Summary

This dissertation deals with institutional aspects of the democratic deficit of the European Union, particularly the powers of national parliaments and their capabilities to influence decision-making at the European level. The national parliaments’ role in European integration became an interesting research area thanks to their greater involvement in the EU affairs in the last twenty years. However, because of the many developments of the European integration in the last twenty years (including both deepening and broadening of integration), many questions remain open. These include involvement of national parliaments both on European level and on national level; for obvious reasons, the latter has been studied less regarding the parliaments of the Member States that joined the Union in 2004 and 2007. While this dissertation deals with some aspects of the work of national parliaments of all Member States, more detailed studies are devoted to the cases of the Czech Republic, Poland and Slovakia.

This dissertation poses questions in the three main areas of research that are all devoted to some practical aspects of national parliaments’ involvement in European affairs.

First, it examines the involvement of national parliaments at the European level and whether national parliaments do have the opportunities, capabilities and are willing to carry out effective collective control of European decision-making at the European level. The main questions are how the European involvement of national parliaments works in practice and whether national parliaments do fulfil the criteria of collective activity at the European level. The research is based on data on the coordinated tests of subsidiarity checks and use of existing cooperation channels, notably IPEX and some data on their communications with other institutions, namely the Commission.

Second and third areas of this research are related to the national level and the involvement of national parliaments in European-decision making through the scrutiny and control of their governments.

The second area of this research is also related to all national parliaments and aims to make a contribution to the comparison of national parliamentary scrutiny among 27 Member States. The main questions asked here are about differences in practice between old and new Member States and between states with different types of national parliamentary scrutiny. This research is based on quantitative data on some of the manifestations of parliamentary activity
that could be gathered using the same source for all national parliaments. This variable, the use of the so called parliamentary scrutiny reservations in the Council, represents a direct manifestation of national parliamentary scrutiny.

Third area is related to particular cases of national parliamentary scrutiny in the three new Member States, the Czech Republic, Poland and Slovakia. The main question here is whether the practice of national parliamentary scrutiny systems corresponds to the aims at the time of the designing and creation of the formal rules. This part of the research is based on the study of formal documents (legal acts, reports, parliamentary records etc.) and semi-structured interviews with civil servants from parliaments and executives of the three countries.

The whole dissertation is framed by the debate of the democratic deficit. The term democratic deficit, in its original and simplest meaning it refers to the weakening of legislatures and strengthening the executives in the course of European integration. In other terms, it means that the executives have taken over some of the legislative powers originally belonging to parliaments, and the parliaments are not fully capable of holding the executives accountable for their execution of these powers in the Council. The democratic deficit debate thus offers important framework for the study of national parliaments, hence the first chapter describes some important features of the debate in general and its focus on national parliaments in particular. Although this dissertation does not make normative or definitive conclusions on the issue of democratic deficit, its conclusions are meant to contribute to the debate and future research on the democratic deficit.

This dissertation starts from the theoretical assumption that national parliaments are independent actors, who decide on their actions within the multi-level environment that is co-created by national parliaments themselves and also by other actors and conditions. On the European level, this approach is conceptualised on the basis of the multi-level parliamentary field notion (Crum and Fossum 2009) to allow for inclusion of multiple manifestations of parliamentary involvement of European affairs including inter-parliamentary cooperation. The criteria of collective activity based on this approach are (a) perception of shared legitimisation function in European integration, (b) mutual awareness of activity and positions of other national parliaments and (c) ability to execute coordinated efforts at European level. On the national level, this dissertation focuses more on finer day-to-day administrative factors that I assume to be highly relevant, but whose influence would be very difficult to determine at the European level. These include capacities of national parliaments, information independence
on the executive and access to executive coordination system. In all cases, the emphasis is placed on empirical data reflecting the practical workings of national parliaments.

The main conclusions are as follows:

First, on the European level, the national parliaments fulfil the first and second criterion of acting as a collective. There is little evidence about the fulfilment of the third criterion, but recent first-time-ever use of the yellow card by national parliaments shows this criterion could be fulfilled in the future.

Second, on the national level, the results show that while the formal rules of the parliamentary scrutiny system influence some organisational aspects of its practical working, they have little impact on the actual activity and influence of parliaments. There is no difference in activity of national parliaments as manifested by the parliamentary scrutiny reservations between the parliaments with mandating and procedural systems. The choice of formal system also had little effect on actual influence and activity of Czech, Polish and Slovak parliaments. Quite the contrary, the study of these cases shows that careful and systematic building of every-day capacities of a parliamentary chamber and the nature of communication between the parliament and the government have much greater impact of the parliament’s “success” in the scrutiny of European affairs.

Third, European level incentives (such as acknowledgement of the parliaments’s role in the Treaties) do have impact on European level activities of national parliaments. The strongest incentive is coupling that acknowledgement with some actual powers, in this case especially the early warning mechanism. However, the role of incentives thus seems to work as an explanatory factor only at the European level.

Finally, there is a clear potential for national parliaments to contribute to the EU’s legitimacy as a collective, but this potential is far from fulfilled. The national parliaments have helped to create an environment in which they have the possibilities to enter into the European decision-making process at the European level, and have reacted well to its development. However, they have yet to prove that they can effectively use this new opportunities to incite change in European decisions if they wish. Regarding the individual / national level, it seems clear that the national parliamentary contribution to the European legitimacy can be assessed only for each parliament individually, and only with detailed knowledge of both formal and practical arrangements of scrutiny.