

OPAL Country Reports

The Danish Parliament and EU Affairs

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OPAL Country Report on the Danish Parliament¹

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I. General Position of Parliament in the Constitutional Balance of the Member State: Constitutional and institutional factors	
This section looks at the role of Parliament in the political system, to help us understand the relative power position of the legislature.	
1.1	What is the type of government in the political system of your member state? (i.e. parliamentary or semi-presidential)
	Parliamentary System.
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	Unicameral
1.3	Is the state federal, decentralized or unitary? If applicable, is it a form of asymmetrical federalism?
	Unitary state
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	The Danish electoral system of proportional representation is a list system with provisions for personal voting within party lists. All parties and lists receiving more than 2% of the total vote are guaranteed parliamentary representation. 175 members of the Folketing are elected according to this system whereas the Faroe Islands and Greenland elect two members each according to separate systems. The distribution of the 175 nationwide seats takes place at two levels: a lower level consisting of ten multi-member constituencies, and a higher national level. In practice, the initial allocation of seats take place at the lower level where 135 members are elected by the ten constituencies and votes are counted according to the d' Hondt formula. The final allocation of the remaining 40 compensatory seats are allocated in proportion to the total number of votes a party receives (the Sainte-Laguë formula) making up the higher national level. ²
1.5	What (f)actors can prevent the parliament agreeing on EU legislation and/or treaty reform? (e.g. a constitutional court, or public referenda on questions of EU integration)

¹ This country report provides some basic data that has been collected in the context of the research for a chapter to be published in C. Heffler, C. Neuhold, O. Rozenberg, J. Smith & W. Wessels (Eds.). (forthcoming in 2014). *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave, Macmillan.

² *The Electoral System in Denmark*, Ministry of the Interior and Health, 2010.

The Parliamentary Electoral System in Denmark, Folketinget, 2011.

(http://www.ft.dk/Dokumenter/Publikationer/Engelsk/Electorial_System_Denmark.aspx)

	<p>Parliamentary decisions on EU questions can be subject to both binding and consultative referenda. When a bill deals with ceding sovereignty to international authorities the demands for parliamentary approval are higher than for normal legislation. According to The Danish Constitutional Act (section 20) ceding sovereignty requires the approval of five sixths of the members of the Folketing. 150 Danish parliamentarians must therefore vote for the bill before it can be passed. If less than five sixth votes for it, the bill can only be adopted if accepted through referendum by a majority of voters making out at least 30 % of all persons entitled to vote. The Folketing can also decide to hold a consultative referendum, but where the outcome of the referendum is non-binding. Denmark has held six referenda on EU questions, but only the referendum in 1986 on Single European Act was consultative.³</p>
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2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors

This section is about the basic political factors, which might influence parliament's strength in relation to the government.

2.1	What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?		
	Minority government		
2.2	When were the most recent general elections and what were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?		
	Latest election:	15 September 2011	
	Name of the party	No. and percentage of seats in parliament	Ideological position (e.g. Communist, left liberal, socialist, liberal, right liberal, conservative, christian democrat, extreme right, ethnic minority or regionalist party)
	The Liberal Party	47 seats (26,7 %)	Right liberal
	Social Democrats	44 seats (24,8 %)	Socialist
	Danish People's Party	22 seats (12,3%)	Extreme right
	Social-Liberal Party	17 seats (9,5%)	Socialist liberal
	Socialist Peoples Party	16 seats (9,2%)	Socialist
	Unity List/ Red-Green Alliance	12 seats (6,7%)	Left socialist
	Liberal Alliance	9 seats (5,0%)	Right liberal
	Conservative People's Party	8 seats (4,9%)	Conservative

³ Also see: http://www.euo.dk/euo_en/dkeu/referenda/constitution/

2.3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?
	The five major pro-European parties counting the Liberal Party, The Social Democrats, Conservative People's Party, the Social-Liberal Party and the Socialist People's Party (with the exception of three parliamentarians) all voted for the treaty when ratified in the Folketing on 24 April 2008. The Danish People's Party and the Unity List voted against. The vote reflects very well the usual EU positions of the parties. In the EAC the five major pro-EU parties provide the government with broad continuous consensus on a vast majority of EU issues.

3. New Provisions of the Lisbon Treaty on Direct Contact with EU Institutions

The Lisbon Treaty provides national parliaments with new opportunities for direct contact with the EU institutions. This section addresses the incorporation of the new Lisbon provisions into national law and concrete procedures. Questions 6.3 to 6.5 investigate in how far these procedures have been used.

3-1	<p>Have there been any regulations adopted by your member state to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon? If so, please list the regulations in their appropriate categories:</p> <ul style="list-style-type: none"> a. Constitutional provisions b. Legal provisions - Statutory provisions c. Parliamentary Standing Orders d. Other (please specify) <p>Is this process complete or ongoing?</p>
	d. An agreement was made between the EAC and the Government on how to monitor the principle of subsidiarity endorsed in a special EAC report from 26 March 2010.
3-2	What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament's involvement, cooperation in bicameral systems) for...
3.2 i	The "Political Dialogue" with the Commission
	This is mainly handled by the EAC as the committee is responsible for issuing the reasoned opinions (see 6.2)
3.2 ii	The Early Warning Mechanism (EWM)
	The task of monitoring subsidiarity issues is a joint responsibility of the EAC and the Sectoral Committees. On the basis of an annual selection of a number of proposals from the Commission's Work Programme, checks are conducted on the principle that Sectoral Committees are responsible for the initial consideration, whereas the EAC adopts the reasoned opinion and then sends it to the European institutions.
3-2 iii	The "Passarelle clause"
	In the law ratifying the Lisbon Treaty it is laid down that the government must seek the consent of the Parliament before accepting the passarelle clause of Art. 48 to be used. Depending on whether the specific use of the passarelle will be considered to cause ceding of sovereignty from Denmark to the EU a referendum could be called. (Please see answer for question 1.5 for an explanation of the consequences of ceding of sovereignty).

3.2 iv	The action of annulment before ECJ on breach with the subsidiarity principle (What quota of MPs is needed to enforce the action of annulment?)
	No special provisions are made about this. However, if the Parliament should wish to ask the ECJ to assess whether a piece of EU law breaches the principle of subsidiarity the Parliament would have to convince the government to do so on their behalf (according to the treaty) - and thus Parliament would need support from at least the parties forming government (we traditionally have minority governments) or an alternative majority of members of Parliament.
3.2 v	Accession of new member states to the EU
	The Folketing must ratify accession treaties.
3.3	How actively does the parliament engage in the political dialogue and “early warning mechanism” with the Commission?
	Until April 2013, the Danish Folketing has submitted eight reasoned opinions. The first yellow card procedure (Monti II) was coordinated by the Danish EAC during the Danish EU Presidency in the first half-year of 2012, and the Danish EAC, in particular the chairman, worked hard to get a successful outcome of the inter-parliamentary coordination.
3.4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity concerns?
	No.
3.5	If applicable to your member state, how does parliament proceed on the ratification of: a. Treaty Establishing the European Stability Mechanism, signed 2 Feb 2012 b. Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed 2 March 2012
	a. The Treaty was ratified by the Folketing on 23 February 2012 with 82 MPs voting for the proposal and 21 against. b. The Treaty was ratified by the Folketing on 31 May 2012 with 80 MPs voting for the ratification and 27 MPs voting against.