The Role of National Parliaments in European Decision-Making

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National parliaments can be considered as victims of the European integration process. National parliaments ceded legislative powers to the EU and often lost leverage over their national executive branch, which continued to play a central role in EU decision-making. Different domestic parliamentary scrutiny systems have been established to enhance parliamentary involvement and control over EU affairs. In 2006 the Barroso Commission provided an additional impetus for parliaments to get involved, by offering to transmit its policy proposals directly to national parliaments with an open invitation to comment on them. The Lisbon Treaty foresees the possibility that national parliaments carry out subsidiarity checks on policy proposals. This paper argues that the different national and European provisions for parliamentary involvement do not amount to much. However, if we consider the combined effect of the different avenues in a dynamic perspective, they might jointly trigger a reassertion of national parliamentary influence in the European policy process.

Introduction

Holding governments accountable and ensuring a meaningful scrutiny and significant control over the executive branch is a challenge for many parliaments. The difficulty is enhanced when national parliaments seek to have an impact on policy activities occurring at European level. The role of national parliaments in the European integration process has received a lot of scholarly and political attention since the mid 90's and has become closely linked to the debate on the EU's democratic deficit and it's legitimacy problems.

The consequences of deepening integration have not all been positive for parliamentary assemblies. In fact, early assessments portrayed national parliaments as 'losers' or 'victims' of the European integration process. The erosion of parliamentary control over the executive branch is coined as the 'deparliamentarisation' thesis. In the European context, 'deparliamentarisation' is linked to three issues which are described below: reduced national policy autonomy; a shift in the domestic executive-legislative balance; and information asymmetries.

The transfer of competences and policy-making to European institutions reduced the legislative remit of national parliaments, which is often confined to the transposition of European legislation. National parliaments in particular experienced a double marginalisation: their domestic powers were curtailed as a result of policy transfers to the EU; and it is particularly difficult to contribute to the policy level where the transferred prerogatives are handled. National executives also experienced a reduction of their policy autonomy as a result of integration and the effects of regulatory competition, but as central actors at the European bargaining table, they have secured a continued and pivotal role in (European) policy-making.

The domestic executive-legislative balance has also been influenced by European integration. There is the above-mentioned structural disadvantage whereby national legislatures have no representation in the EU and national executives have direct access to European decision-making. The technocratic nature of European policy-making further strengthens the executive branch and

its bureaucrats vis-à-vis the national parliaments. Moreover, the determination of national positions on European affairs requires extensive administrative coordination across policy levels (e.g. in federal systems) and across agencies and ministries. National parliaments are often poorly equipped to monitor and participate in these important domestic coordination efforts.[1]

The executive predominance in European affairs fuels important information asymmetries that put national parliaments at an additional disadvantage. National parliaments do not have the same direct access to information and processing capacity as national executives in relation to European affairs. The information deficit can further enable the executive branch to operate without much parliamentary oversight. The 'deparliamentalisation' thesis paints a bleak picture of the many challenges that the European institutional architecture sets for national parliaments. However, national parliaments have not passively resigned to a role of idle bystanders. National parliaments have gradually fought back and have tried to reassert their scrutiny and oversight capabilities in relation to European affairs.

The dependency of national parliaments on government information has been reduced

All EU-27 national parliaments have a European Affairs Committee (EAC) and many sectoral standing committees also tackle EU policies. Every national parliament has put in place scrutiny procedures to review EU documents and to hold national executives accountable. The scope and the intensity of parliamentary scrutiny vary significantly across parliaments, but it has at least raised awareness and secured a stable and continued attention for EU affairs in the assemblies. National parliaments have also sought to act collectively, mainly through the creation in 1989 of the Conference of Community and European Affairs Committees (COSAC).[2] COSAC convenes twice a year in the Member State holding the Presidency of the Council of the EU and brings together members of European affairs committees and a delegation of the European Parliament. COSAC provides a forum for the exchange of information and best practices on parliamentary involvement in the EU. The COSAC biannual meeting conclusions are published in the Official Journal and are addressed to the European institutions. The political impact of COSAC has been limited but the increased exchange of information and the analysis of new windows of opportunity for national parliaments have prepared the ground for more influential COSAC actions.[3]

In addition to national parliaments noting the increasing impact of European policy-making on their key legislative functions, the European institutions have also gradually acknowledged the need to bring national parliaments back into the European policy process. Declaration 13 annexed to the Maastricht Treaty was the first, albeit timid, step towards recognising the role of national parliaments, followed by a Protocol on the role of national parliaments in the European Union annexed to the Treaty of Amsterdam, all of which has eventually culminated in a direct role for national parliaments under the form of an 'early warning' system provided in the Lisbon Treaty. In parallel with the planned innovations in the Lisbon Treaty, the European Commission decided, as of September 2006, to transmit all new proposals and consultation papers directly to the national parliaments inviting them to react and to engage in a dialogue on its proposals. The different national provisions for parliamentary scrutiny combined with the various treaty changes and political initiatives at the European level all seem to point towards a genuine window of opportunity for a more significant involvement of national parliaments in EU policy-making.

In the first part of this article, we will review the main features of parliamentary scrutiny of EU documents and decisions across Member States, and will examine the impact of the 2006 Barroso initiative. The second part of the article will analyse to what extent the Lisbon Treaty might contribute towards reinforcing the role of national parliaments in EU governance in the future.

Parliamentary Scrutiny of EU Documents and Decisions

The German Bundesrat was the first national parliament to set up a European affairs committee (EAC) in 1957. The Belgian Chamber of Representatives and the Italian Senate created their EACs in 1962 and 1968 respectively. The parliaments of the first accession countries; Denmark, the United Kingdom and Ireland, due in part to more Eurosceptical electorates and traditionally strong parliaments, quickly established EACs to scrutinise European affairs.[4] Today all national parliaments have a European affairs committee (altogether 36 EACs) and a system to scrutinise European documents and policies. Although there is a clear convergence in the parliamentary scrutiny of EU documents and decisions, there is still a lot of diversity in how national parliaments approach EU affairs. Elements of variation and convergence can be discerned along the following issues:

a. Time frame and access to information
b. European Affairs Committees and the organisation of scrutiny
c. Systems of parliamentary scrutiny

The Time Frame and Access to Information.

There has been a gradual effort to redress the information gap on EU affairs between national parliaments and the executives. Declaration 13 of the Maastricht Treaty (1992) foresaw in the non-binding commitment that "the governments of the Member States *will ensure, inter alia*, that national Parliaments receive Commission proposals for legislation in good time for information or possible examination". The Protocol on the role of national parliaments in the European Union enforced in 1999 offered a binding arrangement and broadened the scope of the Commission documents to be forwarded to national parliaments to include consultation documents, but it also weakened the provisions of Declara-

tion 13 by stipulating that "Commission proposals for legislation... shall be made available in good time so that the government of each Member State *may ensure* that its own national parliament receives them as appropriate". The Protocol still left it to national governments to transmit legislative documents to their parliaments as they saw fit. Furthermore, the protocol established a minimum period of six weeks between the communication of a legislative proposal and its inclusion on a Council agenda for decision in order to grant national parliaments time to scrutinise the proposal.

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In 2006 the Barroso Commission announced that it would, even without treaty obligations, transmit all new proposals and consultation papers directly to the national parliaments, inviting them to react so as to improve policy formulation.[5] The Lisbon Treaty formalises the current practice of direct transmission to national parliaments. The new PNP broadens the list of documents for direct transmission (e.g. Council minutes and agendas, annual legislative programme and other instruments of legislative planning, etc.) and extends the period between publication of a proposal (in all official languages) and placement on a Council agenda for decision from six to eight weeks.

The dependency of national parliaments on government information has clearly been reduced. All national parliaments (will) receive all documents directly from the European institutions and they have a minimum of six weeks (following the Lisbon Treaty, eight weeks) to organise their scrutiny. Many parliaments have indicated that the time frame is still rather short for a thorough review of legislative documents.[6] Time constraints push parliaments to be selective in the documents that are scrutinised and to intensify their involvement in the preparatory stages through close monitoring of consultation documents and impact assessments. The tendency to have early first reading agreements in codecision procedures is an additional reason for national parliaments to act quickly in order to have an impact on the European inter-institutional bargaining process.

European Affairs Committees and the Organisation of Scrutiny

There are many differences in the way national parliaments organise the scrutiny of EU documents and decisions in accordance with their national constitutional and legal provisions. Variation exists regarding the mechanisms to sift through the documents, the involvement of the sectoral committees, the frequency of European affairs committee (EAC) meetings and the participation of MEPs and civil society. The frequency of the meetings and the resources available are becoming increasingly important due to the growing volume of documents that are transmitted to national legislatures. In most parliaments the EAC is the main forum for dealing with European issues, with varying levels of cooperation with Sectoral Standing Committees (SSCs). In some parliaments, for instance in Finland or Italy, the SSCs are responsible for the scrutiny of European issues in their specific policy areas. Both models have their advantages and disadvantages. EACs may lack the sectoral and domain-specific expertise, although this is often compensated through the input of SSCs. Putting sectoral committees in charge of scrutiny has the benefit of mainstreaming European concerns across parliament, but the SSC may lack the European institutional expertise or global vision on EU affairs.[7]

The participation of members of the European Parliament can positively contribute to the tasks of the national legislatures. In most of the national parliaments, MEPs may take part in the EAC's regular meetings. In Belgium, the Federal Advisory Committee on European Affairs is composed of members of both national chambers and eight MEPs. In the German Bundestag 15 MEPs are members of the EU Affairs Committee.[8]

Systems of Parliamentary Scrutiny

Based on a survey of the 40 national parliamentary chambers, COSAC identified two main scrutiny models that are applied in the 27 Member States.[9] One widespread type of scrutiny system is the document-based model, which focuses on sifting and examining all incoming EU documents (mostly Commission legislative proposals). The EACs or SSC prioritise and assess the documents requiring closer committee scrutiny. Document-based systems focus extensively on Commission documents and less on the actual decision-making process in the Council of Ministers. The goal of document-based scrutiny is not to systematically mandate Brussels-bound ministers or to ensure a close monitoring of government positions in specific inter-institutional negotiations. The document-based models emphasise information-processing and the development of parliamentary discussions and positions. Many document-based models are accompanied by a scrutiny reserve which prescribes that ministers should not agree to an EU proposal before parliamentary scrutiny is completed. The parliaments of the United Kingdom, the Czech Republic, Cyprus, France, Germany, Italy, Ireland, Portugal, Belgium, the Netherlands (Eerste kamer), Luxembourg and Bulgaria have document-based scrutiny systems.[10] The absence of systematic mandates for government action in the document-based systems does not necessarily imply that these assemblies are without influence. Parliamentary committees often call upon government ministers to clarify their views and positions. Moreover,

some assemblies have invested significantly in information gathering through (public) hearings and consultations and in producing many high-quality reviews and opinions, which are communicated to the executive and to the European Commission. For instance, the UK House of Lords and the French Senate have been particularly active in producing expert contributions which have received attention from their executives and the European institutions.

The second scrutiny model concerns the so-called *mandating or procedural system*, in which parliamentary attention is concentrated on the government's position throughout the European decision-making process. Procedural systems seek to ensure control over what the ministers agree to in Council meetings. Many parliaments with procedural systems issue direct mandates to the ministers which may set the bargaining range or even stipulate explicit voting instructions.[11] The parliaments of Denmark, Estonia, Finland, Latvia, Lithuania, Poland (Sejm), Slovakia, Slovenia and Sweden have EACs which systematically provide mandates for government ministers.[12] Government ministers are obliged to present their negotiation positions before the EAC, which may force the government to review its position. The Austrian and Hungarian parliaments also have mandating powers but use these less frequently. In most cases, the mandating process normally takes place just (one week) prior to the meetings of the Council, but in Finland for instance, the process starts as soon as the Council working group begins examining the proposal. In most cases, the government may deviate from the mandate for compelling reasons, but such deviations require justification and sometimes a new consultation with parliament (e.g. Denmark, Austria).

The presence of mandating powers is often regarded as an indication of significant parliamentary influence. This argument needs to be qualified for two reasons. Firstly, the increased use of qualified majority voting in the Council limits national and parliamentary control over European negotiations and policy outcomes, even if binding parliamentary mandates have been issued. Secondly, parliamentary majorities are unlikely to cause controversy by discarding proposed government negotiation mandates, especially when these divergent views may be exploited by opposition parties.

A third category of so-called *Informal Influencers*,[13] such as Spain or Greece, can be identified. These parliaments focus on informal dialogue with the government and seek to have an influence through broad parliamentary debates on European affairs.[14] They do not organise a systematic scrutiny of EU documents or of the government position in the Council.

Recent Trends and the Barroso Initiative

The distinction between document-based and mandating scrutiny systems is increasingly blurred as parliaments seem to converge towards more mixed systems. For instance, the Estonian, Hungarian, Lithuanian and Dutch (Tweede Kamer) parliaments combine elements of both systems.[15] Parliaments concentrating on document scrutiny have started to organise hearings with ministers in order to monitor the government's position more closely. Many parliaments with mandating systems have responded to the Barroso initiative of 2006 and intensified the document scrutiny and engaged in the formulation of opinions directly to the Commission.

Almost all national parliaments, whether operating with document-based or mandating systems, still perceived their national government to be the main object of scrutiny and influence in 2007.[16] Parliamentary efforts are still mainly focused on the national level and few parliaments actively seek to influence the European institutions directly. In this regard, the Barroso initiative of 2006 to transmit Commission documents directly to national parliaments with an open invitation to comment on the documents may herald a re-orientation of national parliamentary initiatives from the national towards the European level and the European Commission in particular.

Since September 2006 the European Commission has received almost 450 opinions from 33 national assemblies of 24 Member States. The frequency of parliamentary opinions seems to increase over time with 148 opinions in 2007, 202 in 2008, and 82 for the period January-April 2009. The Portuguese Assembly, Danish Folketing, the Swedish Riksdag and a number of second chambers (German Bundesrat, UK House of Lords, and the French and Czech Senate) have been among the most active assemblies to carry out reviews of Commission policy documents. The parliamentary opinions dealt with subsidiarity issues (as part of coordinated subsidiarity exercises organised by COSAC), but often went further and covered political issues related to the content of the Commission proposals.[17] Many parliamentary opinions elicited a reply by the European Commission to the parliaments. In fact, the Commission has delivered about 98 replies to the parliamentary opinions.[18] So far, there is no evidence that the Commission significantly altered its initial views and positions but it did deliver additional clarification and justification of its proposals following the parliamentary comments. The Commission's 2006 initiative offered national parliaments a direct channel for communication with the European Commission without having to consider their governments' opinions. The initiative contributed to raising awareness of European affairs and further strengthened the scrutiny of documents within the national parliaments. Even if the parliamentary opinions did not lead to major policy changes, the comments were often reiterated in the European Parliament and by Member States in the Council.

> National parliament were portrayed as 'losers' or 'victims' of European integration

National Parliaments in the Treaty of Lisbon

The Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) provide for important changes of direct relevance to national parliaments. For the first time, national parliaments are mentioned and assigned specific roles in the body of the Treaty text. Na-

tional parliaments are to ensure compliance with subsidiarity (Art. 5 TEU) and to contribute to the good functioning of the Union (Art. 12 TEU). With this objective, they are also given some prerogatives in the EU decision-making process. This part of the article will look into these prerogatives, especially the 'early warning' system for monitoring possible breaches of subsidiarity, as well as into the checks carried out so far by COSAC.

New Prerogatives

The specific rights and roles envisaged in the Lisbon Treaty for national parliaments include the following:

- The right to receive documents directly from the European institutions. The scope of the existing Protocol on National Parliaments (No. 1 in the new Treaty) is broadened and includes all draft legislative acts, Council agendas and minutes, annual and other instruments of legislative planning and the Annual Report of the Court of Auditors.
- An important role in ensuring compliance with the subsidiarity principle based on an entirely rewritten Subsidiarity and Proportionality Protocol, which establishes an 'early warning' system for monitoring possible breaches of subsidiarity.
- Representation of national parliaments in a Convention whose purpose is to formulate recommendations for future Treaty revisions (ordinary Treaty revision procedure Art. 48 (3) TEU).
- An obligation to be notified by the European Council six months in advance of the intent to use the so-called passerelle ('bridge') clauses, moving decision-making from unanimity or special legislative procedures to qualified majority voting or to the ordinary legislative procedure.[19] Moreover, if one parliament opposes the proposed decision-making change within the six month period, the passerelle can not be carried out (Art. 48 (7) TEU and Art. 81 (3) TFEU).
- Involvement of national parliaments in the evaluation of EU policies in the area of freedom, security and justice (Art. 70 TFEU), in the evaluation of Eurojust's activities (Art. 85 TFEU), and in the scrutiny of Europol's activities (Art. 88 TFEU).
- Notification to national parliaments of applications made by European States for Union membership (Art. 49 TEU).

The main innovation of the Lisbon Treaty concerns the redrafted Protocol (No. 2 in the new treaty) on the Application of the Principles of Subsidiarity and Proportionality. The protocol maintains the existing provisions that any draft legislative act must contain a detailed statement enabling the appraisal of its compliance with the principles of subsidiarity and proportionality, including:

a. An assessment of the proposal's financial impact and, in the case of a directive, of its implications for the rules to be put in place by Member States, including, where necessary, the regional legislation.
b. The reasons for concluding that a Union objective can be better achieved at Union level shall be substantiated by qualitative and, wherever possible, quantitative indicators.

All draft legislative acts should comply with the proportionality principle by taking into account the need for any burden, whether financial or administrative, falling upon the Union, national governments, regional or local authorities, economic operators and citizens, to be minimised and commensurate with the objective to be achieved.

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Whereas the justification of legislative drafts needs to cover both the subsidiarity and the proportionality aspects of the proposals, the 'early warning system' or control mechanism for national parliaments only covers the subsidiarity dimension of the proposal.

The 'Early Warning' Mechanism

Within eight weeks any national parliament may submit a reasoned opinion stating why it considers that a draft legislative act does not comply with the principle of subsidiarity. Each national parliament has two votes and in the case of bicameral systems, each of the two chambers has one vote. In the EU 27, this means a total of 54 votes. Depending on

the number of problematic reasoned opinions the protocol foresees two new procedures better known as 'yellow and orange cards'.

The 'yellow card' procedure entails that:

1. at least 1/3 of the available votes (i.e. 18 votes out 54) are cast against the draft legislative act because of non-compliance with the subsidiarity principle. For draft legislative acts concerning the area of freedom, security and justice, the threshold is 1/4 of the votes (i.e. 14 out of 54). Following such a 'yellow card' the initiating institution (usually the EC) must review its proposal and may decide to maintain, amend or withdraw the draft but must justify its decision.

The 'orange card' procedure only applies to the ordinary legislative procedure (codecision) and entails that:

1. if the reasoned opinions regarding non-compliance with the principle of subsidiarity represent at least a simple majority of the votes allocated to national parliaments (i.e. 28 out 54), the proposal for the legislative act must be reviewed. Again the European Commission may maintain, amend, or withdraw its proposal. If it decides to maintain its proposal, it must provide justification.
2. if the option is to maintain the proposal, the reasoned opinions of the national parliaments and the Commission are transmitted to the Union legislator, who must consider the subsidiarity issues before the end of the first reading stage. If, by a majority of 55% of the members of the Council or a majority of the votes cast in the European Parliament, the legislator considers the proposal incompatible with the subsidiarity principle, the proposal will fail and will not receive further consideration.

Most national parliaments and academic observers regard the new subsidiarity provisions as a useful innovation, albeit one whose importance should not be overstated. The subsidiarity mechanism does not apply to implementing legislation resulting from comitology procedures nor does it cover the exclusive competencies or the areas in which the EU operates primarily in a coordinating capacity (e.g. open methods of coordination). Moreover, the European Commission can maintain its position without further consequence under the 'yellow card' procedure. The threshold for the more stringent 'orange card' procedure is high and may seldom be invoked: in the end, it is the EU legislators, not the national parliaments, who have the last word.

Experience in the Framework of COSAC

In order to test the challenges and overall feasibility of the 'early warning' system, COSAC has carried out a number of trial runs since 2006. The subsidiarity checks have shown rather high and steadily increasing parliamentary response rates, involving up to 33 national parliaments or parliamentary chambers (out of 40) from 23 member states in 2008.[21] Experiences with the subsidiarity checks have so far identified a number of recurrent difficulties and limitations:

- the time limit of eight weeks is considered to be too short a time frame to conduct a substantive subsidiarity check;
- parliaments find it particularly difficult to distinguish subsidiarity issues from proportionality concerns (not covered by the yellow and orange procedures) and from substantive examinations of the policy content of the proposals;
- overall, few parliaments identified significant non compliance problems in the subsidiarity checks. The subsidiarity perspective appears to be too narrow to block a legislative draft; more often parliaments take issue with proportionality, the legal basis or the content of the proposal, but these aspects are not covered by the subsidiarity check.

National parliaments have noted that the subsidiarity mechanism will not be a miracle cure against over-regulation or the loss of legislative power that parliaments may have suffered in the course of European integration. Nevertheless, the subsidiarity checks have provided parliaments with incentives to consider European policy initiatives early on in the process, by reviewing the EC Annual Policy Strategy and Commision Legislative and Work Programme, in order to maximise their chances to meet the eight week deadline. The thresholds for the 'yellow and orange cards' have underscored the need for greater interparliamentary cooperation in order to establish a common interpretation of subsidiarity and in order to improve the exchange of the various parliamentary contributions (via the IPEX database and website).

Conclusions

Throughout this article we have examined both the current avenues for national parliaments to participate in the European policy process as well as those that the Lisbon Treaty might bring in. Firstly, the national parliament scrutiny models, whether document based or mandate based, primarily target the domestic executive branch and seek, to varying degrees, to influence the government's position in the Council. Secondly, the Barroso Commission has opened a direct dialogue with the national parliaments, which are invited to engage directly on the supranational level via opinions on policy proposals addressed to the Commission. Thirdly, the Lisbon Treaty provides a treaty-based access point for national parliaments to monitor compliance with the subsidiarity principle.

Assessed separately, and on their independent merits, the different avenues are unlikely to trigger a fundamental reassertion of national parliamentary influence in the European policy process. National scrutiny systems sometimes lack the resources, the mechanisms or the incentives to effectively influence national governments' actions in the EU, and even stringent mandating systems lose a lot of bite in the face of firm majority governments. The direct dialogue of the Barroso Commission has not led to significant and discernable changes in EC policy proposals or outcomes. For national parliaments to find sufficient contestable issues on the grounds of subsidiarity and to reach the required thresholds to produce a yellow or orange card may also prove very difficult and rare.

However, if we consider the combined effect of the different avenues in a dynamic perspective, they might jointly trigger a reassertion of national parliamentary influence in the European policy process. The subsidiarity clauses, the eight week time frame and the broader scope of the documents to be received, all envisaged in the Lisbon Treaty, will stimulate an early involvement of parliaments at the planning and preparatory stages of European policy formulation and will reduce existing information asymmetries. The Barroso initiative already encourages parliamentary scrutiny of these preparatory EC work programmes, consultation documents and communications and broadens the scrutiny process to include other questions beyond subsidiarity. National parliaments are encouraged to participate at an earlier stage, on the basis of more information and direct exchanges with the EC, and with the possibility of their concerns being raised not only in front of their governments but also in the EU. All of these issues constitute incentives for national parliaments to improve their scrutiny systems in order to deal with their new prerogatives.

Increasing interparliamentary cooperation might reinforce the exchange of best practices and the joint use of resources, and could become the means to make the shadow of a collective action (yellow and orange cards) more effective. All this will eventually strengthen the position of parliaments in relation to the executive branch and will also improve parliamentary control over both the executive and EC initiatives.

A fundamental question that underlies the different treaty and procedural innovations is how the members of parliament (MPs) in the Member States will respond to the new opportunities. Raunio points out that MPs have their hands full even without engaging in EU affairs. If their main concerns are re-election and direct policy influence, the in-depth scrutiny of European proposals may not be very attractive to them.[22] The ability of individual MPs to influence European policies is extremely limited and a strong focus on EU affairs may not be instrumental in attracting voters. One can only hope that *'l'appétit s'acroit en mangeant'*, or that MPs develop a taste and increased interest in European issues.

NOTES

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1 Goetz, K.H. & Meyer-Sahling, J-H. "The Europeanisation of national political systems: Parliaments and executives", Living Reviews in European Governance, 3(2) www.livingreviews.org/lreg-2008-2, 2008

2 The acronym COSAC comes from the French name for the Conference: Conférence des organes spécialisés dans les affaires communautaires.

3 One of the main ways to exchange information is IPEX (Interparliamentary EU Information Exchange). The IPEX Database, available via the internet, contains a complete catalogue of Commission documents, the outcome of the scrutiny process carried out by individual national parliaments, and information regarding interparliamentary cooperation.

4 O'Brennan, J., Raunio, T. "Deparliamentarization and European integration", in O'Brennan, J., Raunio, T. (eds). National parliaments within the enlarged European Union. From 'victims' of integration to competitive actors? Routledge: London and New York, 2007, p. 1-26.

5 COM(2006) 211. Communication from the Commission to the European Council. A citizens' agenda. Delivering results for Europe.

6 See COSAC subsidiarity checks http://www.cosac.eu/en/info/scrutiny/

7 Tans, O. "Conclusion: National Parliaments and the European Union; Coping with the Limits of Democracy", in O. Tans, Carla M. Zoethout, C. M. and Peters, J. (Eds) National Parliaments and European Democracy: A Bottom-up Approach to European Constitutionalism. Groningen: Europa Law Publishing, 2007, p: 227-247.

8 'Third bi-annual Report: Developments in European Union procedures and practices relevant to Parliamentary Scrutiny', prepared by the COSAC Secretariat and presented to the XXXII Conference of Community and European Affairs Committees of Parliaments of the European Union, Luxembourg,17-18 May 2005.

9 COSAC (2005) Third bi-annual report: developments in European Union procedures and practices relevant to parliamentary scrutiny. COSAC Secretariat, May 2005.

10 COSAC (2007) Eighth bi-annual report: developments in European Union procedures and practices relevant to parliamentary scrutiny. COSAC Secretariat, October 2007

11 Raunio, T. "National parliaments and European integration: what we know and what we should know", Arena Working Paper No. 2, January 2009.

12 COSAC (2007) Eighth bi-annual report: developments in European Union procedures and practices relevant to parliamentary scrutiny. COSAC Secretariat, October 2007, p. 9.

13 Kiiver, Ph. The National Parliaments in the European Union: A Critical View on EU Constitution-Building. Kluwer Law International, 2006.

14 The government usually explains, in the EAC or at the Plenary, the agenda and the outcome of the European Council meetings. Some SSCs also hold hearings for the sectoral ministers to explain specific policies and decisions.

15 COSAC (2007) p. 9

16 COSAC (2007) p. 9-10

17 COM (2008) 237. Report from the Commission. Annual Report 2007 on relations between the European Commission and National Parliaments.

18 See IPEX

19 The passerelle clauses constitute a simplified treaty revision procedure allowing the Union to change its voting and decision-making procedures without intergovernmental conference: "Where the Treaty on the Functioning of the European Union or Title V of this Treaty provides for the Council to act by unanimity in a given area or case, the European Council may adopt a decision authorising the Council to act by a qualified majority in that area or in that case.This subparagraph shall not apply to decisions with military implications or those in the area of defence" (Art. 48 (7) first subparagraph).

20 According to the Art. 3 of the Protocol, 'draft legislative acts' shall mean proposals from the Commission, initiatives from a group of Member States, initiatives from the European Parliament, requests from the Court of Justice, recommendations from the European Central Bank and requests from the European Investment Bank for the adoption of a legislative act.

21 The results of the checks can be found at http://www.cosac.eu/en/info/scrutiny/

22 Ranio, T. op.cit