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The EU as Multilevel Democracy:
Conceptual and Practical Challenges

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This online paper series is published by

PADEMIA: Parliamentary Democracy in Europe

It is funded by the European Commission.

Series Editors: Thomas Christiansen, Anna Herranz, Anna-Lena Högenauer
ISBN: 978-94-91704-11-6

The EU as Multilevel Democracy: Conceptual and Practical Challenges

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Abstract

The aim of this paper is to systematically think through the implications of conceiving of the European Union as a 'multilevel democracy'. The central claim on which this notion depends is that parliamentary sovereignty in the EU is not embodied in a single institution but remains essentially dispersed across the European level and the whole range of national parliaments. In terms of institutions this implies that, while separate democratic mechanisms are required at the supranational level, these remain complementary to the democratic institutions of the member states (Art. 10 TEU). The emergence of the EU as a multilevel democracy derives from the circumstances that, while functional reasons lead to ever more decisions being adopted at the supranational level, citizens' political allegiance remains concentrated at the national level. Building on the notion of a 'Multilevel Parliamentary Field' and the findings that it has provoked, the paper illustrates the distinctive way in which democratic representation operates in the EU and sketches some of the key challenges this raises for reconstructing representative democracy in a multilevel context.

¹ Paper presented at the 7th Pan-European Conference on the European Union The Hague, The Netherlands, 5-7 June 2014 and at the PADEMIA Workshop on 'Multilevel Democracy', Vrije Universiteit Amsterdam, 30/31 October 2014. This paper has benefited from the useful comments that it received, on these occasions and by mail, in particular from Jae-Jae Spoon, Chris Lord, Markus Patberg, Sandra Kröger and an anonymous reviewer.

Video-version available through <http://www.pademia.eu/weblectures/> or directly at https://www.youtube.com/watch?v=iq5HXb8U3T4&list=PLEcx6X3iZkLn_1YU9J5pbTDcKt5lWjlSE&index=8

Introduction

Democratic representation in the EU works in remarkable ways. Consider the unfortunate fate of the Anti-Counterfeiting Trade Agreement (ACTA) in 2012.² On 4 July, a majority of 478 members of the European Parliament voted against the ratification of the agreement. While it took some more months, eventually the European Commission was persuaded not to pursue ratification any further. Notably, however, the downfall of ACTA had not started in Brussels, but in front of the European Parliament representation office in Warsaw in January of the same year. As these demonstrations spread over Poland, then Polish Prime Minister Tusk was led to suspend his earlier intention to ratify the agreement. A next episode took place in The Hague in May when the Dutch parliament called upon its government not to sign ACTA or any other treaty of a similar kind. Once the EP came out against ACTA as well, ratification of the agreement came to a halt in all EU countries.

The example of ACTA demonstrates that democratic representation in the EU operates through many channels, and that influence may originate from all over the union. Radicalizing this insight, the central claim of this paper is that parliamentary sovereignty in the EU is not embodied in a single institution but remains essentially dispersed across the European level and the whole range of national parliaments. Indeed, in contrast to national political systems, the parliamentary structure of the EU is marked by the fact that it lacks a clear hierarchy as the lower, national tier retains in crucial respects a stronger claim to democratic legitimacy than the overarching, supranational tier.

The subsequent claim is that we – citizens and academics – are still in the process of digesting the systemic and conceptual implications of this condition. We are so used to the idea that parliaments are sovereign and that they concentrate the power in one place. In the EU, however, political authority remains fragmented across multiple parliaments. What is more, the national parliaments are complemented by a parliament at the supranational level, the European Parliament. However, as the main sources of democratic authority remain at the national level, it is not the central parliament that has the greatest authority. Thus, as decision-making in the EU fundamentally challenges the notions of parliamentary sovereignty and political hierarchy, we need a ‘paradigm-change’ in our understanding of democracy.

In practice, most scientific analysis of EU democracy appears to sidestep this

² My account of the ACTA case is informed by original research by Yoav Shemer-Kunz and by Anne Rhebergen.

challenge by focusing on the performance of individual institutions, or channels, of democratic representation without much regard of the overarching political system in which they are embedded. Thus, we have very sophisticated analyses of the operation of the European Parliament (Kreppel 2002; Hix, Roland and Noury 2007). Also, recent years have seen a major upsurge in analyses of the involvement of national parliaments in European affairs (e.g. Raunio 2009; Winzen 2012). Yet, neither of these two literatures captures the totality of parliamentary representation in EU decision-making. Obviously, however, such an overarching perspective is needed if we are to evaluate the democratic character of EU decision-making.

To be sure, there have been some attempts to come to an integral conceptualisation of EU democracy. Already from the mid-1990s onwards, Neunreither (1994; 2006) examined the interaction between the EP and the national parliaments. By 2002, Maurer (2002) proposed the concept of European multilevel-parliamentarism (*Europäischen Mehrebenenparlamentarismus*) as an over-arching label for the analysis of the EP's and national parliaments' engagement in EU affairs. An even more extensive approach is proposed by Benz (2003), who conceives of the EU as a 'compound polity', with a multiplicity of interacting structures of interest representation. More recently, John Erik Fossum and I have coined the term of a 'Multilevel Parliamentary Field' to grasp the totality of parliamentary involvement in EU decision-making (Crum and Fossum 2009).

While the notion of a 'Multilevel Parliamentary Field' is primarily descriptive in character, the term 'multilevel democracy' is to take the debate a step further by underlining that parliamentary democracy does not only operate in radically distinctive ways in the multilevel context of the EU, but that this also raises particular conceptual and normative challenges to democratic representation. The premise underlying the concept of multilevel democracy is thus that the multilevel character of the EU is no reason to dispense with the aspirations of (representative) democracy, but that to genuinely follow up on these aspirations it is essential to take due regard of the distinctive features of – and the mechanisms at work in – this context.

The aim of this paper is thus to systematically think through the implications of conceiving of the European Union as a multilevel democracy. It does so in four steps. The next section offers a brief analytical sketch of the structure of democratic representation in the EU, while the second section outlines the conditions that have led to the development of this system. Section 3 takes us to the heart of the argument as it seeks to spell out the traits that distinguish EU democracy and the radical implications they have for the very idea of democracy in the EU context. Section 4 then revisits the concept of the 'Multilevel Parliamentary Field' and uses

its insights to identify some of the key challenges involved in reconstructing representative democracy in the multilevel context of the EU.

I. Two Channels of EU Democratic Representation

The logical place to start is the Treaty on European Union, and particularly Article 10 that has been introduced by the Treaty of Lisbon to characterize the Union's democratic character. The first two paragraphs of this article read as follows:

1. The functioning of the Union shall be founded on representative democracy.
2. Citizens are directly represented at Union level in the European Parliament.

Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.

Paragraph 1 is important here because it explicitly provides that the functioning of the Union is founded on representative democracy, and not on some other form of democracy like direct democracy or associational democracy. By implication, parliaments are essential to the democratic legitimation of the Union, and these are covered in paragraph 2.

Paragraph 10.2 indicates two channels through which citizens are represented in EU decision-making. On the one hand, it indicates that "citizens are directly represented at Union level in the European Parliament". This provision recognizes the important role that the European Parliament has come to play in EU decision-making. From its humble beginnings as the 'Common Assembly' of the European Coal and Steel Community (1951), the European Parliament has developed into a co-legislator on as good as a par with the Council of Ministers (Rittberger 2005). In principle, (almost) any law that is adopted in the European Union is subject to scrutiny in the European Parliament and requires its approval.

Importantly, however, paragraph 10.2 includes a second channel of democratic representation in EU decision-making, namely one that runs through the member state governments and the national parliaments to whom they are accountable. This channel reflects the historical fact that the member governments stand at the origin of European cooperation. What is more, it also reflects the experiential fact that, for most EU citizens, national parliaments remain the primary focus of political identification (Van Kersbergen 2000). In fact, the evolution of European integration suggests that, however much the European Parliament has gained in powers, it cannot supersede the role of national parliaments in legitimating political decisions. Hence, rather than that national parliaments have been written out of

the EU's institutional architecture, measures have been taken to reinforce their involvement. This started with the attachment of the Protocol on National Parliaments to the 1997 Treaty of Amsterdam (Raunio and Hix 2000) and has become most explicit in the Treaty of Lisbon with the inclusion of a special article on the role of national parliaments in the EU (Article 10.2b TEU) and of a Protocol that is to ensure them to be fully informed on EU policy-initiatives. Most notably, the Lisbon Treaty also established an 'early warning mechanism' to allow national parliaments to act upon infringements of the principle of subsidiarity (Cooper 2006).

The co-existence of these two channels of democratic representation may be considered an ambiguous, unstable state of affairs. EU federalists may believe, and hope, that the direct channel through the European Parliament will eventually prevail. Others will rather insist that democratic legitimacy remains the exclusive preserve of national parliaments and that the EP fulfils only a symbolic function. However, the upshot of Article 10 TEU is that the two-channel structure of representation is not a transitional phenomenon but an integral characteristic of the EU polity, and that the two channels are to persist side by side.

2. The Logic behind Multilevel Democracy: Competences versus Allegiance

To appreciate why the EU has come to be staked on two complementary channels of democratic representation, it helps to recognize that the process of European integration is conditioned by two competing forces: functional imperatives and political allegiances (Hooghe and Marks 2009). Cooperation between the European states is first of all motivated by functional reasons. Some collective goods (e.g. peace) can only be secured through cooperation; in other respects, cooperation is expected to yield efficiency gains (welfare) that the EU nation-states would not be able to realize individually. In many domains – from product regulation to defence procurement, pensions and taxes – harmonising standards and procedures across European states is expected to create welfare gains by reducing transaction costs and yielding economies of scale. Thus, in general, functional considerations have an inclination to favour higher levels of political organisation.

However, such a tendency towards upscaling does not automatically apply to political allegiance. On the contrary, one big lesson from European integration is that it has underlined how sticky political allegiance tends to be, and how difficult it is for the majority of people to shift allegiances. This point can be nicely underlined by reflecting upon Ernst Haas's classical definition of political integration as:

the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing nation-states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones (Haas, 1958: 16).

In Haas's neofunctionalist view the functional logic of shifting powers and rules to the European level would eventually issue in a shift of political allegiance. In fact, this final stage would also complete the supersession of the European nation-states by the supranational political system.

Many of neofunctionalism's insights in the dynamic character of European integration have been borne out and remain instructive, especially if we consider the way the process has picked up over the last thirty years, from the mid-1980s onwards. In particular, neofunctionalists very aptly conceived of European integration as an incremental and cumulative process, although this process has been considerably less linear than they anticipated in the 1950s.

However, the crucial aspect in which neofunctionalism has proven to be fundamentally mistaken is that nation-states have turned out to be remarkably resilient in the process of European integration. Citizens' political allegiance has remained primarily focussed on their nation-states and very resistant to being redirected to the European level; certainly in the presence of deeply entrenched nation-states, linguistic divides, and mature, self-contained national public spheres. This is not to hypostatize political allegiance and to suggest that it is inherently wedded to the national level. The crucial claim here is that even if political allegiance can shift, it does so very slowly, over generations, and is easily outpaced by the transfer of powers that has taken place in Europe.

The implications of the disjunction that thus has emerged between the ongoing Europeanisation of competences and the resilience of national political allegiance have been nicely captured by Vivien Schmidt (2006). She argues that at the EU level we find by now 'policy without politics' as political allegiance remains essentially at the national level while, as a complement, at the national level we have 'politics without policy', as many effective powers have in fact been moved up to the European level.

In short, the EU's multilevel democracy is characterized by the circumstances that, while functional reasons have led integration to progress along many dimensions (membership, scope and depth of competences), political allegiance remains concentrated at the national level. Obviously, such a situation poses a major challenge to democracy.

3. Challenging Parliamentary Sovereignty

Thus, we can sum up the distinctive constellation of the multilevel EU polity in the following theses:

- The European Union has become a political system, producing authoritatively binding decisions that cannot be reduced to its constituent parts (the member states).
- The primary locus of democratic allegiance for EU citizens remain the national political systems and, within them, the national parliaments that have been authorized by the voters.
- National parliaments can contribute to the democratic legitimation of EU decisions but, given the extent to which integration has proceeded, they cannot shoulder it alone. Hence, it is appropriate that they are complemented by a supranational parliament: the European Parliament.

In short, the EU is a democratically decentred political system, which faces the challenge of legitimating its central and overarching decisions. As such, the structure of the EU political system is quite a bit removed from the familiar democratic templates of national systems. Such templates suggest that it would be logical for the supranational parliament to prevail over those at the lower level, as it is at the centre that decisions are eventually to be settled. This suggestion is however challenged by the fact that political allegiance, legitimacy and authority in the EU remain primarily concentrated at the national level. This mismatch may well feed into much of the present unease and discontent with democratic representation in the EU.

Hence, the key premise of the nation-state based understanding of democracy that is challenged by the structure of the European Union is the premise that democratic authority can effectively be concentrated at the political centre. This condition is at the heart of the doctrine of parliamentary sovereignty; the national parliament is supposed to embody democracy and to concentrate its power. The doctrine of parliamentary sovereignty comes with at least three important implications:

1. Parliament is assumed to be able to operate as a unified body that eventually can be taken to speak with one voice, which is taken to express the general interest of the political community.
2. Parliament rules supreme and its powers in the public domain are essentially without limits. No other actor but parliament itself decides over what it

decides.³

3. All collectively binding norms in society are taken to ultimately derive from, and to be authorized by, a law adopted by parliament (the 'rule of law').

However, because democratic authority is not concentrated in a single EU institution, all three of these implications are essentially challenged in the EU.

For one, parliamentary sovereignty cannot be said to be embodied in a unified actor in the EU. Instead, it is essentially dispersed across the European level and the whole range of national parliaments. As a consequence, rather than reflecting a clearly focussed process of collective will-formation, the way the will of the people emerges in EU decision-making through multiple channels is extremely obscure. The close observer may find that parliaments interact and respond to each other, but there is no automatic or natural way in which their voices cohere or can be aggregated. Rather they are connected through the complex rules of decision-making that typically require the European Parliament to codecide with the Council of Ministers, which indirectly conveys the wills of the national parliaments but where they only become effective if their positions happen to collude sufficiently to form a qualified majority (or the necessarily minimum to constitute a blocking minority). Beyond those formal lines of interaction, there is of course a whole web of informal contacts and mutual observation, but eventually any such coordination is not formally aggregated or institutionalized.

If the parliamentary input into the EU is not unified, it also follows that it is not self-evident that parliaments are the supreme political actors in the EU. This position is particularly challenged by the prominent role that governments play in EU decision-making as crucial linchpins between the national domains and collective decision-making at the EU level (Moravcsik 1994). In a way, the normative primacy of the national level implies that no political institution can claim supreme authority at the supranational level. Notably, in the Treaty on European Union the provisions on the European Parliament (Art. 14 TEU) precede those on the European Council (Art. 15 TEU). Still, in many respects the European Council, being composed of the Heads of State and Government, is recognized as the most authoritative institution in the European Union. For sure, the authority of the members of the European Council eventually relies on that of their national parliaments. Interestingly enough, however, their combined power in the EU allows them to transcend these constraints, because as a collective actor they are accountable to no one.

³ This premise needs to be somewhat qualified in constitutional democracies in which parliament operates under the constitution and may be bound to respect certain fundamental principles and basic rights. But even then there is no other political actor that it recognizes above itself.

Finally, the norm that all collectively binding norms require the ultimate authorization of parliament is also not fully ensured within the political system of the EU. Although the European Parliament's powers have been much extended over the last twenty-five years, it remains excluded from some EU policy domains. And where this is the case, it is not necessarily so that the veto rights of national parliaments have been preserved. Thus, there are gaps in the gatekeeping role of parliaments in EU decision-making. This applies for instance to some financial dossiers, a range of executive decisions in the Common Agricultural Policy, and also to some of the new strategic coordination procedures that have been set up in response to the Euro crisis, most notably the adoption of the Annual Growth Survey and the Country Specific Recommendations (Dawson 2015).

Not only does the way that democratic representation is organized in the EU require us to reconsider the defining characteristics of parliamentary sovereignty, it also poses a fundamental challenge to the way we usually conceive of political hierarchy. In national democracies, local and regional powers are normally assumed to be subservient to the centre.⁴ To some extent this is of course also the case in the EU. The Court of Justice recognized very early on (in *Costa v. ENEL*, 1964) that, if the EU was to operate as an effective political system, EU laws would have to take precedence over any national ones in the sense that once an EU act is adopted its effects cannot be reversed by a national act.

However, when it comes to the ('upstream') production of laws, the balance is a bit more complex. For sure, for most EU legislation the European Parliament is the main parliamentary body as it is much better positioned and facilitated to process EU legislation than are the national parliaments. In fact, most EU legislation can count on little interest from national parliaments. However, if national parliaments do find cause with EU legislation, they have the potential to become a very powerful force that can make its influence felt through various channels. The first among these is of course the Council of Ministers, as that is where the primary agents of the national parliaments sit. A second channel is the political party through which members of the European Parliament remain connected to national politics (cf. Hix 2002; Rasmussen 2008). This channel may be very powerful to the extent that national parties eventually control the procedures for re-election and especially to the extent that members of the European Parliament may want to aspire to a career in national politics still. Third, the Lisbon Treaty has provided national parliaments with the means to directly intervene in the EU legislative process whenever they

⁴ In federal systems the situation may be a bit more complex as some competences are left under the exclusive authority of the regional authorities or these retain considerable discretion in setting their own laws.

find a legislative proposal in conflict with the principle of subsidiarity: the Early Warning Mechanism. With these various means, national parliaments can hold considerable sway over the European Parliament even if the latter is uniquely positioned at the centre of EU decision-making.

Interlude: Multilevel democracy versus Demoi-cracy

There are clear parallels between the concept of multilevel democracy and its theoretical implications that I advocate here and the proposal to conceive of the EU polity in terms of a ‘demosi-cracy’ (a.o. Nicolaïdis 2004, 2012; Cheneval and Schimmelfennig 2013; Bellamy 2013). Compared to demoi-cracy, the purpose of the notion of multilevel democracy would appear to be slightly more mundane as it focuses on understanding the institutional organization of democratic representation in the Union. In contrast, accounts of demoi-cracy often seem to serve a larger aim in trying to provide an “a collective self-understanding” or narrative, or even something like an ethos for the European Union and its citizens. What is more, partly because the notion of multilevel democracy does not insist on a particular understanding of the EU polity, it is normatively less presumptuous and more open to a dynamic understanding of the way in which democratic representation in the EU gets organized and evolves over time.

Indeed, the main reason not to directly embrace the concept of demoi-cracy is that it seems to privilege the national level of demoi, given its historical primacy and their assumed efficacy at that level.⁵ In contrast, demoi-crats are much less insistent on the importance of democratic representation at the supranational level, and the potential for a demos to emerge there. Indeed, from much of the work on demoi-cracy, the demos emerges as a rather absolute and dichotomous category: there either is or is not a demos, and one is either in or out. This approach would preclude in-between possibilities like emerging (supranational) demoi(-in-the-making) and intersecting demoi, where a single person can be affiliated to multiple demoi. Thus, the concept of demoi-cracy risks hypostatizing demoi as a category that has once ‘naturally’ emerged at the national level but can never evolve or be recreated in an other, international, setting.

4. Democratic Challenges of the ‘Multilevel Parliamentary Field’

⁵ While a tendency to privilege national demoi is inherent to the concept of demoi-cracy per se, the exact views vary among the proponents of the concept. While Bellamy (2013) is for instance quite explicit in limiting the scope of demoi to national demoi, Nicolaïdis’s (2004, 2012) position is considerably more open and dynamic.

To bring to light the particular challenges multilevel democracy faces in the EU, it is essential to first demonstrate the particular ways in which the EU structure of democratic representation actually deviates from the one normally encountered in the national context. Building upon the findings that have been provoked by the notion of a 'Multilevel Parliamentary Field' (Crum and Fossum 2009), I want to demonstrate the distinctive mode of operation of the EU's system of democratic representation and sketch some of the challenges that it raises organized around the four rubrics of influence, motivation, emulation and coordination.

Before turning to that analysis, it is important to underline that our key purpose with the notion of the 'Multilevel Parliamentary Field' was to introduce a non-presumptuous concept of how parliaments operate in EU decision-making, which would not presuppose any kind of hierarchy but rather allow for the fact that parliamentary involvement in EU decision-making comes in many different forms and is embedded in different constitutional traditions. What is more, the way that parliamentary powers are aggregated in the actual process of EU decision-making is only loosely specified in the treaties. Still, in the end, these various representative institutions and the channels through which they operate are united by the exercise of one joint function and the role perception that comes with it: that of representing the people in EU decision-making.

Ultimately, the notion of the Multilevel Parliamentary Field also served to shift the focus from a formal understanding of democratic representation in the EU as based on two channels to a much more complex behavioural analyses of the complexity of activities that seek to realize this understanding in the actual practice of EU decision-making. It is only after due appreciation of the distinctive logics of these activities and their interactions that one fully comes to see the particular challenges involved in realizing multilevel democracy.

Influence

As was also illustrated by the example of ACTA in the introduction, a first insight of analysing democratic representation in the EU as a field is that it makes one appreciative of the whole wide range of positions from which democratic controls may operate on EU decision-making. This is easily underestimated if one only focuses on the voting patterns in the European Parliament and the Council of Ministers. Resistance to EU proposals may originate from the European Parliament, but just as well from the German Bundestag (as in the case of the European Stability Mechanism) or from trade union pressure on the Social-Democrats in the Swedish parliament (Crum and Miklin 2013: 79).

What is even more notable is the various ways in which resistance, once it flares up

somewhere, may find its way through the field. The most obvious channel is of course that it is brought to bear upon one of the national government representatives in the Council of Ministers. Besides that, however, resistance may also be communicated to other parliaments or to party contacts in other countries and in the EP. Typically in the case of the ratification of the Anti-Counterfeiting Trade Agreement (ACTA) and also of the EU Services directive (Crum and Miklin 2013) we have seen a pattern in which resistance trickled down from one parliament to the next. More systematic patterns of coordinated resistance are invited by the subsidiarity mechanism that requires a third of the parliaments to register their opposition against an EU legislative proposal. Indeed, for the two directives for which this threshold has been reached so far, the Monti II directive and the proposal for a European Public Prosecutor, we know that some national parliaments actively lobbied other parliaments to express their opposition (Cooper 2015).

These examples underline that power in the EU Multilevel Parliamentary Field is not simply allocated according to a given hierarchical order but can rather be activated by a whole range of means. By playing these means well, parliamentarians in the EU political system may be able to exercise influence far beyond their numerical strength.

Motivation

The second insight that the perspective of the Multilevel Parliamentary Field highlights is that parliamentarians face opportunity costs in engaging with EU matters (Crum and Fossum 2013: 257ff.). Indeed, for most national parliamentarians their primary focus remains their own institution and not necessarily the EU setting in which it has come to be embedded. Their local context is also the context in which (national) parliamentarians are most likely to find immediate rewards: political influence, media exposure, party political credits. In contrast, the incentives for national parliamentarians to engage with EU matters are small: the investment costs are high and the gains very uncertain.

Still, there are some incentives that may motivate MPs to engage with other parliaments in the EU. While EU affairs is certainly not the most desired portfolio in national parliaments, its international orientation serves to lend it a certain appeal. Depending on the party, international engagement may help to increase one's status in the faction and open up new (European) career prospects. Notably, we witness increasing traffic from national politics to European politics and back again; most notably, former MEPs Helle Thorning-Schmidt and Alexander Stubb returned to their home countries to become prime ministers.

What is more, a network of parliamentary colleagues in Europe may in fact be useful

in doing one's job in the national arena. It may offer useful insights in experiences elsewhere and, particularly for opposition parties, such contacts may offer access to international information without having to rely on one's own government. In some cases, this information may be directly employable as in the case recounted by Peters et al. (2013: 121) where a Dutch parliamentarian drew on the experience in other EU countries to challenge his Minister's claim that it was not feasible to station armed forces on freighters passing the Somali coast.

Emulation

A third distinctive feature of the perspective of a Multilevel Parliamentary Field is that it is particularly attentive to the emergence of behavioural patterns across parliaments. While, as I have underlined above, much of the parliamentary structures in the EU remain under-institutionalised, we see that different parliamentary actors face similar challenges and look at each other for ways to deal with them.

One example of this is the way in which national parliaments have come to monitor each other's way of organizing EU scrutiny, often adopting good practices developed by other parliaments. Buzogány (2013) has documented how the Danish Folketinget and the British House of Lords have long served as models for inspiration for the organisation of the scrutiny of EU affairs in other national parliaments. Of the ten member states that acceded to the EU in 2004, seven national parliaments modelled their scrutiny models on that of the Danish parliament, while the remaining three maintained close contacts with parliaments in the UK and France.

Another example of emulation is the way in which in different policy domains national parliaments and the European Parliament have come to organize regular conferences for the exchange of views and the coordination of positions. The longest standing model of this is COSAC, the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union. In recent years structural conferences have been set up for the specific policy domains of the Common Foreign and Security Policy (see Herranz-Surrallés 2014) and for financial and economic affairs (see Cooper 2014; Kreilinger 2013). These conferences face particular challenges in defining their Rules of Procedure and, particularly, in determining the weight of the involvement of the European Parliament. Notably, while the eventual solutions adopted in the two cases bear striking similarities, they eventually take slightly different forms.

These examples demonstrate the emulation of practices across the EU. At the same time, they also highlight that practices vary as they are each time tailored to the particular context at hand. These variations underline the absence of central

steering and the lack of institutionalisation of the system of the EU system of democratic representation.

Coordination

Finally, the perspective of a Multilevel Parliamentary Field is particularly attentive to the development of formal and informal forms of inter-parliamentary coordination. It is only through such forms of coordination that the fragmented structure of democratic representation can become more than the sum of the parts and aspire to represent the EU peoples as a whole. In the EU, inter-parliamentary coordination takes place in a wide range of formats (cf. Crum and Fossum 2013). It can be bilateral in character; for instance when a delegation from one parliament visits another or when members of the European Parliament are given speaking rights in the national parliament. However, as noted in the preceding section, ever more inter-parliamentary coordination in the EU is facilitated by a series of ‘multilateral’ platforms or conferences in which parliamentarians with similar responsibilities or interests meet, like the conference of the EU affairs committees of national parliaments (COSAC), the Interparliamentary Conferences for the CFSP and the CSDP, and the Interparliamentary Conference on Economic Governance. Importantly, these formal contacts are complemented by a wide range of informal contacts among individual parliamentarians and political parties. In fact, these informal contacts are probably of even greater importance than the official networks (Miklin and Crum 2011).

Importantly, however, inter-parliamentary coordination cannot be premised on the assumption that the interests of parliaments naturally align. Certainly on issues with distributive implications, the interests of national parliaments may well conflict and, hence, national parliaments may prefer to operate on their own or in coalitions that involve smaller subsets of the parliaments in the system.

The Treaty of Lisbon has played an important role in stimulating inter-parliamentary coordination. This is most obvious in the case of the Early Warning Mechanism that invites national parliaments to coordinate their objections to potential infringements of the principle of subsidiarity. As said, in some instances we have seen national parliaments coordinate their responses to proposed EU legislation. Notably, however, there have also been cases where national parliaments have submitted opinions that opposed each other (cf. Cooper 2013: 59).

The Treaty of Lisbon’s Protocol on the Role of National Parliaments also included a call (Article 9) on the national parliaments and the European Parliament to together “determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union”, adding in particular the

suggestion to establish an interparliamentary conference on the common foreign and security policy. Although parliamentarians on all sides recognize the merits of interparliamentary cooperation, once they actually get together some notable disagreements become visible. In particular we see that the European Parliament is keen to claim a broad representation in these conferences while the national parliaments are keen to prevent the EP from becoming too dominant (cf. Herranz-Surrallés 2014). There are also recurring differences in the substantial orientation between the national parliaments and the European Parliament, as the latter tends to be more open to supranational solutions and less concerned about subsidiarity (cf. Cooper 2013: 61ff.).

Going by the experiences so far, there are two conditions that seem particularly important for interparliamentary coordination to make a mark on EU decision-making. One is that, as far as input from national parliaments is concerned, it is essential that (some of the) stronger parliaments are involved, where ‘strength’ may reflect both the size of the member state involved and the EU scrutiny powers of the parliament. A second condition is that successful collaboration requires one or more parliaments to take the lead in seeking to mobilize others. At times, this role may be fulfilled by the European Parliament. Most naturally, however, this role is taken up by the parliament of the country holding the rotating Council presidency. Ideally, of course the two conditions coincide in that the leading parliament is also recognized to be a prominent one.

Conclusion

The challenges for the EU to operate as an effective and recognizable system of democratic representation often remain under-appreciated. In this paper I have highlighted the fact that EU decision-making is staked on two distinct channels of democratic representation: one running through the European Parliament and one running through the national parliaments and their governments. My central claim, building on this observation, is that parliamentary sovereignty in the EU is not embodied in a single institution but remains essentially dispersed across the European level and across the whole range of national parliaments. This condition necessitates a distinct perspective on the way democratic representation operates in the European Union.

Such a perspective can build on the notion of a ‘Multilevel Parliamentary Field’ that John Erik Fossum and I have proposed as it functions as a non-presumptuous concept of how parliaments operate in multilevel decision-making without assuming democratic representation to be embodied in a single institution or to fit a clear hierarchical order. Instead it suggests a more sociological perspective on

democratic representation in the Union with particular attention for patterns of influence, motivation, emulation and coordination. The evidence we have so far on inter-parliamentary relations in the EU underlines the fragmented character of the EU's democratic structure and the fundamental challenges that this raises. It highlights how difficult it is for parliaments in the EU to cohere and how easily they can be played off against each other. The European Parliament fulfils an indispensable role but, given most citizens' primary allegiance to their national parliaments and the deep-seated differences between the member states, it cannot claim to fully contain the will of the European people.

Eventually, the question is whether and how multilevel democracy is viable at all: is it possible for the structures of democratic representation in a multilevel political system to live up to the values that underlie representative democracy as a doctrine? As a way to address this question we can take the essence of representative democracy to be defined by three elements: a) public control, b) political equality, and c) individual rights to justification (i.e. deliberation), as proposed by Chris Lord (2013; cf. Crum and Fossum 2013: 263ff.). In short: can democratic representation in a multilevel setting ensure public control with political equality and offer proper justification to all involved?

A fundamental question is whether parliaments through the parliamentary field effectively control public decision-making in the EU. Are parliaments sovereign, still? As the argument above suggests, there is good reason to be concerned on this point. In many respects, the pooling of power by governments compromises parliamentary control. Far from all EU decisions are properly covered by parliamentary powers, and not all issues on which governments have given up their veto have come within the purview of the European Parliament. The situation is particularly challenging in those domains in which executive power is effectively shared between the individual member governments and the European level, like most notably economic governance.

Secondly, multilevel democracy is marked by the fact that collective will-formation remains fragmented and, essentially, takes place in separate *demoi*. Parliaments remain rather centred on their respective domestic political logics and so far there are little to no signs of parliaments genuinely internalising a pan-European perspective that also takes full account of the concerns expressed by other parliaments (Lord 2013; cf. Savage and Weale 2009). Indeed, in times of crisis, like the present, we rather find parliaments distancing themselves from others, and focusing their interactions on a few, similar-minded, ones (cf. Benz 2013).

Finally, can multilevel democracy ensure political equality? Essentially, multilevel democracy in the EU lacks the necessary infrastructure to turn it into an effective

parliamentary system, with elections, parties, deliberation and powers all working harmoniously together. Hence, the EU risks operating as a formal decision-making routine without being embedded in a proper ecology that connects it to its public – in fact, it does not even have a single, integrated public (constituency). What is more, we see that some actors and some parliaments, and hence the people they represent, have much more leverage than others. One example is the way the Bundestag has seen its position reinforced vis-à-vis the German government (and by implication vis-à-vis the EU at large) in the Euro crisis, while the parliaments from the bail-out countries have effectively been disabled (Benz 2013).

Thus, EU multilevel democracy continues to face deep conceptual and normative challenges. The fact that its constituent parts are considered well-established democracies certainly does not guarantee this to be the case for the whole. Yet, as I suggested before, those parts may well need the overarching whole to continue to perform the functions that have been entrusted upon them. What is more, also national democracies are not ideal democracies. Indeed, they may actually benefit from being incorporated into the EU's multilevel democracy as it may serve to correct certain exclusivist tendencies that have become entrenched in national political systems. For instance, new or marginal parties may use the EU system as a platform to build capacity and to find a way into national political systems where electoral thresholds and established structures usually work against them (Shemer-Kunz 2013). Thus, even if national democracies largely continue to operate as self-standing entities, there are some distinct 'feedback effects', not only from national politics into European politics, but also from European politics back into national politics. Clearly, contemporary democratic politics in Europe is affected by the multilevel political order in which it has come to be embedded, but we are only starting to see the contours of what it requires to democratize that system as a whole.

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