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Involving Parliament in EU affairs:
The usefulness of the Danish model for the new member states¹

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First draft!
Comments welcome

Abstract

The paper discusses the transferability of Danish ‘best practices’ in the coordination of preparation of EU legislation. The background to this question is that EU coordination systems in the CEE member states, are presently under pressure to live up to the new demands and opportunities flowing from membership of the EU. An important challenge is to provide systems that allow for greater parliamentary scrutiny over EU policy-making, and maintain the relatively good transposition records of new member states. In looking for a role model, we turn to Denmark, which is known among EU member states for the substantial role of its Parliament in EU policy making. The Danish model is highly democratic, as it involves the Danish parliament early and in a substantial way. It also is very efficient, since Denmark has, throughout the years, a consistently excellent record in the transposition of EU directives. While lesson-drawing from this model could be desirable to improve the democracy and efficiency of CEE EU systems, the question arises whether it is possible and/or advisable to transfer Danish practices to Central and Eastern Europe. We conclude that the most important lesson to draw is to synchronize the system of Parliamentary scrutiny with that of EU decision-making, so as to give parliaments more leverage over the latter process and bolster democracy.

1. Introduction

As national law-making is becoming more and more intertwined with European law making in the members states of the EU, issues of efficiency and legitimacy of the European part of national policy making are becoming more and more important. Legislative activity in the areas where the European Union has competences has increased in recent years with the increases in the scope of EU policies and is nowadays a substantial part of domestic legislative activity. How substantial this part exactly is, is still unclear. While some have argued that up to 80 percent of economic regulations now come from Brussels, studies which have attempted to quantify the EU's impact on legislative output have come up with a figure of 20 percent for both Germany and Austria (Töller, 1995, cited in Jenny and Müller, 2005; Jenny and Müller, 2005). Dutch researchers Bovens and Yesilkagit (2004, 16) find that of all the national binding rules in force on 31 July 2003, 25 % originated in Brussels. A comparable study for Denmark yielded the lower number of 9,6 percent (Blom-Hansen and Christensen, 2004, cited in Bovens and Yesilkagit, 2004).

Even if 'only' about 20 percent of domestic legislation originates as a result of the transposition of EU directives, the impact of catching up with the *acquis* in the new member states means this figure is in all probability greater. Furthermore, the founding treaties and directly binding instruments such as regulations also impact on the national legal order and on member states' economies and societies. This development poses a number of questions regarding the readiness of national constitutional and institutional arrangements in the EU member states to cope with a multi level system of governance. Preparing and passing legislation as if all of it originates with domestic parliaments is no longer a sound strategy for democracies which aim to preserve their representation and accountability arrangements. A whole range of problems related to democratic legitimacy arise and become more pressing: from a lack of realization that national parliaments are not full legislators when it comes to the transposition of directives to the increasing gap between citizens and elites, the former unaware of the extent to which politicians are unable to respond to their aggregated preferences when EU level bargaining overrides domestic politics.

This paper will address only one aspect of this complex puzzle of Europeanization, namely, the changing arrangements for the preparation and passing of EU legislation as part of the national legislative cycle. What role have domestic parliaments in the new member states acquired in relation to the EU decision making process? What models can be useful in trying to find the best institutional arrangements for the new democracies? How can the optimal balance be achieved between legislative efficiency and democracy in determining national parliaments' role in the EU policy making? The paper will address some of these important normative questions with reference to the case of Denmark, an EU member state that has been held up as a model for democratic accountability in EU decision making especially because of the role the Danish Parliament, the *Folketing*, plays in the EU decision making process.

2. The role of the legislature in EU policy making in the new member states

The last EU enlargement has been a focus for fascinated social scientists with the multiple processes of transformation and adaptation it set into motion. CEE countries have made a veritably impressive achievement in adapting to the EU, involving the adoption of the often-cited 80,000 pages of *acquis* legislation, under high pressures of conditionality. In the mid-1990s, candidate states preparing to start negotiations with the EU were driven to create new and more effective coordination systems for EU policy making, coordination systems which had to deal with complex and extensive negotiations. As the eight new member states from CEE entered the Union, these systems underwent further adjustment, seeking to secure the administrative capacity needed to take part in the EU policy process in all of its multiple arenas.

This process of high pressure adaptation necessitated the design and institutionalization of rather effective machinery for dealing with the EU's requirements. These systems had two important characteristics. First, already at the negotiations stage, it seemed that the only option for the candidates was to create executive-centered EU coordination systems, given the pressure of negotiations and the unprecedented adaptation requirements for the states acceding in the last enlargement and Bulgaria and Romania.³ The executive centered perspective has also been promoted by the European Commission and other international donors such as

the World Bank as the only way to achieve decision making efficient enough to fulfill the enormous task of EU preparation. A more substantial role for parliaments was seen by advisors to potentially lead to a deadlocked system of preparing European level decision making. Politicians from the CEE states have also expressed doubts that empowering parliaments in EU decision making will work for CEE conditions. In the words of Slovak Deputy Prime Minister Pal Csaky [involving parliament fully] 'is a system that slows down the function of the whole system' (Balogová, 2004).

Whether or not this is indeed the case, will be discussed later in this paper, but the question why it may be important to consider increased parliamentary involvement should be addressed first. All in all, several authors have suggested that the enlargement process has resulted in an increase of the overall dominance of the executive (Grabbe, 2001, Dimitrova, 2004). To remind the reader of crucial aspects of executive dominance, the preparation of negotiating positions, a central part of the negotiations determining future outcomes, was in the hands of working groups in ministries, negotiation themselves were a matter for the executives.

A second crucial consequence of the huge adaptation challenge was that national parliaments did not have a chance to reject or even debate a great number of the laws they were passing. Driven by a remarkable sense of mobilization, they have functioned like more or less well-oiled machines for adopting EU legislation, which was not up for discussion. To deal with the sheer volume of legislation, many of the accession states created shortened procedures for the adoption of *acquis* related legislation. Fast track adoption procedures were used in Bulgaria, the Czech Republic, Slovenia, Romania (Malová and Haughton, 2002:111-112). This has been a success for efficiency in the sense of passing a large number of laws in the relatively short period 1998-2004. At the same time, this strategy created 'the risk of reducing parliaments to little more than rubber stamps', undermining their institutionalization and weakening their legitimacy (Malová and Haughton, 2002:112).

At present, however, the roles of the executive and parliament in CEE countries are open to change again. Now that CEE states are 'in', national machineries dealing with EU policies are being adjusted. The current situation presents the new member states with several opportunities and threats that must be dealt with. First, on the positive side, the CEE member states can finally have a say in shaping legislation. Also, on the

side of 'taking' EU policies, there is no more role for conditionality, and 'normal' mechanisms and procedures can be used for transposition, application, and enforcement of EU law. There is no reason why rubber-stamping EU proposals has to continue, especially given the less-than flattering transposition records of some 'old' member states.

Alongside with these opportunities, the newcomers also face various threats. First, even though the absence of conditionality may offer some leeway for the new member states in implementation, there is also the risk of falling back. As speedy transposition is an issue of high prominence on the agenda of the European Commission, the Court of Justice, and increasingly the Council of Ministers, the CEE member states are well-advised to maintain their generally good performance.

Second, and most importantly, their relative efficiency in adoption of the *acquis* may present a new challenge to democracy that could not be resolved by post communist political elites which have already found themselves in a tight place between international organizations' demands and a public weary of reform.⁴ Alongside the potential weakening of the institutionalization of committees mentioned by Malová and Haughton, (2002:112), the legislative marathon in the run up to accession has also used up the resources of political parties. Political parties have been directing their resources towards becoming the best at achieving the universally shared and popular goal of accession: a quest that included mobilizing party members with enough knowledge of the EU and finding resources and capacity to keep the negotiations machine going at full speed.

Last but not least, the institutional imbalance and weakening the input of domestic politics into regulation in the domestic arena is far from over with accession. In all EU member states, the abovementioned increase in the volume of legislation which does not originate with national legislatures points towards a tendency of erosion of crucial aspects of good democracy such as accountability and transparency. It has been by now widely accepted that national parliaments have lost in importance as a result of the evolution of the EU system of decision making (Maurer, 2005). A partial remedy for this problem has emerged from the constitutional convention and the Constitution for Europe, yet whether it will lead to the substantial improvement in the role of

national parliaments depends on the fate of the Constitution itself.⁵ Independently of this development, though, we have to ask how the position of parliaments in CEE member states vis-à-vis EU decision making has changed as the pressing need to catch up with legislation made in the EU is no longer that pressing? What will political elites and especially parliaments in the new member states do with EU decision-making, now that they are part of the multi-level legislative system of the EU?

All in all, it is time to reconsider the systems for EU-coordination that have been put into place in the new member states. The question is to what extent these are geared towards the current opportunities and threats, or, more specifically, to what extent national parliaments should have discretion over EU related policy-making in the post-accession stage. Are parliaments to be mostly informed about policy positions to be submitted to the Council of Ministers or should they be involved more seriously in debate at the pre-negotiations stage when they can make a real difference to the negotiating position of their country?

3. Existing arrangements for participation of national parliaments in EU policy making

One year after enlargement, the question how the formal rules for parliamentary involvement will be put to use and become institutionalized in the new member states is still an open one. This is due to the fact that legislative arrangements are somewhat vague and open and parliaments have not had much practice in putting them to use in controlling the executive. The section that follows will use the formal legislative arrangements as a start for the discussion of the participation of parliaments in decision making. It must be stressed, however, that the existing legislative provisions can work in different ways depending on how parliaments and executives in the new member states decide to put them into practice.

Current arrangements for parliamentary involvement in the new member states vary, but attention for the role of parliaments has resulted in generally favorable institutional arrangements for their participation in EU decision making, at least on paper. Already at the accession stage, some states gave their Parliaments a range of

powers to discuss or approve negotiating positions and these arrangements were adjusted as states prepared to enter the Union.

The main parameters to consider are the level of parliamentary control or scrutiny and the timing of parliamentary control. In terms of scrutiny, the parliament's role may be, in a scale of decreasing importance: 1/ to give a mandate (as in the Danish case); 2/ to consult and provide overall parameters for the government position in all cases; 3/ to be consulted in some cases of perceived larger importance; and 4/ to be informed only. In terms of timing, the crucial division is between taking part before a Commission proposal becomes adopted at the Council of Ministers or afterwards, i.e. at the transposition stage.

A quick overview of arrangements based on the legislative acts amending existing arrangements during the pre-accession period shows that a number of the new member states formally have quite extensive involvement of parliament, but none has a system going as far as to require a mandate. States which have, at least on the basis of the legislative arrangements, an obligatory system of consultation with Parliament before a proposal is discussed in the Council of Ministers can be considered to assign Parliament quite strong a role. These are the Czech Republic, Slovakia, Latvia, and Poland.

Other states, such as Estonia and Lithuania, seem to assign an intermediate role to their parliaments. These countries provide for involvement under certain conditions, e.g. important economic and social impact of legislation, but not for obligatory consultation on all policy positions. In Estonia, somewhat vaguely worded rules of procedure suggest parliamentary involvement in the case a Commission proposal provides for the amendment of a legislative act, but it is not clear when this would happen. The amendment to the Riigikogu Rules of Procedure Act, which entered into force on 15 March 2004, specifies that the government of Estonia submits legislation to the Riigikogu 'if the scope of the legislation requires, pursuant to the Constitution of the Republic of Estonia, adoption, amendment or repealing of an Act or a resolution of the Riigikogu' or '2) if its adoption would have substantial economic or social impact'. The government can also refer to the Parliament's European Affairs Committee and Foreign Affairs Committee for an opinion on any other 'important

affairs of the European Union' as specified in the same law.⁶ From this arrangement, it becomes clear that a substantial amount of legislation could pass through the Estonian parliament, yet the actual percentage of laws it would scrutinize is likely to depend on the existing powers of delegation to ministers to pass legislation without an act of parliament. Furthermore, the impact provision can be interpreted broadly or narrowly, thus the field is open for actors to give the new rules meaning and content.

Similarly, the Lithuanian arrangement provides for parliamentary scrutiny, without being too specific. The situation is also ambiguous in Hungary but it appears that the powers of the Hungarian parliament are more limited (Györi, 2004) than for example those of the Polish parliament. Last but not least, legislation in Slovenia seems to involve the Slovenian parliament even less by including only an obligation to inform, which is clearly less than obligatory consultation or even occasional consultation.

A short overview of existing arrangements is provided by Table 1.

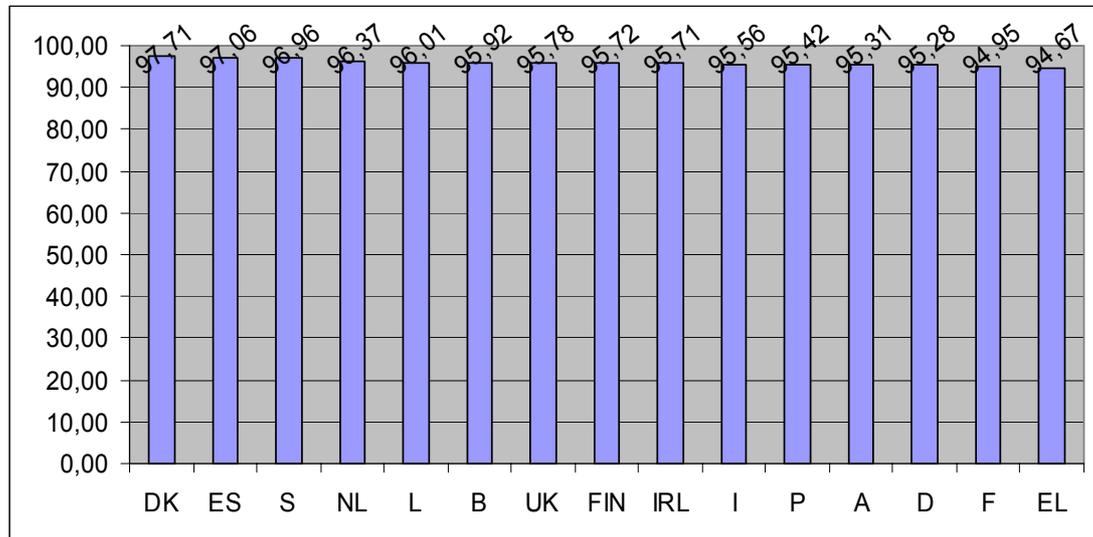
(Table 1 about here)

4. Denmark: a model to emulate?

Just like the newcomers, the 'old' members pay different attention to the parliamentary scrutiny of EU legislation. The involvement of national parliaments throughout the 1990s and up to the possible adoption of the EU constitution where some far-reaching changes are envisaged, can be plotted on a scale where Denmark is the most involved and France almost the least, although 'retrospective accountability' has increased there as well (Harlow, 1999:12). Whereas in most member states, the coordination and transposition of EU policy is a matter of the executive, only in Denmark can one speak not only of scrutiny but of a certain coordinating and leadership role for the Parliament (Harlow, 1999:12-13). This is why Denmark is the model to look at when considering issues of parliamentary leadership/role in EU law making. Denmark is also a model of efficiency in transposition which is all the more remarkable when we consider the country's record of Euroscepticism. As is shown in Figure 1 below, Denmark has consistently had the best transposition score of the old member states. Also, as shown in Figure 2, it is one of the best states when it comes to

correct transposition and application, with only 10 letters of formal notice received over five years.

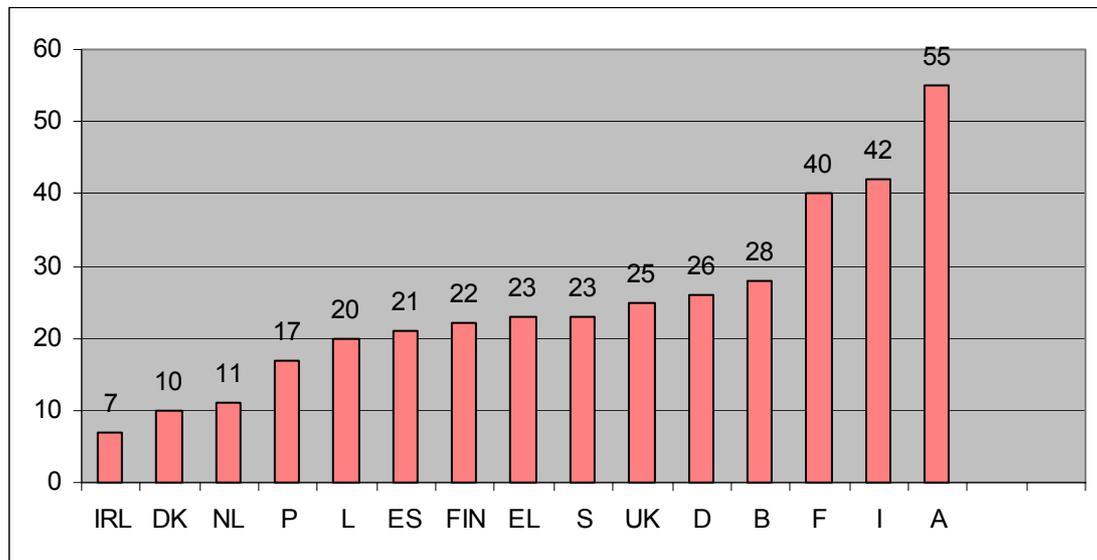
Figure 1 Average transposition rates per member state, 2000-2003



Source⁷:

http://europa.eu.int/comm/secretariat_general/sgb/droit_com/archmme_en.htm

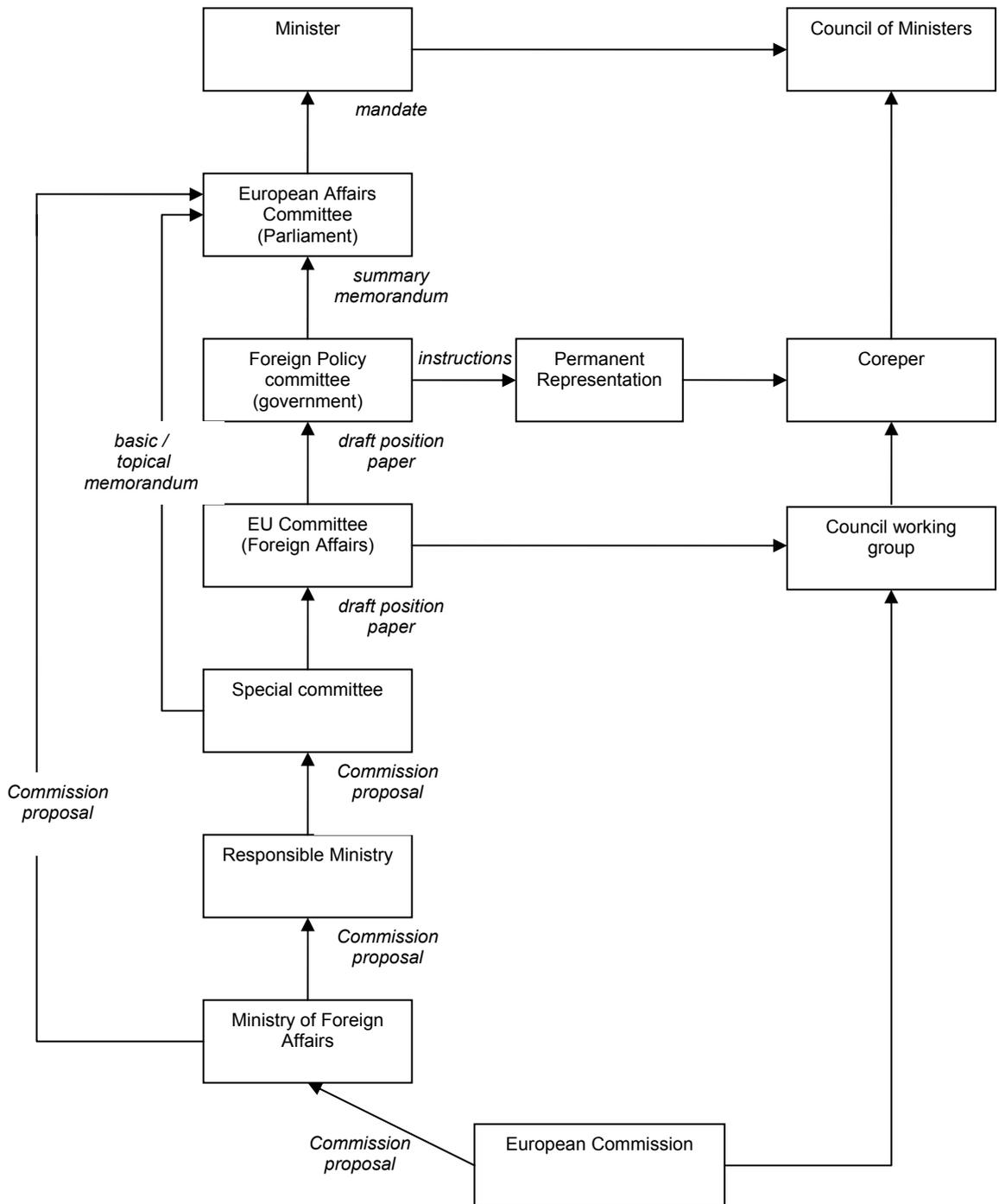
Figure 2 Number of letters of formal notice for incorrect transposition, 1998-2002



Source: http://europa.eu.int/comm/secretariat_general/sgb/droit_com/pdf/rapport_annuel/annexe2_en.pdf

While the powers of Danish parliament to give the Danish government an oral mandate for negotiations in the Council (before these negotiations have taken place) are widely commented upon, the implicit coordination role of the parliament in this process has received less attention. In fact, the whole process of EU policy making in Denmark can be said to have two sides: a government side and a parliament side, related to the activities of the Danish Parliament's European Affairs Committee (Danish Ministry of Foreign Affairs). The coordination of EU policy making in Denmark is summarized in Figure 3.

Figure 3: The Danish EU decision making process



As Figure 3 illustrates, there are four levels of coordination of EU policy making: the EU special committees, the EU committee, the government's foreign policy committee and the *Folketing's* European Affairs Committee. What is remarkable is that this tightly organized process is centered around the Friday discussion in the European Affairs Committee of the Danish Parliament, where ministers seek a mandate for the negotiating position they are to defend in the Council of Ministers.

The European Affairs Committee (EAC), previously called the Market Relations Committee, is the most important actor in Parliament, although in recent years it has made an effort to include the special parliamentary committees as well. It has seventeen members, proportionally representing the political parties represented in Parliament. It is mostly comprised of senior MPs, among whom many former ministers (Von Dosenrode, 1998: 60). It is supported by a secretariat consisting of 22 staff members and some 8 interns, which is the largest staff of all Parliamentary committees (*Folketing et al*, 2002: 23, Von Dosenrode, 1998; 61), The meetings of the European Affairs Committee normally take place on Fridays and deal with all the Council meetings taking place in the following week. The meetings typically take 2 to 5 hours (Eliason, 2001: 200).

Table 2

Government			Parliament
Ad hoc	Tuesday (if needed)	Thursday (if needed)	Friday
EU special committees	EU committee	Foreign Affairs Committee	European Affairs Committee

Source: Own interviews, February 2005.

This table shows that far from having separate systems of dealing with the EU matters in the executive and in the parliament, in Denmark the two are working in synergy driven by the principle of the legislator having the final say. This merging of the executive and political coordination systems at the pre-negotiation stages presents important advantages both to democracy and to efficiency. In terms of democracy, even though the mandate which ministers receive in the Parliament is oral and not legally binding, it is very important in the Danish political context and the discussion

ensures that all actors are on board and there are 'no surprises later' (interview, February 2005).

Deliberations in the EAC's meeting are structured on basis of a so-called summary memorandum, which is an annotated agenda of an upcoming Council meeting (*Folketing et al*, 2002: 13). This is distributed Friday morning at the latest, eight days before the Council meeting, and a few hours before the EAC meeting (Nedergaard, 1995: 124). For each pending proposal, the responsible minister has two options (Von Dosenrode, 1998: 60). First, he or she may simply brief the committee, if no decision by the Council of Ministers is to be expected. The second option is to propose a negotiating mandate (*forhandlingsopslæg*). If the latter is the case, the parties proceed by giving their positions, after which discussions may ensue. Finally, the Chairman of the Committee presents the conclusion, after counting the number of votes.

The preparatory work in order for the Parliament to be able to formulate its opinion, is done by the ministries in making the so-called basic memorandum (*grundnotat*). This is a standardized document, composed by the special committees dealing with a proposal in the Parliament, which must be sent to the EAC within four weeks after a Commission proposal is made. Over the course of the negotiation process, the memo may be modified, after which it is called a topical memorandum (*Folketing et al*, 2002: 13). It is usually quite elaborate, comprising 5 to 20 pages and contains: a description of the Commission proposal, its legislative and financial consequences, previous considerations by the EAC, possible compromise proposals by the Presidency, amendments proposed by the European Parliament, its itinerary through the EU institutions, and the opinion of interest groups (*Folketing*, 2002, 7; Pedersen, 2000: 230; Von Dosenrode, 1998: 61). Since January 2005 this memorandum also contains the proposed government position. Independent of this, Parliament also receives all Commission proposals directly from the Ministry of Foreign Affairs, as well as lists of all the proposals received (*Folketing*, 2002: 5-6).

Interview evidence suggests that working on Commission proposals with a view to the parliamentary discussion increases the willingness of civil servants to include special interests in the sectoral committees where much of the initial discussion and

negotiation over a proposal takes place. This is in order, to prevent them from ‘taking revenge’ later, when the proposal goes to Parliament (Interview, February 2005).

Last but not least, when it comes to democracy, Parliament is not the only forum for Danish citizens to express their views. In Denmark, the nearly impossible task of making a democratic success of EU policy is accomplished by combining the parliamentary debate with numerous referenda giving citizens a direct opening to decide on important issues related to the EU.⁸ The combination of parliamentary mandate and referenda ensures that the executive cannot run ahead of itself with EU policies without taking into account citizens views.

In terms of efficiency, Danish experts have argued that the fact that the parliament sees and debates negotiation proposals before they become adopted in the Council of Ministers and become EU law, facilitates and speeds up the process of transposition considerably. In fact, the Parliament is hardly involved at the transposition stage, as, in the words of a Danish expert, ‘The Danish parliament is not a legislator when it comes to already adopted EU issues’ (Interview, February 2005).

Another aspect of the Danish system that increases efficiency by inducing discipline in both legislators and civil servants and which could present an interesting innovation for CEE states is the fact that all bills must be dealt with within one and the same parliamentary year. On the 2nd Tuesday in October, the new year starts. All outstanding bills must be withdrawn and submitted again in the new year (Mandrup Thomsen and Pennings, 2002: 6)

Having presented the advantages of the Danish system in terms of democracy and a certain kind of merger between the legislative activities at the EU level and at the national level, the remaining question is to what extent lesson-drawing from the Danish model is possible. What could be the advantages of the Danish model for the CEEs? Is it possible at all to adapt features of the Danish model in such entirely different democracies?

5. Can CEE parliaments function like the Folketing in the EU policy making cycle?

The arguments presented in the first section of this paper suggest that there is a good reason to at least consider a stronger role in EU decision making for parliaments in the CEE member states. Arguably the best model of such a stronger role is the Danish *Folketing*. The main strength of this model is that it allows for early parliamentary influence over EU decision-making, as well as mobilizing bureaucracy at an early stage. As a side-effect, it sows the seeds for speedy transposition of resulting EU directives. We argue here that such a system could potentially increase CEE member states' leverage over both EU-decision-making and implementation.

What is more, it seems highly suited to improve domestic participation and interest in EU affairs by reorienting the attention of domestic actors towards EU policy debates in parliament. The Danish case shows that a formal orientation of the process around the presentation of legislative proposals to parliament helps in focusing the attention of actors such as interest groups towards the parliament. It is, in our opinion, a better and more public forum for debate than the selective participation of organized interests in the drafting of new legislation at ministry level. At the same time, as the Danish practice also suggests, the anticipation of the parliamentary debate helps push ministries towards more involvement of interest groups. Thus societal actors get two chances to be involved in EU decision making, once in the ministries and later in parliamentary discussion.

Finally, the Danish model very well fits the trend of politicization of EU affairs, which has been taking place over the last years in many older and new member states. For instance, it is in line with the increasing use of referenda inside the EU as a way to close the gap between citizens and the public. This in itself might force CEE elites and especially parliamentary parties to pay more attention to EU issues and take advantage of formal powers when they exist. Combining parliamentary involvement with referenda is another essential feature of the Danish system which makes it as democratic as it is and may be replicated in the recent drive for referenda across the EU. Finally, it seems to fit the current Euroskeptic, or Eurorealistic tone in some countries, such as the Czech Republic and Poland. One of the reasons for the success

of the Danish case is that, due to the high level of Euroskepticism, MPs can make political capital out of EU dossiers, which oils the system, which in a certain way works better when there is an incentive for politicians to address EU issues.

The arguments presented above suggest that there are good normative reasons why new EU member states should give their parliaments power of scrutiny of EU legislation. However, practitioners often suggest that what is nice as a theory cannot work in practice for several reasons, some general and some linked to the realities of decision making in the new member states. A general problem is that transfer of institutional models or separate features can be highly problematic when other features of the institutional system do not fit the transferred arrangements. An example is provided by the fact that the Danish system relies heavily on horizontal coordination between governmental departments, which by and large is weak in the new member states. Second, it remains an open question whether the formal powers of CEE parliaments, possibly enhanced after the constitution, will remain meaningless in the absence of a culture of active participation. Third, several critics have raised the question whether such a far-reaching power as giving a mandate should be given to the allegedly slow and inefficient assemblies in CEE with regard to the dynamic area of EU policy making. Fourth, the system requires that MPs have a decent background in EU affairs; training hence should not be restricted to CEE civil servants.

A fifth problem in adopting the Danish approach and hoping for a similar result is that, overall levels of accountability in both civil services and parliaments are far from the Danish example. It is possible that elites will use information strategically and parliaments will also use the opportunity to blame politically unpopular measures on the EU – something more difficult when they have had an active say in the policies adopted. Yet having one power control the other is a better bet on accountability than leaving the legislature out of the process for the sake of efficiency.

Given these constraints, we would like to argue that it is currently unlikely that CEE parliaments would be able to cope as well as the Danish one with high level of scrutiny of **all** EU related proposals at the pre-negotiation stage. Therefore, we would suggest a less ambitious model, while still containing some of its key assets. First, we would argue that the crucial issue is not so much the level of scrutiny, but the timing.

Even powers of consultation can be quite effective before a proposal is passed in the Council of Ministers of the European Union. Such powers would not limit the government's room for maneuver as much as a mandate, but they would ensure that domestic political forces play a role when it matters. Dealing with parliament after a proposal has become law is a recipe for dissatisfaction and populism. For parliaments to be involved at the right stage of the process, a figurative synchronization of executives and legislative agendas would go a long way.⁹ A way to do this is for the executive coordinating body that deals with EU decision making to work on the proposal in preparation in such a way that it arrives on time at the parliamentary committee of European Affairs (see table 1 for an example).

More generally, there is an argument to be made that increasing parliaments' involvement can be initially achieved with formal institutionalization only and be improved later, provided the political will for maintaining such a design exists long enough to allow for further institutionalization. After all, the introduction of institutional innovation 'formal rules first' is not at all uncommon in the recent practice of post communist transformations.

Following the introduction of the appropriate procedural rules, a crucial condition for meaningful parliamentary involvement will be the provision of quality information about the EU policy making by a strong and capable secretariat. Given the numerous demands on their time, even the most committed parliamentarians will not be able to process all EU related issues without administrative support, both in terms of staff numbers and institutional capacity.

Furthermore, the European affairs committees should be supported by sectoral committees in order to give informed opinions on specific policy issues. Even in Denmark, the role of sectoral committees needs to be enhanced and the coordination between them and EU affairs committee improved. In CEE parliaments, much will depend on the institutionalization of committees as professional forums and a ground for compromises. But debate needs to also take place openly to the public to enhance the input legitimacy which is currently lacking in EU policy making.

6. Conclusions

Advice to the candidate states on how to organize their EU policy making systems has focused in recent years more on efficiency than on the overall implications for the decision making system in the new democracies. This paper argues that there is a pressing need to re-think this post accession. The argument for making parliaments real players is not a question of luxury upgrade of the system which is better run by civil servants. Even more than the old member states, CEE member states are prone to deficiencies in their democracies. EU membership, while improving output legitimacy, will exacerbate the gap between elites and citizens and more parliamentary involvement could address this problem by increasing input legitimacy. Thus making parliaments real, debating participants in the EU decision making cycle has the potential to address this new democratic deficit. In order to do this, however, parliaments need to have not only scrutiny and consultation powers but to be a real focal point in the system of EU coordination. This might limit the negotiation mandate for governments in the Council but provided parliaments are responsive to the citizens, would provide the EU project with legitimacy in the years to come.

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Table 1 Parliaments involvement in decision making on EU issues

New (CEE) Member State	Parliament	President/ Chairman	National Parliament Involvement	Importance
Czech Republic ¹⁰	<u>Bicameral:</u> - Poslanecká Sněmovna (Chamber of Deputies) - Senát	- PhDr. Lubomir Zaoralek - Premysl Sobotka	Role of the Committee on European Affairs The Senate deals with concrete initiatives after they are released by the European Commission and presents its opinion to the Government before this decides on the legislative initiative in the Council of the EU ¹¹ . Constitution Amendment – article 10b (2000)	Big
Estonia ¹²	Riigikogu	Ene Ergma	Role of Committees of European Affairs and Foreign Affairs Position on draft EU legislation when: ▪ Constitutional requirement for reference to the Riigikogu ▪ Economic or Social Impact ▪ Government initiative or at the request of the European Union Affairs Committee or the Foreign Affairs Committee	Medium
Hungary ¹³	Országgyűlés	Szili Katalin	Role of the Committee on European Integration Affairs The Government should provide information to the Parliament ¹⁴ The Constitutional amendment of December 2002 makes the Parliament responsible for the creation of a new act regulating the Parliament's role for the period after the accession. ¹⁵	small to medium
Latvia ¹⁶	Saeima	Presidium	Role of the European Affairs Committee ¹⁷ Can rule on the official positions of the Government before they are communicated to the European Union institutions ¹⁸	Big
Lithuania ¹⁹	Seimas	Artūras Paulauskas	Role of committees, esp. Committee on European Affairs Parliamentary scrutiny on the activities of Governmental and other institutions related to European Union matters ²⁰ .	medium to big
Poland ²¹	<u>Bicameral Zgromadzenie Narodowe</u> ²² : - Sejm - Senate	Włodzimierz Cimoszewicz Longin Pastusiak	Role of the European Affairs Committee ²³ Examines documents submitted by the Polish Council of Ministers to European institutions. It is consulted before Government representatives go to the Council of the European Union. ²⁴	Big
Slovakia ²⁵	Národná Rada	Pavol Hrusovsky	Control	Medium
Slovenia ²⁶	<u>Bicameral Zbòr</u> ²⁷ : - Držani Svet - Držani Zbòr	France Cukjati	Role of the Committee on EU Affairs Indirect Role for the Parliament. Being informed ²⁸ Before the 1 May 2004 the Government represented the positions of Slovenia to the National Assembly before going to the EU Council. After the 1 May the Government has to provide information to the working bodies of the National Assembly on the appropriate application of the Cooperation Act so that they are able to take positions before the vote of the representatives of the Government in the EU Council at the ministerial level. ²⁹	small to medium

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- ¹ Antoaneta Dimitrova thanks Petya Dragneva for research assistance.
- ² Both Leiden University, Department of Public Administration. E-mail: Dimitrova@fsw.leidenuniv.nl and Mastenbroek@fsw.leidenuniv.nl.
- ³ On the characteristics of enlargement governance and the importance of conditionality, see Grabbe (2001); Dimitrova (2001) and the contributions to Schimmelfennig and Sedelmeier, (2005).
- ⁴ The aptly named inflexibility trap (Krastev, 2001), referred to the limited room for manouver of reform elites, stuck between their promises to the electorate for less painful economic reforms and improved quality of life and the demands of international donors crucial for the support of the transforming economies.
- ⁵ The content of the changes envisages a role of national parliaments in testing proposed legislation based on the subsidiarity principle, yet whether this will empower parliaments to really debate and influence EU policy making is not clear for us.
- ⁶ Rules of Procedure Act at <http://www.riigikogu.ee/?id=13860>
- ⁷ From each year, the last report was taken.
- ⁸ We thank Lars Johansson for alerting us to this point.
- ⁹ We thank Wim Voermans for this point.
- ¹⁰ <http://www.psp.cz/cgi-bin/eng/sqw/fsnem.sqw>
www.senat.cz
- ¹¹ <http://www.senat.cz/cgi-bin/sqw1250.cgi/new/sqw/text.sqw?CID=28&K=konstr> –
<http://www.senat.gov.pl/aes/a/cz.htm>
http://www.fifoost.org/tschechien/EU_czech_2002/node17.php
- ¹² <http://www.riigikogu.ee/?id=13860>
<http://www.legaltext.ee/text/en/X70029K2.htm>
<http://www.riigikogu.ee/?id=14937>
- ¹³ <http://www.europa.eu.int/comm/enlargement/hungary/index.htm>
http://www.mkogy.hu/biz/europa/angol/a_index.htm
- ¹⁴ Article: Enikő Györi, How Can the Hungarian National Assembly Preserve Its Sovereignty After Accession to the EU?
- ¹⁵ http://www.mkogy.hu/biz/europa/angol/menu/index_1.htm
Article 6 (2) Act LXI. of 2002 on the amendment of Act XX of 1949 on the Constitution of the Republic Hungary
- ¹⁶ http://www.saeima.lv/index_eng.html
- ¹⁷ http://www.eiroido.lv/pages/SEUIC/content_list.jsp?category_id=260
http://www.saeima.lv/Likumdosana_eng/likumdosana_kart_rullis.html
- ¹⁸ http://www.saeima.lv/Likumdosana_eng/likumdosana_kart_rullis.html
- ¹⁹ http://www3.lrs.lt/pls/inter/w3_eng_h.home
- ²⁰ [http://www3.lrs.lt/c-bin/eng/preps2?Condition1=250564&Condition2=\(Article 61\)](http://www3.lrs.lt/c-bin/eng/preps2?Condition1=250564&Condition2=(Article%2061))
- ²¹ <http://www.sejm.gov.pl/english.html>
<http://www.senat.gov.pl/indexe.htm>
- ²² <http://www.prezydent.pl/x.node?id=2011993&eventId=2526445>
- ²³ <http://www.senat.gov.pl/k5eng/historia/noty/index.htm>
- ²⁴ http://libr.sejm.gov.pl/oide/dokumenty/ustawa_cooperation%20in%20EU%20matters.pdf
- ²⁵ <http://www.nrsr.sk/default.aspx?lang=en>
- ²⁶ <http://www.dz-rs.si/>
- ²⁷ http://www.guide2womenleaders.com/Slovenia_Parliament.htm
- ²⁸ <http://www.dz-rs.si/en/aktualno/aktualno.html>
- ²⁹ Articles 4 and 14 of the Act on Cooperation between the National Assembly and the Government in EU Affairs – before the 1 May 2004 and after 1 May 2004