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When do national parliaments actually use their powers to control their government in EU affairs?

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The role of national parliaments in the European Union (EU) has improved over time, as shown in many comparative studies based upon institutional powers. However, we know relatively little about under what conditions parliaments are most likely to use these powers to control their government in EU affairs. To answer this question, Heleen Jalvingh followed 16 EU legislative proposals through the stages of the Ordinary Legislative Procedure (OLP) in the UK's House of Commons and the Netherlands' House of Representatives. The results demonstrate that, comparatively, issue salience makes the biggest difference in how often parliaments use their powers in order to have an impact on their governments' position in Brussels.

Comparing variation in the [institutional settings of parliaments](#) is one way to analyse their possible role in EU decision-making. So far, however, [few studies](#) have looked into the actual use of these formal powers. Institutional design is no doubt important in shaping parliamentary impact on the governments' position on EU policies; but, parliamentary behaviour is at least as important. As a result, I argue that strictly categorising parliaments according to their formal powers as strong, moderate or weak – as is normally done in empirical studies – is not sufficient to understand the role of national parliaments in the EU decision-making process.

Instead, I offer an analysis based on the number of times that national parliaments use formal powers under various conditions. It is only when national parliaments use their powers that they can achieve a visible contribution to the positions on European legislative proposals formulated by their governments. The analysis finds issue salience and having previously sent a reasoned opinion on an issue as important factors – they positively affect the use of formal powers. The type of government (coalition vs. single party) or governments' position towards European integration (Eurosceptic vs. Europhile), in turn, seems less important.

I followed 16 EU legislative proposals through the stages of the OLP in two parliaments; one with stronger ex ante powers to influence its government on EU affairs before Council meetings (the House of Representatives in the Netherlands) and another, where scrutiny is more focused on ex post control of the government, i.e. after the actual Council meeting (the House of Commons in the UK). The 16 proposals are chosen in a way that allows pairwise comparisons, differing in one of the four key conditions: government composition, government's Euroscepticism, the use of the reasoned opinion, and the salience of the EU legislative proposal.

These EU legislative proposals include policy areas such as environment, fisheries, and transport. The scrutiny processes of these proposals were traced and parliamentary activities during the OLP were compared. The OLP gives the EP and the Council several opportunities to amend and/or approve the EU legislative proposals. Looking at the OLP, one can also distinguish five stages during which national parliaments can influence or control their government either before or after the Council meeting. Table 1 presents examples of formal powers that national parliaments can use during each stage.

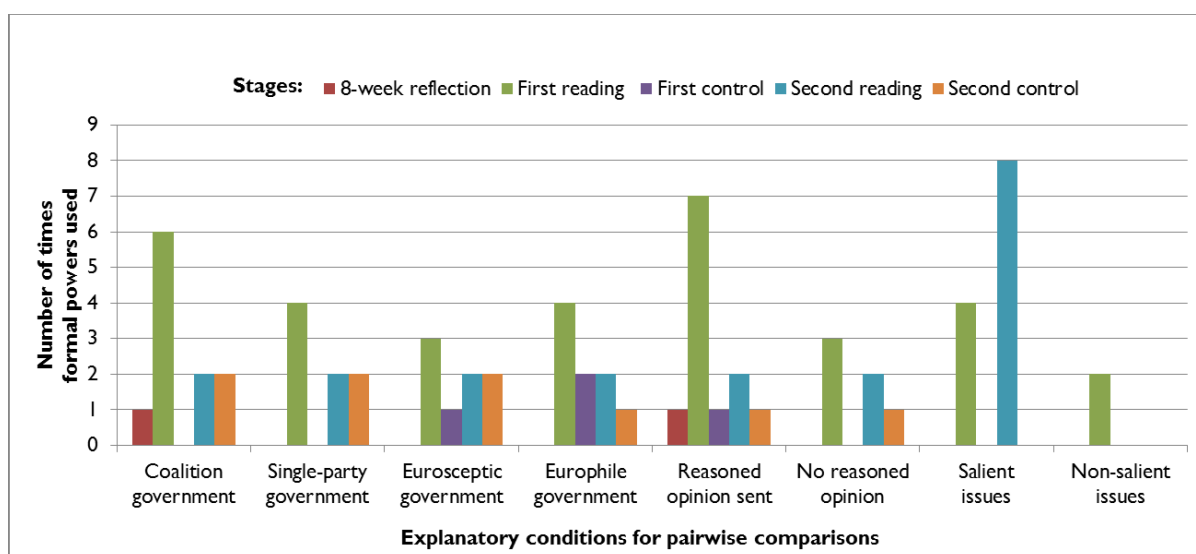
Table I. Examples of parliamentary involvement in the OLP

| Stages in the Ordinary Legislative Procedure (OLP) | Examples of involvement by national parliaments (NPs) |
|---|---|
| <i>European Commission (EC) publishes an EU legislative proposal.</i> | |
| 1) 8-week reflection: NPs get 8 weeks to respond to EC | <ul style="list-style-type: none"> - Meeting in European Affairs Committee (EAC); - Discussion on whether to circulate the proposal to any relevant sectoral committees; - Request for a governmental referendum |
| 2) First reading: Ex ante influence phase | <ul style="list-style-type: none"> - NP sends a letter to government; - NP requests a meeting with the government; - NP expresses its opinion on EU issues; - NP asks questions to the relevant minister. |
| 3) First control: Council common position - Ex post control phase | <ul style="list-style-type: none"> - NP meets up in EAC and sectoral committee; - NP receives information about the Council meeting; - NP asks the relevant minister to attend the meeting; - NP asks the minister questions about the outcome of the Council; - NP meets in the plenary (with possible attendance of the minister). |
| 4) Second reading: Ex ante influence phase | <ul style="list-style-type: none"> - NP sends a letter to government; - NP requests a meeting with the government; - NP expresses its opinion on EU issues; - NP asks questions to the relevant minister. |
| 5) Second control: Council common position - Ex post control phase | <ul style="list-style-type: none"> - NP meets up in EAC and sectoral committee; - NP receives information about the Council meeting; - NP asks the relevant minister to attend the meeting; - NP asks the minister questions about the outcome of the Council meeting; - NP meets in the plenary (with possible attendance of the minister). |
| <i>EU legislative proposal gets adopted.</i> | |

Figure I below quantifies the number of times the British and Dutch national parliaments used their formal powers through these five stages. It shows that there was a limited difference between coalition and single-party governments: formal powers were used in eight occasions under single-party governments and 11 times under coalition governments. This goes against the

expectation that national parliament would be more active under coalition governments. Likewise, there was a similar result with regard to governmental position toward the European integration. National parliaments made use of their formal powers 8 times under Eurosceptic governments and 9 times under Europhile governments.

Figure I. Comparisons of parliamentary use of formal powers



National parliaments check whether EU legislative proposals breach the subsidiarity principle, and they can send reasoned opinions to the European Commission about their position through the Early Warning Mechanism. This does not necessarily imply control or influence over their government specifically. However, the results show that, where a reasoned opinion is sent, parliaments tend to increase the use of formal powers to scrutinise the government as well. According to Figure I, parliaments use their powers on twice as many occasions in connection with issues that they have sent a reasoned opinion about.

The biggest difference, however, occurs when we compare salient and non-salient issues. A salient EU legislative proposal could be one with concrete consequences for voters

(freedom to provide domestic passenger services by rail) or one that gets increased media coverage at a certain time (for example the Common Fisheries Policy in 2011). The topics that were more salient to members of parliament, led to more scrutiny activities. For example, while non-salient issues saw only two interventions by national parliaments, salient issues had 12 – a six-fold increase.

In conclusion, this analysis suggests that in order to involve national parliaments in EU issues, allocating either ex ante or ex post formal powers is insufficient. The salience of the topic of debate is decisive for the parliament to determine whether using its formal powers is most likely to be effective.

This note represents the views of the author and not those of PADEMIA.



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