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Parliamentary control of Governmental actions on the interaction with European organs in the Hellenic Parliament and the National Assembly of Serbia

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Abstract

The role of the national Parliaments in scrutinizing the governments' actions has been in the academic agenda for a long time. The paper will examine the parliamentary response, in terms of parliamentary control, on the governmental negotiations for three Economic Adjustment Programmes for Greece in the time period between 2010 and 2015. In an additional case study, the parliamentary means in the National Assembly of Serbia will be examined in the light of the opening of the negotiation process with the EU. In both cases, an overview of the available means of parliamentary control will be presented, followed by a discussion of their suitability to exercise control of governmental actions in the European organs. Specific cases of parliamentary control will also be presented, as well as relevant statistics.

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I. Background

The European Union (EU) has reached a point where it touches upon almost every aspect of public policy in all of its Member States (MS), still 28 to date. This is what (*Dinan, 2005*) calls the ever deeper and wider union. Naturally, this directly influenced national parliaments and their traditional normative jurisdiction within the national borders.

Early research (*Maurer and Wessels, 2001*) indicated the need of reform of national parliaments role in the institutional framework of the EU-15. A broad review on articles on the Europeanisation of parliaments and governments in the EU-15 by (*Goetz and Meyer-Sahling, 2008*) registered conflicting assessments in the bipolar notions of a) De-parlamentarisation/re-parlamentarisation, b) Bureaucratization/politicisation, and c) Centralization/diffusion effects. (*Holzhaecker, 2002*) on his part examined parliamentary oversight over EU matters for two of the first EU MS, Germany and the Netherlands.

Following EU enlargement in 2004, an increase of academic literature on European affairs of national parliaments can be observed. (*Auel, Rozenberg and Tacea, 2015*) recently attempted to map parliamentary strength and measure activity of national parliaments in EU affairs following a series of relevant older publications, i.e. (*Sprungk, 2010*). Almost at the same time, an intense academic discussion sparked regarding legitimacy and accountability of European institutions, a situation which is often referred to as “democratic deficit”. Classical papers for this academic discussion include (*Moravcsik, 2002; Moravcsik, 2004*) and (*Follesdal and Hix, 2006*). In parallel, other scholars made proposals to circumvent any problematic regarding democratic representation in the EU, e.g. (*Crum and Fossum, 2009*) who developed the notion of the Multilevel Parliamentary Field.

This paper will first examine the range of Parliamentary Control Means (also to be found as PC means or PCM) in the Hellenic Parliament (HeP). The focus of study will be placed on the parliamentary scrutiny of governmental negotiations that led to the forming of three Economic Adjustment Programmes for Greece, in the time period from 2010 till 2015, namely in May 2010, March 2012 and August 2015, respectively. The timeline and framework of these programmes, as well as the current state of play can be found in (*Ec.europa.eu, 2016*). This period will be referred to as “the MoU era”. Notably, the majority of the high-level negotiations happened within the European Council and the Eurogroup. The latter is an informal body of the finance ministers of the Eurozone.

The outcome of negotiations for each one of the Economic Adjustment Programmes has taken the form of MoUs and Loan Agreements between Greece and its creditors. A comprehensive list of the relevant legal documents that also contains the relevant EU decisions is presented by (*ELIAMEP Crisis Observatory, 2013*). In addition, several domestic laws related to the ratification of the MoUs and the implementation of agreed fiscal and structural reforms have been passed through the Hellenic Parliament by making use of urgent legislative procedures. This procedures offer limited and, consequently, insufficient parliamentary debate time on the complex technical issues contained in the MoUs mentioned above. These are reported to have caused far-reaching consequences on the social and economic life in Greece, as documented by (*Matsaganis, 2013*) and (*Tsekeris, Pinguli and Georga, 2015*).

In the second part of the present paper parliamentary control of the negotiations with the EU will be presented in the case of the National Assembly of Serbia. Serbia signed in 2008 the Stabilization and Association Agreement (SAA) with the European Union. The two most important obligations that the Republic of Serbia overtook on the basis of this Agreement are

the following: to establish free trade and to harmonize the national legislation with EU law. The most decisive development in Serbia's EU integration process to date happened in June 2013, when the European Council endorsed the Council of Ministers conclusions and recommendations to open accession negotiations with Serbia (*European Council, 2013a*). In December 2013 the EU's heads of states and government adopted a so-called Negotiating Framework, the mechanism and rules for membership talks with Serbia, which was adopted by the EU Council of Ministers (*European Council, 2013b*).

The case study of the National Assembly of Serbia is of significant interest as it presents the opportunity to observe the reaction of a national parliament to governmental negotiations with EU organs, in a country which is in the final stage of the EU accession process. Serbia has a legal order that developed differently compared to EU Member States. This reflects directly to the Law of its National Assembly, as well as to its Rules of Procedure, which both regulate parliamentary operations. Initial field research on the presented topic has been performed in the course of the EU funded IPA Twinning project "Strengthening Capacities of the National Assembly of Serbia in the EU Integration Process", which was implemented by the Hellenic Parliament in the period between 2013 and 2014.

II. Motivation, research questions and methodology

Basic motivation for the underlying research offered the fact that despite belonging to the older guard of EU Member States (Greece became member in 1981) the Hellenic Parliament still belongs to the most under-researched legislatures institutions in Europe. Being on the spotlight of international media and public debate, provides mostly for descriptive coverage and analysis of policy issues, most of which in the Greek language, thus offering little scientific attention from the academic community. Hence, there is no surprise that relevant studies on parliamentary procedures in the Hellenic Parliament from (*Foundethakis, 2003*) and (*Dimitrakopoulos, 2001*) are dated more than a decade ago. After the latest constitutional revision in 2008 and several modifications in the Rules of Procedure, the present paper aims first at offering a state-of-the-art description and evaluation of parliamentary control procedures in the Hellenic Parliament. The basic research question here was whether the current parliamentary control mechanisms offer sufficient level of parliamentary control of Governmental actions and, if affirmative, to which extent. Concurrently, research took also into account the case of the National Assembly of Serbia.

Serbia is a candidate country for EU membership. The date of January 21th, 2014, when the first Intergovernmental Conference took place, signaled the formal start of Serbia's accession negotiations. During the initial phase of accession negotiations the Hellenic Parliament implemented a parliamentary EU Twinning programme in the National Assembly of Serbia. The authors, as key experts to this programme, had the opportunity to access the Serbian parliamentary scrutiny procedures from the inside over a time period of almost 22 months. As Serbia has just begun transposing the EU *acquis* chapter for chapter in the national legal order, a basic, political as much as scientific, question arises: How will the National Assembly react to new challenges posed to its control function?

On the comparative level, the paper attempts to address two further research questions: a) Whether the two parliaments, despite having evolved and operated over decades within different political systems, have comparable parliamentary control procedures and b) to which extent these procedures need to be modified in order to be compatible with the basic operational framework of EU parliaments, particularly in the context of scrutiny on EU matters.

In the following chapters, Parliamentary Control Means and related procedures in the Hellenic Parliament and the National Assembly of Serbia are going to be described. In addition, the suitability of each of those means to highlight design and implementation aspects of governmental actions in the European organs will be discussed. The definition of the term “Parliamentary Control” is not unproblematic and needs to be clarified in the first place. In the present study, the term was used under the assumption that its main purpose is to foster public debate and call attention to the actions of the government. Consequently, the different parliamentary control mechanisms were explicitly measured against this objective. The quantitative (*PCM statistics*) and qualitative (*impact*) variables specifically refer to this aspect of parliamentary control. Certainly, there are also other definitions or ultimate objectives of parliamentary control, such as to dictate, mandate or block Government actions. However, these aspects were not taken into consideration during the present study.

In direct relation to the above, different models of parliamentary control can be distinguished, and (Heffler *et al.*, 2013), following work by (Auel, 2007), separates between 7 models of control, which differ both in the level of involvement and its actual purpose: a. limited control model, b. “Europe as usual” model, c. expert model, d. public forum model, e. government accountability model, f. policy maker model, and g. full parliamentarization. The present study attempts an evaluation of the Hellenic Parliament case against the above models (see also [Section III.2.c. Governmental Reporting](#)).

Trustworthiness and validity of quantitative and qualitative data used in the present study can be regarded as particularly high, as they were collected directly from the primary sources of their generation, e.g. the relevant services of the Hellenic Parliament and the National Assembly of Serbia. The time frame under consideration for the PCM in the Hellenic Parliament is from 2007 until 2015, while it ranges from 2013 until 2014 in the case of the National Assembly of Serbia, a period that matches the duration of implementation of the previously mentioned EU Twinning programme. The research methodology for the collection of necessary information and data included surveys and interviews with parliamentary staff. The collected data were put in context by making use of sufficiently structured tables, while flow charts for the depiction of procedural steps were used where appropriate, in order to clarify and highlight the relevant procedures.

III. Parliamentary Control in the Hellenic Parliament

Parliamentary Control (PC) of Governmental actions or omissions in the Hellenic Parliament, also mentioned as parliamentary oversight, may be exercised by the Plenum as well as by parliamentary Standing Committees, as specified by the Rules of Procedure (RoP). The RoP of the Hellenic Parliament (Article 124) specify a set of direct parliamentary control procedures. They are the following: a) Questions, b) Topical questions, c) Motion of no confidence, d) Interpellations and current interpellations, e) Application to submit documents, and f) Petitions. We call these “Primary means of Parliamentary Control” because of their direct mentioning in the RoP. Furthermore, although not cited as PC means in the RoP, there are also procedures that can be effectively employed in order to exercise oversight of executive actions. These are a) Inquiry Committees, b) Debates outside the Order of the Day and c) Governmental reporting. We refer to these as “Secondary means of Parliamentary Control”.

Each of the above means of PC in the Hellenic Parliament is presented, followed by an assessment of their relevance, in order to provide oversight of Governmental interaction with higher European organs, particularly the European Council and the Eurogroup. The specific

provisions that regulate parliamentary control, as well as the strengths and weaknesses of each procedure are presented in *Table 1: Means of Parliamentary Control in the Hellenic Parliament*. A three-grade assessment of the presented tools (low, moderate and high) in regard to their impact on public debate on the issues they refer to is included in the table. The Hellenic Parliament operates a database of recent PC activity, which may be accessed over the web (*hellenicparliament.gr, 2016*).

1. Primary means of Parliamentary Control

a. Questions

Parliamentary Questions (or simple “questions”) are the most frequent means of control in the Hellenic Parliament (see also *Table 3: Statistical data of parliamentary oversight in the Hellenic Parliament (2007-2015)*). MPs have the right to address written questions to the competent Ministers on any public matter. There are specific conditions regarding the form and the content of questions. Several MPs from the same party may sign the same question. The relevant administrative unit, namely the Department for Questions and Applications to Submit Documents, controls fulfillment of these. A Management Information System (MIS), which is essentially an electronic database, is used to register both questions and answers.

Ministers must reply in writing within twenty five days. If the competent Minister (s) fails to reply to a question or when such reply is overdue, the question can be discussed before the Plenum, according to the relevant procedure for Current Questions, which is described below. In specific, a Member of the Parliament (MP) may propose for discussion before the Plenum one of his/her unanswered question per week. Unanswered questions are discussed once a week (Tuesdays). The questions to be discussed are chosen by lot drawn during the Conference of Presidents, which is the highest representative organ for procedural issues in the Hellenic Parliament.

The Department for Questions and Applications to Submit Documents transmits daily information for submitted questions to a wide list of recipients, which includes MPs, accredited journalists and other services or administrative units of the Parliament. MPs profit directly from this publicity, as their parliamentary activity becomes widely known. The economy of the control function is also supported, since submission of similar questions is avoided.

MPs usually utilize questions for issues of narrow scope. In addition, their written and non-interactive form makes this means of control unsuitable to tackle wider policy issues that typically arise during negotiations within EU organs. Moreover, there is a rather long time margin for the Minister(s) to answer, thus making questions non-suitable as a tool to support political or public dialogue on current issues. For these reasons, the impact of parliamentary questions in the PC of governmental actions in EU organs can be considered as low.

b. Topical (current) Questions

Questions regarding current issues are addressed to the Prime Minister or to the competent Ministers. A current question is submitted in writing, must be brief and contains at most two specific questions to be answered. In contrast to parliamentary questions, questions on a topical subject (or “current questions”) constitute a right conferred to MPs individually.

Current questions are submitted to the Department for Questions and Applications to Submit Documents and then forwarded to the Conference of Presidents. The Department handles scheduling activities regarding the following discussion, in order to facilitate the presence of

Ministers. The Conference of Presidents determines the form, the length and all relevant elements of current questions.

In parliamentary practice, a pre-selection of current questions to be discussed is done by the parliamentary groups. The President of each parliamentary group may select two current questions to the Government to be submitted. The Hellenic Parliament has adopted the system of cycles in order to assure participation of all political parties in the process. Current questions are discussed at Plenum sittings each Monday, Thursday and Friday.

The RoP provide for the presence of the Prime Minister in the Parliament at least once a week in order to reply to two current questions addressed to him/her. This procedure is informally called the “Prime Minister’s Time”. The Prime Minister may assign a Minister to answer on his/her behalf. If the MP who submitted the current question rejects this option, the question is regarded unanswered and the MP may submit it again.

Discussion of current questions and, in particular, the Prime Minister’s Time enjoy broad media coverage. Due to their nature, these means have been frequently employed by the Opposition to address current issues of national interest. The procedure has also been utilized in order to exercise parliamentary oversight on governmental negotiations in the MoU era. In particular, in 2015, the Prime Minister has replied in total to 7 out of 62 questions. Two of them were directly related to negotiation issues, e.g. alternative governmental plans (July 2015) and recapitalization of banks (December 2015).

c. Motion of No Confidence

The motion of no confidence, also called “motion of censure”, is the strongest means of Parliamentary Control. Following a submission of a motion of no confidence, the Parliament may withdraw its confidence towards the Government or towards one of its members (Minister). The motion of no confidence must be signed by at least one sixth (1/6) of the MPs (namely, at least 50 MPs) and has to describe explicitly the specific issues for this action. In parliamentary practice, if a motion of no confidence against a Minister is submitted, the Government chooses to cover its member and the motion is considered to be against the Government as a whole. The Prime Minister also has the option to convert a motion of censure into a motion of confidence.

The motion of no confidence is submitted to the Speaker in a public sitting of the Parliament. Unless the Government requests an immediate start of the debate, it begins two days following submission of the motion. The debate is terminated with a roll-call vote at the end of the third day from begin of the debate. The Government may request the postponement of the voting for forty eight hours. The Parliament approves the motion of censure by absolute majority. Unless signed by the absolute majority, a new motion of censure can only be introduced after a period of six months.

The severe political consequences of the motion of no confidence result to a moderate use of this parliamentary procedure. From 1974 until today 11 motions of no confidence have been submitted. All of them were unsuccessful. In one case, in 2005, the Prime Minister converted the motion into a vote of confidence to the Government. The Government won the voting.

Two motions of no confidence have been submitted by the Opposition in the recent MoU era (2010 - to date). Both of them were directly related to the signing of the MoUs and tackled the social consequences of the fiscal policy (in 2013) and issues related to the development of the public debt (in 2014). Length (3 days), high intensity and broad publicity of the debate

contribute to the effectiveness of this Parliamentary Control tool. However, its rare use makes it unsuitable for regular PC, especially regarding governmental presence in EU organs.

d. Interpellations and Current Interpellations

Interpellations aim at the scope, reason and motives of governmental acts or omissions. MPs have the right to individually or jointly address interpellations to a specific Minister, to a group of Ministers or to the Prime Minister.

In the Hellenic Parliamentary Control system there are two kinds of interpellations, interpellations and current interpellations. Interpellations must describe with clarity the issue they refer to. They are submitted to the Interpellations Department, which registers them in a special registry following the order of their submission. Interpellations are entered in the Order of the Day of the Plenum according to their order of registration and they are discussed taking into account the number and the strength of Parliamentary Groups. Interpellations are discussed every Monday and Friday in the Plenum.

MPs who have already submitted a parliamentary Question or an Application for Submission of Documents have the right to submit an interpellation, if they deem that the answer of the Minister(s) was insufficient or the requested documents were not given in due time. These interpellations are then referred to the Conference of Presidents, which decides on a priority entry in the Order of the Day on Friday.

At the discussion of interpellations only the MP(s) who sign the interpellation and the competent Minister(s) participate. Under specific conditions, the Presidents of the Parliamentary Groups may participate to the discussion. The discussion of a given interpellation is exclusively limited to the issue it addresses.

However, in case more than one interpellation on the same subject are entered in the Order of the Day, the Parliament may decide on their simultaneous discussion or even proceed into the generalization of the discussion. In practice, this procedure is rarely used.

Moreover, MPs have the right to submit interpellations concerning prominent current issues. These are called Current Interpellations (CIs) and are discussed on Monday's parliamentary control session. CIs are addressed to the competent Ministers. The selection of the CIs to be discussed is made by the Presidents of the Parliamentary Groups and, ultimately, by the Conference of Presidents, which selects only one, taking into account the nature of the current issue and considering the number and strength of the Parliamentary Groups. CIs that are not entered in the Order of the Day are discussed as regular interpellations.

Interpellations and current interpellations have been used to reveal and highlight issues relevant to governmental negotiations in the MoU era. However, the existence of other more powerful oversight tools limit the frequency in their use and their overall effectiveness.

e. Application for Submission of Documents

The right of MPs to request from the Government notifications and explanations that relate to a public affair, in the form of official documents, is an effective instrument of oversight that enables the Parliament to acquire additional information on a given subject.

The RoP provide that relevant applications (also to be called "requests") are forwarded to the competent Minister(s) who must provide the requested documents within 30 days or, alternatively, a specifically reason not to do so. When answers require exchange of classified

information, these are not publicly communicated. In such cases, the MP who submitted the relevant question is invited by the Minister to be informed during a closed meeting.

From *Table 3: Statistical data of parliamentary oversight in the Hellenic Parliament (2007-2015)*, which includes statistical data for parliamentary sessions in the period from 2007 to 2015, in 10 regular parliamentary sessions (the recess sessions are excluded), we calculate an average of 81 Applications for Submission of Documents and 75 answers per session. In reality, this figure should be considerably higher. This is because it is an instrument that is not often used separately and usually accompanies other means of PC, e.g. parliamentary Questions. The possibility of having more answers than requests needs to be addressed at this point. This may also be the case for other means of PC, and it happens because MPs frequently address the same request or question to multiple Ministries, which all have to provide a reply.

f. Petitions

According to the Greek Constitution no person shall appear at its own initiative before the Parliament to make an oral or written report or petition. These are presented before the Parliament through an MP, who adopts them, or shall be handed over to the Speaker. In the present context, Parliamentary Petitions (PPs) refer to any kind of documents, memoranda, resolutions or petitions.

PPs may refer to private matters of citizens or issues of public affairs. Petitions must contain the name, the capacity and the address of those who sign them. MPs who adopt the petition co-sign it at the time of submission or make a relevant statement when they are announced before the Plenum. PPs are submitted to the Petitions Department and are registered as such, provided they fulfill a set of conditions. Following registration, the Head of the Petitions Department decides which Petitions will be announced in the Plenum on the days parliamentary control is exercised (Mondays, Tuesdays, Thursdays and Fridays).

The criteria taken to account are the importance of the issues mentioned, their current nature and the strength of parliamentary groups. Usually, 8 or 9 PPs are announced at a time. Petitions not announced before the Plenum are recorded in the minutes of the PC session.

Immediately after registration, PPs are sent to the competent Minister. The Minister has to reply within 25 days. The reply is being registered by the Petitions Department and it is simultaneously forwarded to the MPs who have adopted the Petition and to the person who submitted it. In case the Minister does not reply or when the reply is overdue, the Petition may be discussed before the Plenum according to the procedure of Current Questions.

Similarly to Parliamentary Questions, PPs usually refer to private issues of restricted public interest. This is why submitted PPs have little to no relevance to general policy issues discussed within the European organs.

2. Secondary means of Parliamentary Control

a. Inquiry Committees

The Parliament may set up Inquiry Committees (ICs) upon proposal of one-fifth of the total number of MPs (namely 60 MPs) and by a resolution supported by two-fifths of the total number of MPs (namely 120 MPs). Absolute majority (namely 151 MPs out of 300) is required in order to set up inquiry committees on matters related to foreign policy and national defense. Members of ICs are chosen proportional to the strength of parliamentary groups. Their task is the investigation of special issues of public interest, but also the monitoring and

control of every public entity. The IC has the competences of a public prosecutor of misdemeanor courts, as well as those of interrogation authorities:

- to ask for oral or written information;
- to require the supply of any public or other document that exists in the State archives (with the exception of documents covered by military or diplomatic secrecy);
- to summon and examine witnesses;
- to conduct an autopsy or to order an expert's report.

These powers are exercised within the terms and specifications of the parliamentary RoP and the Code of Criminal Procedure and may be restricted by a parliamentary resolution.

In the MoU era (2010-to date), 5 ICs have been formed. Three of them (in 2010, 2012 and 2015) had a direct link to factors related to the severe economic downturn of the Greek economy, namely the ICs “on the investigation of the structured bonds case”, “on the questioning of the Greek fiscal statistical data” and “on the conditions that led to the signing of the MoUs, their application and implementation”, respectively.

These data prove that, in recent times, ICs have become a major tool of Parliamentary Control. Despite not being a regular (primary) means of PC, ICs constitute a highly visible and effective tool oversight of governmental actions. Usually, they operate over a period of several months, their proceedings enjoy broad media coverage and their outcome may cause significant political and/or judicial complications for the persons or parties under investigation. In this regard, it may be pointed out that usually ICs refer to the deeds of former Governments, as opposed to the rest of the PC means. Moreover, in parliamentary practice, it is unusual to form an IC to control ongoing governmental operations or negotiations.

b. Debate outside the Order of the Day

The RoP provide that 7 plenary sittings are held for extraordinary debates during a parliamentary session. These are called “debates outside the Order of the Day”. The requests for such a debate are addressed to the Speaker of the Parliament, who then delegates them to the Prime minister. The relevant discussion takes place within a month from the submission of the request. This time limitation makes Debates outside the Order of the Day per se not suitable for discussion of particularly urgent issues, unless the Government agrees to an imminent discussion. The RoP describe in detail the procedure for the discussion and allocate the speaking time for each participant.

The debates begin with the Prime Minister informing the Parliament on matters of national or general interest and each one of the opposition leaders takes the floor. Ministers, but not MPs, may participate to this high-level discussion, which attracts broad media coverage.

Debates outside the Order of the Day constitute strong PC means in the hands of the Opposition. That is because 5 out of the 7 debates during a parliamentary session have to be initiated by the parties in the Opposition. From the remaining 2, one is initiated by the Speaker of the Parliament and 1 by the Government.

The latter has to be related with the country's relations with the European Union. However, in parliamentary practice, the obligation to hold 7 such debates per parliamentary session is rarely fulfilled. Most recently, in June 2015, upon request from the Government, a debate outside the Order of the Day was held on the governmental negotiations with the EU.

Nevertheless, whenever such a debate take place, media attention and, consequently public interest is particularly high.

c. Governmental Reporting

It is the right of the Government, through the Prime Minister, to make announcements and declarations before the Parliament -during either a legislative sitting or a control sitting of the plenum- for any important public matter. The reasoning for this procedure is the timely information of the Parliament on important current issues. As a result, reporting is followed by a relevant debate with leaders from the Opposition, who are given the opportunity to express their views on the matter.

Standing Committees, parallel to the legislative procedure, may also control the work of the Government. Within standing committees, while discussing a draft law in the presence of the competent Minister, MPs may request for a discussion of one or two issues regarding the work of the Ministry. The discussion is held at the beginning of the sitting and one MP of each parliamentary group may address an issue, posing questions to the minister. Furthermore, if deemed necessary, Standing Committees may request the presence of a Minister during a sitting. Ministers are obliged to attend.

These procedures, which give members of the Government the opportunity to make announcements before the plenum or before Standing Committees, are rarely used and are being applied for particularly important matters. In March 2015 and June 2015, the Hellenic Government has opted to inform the Plenum on the on-going negotiations with the country's creditors. Such announcements and sub-subsequent discussions usually happen after a certain milestone in the negotiations has been achieved (ex-post) and do not reveal negotiation tactics or future initiatives.

This seems to support findings from [\(Heffttler et al., 2013\)](#) who studied the frequency of Plenary and Committee debates in the EU Member States before and after European Council meetings and Euro summits for the period between March 2011 and March 2012. Greece (together with Portugal) is found to be close to what researchers call Government Accountability Model, where the Parliament has significant involvement after European Council meetings in the discussion of decisions to be taken within a difficult economic context.

IV. Parliamentary Control in the National Assembly of Serbia

Following the study of Parliamentary Control (PC) within the Hellenic Parliament, parliamentary oversight in the case of the National Assembly of Serbia (NARS) is be presented and discussed in the light of the EU accession of Serbia.

The provided oversight procedures of the NARS that are regulated in the Constitution of Serbia, the Law of the National Assembly and its Rules of Procedure are regarded as regular means of PC. They include an adequate number of means for the exercise of oversight over the Executive: a) Parliamentary questions, b) Parliamentary questions relating to a topical subject, c) Motion of no confidence in the Government or a Government member, d) Interpellations relating to the work of the Government, e) Requests for notifications and explanations, f) Inquiry committees and g) Governmental reporting. In contrast to HeP, petitions from citizens before the National Assembly of Serbia are answered by Parliamentary Committees and, consequently, they do not constitute means of Parliamentary Control.

As Serbia entered accession negotiations with the EU, NARS also established an additional oversight procedure, which will be described in more detail in [Section 2. Extraordinary means of Parliamentary control: EU accession negotiations](#). This extraordinary PC tool was absolutely necessary, since several steps of the accession negotiations need to be conducted in secret. Publicly held Parliamentary Control processes as the ones described in the following section would potentially compromise the Serbian negotiating positions. [Table 2: Means of Parliamentary Control in the National Assembly of Serbia](#) presents a summary of the PC means in the National Assembly of Serbia. Procedural strengths and weaknesses are also shown. For the reasons described above, regular PC cannot be assessed for its impact on the negotiations with the EU.

1. Regular means of Parliamentary control

a. Questions

Parliamentary Questions before NARS may be oral or written ones. Regarding written questions, they are first submitted to the Speaker's Office and then forwarded to the competent Ministries, through the General Secretariat of the Government, which regulates the procedure on the Government side. Reply must be provided as a rule within 8 days or at most in 30 days. Although there is a lack of a central registry, the average number of written questions can be approximated to 200 questions per year.

Oral questions may be addressed before the Plenum or before parliamentary Committees. Before the Plenum, questioning of the Government is effected on every last Thursday of the month, while the Parliament is in regular session. The parliamentary groups usually select the questions to be addressed, MPs, though, may also address a question on their own initiative.

b. Topical Questions

Topical questions before the NARS rely on proposals from parliamentary groups and independent MPs in order to be initiated. The relevant articles in the Law and RoP of NARS regulate their form and content. Proposals for questions on topical issues require prior submission in writing to the Speaker.

There is a time margin of 3 days for the Ministers to reply, which is adequate for the Minister to prepare an answer and for the question not to lose its topicality. This time margin constitutes a major difference compared to (simple) questions, which are addressed directly without prior notification to the Prime Minister and to the Ministers. There are no specific days set for topical questions. The Speaker may schedule a relevant session, which has to take place at least once a month.

c. Motion of No Confidence

The National Assembly of Serbia has 250 Members of Parliament (MPs). A motion of no confidence against the Government or against a particular Member of the Government may be requested by at least 60 MPs. The motion shall be submitted in writing to the Speaker of the National Assembly. The reasoning for the motion and the proposer need to be clearly specified.

The Speaker of the National Assembly shall immediately communicate the motion to the Prime Minister, or to the member of Government, and to the MPs. The motion of no confidence shall be discussed by the National Assembly at the first subsequent sitting, no later than five days after the submission of the proposal. After the discussion is concluded, the MPs

shall vote on the proposal. A successful motion of no confidence needs the absolute majority in the Parliament.

A new motion may not be submitted before the passing of 180 days from the last voting. The procedure for a motion of no confidence also applies if the National Assembly does not accept the reply to an interpellation from the Government or from a Member of the Government. The motion of no confidence against the Government of the Republic of Serbia was in 2008 and it was rejected.

d. Interpellations

An Interpellation may be submitted to the Speaker of the National Assembly by at least 50 MPs (1/5 of the total number of MPs), in writing, on a specific issue concerning the work of the Government or of a particular Member of the Government. The issue that it is depending on shall be clearly formulated and it shall contain the name of the person who has submitted it, as well as and the signatures of all MPs who support it.

The Speaker of the National Assembly shall communicate the interpellation immediately to the Committee on Constitutional and Legislative Issues, which accesses the compliance of the interpellation with the provisions of the RoP and produces a relevant report. Upon reception of the report, the Speaker of the National Assembly communicates the interpellation to MPs and to the Prime Minister. The Government or the Minister against whom the interpellation is submitted shall communicate within 30 days their reply to the Speaker of the National Assembly. Following reception of the reply, the relevant interpellation must be placed within 15 days on the plenary agenda for discussion and voting.

The National Assembly adopts the governmental answer to a given interpellation by absolute majority. If the National Assembly does not accept the reply provided from the Government it initiates a vote of no confidence procedure. The issue which has been the subject of the interpellation can only be discussed again after a period of 90 days from the voting date. Six interpellations have been initiated during the last convocation of the National Assembly (2012-2014), while debates were carried out for two of them.

e. Request for Notifications and Explanations

This means of Parliamentary Control is equivalent to the Application for Submission of Documents in the Hellenic Parliament. MPs are entitled to request in writing notifications and explanations from the Speaker of the National Assembly, Chairpersons of Parliamentary Committees, Ministers and other governmental officials, on issues that lie within their competence. This right may be exercised orally during a sitting of the plenum on Tuesdays and Thursdays only by the heads or authorized representatives of parliamentary groups. The deadline for the reply to the request is 15 days. According to statistical data from NARS there is an annual average number of over 300 requests for notifications and explanations.

f. Inquiry Committees

Inquiry Committees give to the National Assembly the possibility to assess the situation around a certain topic or to collect facts on certain occurrences or events. Inquiry Committees may be standing or ad hoc working bodies composed only by MPs or, alternatively, by MPs, representatives of institutions and organizations, scientists and experts. In the latter case they are called "Inquiry Commissions". Other than in HeP, Inquiry Committees in NARS do not have prosecutorial duties. They are only entitled to take statements from officials and to demand data, documents and information from state institutions and organizations. The Inquiry

Committees or Commissions submit to the National Assembly a final report with recommended measures.

First established in 2002, this tool was applied only twice, in 2002 and 2004. Their rare use may be attributed to the similarity with operating procedures of Standing Committees and the rising of other types of more informal public debates, such as public hearings.

g. Governmental Reporting

Upon request from the National Assembly, the Government submits a written report at least once a year to the National Assembly on its work. This report refers to the implementation of policies, laws and other general acts, progress of development and spatial plans and execution of the State Budget. The proposal to request a report may be made by a parliamentary Committee. Upon reception, the Speaker of the National Assembly distributes the report to the MPs. Acting on a proposal of the Committee which requested and considered the report, the National Assembly may also decide to discuss it in the plenum.

The National Assembly may also request from Members of the Government to submit a report on their work to the National Assembly. Furthermore, every Minister shall inform the Competent Committee (ComCom) of the National Assembly four times a year on the work of the Ministry. The Committee Members may pose questions to the Minister during those sittings. A special report with the conclusions from this discussion is then submitted to the National Assembly.

2. Extraordinary means of Parliamentary control: EU accession negotiations

In January 2014 the EU opened enlargement negotiations with the Republic of Serbia. As the mandate for the negotiations with the EU lies in the hands of the Serbian Government, parliamentary oversight of the negotiation process is essential for disseminating information about transposition of the *Acquis Communautaire* across the country (through the MPs) and enhancing public involvement in the Integration process (through interaction with the relevant parliamentary organs).

The negotiation process with the EU has a set of unique characteristics as compared with other standard governmental operations:

- a. Negotiations are by default secretive processes;
- b. It is an extraordinary ad-hoc process;
- c. The process is going to be lengthy, non-regular and un-predictive;
- d. Accession negotiations with the EU are sole responsibility of the Serbian Government.

As a consequence, the National Assembly of Serbia, based on a relevant resolution from 2013 “on the Role of the National Assembly and Principles in the Negotiations on the Accession of the Republic of Serbia to the European Union”, established in 2014 a special procedure of parliamentary oversight over EU accession negotiations. The procedure is described in detail within a Decision of the EU Integrations Committee and is depicted in principle in the Gantt flowchart in

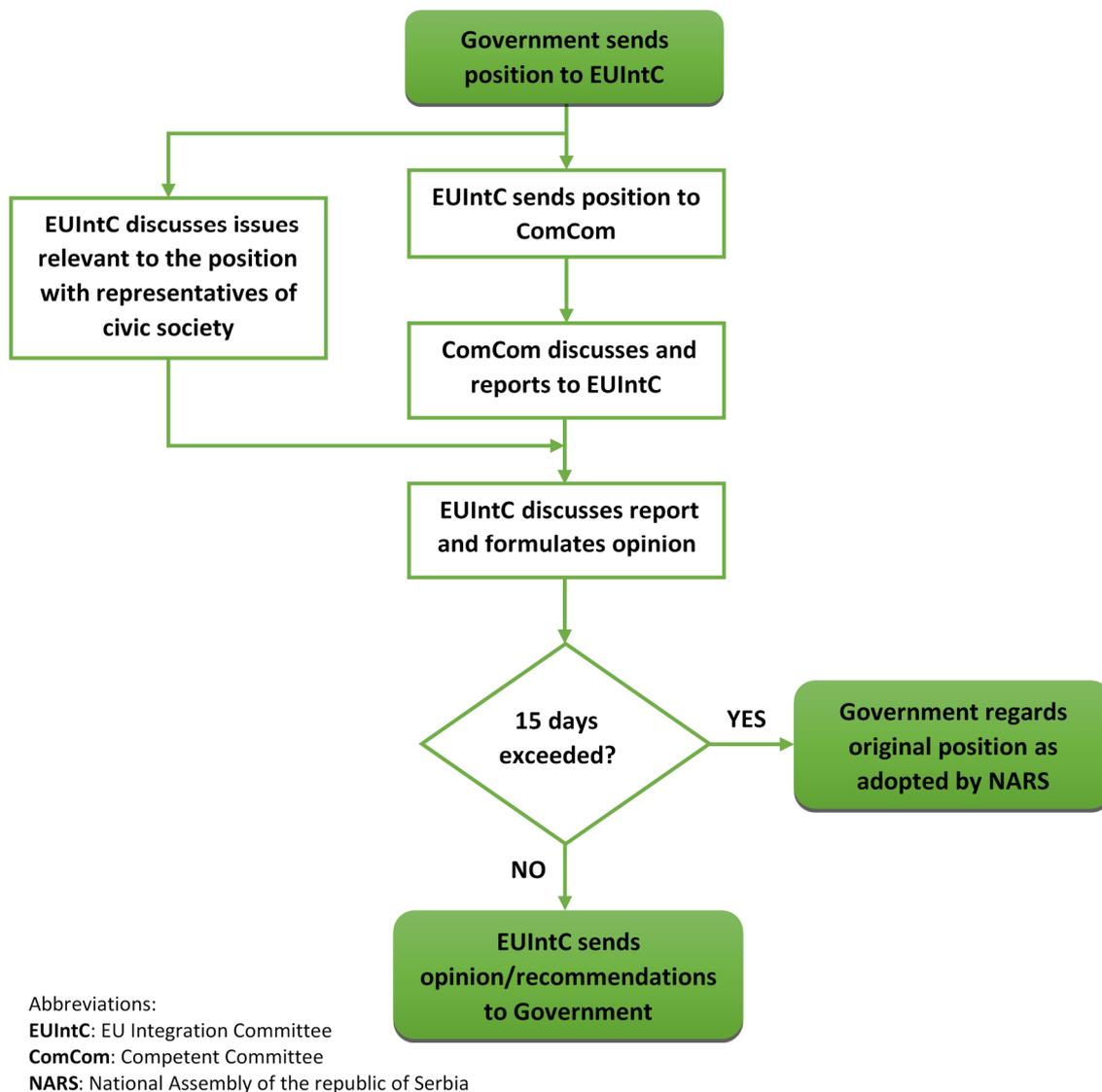


Figure 1.

This Decision establishes the procedure for discussing a negotiating position proposal from the Government of Serbia within parliamentary Committees. Each negotiation position is discussed within 8 days in the Competent Committee (ComCom) and submits a report to the EU Integrations Committee. The EU Integrations Committee (EUIntC) discusses the report within 5 days and provides the National Assembly's opinion and/or recommendations on the negotiating position proposal to the Government of Serbia. A representative of the Government of Serbia, the President of the relevant negotiating group and the head of the negotiating team for the negotiations on the accession of the Republic of Serbia to the European Union are present during this discussion.

There is an upper limit of 15 days in the consideration of a certain negotiating position proposal by the National Assembly of Serbia. If not discussed within 15 days as of receipt, the negotiating position proposal is deemed to have been accepted in its original wording. In addition, the EU Integrations Committee has the obligation to discuss proposals, attachments

and recommendations given by the representatives from the civil society before discussing a negotiating position proposal (a procedure that belongs in the pre-legislative phase).

Since its adoption in 2014, this procedure has been only used once, in early September 2014, as the first negotiation position (Chapter 32) was submitted to the National Assembly. Consideration of negotiation positions through the National Assembly, although not being formally a legislative step, constitutes an important precedent in the overall improvement of the legislative procedures in the transposition of the *Acquis Communautaire*.

V. Conclusions and outlook

The available means of Parliamentary Control in the Hellenic Parliament and the National Assembly of Serbia have been studied and their effects in the oversight of Governmental actions within the European organs have been discussed. In particular, the suitability of PCM has been tested in the light of governmental negotiations with the EU.

Since Greece is an EU Member State and Serbia is a candidate country, it is straightforward that, a direct comparative analysis of parliamentary oversight cannot be performed. There are several reasons for this: a) Serbia has just begun transposing the EU *acquis* in its legal order, b) PCM and related procedures in Serbia are not yet fully compatible to the ones from EU MS parliaments and c) there was limited access to statistical data on PCM from the National Assembly of Serbia.

Nevertheless, indirect comparison reveals significant similarities between standard means of PC in the two parliaments. This is a remarkable outcome given the fact that both Parliaments have evolved separately over the course of many decades.

From the relevant discussion we deduct that the means of PC in the Hellenic Parliament which result in a parliamentary debate in the presence of Ministers or Prime Minister are more suitable to highlight aspects of governmental actions in EU organs. This is mainly attributed to the fact that these debates enjoy media coverage and attract broad public interest.

When it comes to the oversight on EU matters in the National Assembly of Serbia, the EU Integrations Committee plays a major role. However, Parliamentary Control of the specific governmental positions in the negotiations with the EU cannot be exercised because of the secretive nature of the process. For this reason an extraordinary oversight mechanism has been established, which involves participation of the EU Integrations Committee and the Competent Committee that provide the opinion of the National Assembly of Serbia to any given governmental position.

The recent volatility on the EU and the global level poses a serious threat for established institutions such as the National Parliaments, which have learned to operate stable over longer periods of time. In particular, given the changing nature of the EU and the structure of decision making in its highest organs, such as the European Council and the Euro Summit, it becomes evident that traditional oversight of governmental activities in the European context may gradually lose its effectivity. Parliaments may need to upgrade their control means through development of novel, flexible and transparent tools and procedures in order to be able to hold the Governments accountable for their actions or omissions within the European organs.

On the other hand side, what could be a painful restructuring process for the parliaments of EU MS, is possible to be just one more step in the EU integration process that is under way in candidate countries. Parliamentary institutions such as the National Assembly of Serbia have

the possibility to move to the forefront of parliamentary innovation by forging new mechanisms for governmental scrutiny while making use of the digital media and state-of-the-art technologies.

After the above detailed discussion it is straightforward to ask whether the scrutiny of EU affairs is comparable with the scrutiny of other political matters. At the present time it is difficult to assess whether parliamentary control of domestic affairs in the Hellenic Parliament or the National Assembly of Serbia is any different than in the case of EU affairs. Technically, MPs use in both cases the same range of PCM that stand at their disposal. In order to be able to scientifically conclude on this, one could perform content analysis on the written means of PC or, alternatively, investigate the feedback from Government and society, e.g. through assessment of social media response, for a statistical meaningful number of cases. This type of investigation does not lie within the scope of the present paper and could be the focus of future studies.

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Means of parliamentary control	Regulations (Law, RoP, Constitution etc.)	Procedural strengths	Procedural weaknesses	Impact
Petitions	Article 125 RoP	<ul style="list-style-type: none"> - Communication channel between citizens and Parliament - Minister has to provide a written reply 	<ul style="list-style-type: none"> - Indirect means: must be exercised through MP - Mildest of all means of PC - Ministerial presence not required 	Low
Questions	Articles 126 – 128B RoP	<ul style="list-style-type: none"> - Popular among MPs - Detailed procedure in RoP - can be transformed into oral questions - Existence of MIS - Many signees 	<ul style="list-style-type: none"> - Only in written form - Lack of limitations in their number and time of submission 	Low
Current questions	Articles 129 – 132A RoP	<ul style="list-style-type: none"> - Frequent discussion (3 days/week) - Popular among MPs - Large publicity - Detailed procedure in RoP 	<ul style="list-style-type: none"> - Individual right - Deleted if not answered - No limitations as to the number or frequency - Presence of Ministers not assured 	High
Applications to Submit Documents	Article 133 RoP	<ul style="list-style-type: none"> - Right is usually applied together with other means - Minister has to provide a written reply 	<ul style="list-style-type: none"> - Can be denied - Long wait time 	Low
Interpellations & Current interpellations	Articles 134-137 RoP Article 138 RoP	<ul style="list-style-type: none"> - Effective: forces public discussion - Right of all MPs - Stand alone or joint submission 	<ul style="list-style-type: none"> - Frequent inability of Ministers to participate - Lack of provisions concerning the time period within which competent ministers must reply 	Moderate
Motion of no confidence	Article 84 Constitution Article 142 RoP	<ul style="list-style-type: none"> - Impact: may overturn government - Only means to result in voting - Not only a right of the Opposition 	<ul style="list-style-type: none"> - Rare use 	Low
Inquiry Committees	Article 68 Constitution, articles 144-149 RoP	<ul style="list-style-type: none"> - Large publicity - Obligation to appear and to submit official documents 		High

		<ul style="list-style-type: none"> - Go beyond the regular parliamentary season and are suspended with the dissolution of Parliament - Reasoned reports with minority opinions 		
Debate outside the order of the day	Article 143 RoP	<ul style="list-style-type: none"> - Effective: broad debate on matters of National importance - Attracts great publicity - Detailed provisions 	<ul style="list-style-type: none"> - Limited number of debates - Only PM, Ministers and Opposition Leaders may participate 	High
Governmental reporting	Articles 32, 37, 128B & 142A	<ul style="list-style-type: none"> - Timely & accurate information of the Parliament 	<ul style="list-style-type: none"> - Rare use - Presence of Ministers not assured 	High

Table 1: Means of Parliamentary Control in the Hellenic Parliament

Means of parliamentary control	Regulations (Law, RoP, Constitution etc.)	Procedural strengths	Procedural weaknesses	Impact
Questions	Articles 40 & 56 NARS Law Articles 204-208 NARS RoP Article 73 Government RoP	<ul style="list-style-type: none"> - Frequent use from MPs - No limits regarding the number or time for submission - Presence of all Ministers is assured (oral questions) 	<ul style="list-style-type: none"> - No central registry - Participation of all parliamentary groups in the procedure for oral questions not ensured - Oral questioning once a month when in regular session 	n/a
Current questions	Articles 40 NARS Law Articles 209-216 NARS RoP	<ul style="list-style-type: none"> - Detailed description by RoP - Quick response - Large publicity through live TV broadcasting 	<ul style="list-style-type: none"> - Low discussion frequency - Not an individual MP right 	n/a
Applications to Submit Documents	Article 287 NARS RoP	<ul style="list-style-type: none"> - Frequent procedure - Frequent use by MPs 	<ul style="list-style-type: none"> - No provisions in case of insufficient replies 	n/a
Interpellations	Articles 105, 129 Constitution Articles 40 & 56 NARS Law Articles 48, 74, 220-227 NARS RoP	<ul style="list-style-type: none"> - Particularly strong means 	<ul style="list-style-type: none"> - Rare use - Mostly oriented to Opposition MPs - Rejected reply transforms it to vote of no confidence 	n/a

Motion of no confidence	Articles 109, 128-131 Constitution Articles 40 & 56 NARS Law Articles 168, 217-219, 275-276 NARS RoP	- Most severe control mechanism	- Its exceptional nature results in its rare use	n/a
Inquiry Committees	Articles 27, 40 & 56 NARS Law Articles 41, 68-69 NARS RoP	- May be requested by 1 MP - Equal representation of parliamentary groups	- No judicial competencies - Limited competencies and powers of investigation - Limited procedural provisions	n/a
Governmental reporting	Article 80 Government RoP Article 56 Law NARS Articles 228-229 NARS RoP	- Reports are governmental obligation - Deliberation of governmental reports - Obligation for ministers to be present in discussions	- Decision for discussion in plenum relies on majority - Lack of follow-up on reports - Minority opinion (s) not incorporated	n/a
EU accession negotiations control	NARS Resolution 9.12.2013 EUIntC Decision, 4.6.2014	- Extraordinary control mechanism - Discussion in Competent Committees & EUIntC - Involvement of Civic Society - Time limit may accelerate negotiations	- Discussion and control limited only to negotiation positions	High

Table 2: Means of Parliamentary Control in the National Assembly of Serbia

		Petitions (written answers)	Questions (written answers)	Current -topical- Questions (oral answers Plenum)	Current -topical- Questions to PM (oral answers Plenum)	Applications to submit documents (answers)	Interpellations and current interpellations (discussed in plenum)
12th term	Session A' 26.9.2007- 27.6.2008	3.591 (4.420)	15.175 (16.569)	1.057 (463)	67 (43)	136 (105)	86 (37)
	Session B' 6.10.2008- 8.5.2009	3.037 (3.454)	11.302 (13.863)	663 (316)	26 (17)	83 (82)	77 (30)
13th term	Session A' 14.10.2009- 16.7.2010	4.027 (4.616)	12.632 (14.586)	982 (456)	68 (47)	106 (100)	48 (36)
	Session B' 4.10.2010- 30.9.2011	7.192 (9.323)	18.330 (21.767)	1.193 (677)	94 (34)	135 (133)	66 (49)

	Session C' 3.10.2011- 10.4.2012	3.653 (3.820)	7.014 (6.886)	678 (291)	40 (27)	48 (29)	29 (13)
	Session A' 28.6.2012- 19.7.2013	5.309 (8.323)	12.027 (15.305)	1.680 (755)	44 (6)	125 (147)	43 (24)
14th term	Session B' 7.10.2013- 4.6.2014	2.779 (3.462)	5.426 (7.076)	753 (307)	18 (3)	69 (82)	25 (12)
	Session C' 6.10.2014- 30.12.2014	934 (789)	2.200 (1.195)	275 (117)	1 (0)	29 (14)	7 (3)
15th term	Session A' 5.2.2015- 28.8.2015	1.227 (1.267)	4.265 (4.516)	462 (280)	25 (4)	49 (36)	11 (2)
16th term	Session A' 3.10.2015- ongoing	863 (944)	3.954 (2.518)	404 (144)	37 (3)	38 (30)	15 (3)*
	Recess Section 2008	1.025 (1.468)	6.937 (9.387)	77		51 (42)	11 (4)
	Recess Section 2009	993 (884)	3.806 (3.681)	58		26 (19)	8 (2)
	Recess Section 2010	1.026 (862)	4.237 (2.442)	58		18 (29)	6 (4)
	Recess Section 2013	1.025 (1.353)	2.100 (2.811)	59		18 (24)	4 (1)
	Recess Section 2014	1.800 (1.602)	2.977 (1.442)	109		30 (26)	5 (2)

*until 14.1.2016

Source: General Directorate for Parliamentary Work, Hellenic Parliament

Table 3: Statistical data of parliamentary oversight in the Hellenic Parliament (2007-2015)

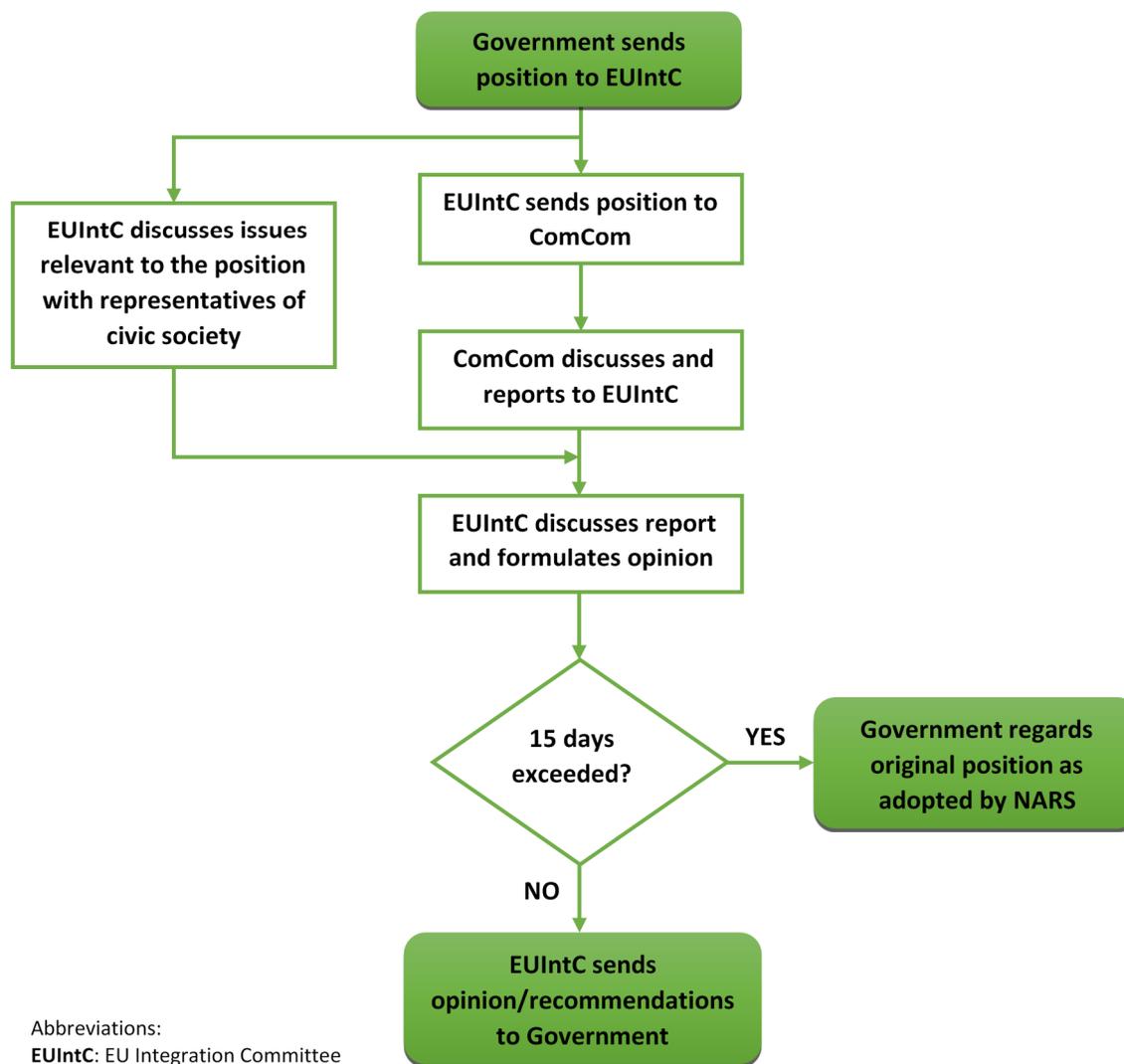


Figure 1: Flowchart describing parliamentary oversight of accession negotiations with the EU