



# **Legitimising EU Policymaking: What Role for National Parliaments?**

## **Discussion Papers**

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The debates on the European Union's so-called democratic deficit have gathered momentum since the early 1990s and brought the role of national parliaments in EU policymaking into the limelight. Many came to describe the deepening and widening of European integration via successive EU treaties as "a classic case of a gradual process of de-democratisation"<sup>1</sup> because in their view, it has proceeded at the expense of parliaments and traditional mechanisms of parliamentary accountability.

According to this "de-parliamentarisation"<sup>2</sup> thesis, as a result of the progressive transfer of substantial competences from the national to the European level<sup>3</sup>, national legislatures have lost a great deal of policy autonomy and control over executive actors<sup>4</sup> – who dominate EU decision making but often lack a corresponding electoral mandate. Given that national parliaments are the main representatives of citizens in the Member States, their erosion of power – so the argument goes – has opened up a legitimacy gap in EU affairs, which the European Parliament (EP) has not been able to fill. Despite the strengthening of the EP in all previous rounds of institutional reform<sup>5</sup>, from the Single European Act to the Lisbon Treaty, the rates of participation in European elections, public awareness about the EP's role and general support for the EU have only continued to shrink.<sup>6</sup>

Perceptions of the degree to which national parliaments run the risk of being deprived of influence by the on-going process of European integration, as well as opinions on the precise mechanisms and channels that can ensure that assemblies preserve control over EU policymaking can vary according to specific democratic traditions and parliamentary practices within different Member States. In this sense, there is no real 'one-size-fits-all'-answer to the question of how to shape national parliaments' role across the EU.<sup>7</sup>

Germany provides an illustrative example here, where since the Maastricht Treaty, the rulings of the Federal Constitutional Court (Bundesverfassungsgericht) have been strongly influenced by the conviction that German Basic Law does only allow for the country's membership in the EU as long as it is based on the principle of dual democratic legitimacy – that is, a Union which allows for a substantial involvement of national parliaments in European decision making alongside the EP as co-legislator at the EU level. Although the German Constitutional Court's reading is highly disputed amongst legal scholars<sup>8</sup> it has contributed considerably to an enhanced role of the German Bundestag and Bundesrat in EU policymaking.

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<sup>1</sup> Seidelmann, Reimund (1995: 79), "Democracy-building in the European Union: conditions, problems and options" in Têlo, Mario (ed.), *Democratie et Construction Européenne*, Brussels: Edition des l'Université de Bruxelles, pp. 73-89.

<sup>2</sup> Schmidt, Vivien A. (1999), "European 'federalism' and its encroachments on national institutions", *Publius*, Volume 29, Number 1, pp. 19-44. See also Wessels, Wolfgang (1989), "The Community at a crossroads", Bruges: College of Europe; Birkinshaw, Patrick and Ashiagbor, Diamond (1996), "National participation in community affairs: democracy, the UK Parliament and the EU", *Common Market Law Review*, Volume 33, Number 3, pp. 499-529, cited in Auel, Katrin (2012), "De-parliamentarisation re-considered – Domestic parliamentary representation in EU affairs", Paper presented at the Annual Meeting of the American Political Science Association, New Orleans, 20 August-2 September 2012.

<sup>3</sup> Such as with respect to border control, monetary policy or parts of social policy.

<sup>4</sup> Most notably, the Council of Ministers, the European Commission and, especially in the context of the on-going crisis, the European Council.

<sup>5</sup> See, for example, Rittberger, Berthold (2005), *Building Europe's Parliament. Democratic representation beyond the nation state*, Oxford: Oxford University Press; Hix, Simon, Noury, Abdul and Roland, Gerard (2007), *Democratic politics in the European Parliament*, Cambridge: Cambridge University Press.

<sup>6</sup> Voter turnout has dropped from 62% in 1979 to a record low 43% in the latest, 2009 EP elections (see: [www.europarl.europa.eu/aboutparliament/en/000cdcd9d4/Turnout-\(1979-2009\).html](http://www.europarl.europa.eu/aboutparliament/en/000cdcd9d4/Turnout-(1979-2009).html)). More than 50% of respondents think that the EP does not deal with their concerns and do not feel properly represented by the EP (Special Eurobarometer 299, "The 2009 European Elections", September 2008). Trust in the EU has plummeted to 31% in 2013 (Standard Eurobarometer 79, "Public Opinion in the European Union", spring 2013).

<sup>7</sup> See Hefftl, Claudia, Kreilinger, Valentin, Rozenberg, Olivier, and Wessels, Wolfgang (2013), "National parliaments: their emerging control over European Council", *Policy Brief*, Notre Europe – Jacques Delors Institute and TEPSA.

<sup>8</sup> Callies, Christian and Beichelt, Tim (2013), *Auf dem Weg zum Europäisierten Bundestag: Vom Zuschauer zum Akteur?* Gütersloh, Bertelsmann Stiftung, pp. 10-11.

At the same time, however, there seems to be an increasing realisation that the effects of the ‘euro crisis’ have led to a call for new approaches that can foster the principle of dual legitimacy in the EU. This sentiment has been fuelled largely by three more recent developments, namely:

- institutional novelties, in particular the key role assumed by the European Council in the response to the crisis, as well as the creation of the Euro Summits;
- a growing tendency to adopt inter-governmental agreements outside the EU Treaty framework and in areas that are not necessarily legislative and, thus, are not covered by national parliaments’ control rights in European affairs – such as the Treaty on Stability, Coordination and Governance (‘Fiscal Compact’), the Treaty establishing the European Stability Mechanism or the inter-governmental agreement on a Single Bank Resolution Fund currently under negotiation; and
- the EU’s/Eurozone’s new economic governance architecture that increasingly impinges on the ‘budgetary sovereignty’ of national parliaments.<sup>9</sup>

These crisis-driven dynamics have sparked a renewed interest in how national parliaments could “fight back”<sup>10</sup> against the rise of executive authority and help to ‘cure’ the EU’s legitimacy problem.

### 1) EU policymaking and the role of national parliaments according to the Treaties...

Efforts to compensate for the Union’s democratic shortfalls by fostering the involvement of national parliamentarians in EU policymaking – who, unlike their European counterparts, have closer constituency links and are elected in “first-order”<sup>11</sup> contests – are not new. Over time, several formal opportunities have been taken to provide them with a stronger say, culminating in the Lisbon Treaty, which includes national assemblies into the body of EU law and gives them a distinct role beyond that of scrutinising their governments.<sup>12</sup>

Building on similar provisions included in the Maastricht and Amsterdam Treaties’ protocols, the Lisbon Treaty (Protocol 1) broadens the scope of legislative proposals and other documents<sup>13</sup> to be transferred to Member States’ parliaments from Brussels. Moreover, the current EU Treaty expands to eight weeks the timeframe that these assemblies have at their disposal to react to such documents.

Furthermore, the Treaty on the European Union (TEU) specifies that national parliaments can contribute to the good functioning of the Union (Article 12 TEU) by participating in certain evaluation<sup>14</sup> and monitoring<sup>15</sup> procedures, in Conventions dealing with treaty amendments (Article 48.3 TEU) and in the inter-parliamentary cooperation with the EP. These participatory rights are meant to complement the existing political dialogue with the Commission – a 2006 Barroso initiative<sup>16</sup> – that encourages national parliaments to submit opinions on legislative proposals and consultation documents, and binds the Brussels’ executive to answer and take them into account.

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<sup>9</sup> *Ibid.* and Hefftlar *et al.* (2013), *op. cit.*

<sup>10</sup> Raunio, Tapio and Hix, Simon (2000), “Backbenchers learn to fight back: European integration and parliamentary government”, *West European Politics*, Volume 23, Number 4, pp. 142-168.

<sup>11</sup> Reif, Karlheinz and Schmitt, Hermann (1980), “Nine second order national elections – A conceptual framework for the analysis of European election results”, *European Journal of Political Research*, Volume 8, Number 1, pp. 3-44.

<sup>12</sup> The Treaty of the European Union (TEU) states that national parliaments ensure compliance of the EU with the principle of subsidiarity (Article 5) and hold their governments accountable for their actions in the Council (Article 10). See also, Emmanouilidis, Janis A. and Stratulat, Corina (2010), “Implementing Lisbon: narrowing the EU’s ‘democratic deficit’?”, *EPC Policy Brief*, Brussels: European Policy Centre.

<sup>13</sup> Including all draft legislative acts, consultation documents, the annual legislative programme, and any other instrument of legislative planning of the Commission, the Council’s agendas and minutes, as well as the Annual Report of the Court of Auditors (Articles 5, 6 and 7 TEU). In addition, national parliaments must be notified about new applications for EU membership, proposals to amend the Treaty, as well as policies in the area of freedom, security and justice, proceedings on Internal Security or Treaty-supplementing measures (Articles 49, 70 and 71 TEU).

<sup>14</sup> Such as of the Union’s policies in the area of freedom, security and justice (Article 70 of the Treaty on the Functioning of the European Union (TFEU)) and of the activities of the European agency dealing with judicial cooperation – EUROJUST (Article 88.5 TFEU).

<sup>15</sup> That is, of the European Police Office – EUROPOL (Article 85.4 TFEU).

<sup>16</sup> Communication from the Commission to the European Council, “A citizens’ agenda. Delivering results for Europe”, European Commission, COM (2006) 211 final.

In addition, national parliaments have six months to individually veto the use of the *passarelle clause* (Article 48.7 TEU), whereby the Council can decide unanimously to shift from unanimity to majority voting in the Council, or to change from a special to the ordinary legislative procedure.<sup>17</sup>

Last but not least, the most *avant-garde* innovation brought by the Lisbon Treaty is the Early Warning Mechanism (EWM), detailed in Protocol 2, which guarantees national parliaments the right to object within eight weeks to EU law initiatives that they hold in breach of the subsidiarity principle. Objections of non-compliance from at least one-third of all (chambers of) national parliaments require the Commission to either review the proposal (the ‘yellow card’) or else to justify why it decides to hold on to it. In the latter case, a simple majority of negative opinions can allow the EP or the Council to reject the flagged proposal in the first reading of the ordinary legislative procedure (the ‘orange card’).

## 2) ... and in political practice

Thus, the toolbox available to national parliaments to directly engage in EU policy processes is far from empty. But are national assemblies exploiting these instruments to their full potential, and are these mechanisms fit for purpose?

To date, experience reveals a mixed picture. For instance, while the various inter-parliamentary meetings and conferences that regularly bring together parliaments’ speakers<sup>18</sup> or members of select committees, such as on EU Affairs<sup>19</sup>, can stimulate debates on EU legislation and promote exchanges of contacts and best practices, they also tend to disappoint in terms of ambition, impact or incentives for attendance.<sup>20</sup>

Similarly, although the number of opinions sent by national parliaments in the framework of the political dialogue with the European Commission has generally increased in the past years, participation differs across countries<sup>21</sup>, and some chambers complain<sup>22</sup> that the Commission’s replies are too vague or too late to bestow any real meaning to the exercise.

As regards the use of the EWM, the ‘yellow card’ procedure has been hitherto triggered only twice: when 12 national parliaments rallied against the proposal for a Council Regulation on the right to take collective action within the context of the freedom of establishment and the freedom to provide services (also known as ‘Monti II’), and then again when 11 chambers formed a common front to oppose the Commission’s initiative on the European Public Prosecutor’s Office. All other reasoned opinions submitted to the Commission (a total of 83 in 2012)<sup>23</sup> claiming a compromise of the subsidiarity principle drew in fewer than 5 national parliaments, and generally underscored the assessment that *inter alia* (i) the 8-week window to object is relatively narrow, (ii) the thresholds are rather difficult to reach, (iii) a common interpretation of the subsidiarity concept and a harmonised approach for its application are missing<sup>24</sup>, and (iv) the extent and manner to which the Commission considers the views of national assemblies is unclear.

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<sup>17</sup> The same process applies to legislation concerning family law with cross-border implications (Article 81 TFEU).

<sup>18</sup> Each spring, the speakers of the parliaments of the Member States and the President of the EP come together in the country that held the presidency during the second semester of the previous year.

<sup>19</sup> Every six months, representatives of the EU Affairs Committees and the EP meet in the Conference of Parliamentary Committees for Union Affairs (COSAC) in the country holding the rotating presidency and on the basis of their conclusions, they may submit input for the attention of the EU institutions (Article 10 TEU, Protocol 1).

<sup>20</sup> See Piedrafita, Sonia (2013), “EU democratic legitimacy and national parliaments”, *CEPS Essay*, No. 7/25, pp. 7-8.

<sup>21</sup> Half of the 663 opinions submitted to the Commission in 2012 came from six of the 41 legislative chambers: the Portuguese Assembleia, the Italian Senato, the Czech Senate, the German Bundesrat, the Swedish Riksdag and the Romanian Camera Deputatilor. Conversely, among the ‘sleepiest’ national parliaments have been the Finnish Eduskunta and the Spanish Cortes Generales. See Piedrafita (2013), *op. cit.*, p. 6.

<sup>22</sup> COSAC (2011), Sixteenth Bi-annual Report, “Developments in European Union procedures and practices relevant to parliamentary scrutiny”.

<sup>23</sup> With the most active in sending opinions being the Swedish Riksdag (21), French Senate (7), as well as the Dutch Eerste Kamer (6) and Tweede Kamer (6). Annual Report 2012 on Subsidiarity and Proportionality, European Commission, COM (2013) 566 final, Brussels, 30 July 2013.

<sup>24</sup> See, for example, the speech of Maroš Šefčovič, European Commissioner for inter-institutional relations and administration, in the conference organised by the CEPC, Real Instituto Elcano and Fundación Manuel Giménez Abad, Madrid, Spain, 22 October 2010, especially p. 3.

### 3) National parliaments in the crisis context

But if on the basis of this short account the challenge of effectively implementing existing Treaty provisions seems, in itself, complicated to manage, the crisis has added further challenges regarding the role of national parliaments as ‘democratic watchdogs’.<sup>25</sup> In fact, the global financial and economic crunch and, particularly, the ‘euro crisis’ and the responses to it, have worked to bring EU affairs to the top of the domestic political agendas and to firmly capture the attention of national parliaments in the Member States.

However, when it comes to exerting concrete influence, the crisis-related patterns of EU policymaking seem to have strengthened only some national parliaments, most notably the German Bundestag. Conversely, the room of manoeuvre of other assemblies, especially in the ‘programme’ countries (such as Greece, Ireland, Portugal, and Cyprus), appears to have been considerably confined because of the strong conditions set by the Troika (including the European Commission, International Monetary Fund and the European Central Bank) in return for bailouts.

Moreover, as the European Council (and the Euro Summit) has moved to the frontline of EU policymaking by driving key decisions on the crisis recipe, the inadequacy of the structures for parliamentary control – either by national assemblies or the EP – in European governance has become visible. Member States’ parliaments and the EP were able to exercise formal influence in the ordinary legislative procedure and via their national ministers in the Council, but their ability to scrutinise and impact the formulation of strategic policy choices made by the Heads of State or Government in the European Council has been limited. Equally important, the thickening of the inter-governmental channel began to ‘domesticate’ the EU’s democratic deficit by denting the ability of national parliaments to keep their own ministers at ‘home’ to account.

Such developments might be specific to the crisis context, and national parliaments may well be in the process of adapting to the new circumstances.<sup>26</sup> Yet the future of parliamentary scrutiny in the course of solving the crisis as well as post crisis remains unknown. Just like the ensuing relationship between, on the one hand, EU institutions/national governments and, on the other, parliaments, in a potentially reinforced Eurozone economic governance system is still to be defined. These uncertainties are often a source of anxiety in both stronger and weaker EU countries, inside and outside the euro area.

### 4) A threefold choice

The road ahead points into three possible directions that are not irreconcilable with each other: refining existing instruments, devising additional tools, and revisiting the role of national parliaments at ‘home’.

#### *Upgrade the available gear*

The first avenue could see the reinforcement and improvement of mechanisms already in place with the aim of beefing up their impact and boosting their credibility in the eyes of national parliaments. In the case of the EWM, revisions could include, for example, a more exact definition of the subsidiarity principle, longer deadlines and lower thresholds for national parliaments’ reactions to legislative proposals by the European Commission, and a better coordination of subsidiarity checks across Member States. In addition, the Commission could strengthen its commitment to provide national parliaments with a proper and clear follow-up to the opinions submitted by national parliaments. All these measures could be taken in the framework of the existing Treaties and without the risk of stalling EU decision

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<sup>25</sup> See Emmanouilidis, Janis A. (2012), “Between collateral damage and ‘iron law’”, *Greek Review of Political Science*, Number 36, special issue on the *Politics of the Eurozone crisis*.

<sup>26</sup> Research shows that national parliaments are devoting increasingly more time and energy to EU issues. Between March 2011 and March 2012, the 27 lower houses organised some 109 debates as well as 180 meetings in committees. Denmark, Germany, the Netherlands, Portugal, Sweden, and Ireland have demonstrated more activism than Cyprus, Greece, Italy, Latvia, Romania, and Slovakia. See Hefftlar *et al.* (2013), *op. cit.*

making. Nevertheless, their efficiency would depend on the readiness and capability of national parliaments to use the EWM in a more constructive manner and not merely as a veto mechanism. Going one step further, a potential transformation of the ‘yellow’ card into a ‘red’ card, giving national parliaments an effective ban and forcing the Commission to withdraw a proposal on grounds of subsidiarity infringement, could also be envisioned<sup>27</sup> but would entail treaty change at a time when the appetite for such revisions is at best limited.

Additionally, there is scope to reinforce the political dialogue with the Commission and the inter-parliamentary cooperation with the European Parliament in order to facilitate the collection of national parliamentary positions and to enhance transnational political interaction. Concerning the dialogue with the Commission, hearings could, for instance, be held on an institutionalised and regular basis with members of the College in national parliaments (on the floor or in the relevant committee) to present and debate, for example, the Commission’s work programme or the Country-specific Recommendations brought forward in the context of the European Semester. As regards the inter-parliamentary collaboration, the Inter-parliamentary Conference on Economic and Financial Governance of the EU (convened for the first time on 16-18 October 2013 under the Lithuanian EU Presidency) could become a regular platform for networking and exchanges. This Conference could even be turned into a permanent forum for national parliaments to develop and express their views on the Annual Growth Strategy (which sets out the broad EU economic priorities for the year to come) and on recommendations in the framework of the European Semester.

#### *Expand the toolkit*

A second possible avenue is the introduction of completely new mechanisms to enhance the influence of national parliaments in European affairs and to counter the risk of their growing ‘marginalisation’ that may result in the reform process prompted by the on-going crisis.

There is no shortage of proposals down this road. For example, some advocate the **enhancement of COSAC** (Conference of Parliamentary Committees for Union Affairs) – a ‘super COSAC’ – by strengthening its ability to produce more concrete outputs that can directly influence the work of the EU institutions. Others call for the establishment of a **separate parliamentary chamber** bringing together members of the EP and national assemblies from the countries of the euro area in order to allow them to assume decision-making competences alongside the EU’s main institutional actors. Still others promote the idea of setting up a **forum for national parliaments** in Brussels to monitor those fields of EU/Eurozone governance where the EP plays no significant role – especially those areas in which the European Council and the Euro Summits have the final say. In addition, there are some who argue that the work and recommendations of the **Troika**, which have an effect not ‘only’ on individual programme countries but on the EU as a whole, should be thoroughly **scrutinised by the EP** in an attempt to somehow compensate for the loss of power of national parliaments in the countries concerned.

Finally, the introduction of bilateral “**Contractual Arrangements**” between individual Member States and the Commission (Reform Contracts), which is currently under negotiation, might offer new opportunities for national parliaments. If such an arrangement were to be reached with a given country, the involvement of its national parliament could go beyond the formal role of ratifying this contract. The national parliament in question could actually insist on the right to closely scrutinise the negotiations by their government from the very beginning. Such a comprehensive approach might further strengthen the commitment and public acceptance of the contract negotiated with the European Commission, including any potential country-specific reform programmes attached to it.

As good as such ideas might sound in theory, their feasibility and the details of their actual implementation have not been spelled out yet. On the one hand, it is rather uncertain whether the majority of these proposals would actually have positive consequences given that they might increase

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<sup>27</sup> In fact, on 12 January 2014, Conservative members of the UK parliament sent a letter to Prime Minister David Cameron publicly suggesting that the House of Commons should have the right to block new EU legislation and repeal existing policies that threaten Britain’s ‘national interest’.

the number of potential ‘veto’ players in EU policymaking, and thus the risk of multi-institutional rivalry and obstructions at the expense of efficient decision making. More actors could also add to the complexity of the EU’s institutional setting, making it even harder for citizens to understand how the system works or who is accountable for what. On the other hand, the extent to which national parliamentarians would make use of such new channels if their outcomes were not binding is highly unclear. This is especially pertinent to the suggestion of creating new inter-parliamentary bodies: if the decisions taken by these bodies have no real ‘teeth’ in terms of impact, they would struggle to make a difference and could not foster public support or democratic legitimacy for the EU.

### *Think outside the box*

The third and final option invites some fresh thinking by arguing that national parliaments should mainly focus their energies on the domestic political arena, where they stand to have the highest added-value in democratic terms by fulfilling their primary roles: holding governments accountable and communicating with electorates. In this line of reasoning, even if national parliaments’ rights to access information, participation and objection in EU affairs have the potential to bring ‘Europe’ into national debates and closer to citizens, they also ‘distract’ assemblies from their ‘natural’ domestic responsibilities.

Considering that the Council is one of the EU’s two legislative bodies, the most straightforward way for national parliaments to have a say in European policymaking would actually be to scrutinise and shape their governments’ positions before they head off to meetings in Brussels.<sup>28</sup> This approach can boost democratic legitimacy both at national and EU level, as well as having positive spill-over effects on the implementation of EU legislation domestically. At present, the capacity of national parliaments across Member States to control and influence their governments’ actions in the EU is far from uniform or satisfactory.<sup>29</sup> The partial exceptions are still Denmark and Finland, where ministers negotiating in the Council need the approval of the EU Affairs committee in their countries’ parliaments. Other Member States could seek inspiration from these Nordic models in order to further improve the robustness of their parliamentary oversight procedures.<sup>30</sup> Another possible source of inspiration could be the German Bundestag, which – alongside the Danish and Finnish assemblies – is among the most active and influential national parliaments in the EU. The German example is particularly interesting with respect to the administrative reforms it undertook in recent years, which provided the Bundestag with the necessary capacities to tackle the huge additional workload that resulted from successive legal reinforcements of its role in EU policymaking.<sup>31</sup>

Similarly, national parliaments can best help to raise public awareness and interest in European affairs by politicising EU issues at ‘home’. This implies the promotion of political debate, which in turn is a defining function of working democracies. By fostering better communication and deliberation about European affairs, national parliaments can improve the visibility of the EU’s political dimension on the ground, the ability of people to make informed political choices and the capacity of elites to represent the interests and views of their citizens in Brussels. A more interactive relationship between national *demos* and their political leaders could then improve democracy both at national and EU level.

## **5) Three main conclusions**

The issue of the role of national parliaments in European affairs set sail in the tenacious quest of the past decades for better democratic quality of EU decision making, and has been recently steaming ahead in the context of the ‘euro crisis’. By now, it is not only uncontested that assemblies in the Member States should be kept in the loop of the Union’s activities but also that national parliaments dispose of a full repertoire

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<sup>28</sup> See also, Corbett, Richard (2013), *op. cit.*

<sup>29</sup> See the ranking of Auel, Rozenberg and Tacea, Angela (2014), “Fighting back? And if yes, how? Measuring parliamentary strength and activity in EU affairs” in Heffler, Claudia, Neuhold, Christine, Rozenberg, Olivier, Smith, Julie, Wessels, Wolfgang (eds.), *Palgrave handbook on national parliaments and the European Union*, Hampshire: Palgrave Macmillan.

<sup>30</sup> As has been witnessed, for example, in the case of the Irish parliament. See Corbett, Richard (2013), “What role for national parliaments in EU law making?”, European Movement blog on *BlogActiv.eu*.

<sup>31</sup> See Callies and Beichelt (2013), *op. cit.*, pp. 25-26.

of different instruments to ensure they can play a direct role in the system. National parliaments' rights to access information, participation and objection to EU legislation are guaranteed in the Treaties, and seek to complement both the traditional functions of these assemblies – that is, to hold their governments accountable and communicate with their voters – as well as the work of the European Parliament, aiming to safeguard democratic representation and accountability at EU level.

This paper's brief overview of how national parliaments have performed so far, especially against the backdrop of the crisis, in the task of injecting democratic legitimacy into the EU's political system suggests three main conclusions:

- Existing instruments available to national parliaments – namely, the subsidiarity checks, the political dialogue with the Commission and inter-parliamentary cooperation with the EP – can and should be further refined to meet their full potential. This can involve some fine-tuning of their design for greater efficiency but also a re-calibration of their formal authority to boost their policy impact and appeal to parliamentarians.

However, a state-of-the-art toolkit cannot make a difference unless national parliaments – and the concerned EU institutions – make actual use of it, and do so responsibly. In other words, it is imperative that national parliaments throughout the EU draw more actively on these mechanisms. This might require in some cases an improvement of domestic parliamentary capacities and legal frameworks, and that they step up their efforts to cooperate across borders for the sake of making a greater impact. At the same time, not to defeat the purpose of these tools, the distinction between their use and abuse should be clear. In this sense, for their part, national parliaments should not reduce the relationship with the Commission to a mere subsidiarity control or an approval exercise. Similarly, the Brussels' executive should commit to more systematic and timely responses to the parliamentary opinions it receives, and tap more into the pool of information about different national and public sensitivities provided by national parliaments.

- Any proposals for new instruments are welcome but must be carefully considered on a case-by-case basis, especially when it comes to new arrangements related to European economic governance. Such an assessment needs to reflect not only whether any specific innovation involving national parliaments makes sense in practice, from the point of view of implementation, but also whether the rationale for establishing yet another channel of influence and control is solid. There is a danger that adding to the complexity of the EU system could, at the end of the day, damage the efficiency of EU policymaking, which would then harm the public legitimacy and accountability of the Union. Moreover, the role of the EP in balancing the contribution of national parliaments at EU level should not be overlooked or undermined in the process. Last but not least, the temptation to engage in window dressing by setting up weak mechanisms based on half-baked ideas should be firmly resisted as it could fuel a feeling of frustration and resentment against 'Europe' amongst citizens.
- The efforts to strengthen the direct involvement of national parliaments in EU policy formulation and adoption by means of better and new instruments should evoke the fact that these assemblies still have to fulfil two key domestic responsibilities: to hold their own governments, also on EU affairs, accountable, and to maintain the link with voters. These functions are the most straightforward and effective ways for national parliaments to influence European policies, and to contribute to sound democratic practices at national and European level. Keeping an eye on the EU is important but, as the crisis has amply demonstrated<sup>32</sup>, keeping track of what national governments are doing and keeping electorates informed about political issues (including EU-related matters) is vital. National parliaments are in the position to do precisely that and should therefore mainly preoccupy themselves with building capacity to perform these domestic functions in the EU's multi-level system.

Ultimately, there is no silver bullet on how national parliaments could help the EU overcome its democratic challenges. The best shot lies in a combination of approaches and instruments, but also in a pragmatic understanding that democratic reality should not be assessed by applying black-and-white standards.

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<sup>32</sup> See, for example, "Former ECB chief blames governments for euro-crisis", *EUobserver*, 14 January 2014.



National parliaments – like all other actors with a stake in fostering democratic principles – struggle to cope with their multiple roles at different levels of governance in an increasingly complex system of checks and balances. Their primary duty is to identify the most effective channels of influence at their disposal, and to use them responsibly without undermining the functioning of the system at either the national or the European level. EU institutions and governments should focus on providing suitable legal structures, not fig leaves, for a comprehensive involvement of national parliaments and the EP, and should commit to implementing them in practice. The way ahead is likely to be a steep learning curve, but the final destination – a better democratic system for the EU – will make the journey all worth it.