of the representatives. To facilitate parliamentary involvement in OMC, such matters should be processed by national parliaments using the same procedure that is reserved for scrutinizing the Commission's legislative initiatives. This would mean that ministers would be forced to explain their actions before parliamentary committees and perhaps even in the plenary, with MPs having the chance to put questions to the ministers or other government representatives travelling to Brussels.²⁷ While MPs and parliamentary civil servants may object to this by saying that their desks are already full without having to process such non-binding matters, one must keep in mind that policy coordination is to an increasing extent used in questions that are highly salient for most MPs, including such issues as

employment policy, economic policy, social policy and pension reforms. Efficient scrutiny of such matters is thus significant also in terms of national legislation, as the policy choices adopted at the European level increasingly impact on member states' domestic politics.²⁸

The challenge posed by OMC is directly linked to the agenda for future research on national parliaments. The overwhelming majority of both comparative projects and case studies on parliamentary scrutiny of EU matters have focused primarily on *institutional* adaptation by domestic legislatures. As a result, we now have a good understanding of how national parliaments process European affairs, and what are the main difficulties facing national MPs in attempting to control the executive in EU issues. These studies on organisational arrangements and legal rules provide a solid framework for deepening research to *behaviour*. Future research should thus establish a link between institutional choices and behaviour, examining whether procedural choices that work on paper also produce effective scrutiny in practice. Only through in-depth empirical analyses can we answer whether or to what extent national parliaments can really influence government behaviour. One way to conduct such research would be to compare scrutiny in the two modes of EU governance outlined above, with the sample containing both supranational laws and matters falling in the domain of OMC or other forms of intergovernmental coordination. Examples of the latter are coordination of national policies in the framework of Common Foreign and Security Policy (CFSP) and in the context of meeting the objectives of the Lisbon strategy. Future research should also make better use of theoretical insights from literature on political parties. After all, the deputies

controlling the government are party politicians. Whether a party is in opposition or in government and the level of party cohesion over Europe are bound to impact on the strategies national MPs employ to control the executive and to get involved in European matters.²⁹

In his chapter on accountability, MacCarthaigh discussed the various problems that parliaments face in controlling the executive branch. European integration is just one of the external factors that contribute to deparliamentarization, and hence another useful concept for future research would be to analyse the effects of European integration on national legislatures as part of a broader set of contextual variables setting constraints on what MPs can do. Here insights from the multi-level governance (MLG) framework could be employed to get a fuller picture of both the institutional and policy constraints facing national parliaments. The MLG framework could also be of help in assessing the role of regional legislatures in the EU's policy process. While the EU currently includes only three countries – Austria, Belgium, Germany -- that are formally categorized as federal, countries throughout the Union have decentralized powers to the regions and local governments during the past decades.³⁰ These decentralization reforms have gone hand in hand with simultaneous transfers of powers to the European level, and hence the EU impacts also significantly on the work of regional legislative bodies.³¹

Finally, regardless of how effective national parliaments are in controlling their governments in EU matters, they seem to enter the game practically always only after the Commission has published an initiative. As a result, domestic legislatures are always

reacting to developments at the European level. Perhaps national MPs should reconsider their strategies. Is it really an optimal solution in terms of policy influence to focus scrutiny on individual pieces of EU legislation? One solution would be to be more selective in deciding which legislative initiatives deserve detailed scrutiny, and to complement this reactive scrutiny with *proactive* European work. A good example is the work done by the House of Lords. As Cygan shows in his chapter, the reports produced by the Lords on European matters are widely praised and have even managed to exert some policy influence in Brussels. Maybe other national parliaments could follow this route, and draft similar reports on questions that are salient for their countries. This would enable national MPs to send political messages to the European level before the policy process begins in the EU's institutions.

¹ See particularly the chapters in Philip Norton (ed.), *National Parliaments and the European Union* (London: Frank Cass, 1996); Andreas Maurer and Wolfgang Wessels (eds), *National Parliaments on their Ways to Europe: Losers or Latecomers?* (Baden Baden: Nomos, 2001).

² COSAC, *Third bi-annual Report: Developments in European Union, Procedures and Practices, Relevant to Parliamentary Scrutiny*, (Brussels, 2005); Klára Szalay, *Scrutiny of EU Affairs in the National Parliaments of the New Member States: Comparative Analysis* (Budapest: Hungarian National Assembly, 2005).

³ See COSAC, *op.cit.*

⁴ See for example Gary Marks and Marco R. Steenbergen (eds), 'Dimensions of Contestation in the European Union', Special issue of *Comparative Political Studies*, 35/8, 2002; and Gary Marks and Marco R. Steenbergen (eds), *European Integration and Political Conflict* (Cambridge: Cambridge University Press, 2004).

⁵ Simon Hix, 'Dimensions and alignments in European Union politics: Cognitive constraints and partisan responses', *European Journal of Political Research*, 35/1, 1999: 69-106; Jacques Thomassen and Hermann Schmitt, 'Partisan Structures in the European Parliament', in Richard S. Katz and Bernhard Wessels (eds), *The European Parliament, the National Parliaments, and European Integration* (Oxford: Oxford University Press, 1999), pp.129-148; and Leonard Ray, 'Measuring party orientations towards European integration: Results from an expert survey', *European Journal of Political Research*, 36/2, 1999: 283-306.

⁶ See for example Jacques Thomassen and Hermann Schmitt, 'Issue Congruence', in Hermann Schmitt and Jacques Thomassen (eds), *Political Representation and Legitimacy in the European Union* (Oxford: Oxford

University Press, 1999), pp.186-208; Cees van der Eijk and Mark N. Franklin, 'Potential for contestation on European matters at national elections in Europe', in Gary Marks and Marco R. Steenbergen (eds), *European Integration and Political Conflict* (Cambridge: Cambridge University Press, 2004), pp.32-50; and Mikko Mattila and Tapio Raunio, 'Cautious Voters - Supportive Parties: Opinion Congruence Between Voters And Parties On The EU Dimension', *European Union Politics* (forthcoming).

⁷ Moshe Maor, 'The Relationship between Government and Opposition in the Bundestag and House of Commons in the Run-Up to the Maastricht Treaty', *West European Politics*, 21/3, 1998: 187-207.

⁸ Kenneth Hanf and Ben Soetendorp (eds), *Adapting to European Integration: Small States and the European Union* (London: Longman, 1998).

⁹ See also Torbjörn Bergman and Erik Damgaard (eds), *Delegation and Accountability in European Integration: The Nordic Parliamentary Democracies and the European Union* (London: Frank Cass, 2000).

¹⁰ Thomas Saalfeld, 'Delegation or Abdication? Government Backbenchers, Ministers and European Union Legislation', *Journal of Legislative Studies* 11/3-4, 2005: 343-371. See also Tapio Raunio, 'Holding Governments Accountable in European Affairs: Explaining Cross-National Variation', *Journal of Legislative Studies* 11/3-4, 2005: 319-342; ; Torbjörn Bergman, 'The European Union as the next step of delegation and accountability', *European Journal of Political Research* 37:3, 2000: 415-429.

¹¹ We know relatively little about the independent effect of EU on party choice in national elections, but it appears that overall European matters are of secondary importance to voters in national parliamentary elections. There are exceptions to this rule, however. In Great Britain the European issue emerged during the 1990s as a significant cleavage driving citizens' voting behaviour. The Conservative Party failed to increase its vote share by adopting a highly Eurocritical position in the 1990s, because voter perceptions of the party's position on the EU influenced its electoral support negatively. As the ideological differences between the two main British parties on traditional left-right axis have diminished, the European issue has emerged as a significant factor influencing voting behaviour in elections to the House of Commons. See Matthew J. Gabel, 'European Integration, Voters and National Politics', *West European Politics*, 23/4, 2000: 52-72; and on Britain Geoffrey Evans, 'Euro scepticism and Conservative Electoral Support: How an Asset Became a Liability', *British Journal of Political Science*, 28/4, 1998: 573-590; Geoffrey Evans, 'European Integration, Party Politics and Voting in the 2001 Election', *British Elections and Parties Review*, 12, 2002: 95-110.

¹² Maurer and Wessels, op.cit., and COSAC, op.cit.

¹³ Karlheinz Neunreither, 'The European Parliament and National Parliaments: Conflict or cooperation?', *Journal of Legislative Studies*, 11/3-4: 466-489.

¹⁴ See Philipp Kiiver, *The National Parliaments in the European Union – A Critical View on EU Constitution-Building* (The Hague, Kluwer Law International, 2006), pp.115-132. The volume by Kiiver contains also an excellent analysis on the limits of various forms of interparliamentary cooperation.

¹⁵ See for example Magnus Blomgren, *Cross-Pressure and Political Representation in Europe: A Comparative Study of MEPs and the Intra-Party Arena* (Umeå: Department of Political Science, Umeå University, 2003); Tapio Raunio, 'Beneficial Cooperation or Mutual Ignorance? Contacts between MEPs and National Parties', in Bernard Steunenberg and Jacques Thomassen (eds.), *The European Parliament: Moving toward Democracy in the EU* (Lanham, MD: Rowman & Littlefield, 2002), pp.87-111.

¹⁶ The arguments about OMC draw on Tapio Raunio, 'Much Ado About Nothing? National Legislatures in the EU Constitutional Treaty', *European Integration online Papers*, 9/9, 2005 (<http://eiop.or.at/eiop/texte/2005-009a.htm>); and Francesco Duina and Tapio Raunio, 'The Open Method of Coordination and National Parliaments: Further Marginalization or New Opportunities?', Paper presented at the 15th International Conference of the Council for European Studies, 30.3.-2.4.2006, Chicago, USA.

¹⁷ See in particular the material available at the homepage of the OMC Forum at the European Union Center of the University of Wisconsin-Madison (<http://eucenter.wisc.edu/OMC>) and the references in Susana Borrás and Bent Greve (eds.), 'The Open Method of Co-ordination: Theoretical, empirical and methodological challenges for EU studies', Special Issue of the *Journal of European Public Policy*, 11/2, (2004), and in Jonathan Zeitlin and Philippe Pochet (eds.) with Lars Magnusson, *The Open Method of Co-ordination in Action: The European Employment and Social Inclusion Strategies* (Brussels: Peter Lang, 2005).

¹⁸ The role of the Commission in OMC and other forms of policy coordination varies considerably between policy areas, with the Council often adopting the leading function instead of the Commission.

¹⁹ Duina and Raunio, op.cit.

²⁰ However, in several instances the non-binding policy recommendations are adopted by QMV instead of unanimity.

²¹ Arthur Benz, 'Path-dependent institutions and strategic veto players: national parliaments in the European Union', *West European Politics*, 27/5, 2004: 881; Katrin Auel and Arthur Benz, 'The politics of adaptation: the europeanisation of national parliamentary systems', *Journal of Legislative Studies*, 11/3-4, 2005: 379.

²² Zeitlin et al., op.cit.

²³ See also Kerstin Jacobsson and Herman Schmid, 'The European employment strategy at the crossroads: contribution to the evaluation', in David Foden and Lars Magnusson (eds), *Five Years Experience of the Luxembourg Employment Strategy* (Brussels: ETUI, 2003), pp. 111-139; Kerstin Jacobsson and Åsa Vifell, 'New governance structures in employment policy making? taking stock of the European employment strategy', in Ingo Linsenmann, Christoph O. Meyer and Wolfgang Wessels (eds), *Economic Government of the EU: A Balance Sheet of New Modes of Policy Coordination* (London: Palgrave, 2006, forthcoming); and Mariely López-Santana, 'The domestic implications of European soft law: framing and transmitting change in employment policy', *Journal of European Public Policy*, 13/4, 2006: 491.

²⁴ Carolina de la Porte and Patricia Nanz, 'The OMC -- a deliberative-democratic mode of governance? the cases of employment and pensions', *Journal of European Public Policy*, 11/2, 2004: 267-288.

²⁵ Carolina de la Porte and Philippe Pochet, 'Participation in the open method of co-ordination: the cases of employment and social inclusion', in Zeitlin et al., op.cit., p.360.

²⁶ Another related and highly important question, which lies beyond the scope of this chapter, is the extent to which these civil servants are subject to control by their ministers or even by their immediate superiors in the ministries. The evidence so far would largely indicate that civil servants effectively run the show, with fairly little political guidance from ministers.

²⁷ Gráinne de Búrca and Jonathan Zeitlin, 'Constitutionalizing the Open Method of Coordination: What Should the Convention Propose?', *CEPS Policy Brief*, No. 31 (2003); and Jacobsson and Schmid, op.cit.

²⁸ This way national legislators would also have the possibility to learn about developments and policy choices in other countries, hence making it possible for national parliaments to produce better laws in the future. After all, this is a key argument used in favour of OMC. See Francesco Duina and Michael J. Oliver, 'National Parliaments in the European Union: Are There Any Benefits to Integration?', *European Law Journal*, 11/2, 2005: 173-195.

²⁹ See Ronald Holzhaecker, 'National Parliamentary Scrutiny over EU Issues. Comparing the Goals and Methods of Governing and Opposition Parties', *European Union Politics*, 3/4, 2002: 459-479; Katrin Auel and Arthur Benz, 'The politics of adaptation: The Europeanization of national parliamentary systems', *Journal of Legislative Studies*, 11/3-4, 2005: 372-393.

³⁰ According to Hooghe and Marks no EU country had become more centralized since the 1980s, with approximately half of them during the same time period decentralizing authority to lower tiers of government. See Liesbet Hooghe and Gary Marks, *Multi-Level Governance and European Integration* (Lanham, MD: Rowman and Littlefield, 2001), pp.191-212.

³¹ See Philipp Kiiver (ed.), *National and Regional Parliaments in the European Constitutional Order* (Groningen: Europa Law Publishing, 2006); and Tapio Raunio and Alex Wright, 'Holyrood and Europe: an Incremental Response to Deparliamentarization', *Regional and Federal Studies*, 16/3, 2006: 281-296.