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The tale of high expectations and ambiguous results: adaptation of national parliaments to the Lisbon Treaty

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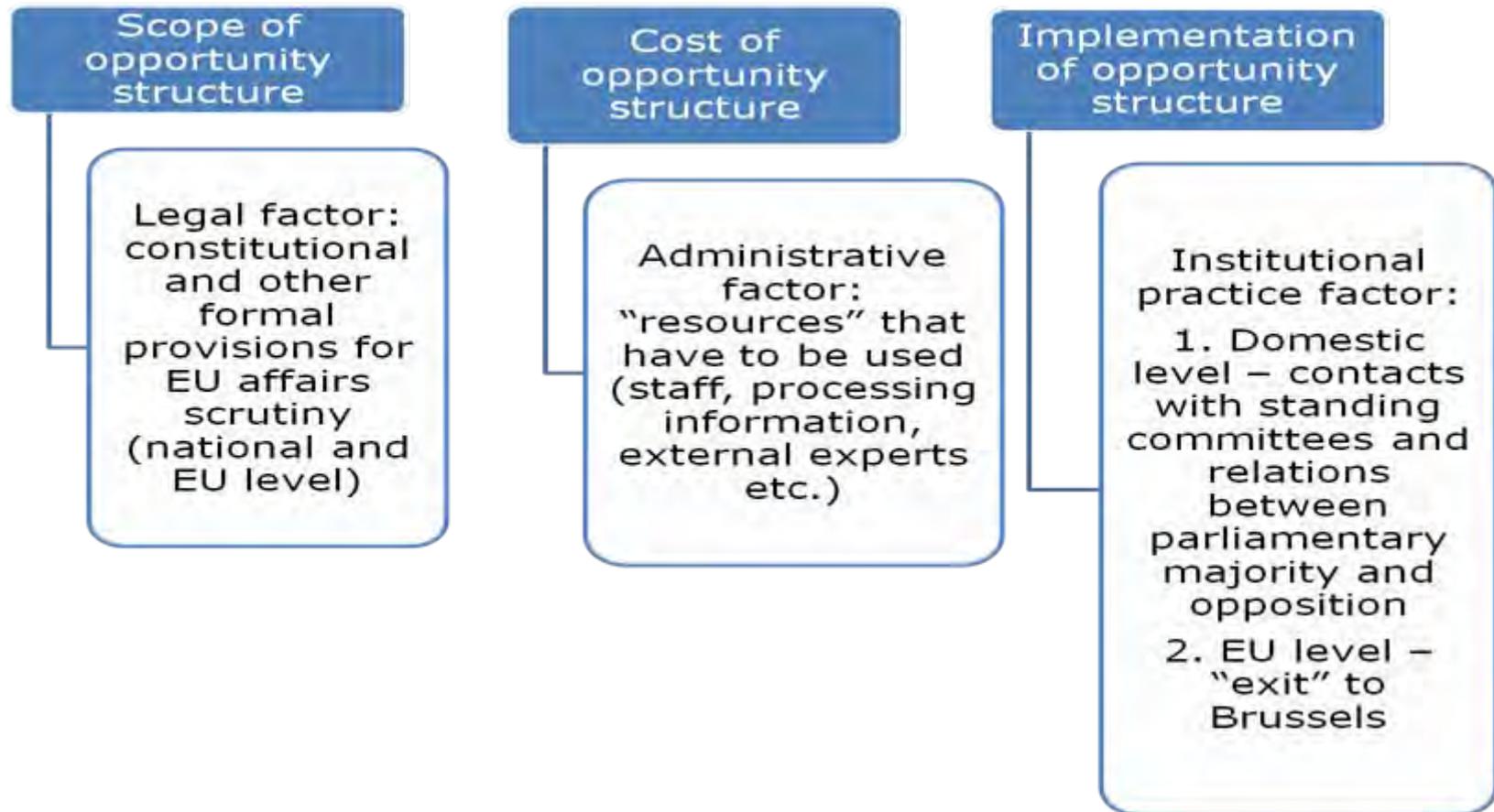
Why bother?

- Far-reaching formal provisions of the Lisbon Treaty
- Address effective policy-making and the problem of the democratic deficit
- Formal rules require “interpretation” to be used in practice
- Through which mechanisms is this “interpretation” conducted?

Theoretical framework and key concepts

- Parliamentary scrutiny (“exercise of power by the legislative branch to control, influence or monitor government decision-making” from Holzacker)
- Parliamentary influence (“capacity of the parliament to (partially) determine the policy choices of the executive”) (Dahl/Mokken/Stokman)
- Opportunity structure (Figure 1)
 - a) Scope of opportunity structure / legal factor
 - b) Cost of opportunity structure / administrative factor
 - c) Implementation of opportunity structure / institutional practice factor

Figure 2: Opportunity structure and factors of effective parliamentary scrutiny



Methodology and case selection

- Qualitative case-study (small N)
- Process-tracing
- Semi-structured interviews

- Policy cases: Green Paper on pensions (COM 2010 0365) and “Seasonal labour migrants” directive (COM 2010 0379)

- Country cases: Sweden, Czech Republic and Romania
- Classification of EU national parliaments from Magone (2011) and budgetary power index of Wehner (2006)
- “Diverse” case selection strategy

Swedish pension and labour migration policy

- Pension system introduced in a cross-party consensus
- A number of studies on potential reform/adaptation of policy launched by the Pension group in 2012
- Green Paper reinforces the traditional left-right divide
- Labour migration reform of 2008 against the interest of Social Democrats; trade unions lost influence
- Seasonal labour directive as an incentive to regain the influence of trade unions/Social democrats
- Article 16: social benefits for seasonal labour migrants

Outcome of parliamentary scrutiny in Riksdag

Green Paper:

- Further coordination of social policy may be necessary but member-states retain the final say
- Government and parliament unanimous
- Special opinion of the Left party: against EU interference but want to raise concerns for “domestic consumption”

Seasonal labour directive:

- Very brief evaluation, only looked at the division of competence between the EU and the member-states

But: no direct connection between the EU proposals and national policies is made / no clear government-parliament divide

Mechanisms of scrutiny: Sweden

- Legal provisions: enhance the role of sectoral committees in subsidiarity checks, “lock-in” a decentralised system of EU affairs scrutiny, long-term consequences of EU-MOT
- Administrative support: no extra staff, centralisation of resources at party level, “cost of opportunity structure” increasingly born by committee staff (not by MPs or party staff)
- Institutional practice:
 1. crucial role of sectoral committees (expertise and fire-alarm for party conflicts), no strong executive-legislative divide, high party loyalty within governing coalition, opposition fragmented
 2. no contacts with rapporteurs/shadow rapporteurs, European Commission, Brussels-based organisations, possible development of contacts between social-democratic MEPs and MPs to compensate for a weak domestic position

Czech pension and labour migration policy

- No inter-party consensus on pension reform
- Green paper fits into the second Bezdek committee reform proposal
- Contradiction between the wording of the Green Paper and the ECJ ruling C-343/08
- Migration topic not very salient
- Restrictive labour migration reform prepared by the Ministry of Interior

Outcome of parliamentary scrutiny in the Czech Chamber of Deputies and Senate

Senate:

1. Rather critical of the Green Paper; role of the EU in the policy area should be minimal
2. "Seasonal labour migrant" directive violates subsidiarity principle

Chamber of Deputies:

1. Main focus is against the increase of EU competencies in the policy area
2. Negative opinion on the necessity of EU-level regulation of seasonal labour migrants

No specific government-parliament divide; concentrate on the division of competence between the EU and member-states

Mechanisms of scrutiny : Czech Republic

- Legal provisions: new rules of procedure adopted, imperative mandate on “big” EU decisions” (flexibility clause, passerelle)
- Administrative support: no new staff, increasing political pressure on the staff in the Senate, side jobs in the academia are encouraged, good access to government information, less demand for expertise in parliamentary debates
- Institutional practice:
 1. Limited involvement of sectoral committees (sometimes involved after an EAC passed a resolution), no executive-legislative cleavage, “capture” of the Senate by the opposition, increasing inter-party rivalry in both houses; work of the Chamber EAC paralyzed for 1,5 years
 2. No contacts with EU-level bodies, Senate unsuccessfully attempted to “exit” to the EU level

Romanian pension and labour migration policies

- Pension reform conducted between 2007-2010
- New government willing to reassess certain parameters of the pension scheme
- Green Paper may trigger a renewed debate on occupational schemes and transferability/portability of pensions (large amount of Romanian workers in shadow economy)
- Pensioners are the largest (most active) group of voters
- Interested how the “seasonal migrant directive” will affect Romanian seasonal workers abroad

Outcome of parliamentary scrutiny in the Romanian Chamber of Deputies/Senate (Joint European Affairs committee)

Green Paper on pensions:

1. No formal resolution passed, no strong pro or contra opinions but the committee was divided
2. General understanding that something has to be done but no clear solutions proposed by parties

Seasonal migrants directive:

1. No formal opinion
2. Suggestion to discuss the issue came from the Czech Senate
3. Concerned with the impact of the directive on Romanian seasonal workers abroad

Mechanisms of scrutiny: Romania

- Legal provisions: major changes in establishing procedures for subsidiarity check and splitting the Joint European Affairs Committee (EAC) but still no legal framework for executive-legislative cooperation in EU affairs; current Draft law is vague and won't increase the power of parliament
- Administrative support: no new staff, complications with human resources, conflicts between the Joint EAC secretariat and the EU unit (now Community Law unit) over the legal framework of scrutiny, "party capture" of the EAC secretariat
- Institutional practice:
 1. limited involvement of sectoral committees, opposition chairmanship in the EAC didn't lead to better scrutiny, high inter-party rivalry, EU scrutiny used as a bargaining chip to obtain concessions from government
 2. no attempts to "exit" to the EU level

Conclusions

- Scope of opportunity structure widened but there is path-dependency for all member-states' parliaments
- All parliaments are more or less able to bear the "cost of opportunity structure" although Romania pays the highest price
- Long-term challenges of lacking MP interests and "brain drain" (most acute in Romania, to lesser extents in Czech Republic and Sweden)
- Key mechanisms of influence: involvement of standing committees and inter-party relations (irrespective of Eurosceptic or Europhile attitudes)
- Few attempts in "exiting" to the EU level
- "Party capture" isn't conducive to more effective scrutiny

Even more conclusions

- The Lisbon Treaty triggers a change of procedures but the new provisions are not much used in policy-making, EU and national policies are not connected during parliamentary scrutiny
- Potential new definition of effective scrutiny: parliament is acknowledged by the government as a legitimate actor in EU affairs
- Lisbon Treaty provisions are not empowering parliaments because national parties don't see high added-value in dealing with EU affairs
- "Shallow" involvement of national parliaments: they deal with "constitutional" issues and not with public policies/legislation
- Upgrading the role of national parliaments is necessary but not sufficient to address the democratic deficit, as it doesn't take into account the patterns of party politics / party system change in member-states

So why are parties not interested?

1. Limited impact of “Europe” on national political parties
2. Cartelization of political parties (Katz & Mair)
 - European topics isolated from inter-party debates (Sweden)
 - European topics discussed in “black and white”, although Europhile attitudes are increasingly strong (Czech Republic)
 - European topics as a matter of foreign policy not suitable for domestic consumption (Romania)
 - Mixed evidence of cartelization