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New Tasks, Limited Resources: Regional Parliamentary Administrations in EU Affairs

Introduction

A combination of revisions of European Treaties and national constitutional reforms have – as a general rule – led to a strengthening of parliaments in the European Union since the Single European Act (Hrbek 2010). However, early European reforms benefited the European Parliament, whereas national reforms and more recent European reforms primarily considered the role of national parliaments. European integration has been a particularly great challenge for regional parliaments, as the dominant actors in regional interest representation are regional governments. As a result, until the Treaty of Lisbon, the role of regional parliaments in EU policy-making was mainly limited to controlling their regional executives, which were themselves often playing a subordinated role in the EU policy processes.

However, this should not disguise the fact that there are currently eight member states in the European Union where regional parliaments have legislative powers in domestic policy-making: Austria, Belgium, Germany, the UK, Spain, Italy, Portugal and Finland. For these parliaments, European integration brought the same risks of disempowerment that are commonly observed on the national level. Like national parliaments, regional parliaments have in the past tended to be reactive institutions vis-à-vis their executives (Raunio and Wright 2006, 281-2). In addition, the informational imbalance between executives and legislatures in the EU decision-making system presents a challenge to accountability (O’ Brennan and Raunio 2007, 4; Benz 2011, 1; Rittberger 2010, 240). As a result, authors have in the past voiced concerns that the legislative and control functions of regional parliaments and their ability to constructively shape policy content might become impaired as

a result of integration (Abels and Eppler 2011, 20-21; Sprungk 2011, 213). Thus, it is estimated that 85–90 per cent of all legislation that was passed at the national level in Austria in 2005 and 75 per cent of all legislation in Germany was influenced by EU policy (Bußjäger 2010, 106; Sturm and Zimmermann-Steinhart 2005, 53, cited in Bußjäger 2010, 106).

Yet, as in the case of national parliaments, the Treaty of Lisbon appears to have given new impetus to the European affairs scrutiny of regional parliaments. Reforms on the regional level have as a general rule taken place much later than on the national level – usually *after* the Lisbon Treaty came into force, and often only in 2012/2013. Scepticism remains on the ability of regional parliaments to use the new opportunities and to control their own governments (cf. Vara Arribas and Högenauer 2015): regional parliaments tend to be much smaller than their national counterparts and thus face much more severe resource limitations. Nevertheless, the spreading reforms and the revival of interparliamentary cooperation on the regional level (ibid.; Hrbek 2010; Eppler 2014) show that regional parliaments try to strengthen their role in EU policy-making.

Overall, regional parliaments thus face at least two challenges that raise questions about their administrations: the information gap compared to regional and national governments, who have better access to Council documents, and their generally smaller size compared to national parliaments. Thus, this chapter seeks to understand how regional parliamentary administrations compare to national parliamentary administrations, and in particular, to what extent they can address the information gap while facing severe resource constraints. For this purpose, we will first discuss the new opportunities for regional parliaments after Lisbon. The second section provides an overview over the general resources of regional parliaments and the tasks of parliamentary administrations that allows for a direct comparison with the national level. The third section will further elaborate on this through an analysis of three

Belgian subnational parliaments, which also draws parallels to the (limited) existing literatures on Scotland and the German Länder.

Regional Parliaments after Lisbon: New Powers – New Impetus

In the *Protocol on the application of the principles of subsidiarity and proportionality* of the Lisbon Treaty subnational parliaments are for the first time formally mentioned in EU primary law. In art. 4, the Treaty on European Union (TEU) recognizes the principle of regional and local autonomy. The principle of subsidiarity is further strengthened in article 5 TEU and by the fact that the Committee of the Regions has gained the right to appeal to the European Court of Justice (ECJ) for the annulment of an act on the grounds of subsidiarity.

Most importantly for regional parliaments with legislative powers, they are to be consulted under the Early Warning System. The detailed procedure has been discussed in previous chapters, but in essence the Protocol states that national parliaments are to receive all legislative proposals, that they have eight weeks to assess a proposal after it has been published in all official languages and that they can object to the proposal on grounds of subsidiarity in a so-called “reasoned opinion” within the limits of that deadline (cf. **chapter ???**). Then, in article 6 of the Protocol, it is stated that

it will be for each national Parliament or each chamber of a national Parliament to consult, where appropriate, regional parliaments with legislative powers (Art. 6, Protocol 2, TFEU).

For regional parliaments this presents a new opportunity for participation in EU policy-making via their national parliaments. However, the precise terms of participation are not defined and left to be negotiated nationally. National parliaments have in general agreed to consult their regional parliaments with legislative powers, but the procedures vary substantially. For example, some national parliaments include a summary (i.e. interpretation)

of the position of regional parliaments in their own reasoned opinion, whereas others, such as the Belgian parliament, simply forward regional reasoned opinion in its original form (cf. Vara Arribas and Högenauer 2014). However, in general, the fact that national parliaments have to meet an 8-week deadline means that regional parliaments have to meet a 6-7 week deadline if they want their national parliament to be able to take their views into account. Thus, the time pressure on regional parliaments is even greater than that on national parliaments and represents a substantial challenge to scrutiny: For example, the Scottish parliament was unable to provide the House of Commons and House of Lords with reasoned opinions in time during the first years, despite participation in the pilot studies of the Conference of European Affairs Committees (COSAC) on subsidiarity (Högenauer 2014; Raunio and Wright 2006, 293; Vara Arribas and Bourdin 2011, 122).

Based on Fleischer's analysis of the REGPEX database, where regional parliaments and governments can exchange their views on subsidiarity, only 34 reasoned opinions (EWS) and 53 opinions (political dialogue) were recorded by regional parliaments between 2008 and 2013. According to Fleischer, this data underestimates the real number of opinions, as regional parliaments do not always upload their documents (Fleischer 2014). However, the numbers illustrate that regional output is moderate at best. By comparison, national parliaments submitted 2438 opinions under the political dialogue and 168 reasoned opinions between 2008 and 2013.

However, regional parliaments have also become somewhat more active in interparliamentary cooperation since the mid-2000s. In part, this is facilitated by the new focus of the Committee of the Regions on subsidiarity. As the Committee of the Regions obtained the right to appeal to the European Court of Justice on grounds of subsidiarity, it embraced its role of guardian of subsidiarity and actively worked with regional actors on these issues (Domorenok, 2009, 160).

Despite the fact that parliaments with legislative powers are in a clear minority in the Committee of the Regions, it has developed tools similar to the IPEX system used by national parliaments, for example REGPEX. The REGPEX database is connected to the EU legislative databases OEIL and PreLex and allows its members to check the current status of legislation as well as to upload their own opinions (Stahl 2009, 139-40). 43 regional parliaments are members of REGPEX, which means that more than half of all regional parliaments with legislative powers participate in it (Vara Arribas and Högenauer 2015). In 2005, the Committee of the Regions created the Subsidiary Monitoring Network (SMN) which conducted subsidiarity tests, similar to those conducted by COSAC. These tests have helped regional parliaments to build expertise and develop their procedures for EU affairs scrutiny. In June 2013, the SMN had 146 partners including regional parliaments and governments as well as local authorities and associations.

In addition, the Conference of Legislative Assemblies of Regions, CALRE, representing 74 regions from all eight member states, has become more active again in recent times. It brings together the presidents of the parliaments and currently focuses on the subsidiarity principle and interparliamentary cooperation. It discusses, for example, participation in the political dialogue with the European Commission and cooperation with the SMN of the Committee of the Regions (CALRE, 2011).

The EU Staff of Regional Parliaments

The data on regional parliaments with legislative powers was gathered in a similar manner to that on national parliaments. On the one hand, a written questionnaire was sent to the parliamentary administrations with questions about resources, organization and core tasks. Out of 75 regional parliaments with legislative powers, 21 replied to the questionnaire, which corresponds to a response rate of 28 percent. The low response rate is not particularly unusual

given the limited staff of regional parliaments. In addition, as regional parliaments are traditionally less international in their focus compared to national parliaments, the language barriers are also greater. The data covers nevertheless parliaments from six out of eight member states with regional parliaments with legislative powers. Only Portugal and Finland are missing, but both states combined only contain three legislative regions. The results of the survey thus provide a general overview over the main organizational features of regional parliamentary administrations.

In a second phase, more detailed data was collected on the Belgian regions by means of qualitative interviews and documentary analysis. It has also been used to complement the data from the questionnaire. Belgium was chosen as a case study as the Belgian regional parliaments have greater formal powers than their peers in other member states. In Declaration 51 attached to the TEU and the TFEU, the Kingdom of Belgium clarifies that its regional parliaments are to be considered as part of the national parliamentary system. This is based on the Belgian constitutional principle of *in foro interno in foro externo*, whereby those actors who are competent to act domestically on a certain subject matter, are by extension also the competent actor in external relations in that field. In practice, it means that the Belgian regions do not depend on the willingness of the national chambers to include their point of view (as is the case with other regional parliaments), but their reasoned opinions are to be forwarded in their original form to the European institutions. Thus, for example, as the Belgian regions have exclusive domestic competence in most aspects of environmental policy-making, subsidiarity tests in the field of environment policy are predominantly the task of the regional parliaments. At the same time, despite their greater formal powers, the Belgian subnational parliaments have not made much use of the Early Warning System. Only the Flemish Parliament has adopted an opinion and a reasoned opinion so far. Hence, the case

shows that formal powers alone do not explain the level of activity of a parliament, and it raises the question of what other factors and challenges play a role.

Finally, the insights into the Belgian system are compared to recent research on Scotland and the German Länder.

Table 1: The staff resources of regional parliaments in European Affairs (2013)

	Number of staff*	Increase after Lisbon
Burgenland	1	no
Steiermarck	n.i.	No
Vorarlberg	1	No
Wien	Normal staff	no
Brussels Parliament	1	n.i.
Flemish Parliament	2-2.5	n.i.
Francophone community	1	No
German-speaking community	0.5	yes
Wallonia	2	+ 1
Berlin	3	+ 1
Bremen	1	no
Hessen	1	yes, creation of the unit European and International Affairs
Meck.-Vorpommern	3	yes
Sachsen	0.5	no
Trentino-Alto Adige	1	no
Veneto	3	no
Andalucía	3	Reallocation of tasks between staff
Galicia	4 (normal staff)	no
Madrid	1	no

Extremadura	2	no
Valencia	n.i.	no
Scotland	3.5	n.i.
Northern Ireland	1	No

The table is primarily based on the survey and complemented with interview data.

* The number of staff does not include EU officers posted in Brussels.

A first look at the staff resources of regional parliaments with legislative powers in the field of European affairs (Table 1) already highlights one of the fundamental challenges for regional parliaments in EU policy-making: their staff resources are extremely low. The vast majority of parliaments appear to have between one and three members of staff working on EU affairs. The average across the parliaments that responded is 1.8 staff members per parliament. The difference to national parliaments is striking. National parliaments employ on average about ten EU staff. The difference is particularly striking at the higher end: the German Bundestag employs 44.5 EU staff, for example, whereas the best-staffed respondent (Galicia) employed four, i.e. about one tenth of that amount (Högenauer and Christiansen 2015). There are only a handful of national parliaments whose resources are as limited as those of regional parliaments: some of the smaller member states (Slovenia, Malta) and a few Upper Houses (the Belgian Senate, the Dutch Upper House, which is a part-time assembly).

If it is sometimes challenging for national parliaments to work through the flood of EU-related documents that they automatically receive due to improved information rights after Lisbon, it is even more difficult for regional parliaments to identify important documents and to analyze the precise implications of the proposed policies for their country or region. In order to increase their capacity to proactively handle EU affairs, about half of the parliaments that responded to the survey offered additional training on EU affairs to staff, for example through the Subsidiarity Monitoring Network of the Committee of the Regions. However, another way to address the combined problem of the information flood and limited in-house

expertise, is to rely to at least some extent on the much better-staffed regional executive. In the case of Scotland, Vienna and six out of sixteen German Länder for example, the regional executive sends its own assessment of the subsidiarity question to the parliaments, which can use it as guidance (cf. Högenauer 2014, Häsing and Buzogany 2013). In eight out of 23 cases, regional parliamentary administrations or interviewees reported that the regional (government) offices in Brussels provided them with information on EU issues (cf. Table 2). As some regions did not comment on this question, the extent of cooperation is probably being underestimated here. The precise form of cooperation varies. Sometimes the office offers advice specifically on the EWS, as in the case of the Burgenland and Steiermark. Sometimes members of the regional office visit the parliaments. In that case, frequencies vary substantially. The Walloon attaché to the Belgian Permanent Representation estimates that he visits the Walloon parliament and the Parliament of the Francophone Community about once a year (Interview with the Walloon attaché in the Belgian Permanent Representation, 7/04/2014). The head of the office of Mecklenburg-West Pomerania estimates that he visits the parliament about every six weeks (Interview with the Regional Office of Mecklenburg-West Pomerania, 2/04/2014). In the case of Scotland, by contrast, the regional office does *not* provide information directly to the parliament (Interview with the SGOEU, 8/04/2014). However, while such cooperation with the government can have to positive result of reinforcing regional capacity to scrutinize European actors, it has the side-effect of increasing the dependence of regional parliaments on their executives and hence of decreasing their ability to control their government.

Table 2: Regional parliaments receiving informaiton from the EU office (2013)

Country	Region	Role of reg gov rep
Austria	Burgenland	helps with EWS
	Steiermarck	Helps with EWS
Belgium	French community	visits parliament 1 per yera
	Wallonia	visits parliament 1 per yera
Germany	Mecklenburg-Vorpommern	offers advice to parliament

	Sachsen	offers advice to parliament
Italy	Consiglio Regionale del Trentino-Alto Adige	offers advice to parliament
Spain	Galicia	offers advice to parliament

Another area where differences between the national and the regional level are striking is the dispatching of parliamentary representatives to Brussels. As Neuhold and Högenauer (2013) show, all national parliaments but one have at least one administrator in Brussels who acts as parliamentary representative. All of these representatives except for the Germans are based in one corridor in the European Parliament. On the one hand, this immensely facilitates access to the European institutions and to first-hand information, but on the other it also allows the representatives to coordinate the work of national parliaments. In fact, they meet on a weekly basis to discuss European developments and parliamentary reactions, and informal meetings during the week are easy due to the close proximity of the offices (ibid.).

The regional parliaments have by and large not been able to emulate this system. Only two of the respondents had a representative in Brussels. A third region – Scotland – used to have a parliamentary representative but has effectively abolished this position by now (Högenauer 2014; Interview with the SGOEU, 8/04/2014). If we move beyond the survey, it is known that five of the sixteen German Landtage have a representative in Brussels, i.e. slightly less than one third of the Länder. Among these are mainly regions that are regarded as relatively large and/or politically strong: Bavaria, Baden-Württemberg, Hesse, Northrhine-Westfalia and Brandenburg (Interview with the Regional Office of Mecklenburg-West Pommerania, 2/04/2014). The functions of that network are similar to those of the national parliamentary representatives: to collect information at the source and to exchange information among each other. They also meet once a week in Brussels and maintain close contact to the representative of the German Bundestag in Brussels (Häsing and Buzogany 2013). Overall, however, given

the generally low level of resources available to regional parliaments, it is unlikely that a genuine inter-parliamentary network of representatives will emerge in Brussels.

Few People, Many Tasks

Despite the much lower staff resources, the EU staff of regional parliaments perform the same range of tasks as the staff of national parliaments and often in similar proportions (cf. Table 3). Thus, in the case of national parliaments, 21 out of 28 parliamentary administrations (75 percent) covered by the survey sifted through the documents from the European and national level to preselect those that were deemed “important” for further political discussion (cf. **chapter ???**). In addition, the administration of the Austrian parliament conducted a weaker form of pre-selection on the basis of tight political guidelines. In the case of regional parliaments, 16 out of the 23 parliamentary administrations in the study conducted such activities, i.e. nearly 70 percent.

Similarly, as in the case of national parliaments, all administrations for which data is available advise MPs on the procedures available to them. Such procedural support is of course one of the traditional core tasks of parliamentary administrations, but it is particularly important in European affairs, where politicians tend to be less familiar with the specificities of the European system. This also explains why about half of the administrations in the study were offered further training when the Lisbon Treaty introduced new procedures.

Nearly 70 percent of regional parliamentary administrations also provide content-related advice (at least 16 out of 23), although several stress that the advice that they provide is “limited”. Usually this means that they try to provide balanced or politically neutral advice, or that they try to focus on technical advice. This is actually slightly higher than in the case of national parliaments, where the figure lies at about 65 percent.

Finally, 12 out of 17 regional parliamentary administrations are involved in the drafting of (reasoned) opinions, whereas five administrations never engage in this type of task. However, this is also type of task on which it is particularly difficult to obtain good information. All the other tasks – preselection, procedural advice and content-related advice – can be performed even if the parliaments do not actually adopt an opinion. However, in order for the administrations to know if they would be involved in the *drafting* of an opinion, they either need a formal procedure that clearly allocates that task to them or an actual example where such a document was written. However, a number of regional parliaments have never adopted a reasoned opinion or even an opinion for the political dialogue, which means that the question of drafting is very hypothetical. In addition, several regional parliaments were still adapting their procedures to Lisbon in 2013, and even among existing formal procedures, the tasks of administrators are rarely specified in much detail. The rules of procedure of the parliament of the French-speaking community of Belgium are one of the few exceptions (Règlement du Parlement de la communauté francophone, 13/07/2013). For national parliaments, 24 out of 28 of the administrations are involved in the drafting of reasoned opinions, i.e. about 85 percent compared to about 70 percent in regional parliaments.

Table 3: The Roles of Parliamentary Administrations at a Glance (2013)

Region	filtering	Procedural Advice	Content advice	Drafting
Burgenland	yes	yes	by request	sometimes
Steiermarck	?	?	?	by request
Vorarlberg	yes	yes	yes	yes
Wien	yes	?	?	?
Francophone community	yes	yes	yes	never used
Flanders	yes	yes	yes	yes, informally
Bruxelles	yes	yes	not yet known	never used
German speaking community	no	yes	yes	never used
Wallonia	yes	yes	yes	yes
Berlin	yes	yes	yes	no
Bremen	no	yes	no	no

Hessen	yes	yes	limited	No
Mecklenburg-Vorp.	yes	yes	on request	on request
Sachsen	no	on request	on request	on request
Trentino-Alto Adige	yes informally	yes	yes	yes
Veneto	no	yes	no	never used
Andalucía	no	yes	no	never used
Galicia	no	yes	limited	no to some extent
Madrid	yes	yes	yes	no
Extremadura	yes	yes	no	no
Valencia	no	yes	limited	yes
Scotland	yes	yes	yes	yes
N. Ireland	yes	yes	yes	yes

This table has been primarily based on data from the questionnaires, but supplemented with interview data where available.

Thus, the overall pattern of work of regional parliamentary administrations looks very similar to that of national parliamentary administrations, despite much lower staff resources. But how can one interpret this?

On the one hand, it means that regional parliamentary administrations – like national parliamentary administrations – perform tasks that go far beyond the technical: If an administration provides procedural advice “proactively”, i.e. actively reminds committee chairs or members that they have the power to do this or that on a certain issue, they can not only facilitate the use of European procedures, but promote a certain culture of scrutiny. If they in addition provide advice on how the content of a European legislative proposal affects the region or on what exactly a proposal implies, they can to some extent influence the content and direction of the debate. If they are then also in charge of drafting the opinion, their ability to influence the outcome further increases. And if they are formally or informally in charge of filtering European documents for relevance to begin with, they can to some extent influence the parliamentary agenda (cf. Högenauer and Neuhold 2013). This does not necessarily imply that administrators start to “overrule” or “manipulate” politicians, as the

opportunities to shape the outcome depend also on the degree to which politicians trust their administrations. However, it means that the supportive role of the administration in the process leading up to an opinion is actually quite considerable. By extension, one can conclude that the extent to which a parliament functions effectively in EU policy-making depends as well on the knowhow of its staff and the availability of staff.

This is where one has to look on the other side of the coin: On the other hand, while regional parliamentary administrations perform practically the same tasks as the administrations of national parliaments, their capacity to perform each task tends to be lower. This is reflected in the tendency of the administrations to nuance their precise role: Thus, most of the administrations of regional parliaments that provide content-related advice to the MPs, stress that they either only provide advice if MPs ask for it, or stress the technical and limited nature of the advice they provide. Similarly, half of the administrations say that they only participate in the drafting of documents *on request*. In other words, many administrations do not perform their tasks *proactively*, but *reactively*, if and when MPs approach them. However, one statement that comes up time and again is that many parliamentary administrations feel that EU affairs scrutiny works best if the administration plays a proactive role and actively identifies important issues, points potential problems out to MPs and suggests possible courses of action (cf. chapter ???, Interview with two officials of the Flemish parliament, 2 April 2014).

Functions of and Challenges for Parliamentary Administrations: the Belgian Case

As mentioned previously, the Belgian subnational parliaments have greater formal powers under the EWS than any other regional parliament. Based on Declaration 51 attached to the European Treaties and on the Belgian constitutional principle of *in foro interno in foro externo*, they are responsible for the subsidiarity tests in those policy areas that fall under their

competence domestically. Yet, the EWS cannot simply be applied to subnational parliaments: under the EWS, each national parliament has two votes, and in the case of bicameral parliaments each chamber has one vote. When the votes are added up at the European level to ascertain whether the threshold for a yellow or orange card has been reached, the counting is done in terms of full votes, not fractions of a vote. In the Belgian case, however, if a competence is located at the subnational level, there will be at least three parliaments that are competent to act – the Flemish parliament, the Walloon parliament and the Brussels parliament, or the Flemish parliament, the parliament of the francophone community and the parliament of the German-speaking community. If a competence is shared between the federal and subnational level, there could be more. Thus, a system had to be found where the different voices could be added up in such a way that either no vote, one vote or two votes were cast (and not 0.67 votes or 1.33 votes).

This system is defined in the cooperation agreement concerning the exercise of the competences of national parliaments accorded by the Treaty of Lisbon (Ontwerp van samenwerkingsakkoord 7 and 9 July 2008). Article 6 endorses a system whereby subsidiarity concerns have a greater weight than the absence of concerns (also Interview with two clerks of the Flemish parliament, 2/04/2014). Hence, as a general rule, as soon as one competent parliament adopts a reasoned opinion, this results in a vote being cast (even if it is only one out of three or one out of five competent parliaments). If two subnational parliaments from different linguistic regimes raise concerns in an area of exclusive regional competence, both votes are cast. If a competence is shared between the federal and the subnational level, two votes are cast if at least one federal chamber and one regional parliament raise concerns.

Normally cooperation agreements have a quasi-constitutional status in Belgium. However, in this case, the cooperation agreement has been signed, but not ratified, which means that it has not yet entered into effect. It is nevertheless being treated as a gentlemen's agreement and its

system is already being followed (Interview with two clerks of the Flemish Parliament, 2/04/2014).

Due to the European rules and expectations with regard to the EWS, all information coming from the European level is communicated to the Belgian parliaments via single email address managed by the Senate. The documents are then forwarded to all parliaments at the same time. Each parliament has to assess on its own whether it deems that a document falls under its competences. At the end, all reasoned opinions have to be communicated to the European level via the federal parliament (*ibid.*).

What happens between the transmission of the European documents and the final transmission of a reasoned opinion differs somewhat between parliaments, as each parliament has adopted its own procedure, for example Flanders in 2013, Brussels in 2014 etc. However, there are some commonalities. For instance, in most Belgian parliaments the committee in charge of a dossier seems to be the relevant sectoral committee (e.g. environment) rather than a dedicated European affairs committee. However, as the only the Flemish parliament has ever adopted a reasoned opinion, the precise dynamics on the political level are still somewhat in flux. Even in the Flemish case, for instance, the adoption of the reasoned opinion diverged from the formal rules: instead of a discussion in the committee followed by a decision by the plenary, the opinion was discussed and adopted directly in the plenary (Interview with two clerks of the Flemish parliament, 2/04/2014). The roles of the EU staff are however quite similar across parliaments.

The Flemish parliament is slightly better staffed than its peers. It has one full-time EU clerk, a member of the legal service who covers EU issues among other things and a secretary and a member of technical staff (for the website) who spend part of their time on EU issues. The staff has by now gained some experience with the procedures. The parliament participated in two subsidiarity tests in 2006 or 2007 as part of the subsidiarity monitoring

network to test the new procedures and then adopted a reasoned opinion and an opinion in 2013 (ibid.). On the whole, they feel that the staff resources are sufficient for the moment, but only to respond to demand from politicians. Hence, the feeling is that

“if we had more people, we could try to stimulate the debate more. I often have to take the initiative to stimulate activities, and with more people, you could do more.” (ibid).

However, out of 300 staff at the Flemish parliament, only about 30-40 people have a university background. As a result, “there is not much knowhow. We need to invite people from the Flemish administration and other experts to get more knowhow and information on EU issues” (ibid., cf. Interview with a clerk of the Parliament of the francophone community, 30/04/2014 for similar views).

This relates to a common phenomenon among regional parliaments, namely that their EU staff tends to be more reactive than proactive than that of national parliaments. In the Belgian case, staff often deplores this, because there is an additional challenge: Belgian MPs are generally seen to be pro-European and thus to lack a scrutiny reflex with regard to EU affairs (Interview with a clerk of the Parliament of the francophone community, 30/04/2014). In addition, there is a feeling that European outcomes tend to be similar to what Belgium would do (Interview with a clerk of the Brussels parliament, 22/05/2014). The result of the combination of lack of political motivation and low staff resources is thus that it is difficult to establish an active scrutiny culture.

In terms of precise tasks, the Flemish administration generally offers all MPs all information that falls into the competences of the parliament (Interview with two clerks of the Flemish Parliament, 2/04/2014). However, posting this information on a committee website usually does not trigger a political response. Thus, in addition, the staff monitors the main proposals

in the Commission Work Programme and the priorities of the SMN more specifically. In addition, they try to spot topics that could be controversial in Flanders – for example the Ports Directive, which gave rise to the Flemish reasoned opinion. In order to raise political awareness of these topics, the staff then try to invite MEPs, Ministers or other visitors for further discussion. They try to convince the committee chairs or they distribute the reasoned opinions of other regional parliaments from the REGPEX website for inspiration. That also reduces the politicians' fear of the technicalities of subsidiarity questions (Interview with two clerks of the Flemish Parliament, 2/04/2014). Hence, for issues that are deemed important, the Flemish parliamentary administration tries to develop a system of pre-selection and advice.

The role of the administration at the stage where reasoned opinions are drafted can only be assessed for the Flemish parliament, where this case arose. Here, the initial drafting was done by the administration so far, with party staff or MPs writing the final version. However, the EU staff feels that ideally party staff or the assistants of MPs should be in charge of the drafting, on the basis of a list of pro and contra arguments supplied by the administration (Interview with two clerks of the Flemish Parliament, 2/04/2014).

In the Parliament of the francophone community, only one administrator works on EU affairs. She initially selects the documents on the basis of the title, and then on the basis of their first page. The interesting documents are then read in further detail and included in the bulletin to the MPs. Each committee has a Europromoteur who she can contact to discuss whether a certain issue should be placed on the agenda. She thus also tries to play the role of motivator, together with the Europromoteurs, by selecting potentially interesting dossiers. As with all Belgian parliaments, there are some concerns about the lack of interest in EU affairs among politicians, but she also feels that the absence of reasoned opinions is at least in part related to the fact that the competences of the communities do not include many areas where the EU can

adopt “hard” laws. In her view, there are only about five to six interesting dossiers per year (Interview with a clerk of the Parliament of the francophone community, 30/04/2014).

In the case of the parliament of the Brussels regions, the procedure for subsidiarity tests has only been created in March 2014. Their one staff member, who works on EU affairs only part of his time, is sending a newsletter every second week that includes all new legislative proposals. Unlike his colleagues in other parliaments, he selects the dossiers primarily based on competence, not on potential interest. But he also estimates that there are only about ten proposals per year that affect the region (Interview with a clerk of the Brussels parliament, 22/05/2014).

A role that all the clerks have in common is that they are actively involved in interparliamentary cooperation. Interestingly, unlike in the German case (cf. Häsing and Buzogany 2013), intra-Belgian cooperation is limited (Interview with a clerk of the Brussels parliament, 22/05/2014). This is at least in part a reflection on the fact that the right to diversity plays a greater role in the federalization of the Belgian state than in the cooperative German system. In Germany, the Landtage need to find a majority in the Bundesrat to be able to voice their subsidiarity concerns in a reasoned opinion. As discussed previously, in Belgium, one single parliament is enough to cast a vote on the European level.

In Belgium, the clerks of the various parliaments come together once a year to evaluate past activities and discuss potential problems. They also have a list of their colleagues in other Belgian parliaments, so that they can enter into direct contact (Interview with a clerk of the Parliament of the francophone community, 30/04/2014). However, this cooperation is not formal and cannot be compared to the Austrian efforts, where regional parliaments and their administrations specialize on certain policy areas and exchange views with their counterparts (Interview with two clerks of the Flemish parliament, 2/04/2014).

However, in the absence of a network of parliamentary representatives who specialize on cooperation, the EU affairs staff of the regional parliaments plays a more active role in interparliamentary cooperation. The EU expert of the parliament of Brussels, for example, attends all meetings of the SMN, which take place in Brussels anyway. He is also involved in CALRE meetings, which are good for networking. He has however noticed two barriers to effective intra-parliamentary cooperation between regions: Firstly, *all* parliaments have limited staff and hence limited knowhow on European policy issues. Secondly, there is a language barrier, which is again stronger on the level of regional parliaments than on the level of national parliaments. In several cases, not only the politicians, but also the administrators speak little English. As a result, even just organizing a meeting over the phone can be a challenge (Interview with a clerk of the Brussels parliament, 22/05/2014).

A final task of parliamentary administrations is often to organize the reform of internal procedures regarding subsidiarity. Thus, the Scottish administration was in charge of creating and piloting a new system of scrutiny tests when the old system was deemed too slow (Högenauer 2014). Similarly, the EU staff of the Brussels parliament played an active role in the creation of the new procedure in 2014. For this purpose, the clerk consulted on the one hand existing procedures in Belgium and then also took into account the procedures of other regional parliaments, provided that they were available in a suitable language. He then discussed the details of the procedure with the president of the parliament, who also fed her ideas into the process. The procedure was then formally adopted by the bureau (Interview with a clerk of the Brussels parliament, 22/05/2014). In the case of the parliament of the francophone community, the EU staff also played an active role in the evolution of the procedures. In 2009, the administrator took the initiative to inform the MPs through a newsletter once every two weeks of new EU documents (Interview with a clerk of the Parliament of the francophone community, 30/04/2014).

Conclusion

To conclude, the analysis of the administrations of regional parliaments and their role in EU affairs has shown that regional parliaments have in general only a fraction of the staff resources that are available to national parliaments. Despite this fact, their administrations generally endeavor to perform the same functions in EU affairs scrutiny as the administrations of national parliaments. This leads to three main conclusions:

Firstly, the roles of the administrations of regional parliaments are not limited to technical tasks but include a wide range of activities that allow administrators to shape the process of scrutiny through selection and advice. This supports the argument that legislatures – like executives – are also bureaucratic actors, despite the fact that they are often treated as purely political actors in the literature (cf. Christiansen et al. 2014).

Secondly, while the extent of administrative involvement could be problematic if trust were to break down or political neutrality to be violated, it is nevertheless a crucial element of the scrutiny process. The fact that parliaments are at a relative disadvantage compared to the much bigger ministries has often been stressed. European policy-making adds a new layer of complexity with its different procedures. Thus, in order to keep up with the executives, legislatures are required to rely on their (much smaller) administrations. This analysis, as well as similar analyses of national parliaments, shows that administrations play an important role in sorting information and in alerting politicians to potentially problematic or relevant developments (cf. Högenauer and Neuhold 2013; Winzen 2013).

Thirdly, despite their attempts at fulfilling a wide range of roles in coordination, reform, pre-selection, advice etc., regional parliamentary administrations struggle to support their parliaments to the extent to which they would like to support them. Due to low staff numbers, existing staff is often forced to react to demands from politicians, where they would like to be

able to inform them more proactively on a regular basis. One of the effects is a risk that regional parliaments can exercise parliamentary control of EU affairs only in cooperation with their executives, which then in turn reduces the ability of parliaments to exercise their control function vis-à-vis their government.

Thus, the general picture is mixed: on the one hand, the wave of EU-related reforms within regional parliaments demonstrates that there is an ambition to engage actively with EU affairs. Similarly, the efforts of parliamentary administrations to fulfill a range of roles point towards an eagerness to support such an ambition. However, given the low resources of regional parliaments, it is possible that these efforts will not reach a limit. In light of this dilemma (high expectations, low resources), it seems legitimate for regional parliaments to explore new ways of increasing capacity, even if cooperation with regional governments on subsidiarity tests may create some form of dependency. After all, it may simply not be possible to recreate in an exact manner forms of scrutiny, control and consultation at ever lower levels of government.

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