

UC San Diego

UC San Diego Electronic Theses and Dissertations

Title

A matter of timing : explaining cross-national variation in the parliamentary oversight of European Union affairs

Permalink

<https://escholarship.org/uc/item/5dv71331>

Author

Hamerly, Ivy Lyn

Publication Date

2007

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA, SAN DIEGO

A Matter of Timing: Explaining Cross-National Variation in the Parliamentary
Oversight of European Union Affairs

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in
Political Science

by

Ivy Lyn Hamerly

Committee in charge:

Professor Kaare Strøm, Chair
Professor William M. Chandler
Professor Kristian Skrede Gleditsch
Professor Wolfgang C. Müller
Professor Akos Rona-Tas

2007

Copyright
Ivy Lyn Hamerly, 2007
All rights reserved.

The dissertation of Ivy Lyn Hamerly is approved, and it is acceptable in quality and form for publication on microfilm:

Chair

University of California, San Diego

2007

I dedicate this dissertation to my husband, Greg Hamerly,
and my parents, Steve and Pattie Orr.

TABLE OF CONTENTS

	Signature Page	iii
	Dedication	iv
	Table of Contents	v
	List of Abbreviations	x
	List of Figures	xi
	List of Tables	xii
	Acknowledgments	xiii
	Vita, Publications, and Fields of Study	xv
	Abstract	xvi
1	Introduction	1
	1.1 The democratic legitimacy deficit in the European Union	3
	1.2 EACs as a response to the democratic deficit	10
	1.3 Why are EACs established?	12
	1.4 Contribution this research makes to the literature	16
	1.5 Road Map	18
2	Explaining Cross-National Variation in European Affairs Committees	20
	2.1 Dependent variables	21
	2.1.1 Explaining the urgency with which EACs are established	21
	2.1.2 Explaining the oversight approaches used by EACs	22
	2.2 Possible explanations for differences in EAC urgency and assertiveness	23
	2.2.1 Center-Periphery	24
	2.2.2 Public Support for European Union	27
	2.2.3 Concentration of power within the parliament	30
	2.2.4 Postmodern cultural values	35
	2.2.5 Institutional Development of the European Union	36
	2.2.6 Timing of membership: Learning and Influence	38
	2.2.7 Urgency as an explanation for EAC oversight approach	44
	2.3 Preferred explanation for the urgency with which EACs are established	45
	2.4 Preferred explanation for the oversight approach taken by EACs	49
	2.5 Conclusion	52

3	Explaining Cross-National Variation in the Urgency of EAC Establishment	55
3.1	Dependent variable: urgency with which EACs are established	56
3.2	Explanatory variable: Timing of membership	57
3.3	Competing hypotheses	60
3.3.1	Center-Periphery cultural cleavage	60
3.3.2	Popular Support for European Union	61
3.3.3	Concentration or diffusion of power in parliament	62
3.3.4	Institutional Development of the EU	64
3.4	Quantitative Analysis	65
3.4.1	Methodology	65
3.4.2	Results for ordered logistic regressions	70
3.5	Conclusion	80
4	Explaining Cross-National Variation in the Oversight Approach used by European Affairs Committees	82
4.1	Measuring the cross-national variation in EAC oversight approaches	83
4.2	Dependent variable: degree of control in parliamentary oversight approach	87
4.2.1	Informal channels of influence	88
4.2.2	Document-based scrutiny	89
4.2.3	Mandating systems	91
4.3	Explanatory variables: Timing of membership and urgency	96
4.3.1	Timing of membership	96
4.3.2	Urgency	97
4.4	Competing hypotheses	99
4.4.1	Center-periphery cultural cleavage	99
4.4.2	Postmodern cultural values	100
4.4.3	Popular support for European Union	101
4.4.4	Concentration or diffusion of power in parliament	101
4.4.5	Institutional Development of the EU	103
4.5	Quantitative Analysis	104
4.5.1	Methodology	105
4.5.2	Results for ordered logistic regressions	106
4.5.3	Discussion of results	107
4.6	Conclusion	115
5	A Case Study of the German Bundestag’s Oversight of European Affairs: Changing from Informal to Mandating Oversight	117
5.1	Germany’s relationship with the European Union	118
5.2	Expectations concerning urgency of EAC establishment	121
5.3	Expectations concerning oversight approach	123

5.4	Basic description of the Bundestag and its general oversight procedures	125
5.5	History and development of the EAC and its oversight procedures	127
5.6	Parliamentary Oversight in the Bundestag	128
5.6.1	The Bundestag's Committee System and EU Committee Characteristics	129
5.6.2	The Bundestag's scrutiny process	132
5.6.3	The Constitutional and Institutional Powers of the Bundestag	134
5.6.4	Behavioral trends in the oversight of European affairs	139
5.6.5	From informal to mandating oversight: the September 2006 EAC reform	144
5.7	The effectiveness of the Bundestag's oversight approach	148
5.7.1	The EU Committee Goals	148
5.7.2	Scrutiny: The breadth of oversight and synthesis of information	149
5.7.3	Advice: Communication with the government and the Bundestag	150
5.7.4	Transparency: Publicizing the committee's recommendations	152
5.8	Lessons learned from the Bundestag concerning urgency	152
5.9	Lessons learned from the Bundestag concerning oversight approach	158
5.10	Conclusion	169
6	Document-Based Scrutiny: The Oversight of European Affairs in the Oireachtas	171
6.1	Ireland's relationship with the EU	172
6.2	Expectations concerning urgency of EAC establishment	176
6.3	Expectations concerning oversight approach	178
6.4	Basic description of the Oireachtas and general oversight procedures	180
6.5	History and description of the EAC and its oversight procedures	188
6.5.1	What caused the Irish electorate to reject the Treaty of Nice Referendum?	189
6.5.2	Changes in the role of the committee after the Nice referendum was rejected	196
6.6	Parliamentary Oversight in the Oireachtas	199
6.6.1	The Constitutional and Institutional Powers of the Oireachtas	200
6.7	The effectiveness of the Oireachtas oversight approach	202
6.7.1	The EU Committee Goals	203
6.7.2	Scrutiny: The breadth of oversight and synthesis of information	204
6.7.3	Advice: Communication with the government and the Oireachtas	206
6.7.4	Transparency: Publicizing the committee's recommendations	207
6.8	Lessons learned from Ireland concerning urgency	209

6.9	Lessons from Ireland concerning oversight approach	216
6.10	Conclusion	225
7	Mandating Oversight: A Case Study of the German Bundesrat's Oversight of European Affairs	227
7.1	Federalism in Germany and the European Union	228
7.2	Expectations concerning urgency of EAC establishment	230
7.3	Expectations concerning oversight approach	232
7.4	History and description of the EAC and its oversight procedures	233
	7.4.1 The Constitutional and Institutional Powers of the Bundesrat	233
	7.4.2 The Bundesrat's scrutiny process	237
7.5	Parliamentary Oversight in the Bundesrat	240
	7.5.1 The Constitutional and Institutional Powers of the Bundesrat	240
7.6	The effectiveness of the Bundesrat's oversight approach	242
	7.6.1 The EU Committee Goals	243
	7.6.2 Scrutiny: The breadth of oversight and synthesis of information	244
	7.6.3 Advice: Communication with the government and the Bundesrat	244
	7.6.4 Transparency: Publicizing the committee's recommendations	245
7.7	Lessons learned from the Bundesrat concerning urgency	246
7.8	Lessons learned from the Bundesrat concerning oversight approach	248
7.9	Conclusion	249
8	Conclusion	251
8.1	Summary of Findings	251
	8.1.1 Mandating EACs	251
	8.1.2 Urgency with which EACs were established	256
8.2	Room for improvement	258
8.3	Future research	260
	Appendices	263
A	Timeline of Parliamentary Scrutiny in Germany and Ireland	264
B	Excerpts from the Basic Law	272
	B.1 Article 23 [The European Union]	272
	B.2 Article 45 [Committee on the European Union]	273
	B.3 Article 50 [Functions]	274
	B.4 Article 52 [President; rules of procedure]	274
	B.5 Article 88 [The Federal Bank]	274
C	Joint committee on European Affairs Work Programme 2006	275

D	Orders of reference of the joint committee on European affairs	277
	Bibliography	284

LIST OF ABBREVIATIONS

A10	The ten countries that acceded to the European Union in 2004, including Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia
COM	Council of Ministers
COSAC	Conference of Community and European Affairs Committees
EAC	European Affairs Committee
EB	Eurobarometer survey
EC	European Community
ECSC	European Coal and Steel Community
ECSC-6	The six countries that founded the European Coal and Steel Community and were the first signatories to the Treaties of Rome. These countries include France, Germany, Italy, Belgium, the Netherlands and Luxembourg
EEC	European Economic Community
EMS	European monetary system
EMU	European monetary union
EU-12	Twelve member states of the European Union (1986-1995). These countries include the ECSC-6 countries plus Ireland, Denmark, the United Kingdom, Greece, Spain and Portugal.
EU-15	Fifteen member states of the European Union (1995-2004). These countries include the EU-12 plus Sweden, Austria and Finland.
EU-25	Twenty-five member states of the European Union (2004-2006); the EU-15 and the A10 countries
EU-27	Twenty-seven member states of the European Union (2007); the EU-25 plus Romania and Bulgaria
Euratom	European Atomic Energy Community
GDP	Gross Domestic Product
MEP	Member of the European Parliament
MP	Member of Parliament
QMV	Qualified Majority Voting
SEA	Single European Act

LIST OF FIGURES

Figure 3.1: EAC urgency and the timing of membership	59
Figure 3.2: Paths to establishing an EAC	67
Figure 3.3: Membership timing influence over EAC urgency	80
Figure 4.1: Membership timing’s influence on oversight approach, comparing informal oversight and systematic mandate	110
Figure 4.2: Membership timing’s influence on oversight approach, comparing document-based scrutiny and systematic mandate	112
Figure 4.3: EAC urgency’s influence on oversight approach, comparing informal oversight and systematic mandate	113
Figure 4.4: EAC urgency’s influence on oversight approach, comparing document-based scrutiny and systematic mandate	114
Figure 5.1: Bundestag EAC Recommendations to the Federal Government	141
Figure 5.2: Support for EU membership in Germany, 1973-2006	156
Figure 5.3: Partisan Veto Players in the Bundestag, 1949-2006	158
Figure 5.4: Percentage of postmaterialists minus percentage of materialists in West Germany, 1970-1990	162
Figure 5.5: German Economy, by sector (Source: World Bank)	164
Figure 5.6: Cabinet share of seats in Bundestag, 1949-2006	167
Figure 6.1: Support for EU membership in Ireland, 1973-2006	212
Figure 6.2: Partisan veto players in the Oireachtas, 1969-2005	215
Figure 6.3: Irish economy, by sector (Source: World Bank Development Indicators)	220
Figure 6.4: Percentage of postmaterialists minus percentage of materialists in Ireland, 1973-1990	221

LIST OF TABLES

Table 2.1: Advantages and Disadvantages of Joining the EU Early or Late	40
Table 2.2: Expected Signs for Each Independent Variable	53
Table 3.1: Dependent Variable: Urgency with which EAC was established	58
Table 3.2: Public support for EU membership in year EAC was established	63
Table 3.3: Range of Dependent Variable Values	68
Table 3.4: Bivariate ordered logistic regressions	73
Table 3.5: Cut points for Table 3.4	74
Table 3.6: Multivariate ordered logistic regressions	76
Table 3.7: Cut points for Table 3.6	77
Table 4.1: Oversight approach used in EU member state legislatures in 2005	95
Table 4.2: EAC Design and the Maastricht Treaty	104
Table 4.3: Dependent Variable Summary	105
Table 4.4: Bivariate logistic regressions	116

ACKNOWLEDGMENTS

I would like to express my thanks to Professor Kaare Strøm for his support as the chair of my committee. Even though we are rarely in the same time zone, his encouragement and advice have always been close at hand. Without his guidance and insight this dissertation would have been impossible.

I would also like to acknowledge the support of my other committee members. Professor William Chandler, Professor Kristian Skrede Gleditsch, Professor Akos Rona-Tas and Professor Wolfgang Mueller have been very patient and have offered invaluable suggestions for making this dissertation stronger and more interesting.

I am grateful to colleagues who provided valuable comments, including Torbjorn Bergman, Brent Nelsen, Hans Hegeland, Neal Beck, Scott Desposito, Ben Nyblade, Henry Kim, Brigid Laffan, John O'Brennan, and Tapio Raunio.

Thank you to colleagues and students at the Department of Political Science at the University of California San Diego and the Department of Political Science at Baylor University.

Thank you to Graduate Christian Fellowship at UCSD for helping me keep my priorities straight during the long haul of graduate school and for introducing me to Greg.

I owe a large debt of gratitude to my professors at Wheaton College who “lit the fire” of my passion for comparative politics. I want to thank Ashley Woodiwiss for persuading me to take his introduction to political science class and helping me realize that many of my favorite books involved political themes. I also want to thank Michael K. LeRoy for inspiring me to learn to think more deeply and systematically about political science, for introducing me to European politics and for directing my attention to UCSD and Kaare when I was applying for graduate school.

I would like to thank Center for European Studies (Berkeley) for the pre-dissertation travel grant that allowed me to explore this research topic in Sweden,

Austria and Belgium in Summer 2001.

I would also like to thank the Pew Charitable Trusts for the Pew Younger Scholars Fellowship. The funding and the support that were offered through the Pew Younger Scholars program made my first and fifth years of graduate school much smoother.

Finally, this dissertation would not have been possible without the encouragement and support of friends and family. My husband Greg and my parents, Steve and Pattie Orr, have read countless drafts, ridden the research roller coaster, encouraged me to keep plugging through the dark times and celebrated with me during the bright times. Jim and Peggy Hamerly have provided me with a home base in San Diego and lots of encouragement through the long journey of graduate school. I am so blessed to be a part of the Hamerly and Orr families.

VITA

- 2000 B.A. in Political Science,
Wheaton College
- 2002 Goethe Institute Summer School
Murnau, Germany
- 2002 M.A. in Political Science,
University of California, San Diego.
- 2005–2007 Full-time Lecturer,
Department of Political Science,
Baylor University
- 2007 Ph.D. in Political Science,
University of California, San Diego.

PRESENTATIONS

Ivy Orr Hamerly, 2005: “Contested Sovereignty: From Religious Norms to Institutional Design in Parliamentary Oversight of European Union Affairs.” *APSA*, Washington, D.C.

Ivy Orr Hamerly, 2005: “Tracing Religious Norms to Institutional Design: Christian Political Thought and National Parliamentary Scrutiny of European Union Affairs.” *EUSA*, Austin, TX.

Ivy Orr Hamerly, 2004: “The German System of Oversight: A Case Study.” Presented at “National Parliaments and the European Union: Issues of Oversight and Scrutiny,” University of Limerick, Ireland.

Ivy Orr, 2003: “Competing Agents in Parliamentary Oversight of the European Union: National Governments and European Affairs Committees.” *APSA*, Philadelphia, PA.

Ivy Orr, 2003: “Who’s the Boss? Strategic Action Between National Parliaments and Governments Over Supranational Policy in the European Union.” *EUSA*, Nashville, TN.

Ivy Orr and Laura Wimberly, 2003: “Devolution as Evolution: Northern Ireland and the European Union.” *EUSA*, Nashville, TN.

ABSTRACT OF THE DISSERTATION

A Matter of Timing: Explaining Cross-National Variation in the Parliamentary Oversight of European Union Affairs

by

Ivy Lyn Hamerly

Doctor of Philosophy in Political Science

University of California, San Diego, 2007

Professor Kaare Strøm, Chair

This dissertation explores the effects of European integration on national level legislatures in European Union member states. Many economic and political decisions previously made by democratically elected national legislatures are now decided at a supranational, or European, level. National legislatures have responded to this change by increasing their oversight of European affairs in order to impose more democratic accountability and transparency into the opaque decision-making process of developing European legislation. While all national legislatures of European Union member states have established European Affairs Committees to help strengthen oversight of European affairs, there is considerable variation in the institutional strength and political control invested in these committees. I argue that the more recently a country joined the European Union, the more quickly the legislature will move to establish an oversight committee for European affairs and the more assertive its European Affairs Committee is likely to be. Cross-sectional statistical analysis shows a strong correlation between the timing of membership and the urgency with which the European Affairs Committee is established. There is also a strong correlation between timing of membership and a legislature's approach to parliamentary oversight of European affairs. Case studies on the German Bundestag, the Irish Oireachtas, and the German Bundesrat explore three different approaches to the oversight of European affairs.

1

Introduction

Democratic accountability is an essential element of representative democracy. It is not sufficient for the public to influence the selection of leaders; there must also be some mechanisms in place to hold leaders accountable for their behavior in office. Transparency and accountability are the keys to exposing poor leadership decisions and ineffective policy, giving voters the ability to identify ineffective leaders and replace them with new representatives.

As the European Union has integrated more deeply politically and economically, it has grown to include joint decision-making across an expanding range of policy space. This development has made it increasingly difficult for citizens to hold decision makers accountable for policy decisions made at the European level. Cabinet ministers negotiate on a member state's behalf at the Council of Ministers meetings at the European Union, but it can be difficult for voters or members of parliament to know what is being discussed at Council of Ministers meetings and to know that their interests are being adequately represented. National parliaments have set up European Affairs Committees (EACs) in order to increase their influence over policies that have moved from the national level to the supranational (European Union) level by holding executives accountable for their negotiations at the Council of Ministers meetings. Ideally, these EACs will inject more transparency and democratic accountability into European affairs. All

national parliaments have EACs, but there is significant cross-national variation in how much political and institutional strength have been invested in the EACs. Why does one legislature establish an EAC with the power to bind the government in its negotiations at the European level? Why does another legislature set up an EAC but withhold from it the authority to really monitor the behavior of the government at the European level or withhold the staff and funding necessary to read and evaluate all the documents produced at the European level?

This dissertation endeavors to explain the variation in the strength of the national parliamentary scrutiny of European affairs by comparing the economic, cultural and institutional background of each country. I argue that the later a country joined the European Union, the more assertive its stance towards the EU is likely to be. An assertive stance toward the EU can be expressed in two ways: (1) the urgency with which the EAC was established and (2) the assertiveness of the EAC's oversight approach.

A legislature is likely to assume an assertive stance toward the EU if most legislators view Europeanization as undermining legislative effectiveness. There are three reasons why the timing of membership appears to influence the likelihood that a country's legislature will take an assertive stance toward the EU: influence, institutional fit and the pace of integration. The first reason is related to influence at the European level. Early joiners have had more time to build political capital at the European level and develop working relationships among decision-makers at many levels. This higher level of political capital enables early joiners to have more influence over developments at the EU than late joiners do. Additionally, the status quo is likely to be closer to the ideal points of early joiners than late joiners. Since it is easier to protect the status quo than to effect change in an organization the size of the European Union, early joiners are likely to get outcomes closer to their ideal points with less exertion than late joiners. The second reason relates to institutional goodness-of-fit. Early joiners have had the opportunity to design the EU so that it fits their institutional context while late joiners may feel

that they are disadvantaged by a poor institutional fit with an organization that they did not help to design. The EU clearly reflects features of the German and French political institutions. For example, the Council of Ministers resembles the German Bundesrat and the European Court of Justice is modeled on the French Constitutional Court. Unless late joiners modeled their own political institutions off of early joiners, late joiners are likely to have less congruence between the EU institutions and their own national political institutions. The third reason has to do with the pace of integration. Late joiners encounter an EU that is highly institutionalized and they must quickly adjust to sharing a wide range of policy areas with the European Union. Early joiners had the opportunity to ease in to European integration, but late joiners must plunge in very suddenly. In addition to the timing of membership, I also consider competing hypotheses that explain the strength of EACs based on a center-periphery cultural cleavage, public support for the European Union, and parliamentary veto players.

This chapter will begin by describing the EU's democratic legitimacy deficit and the effect European integration has had on national parliaments. Next, I will explain how national parliaments can respond to the democratic deficit by establishing EACs. After this I will explore several reasons that could explain why EACs are established. Next, I will explain the contribution this research makes to the literature on EACs and European integration. Finally, I describe the layout of the dissertation and the topics discussed in each of the subsequent chapters.

1.1 The democratic legitimacy deficit in the European Union

European integration has caused national parliaments to lose policymaking power. This is a problem because legislatures exist to hold governments accountable and represent the interests of citizens. If these functions are undermined,

a democratic legitimacy deficit develops.¹ This section discusses the causes and effects of the democratic legitimacy deficit in the European Union and concludes by describing some of the tactics used by national parliaments to hold governments accountable in European affairs.

According to the democratic deficit literature, European integration has caused national parliaments to lose power relative to their executives. The deparliamentarization thesis claims there is a negative relationship between integration and the policy influence of national parliaments.² There are two reasons for this. First, until the 1999 Treaty of Amsterdam, national parliaments had no formal role in the European Union treaties. Second, since the Single European Act (SEA) of 1987, European integration has meant encroachment into policy territory that was formerly controlled by national parliaments.

For almost fifty years, the treaties guiding European integration overlooked and excluded national parliaments. At first, European integration treaties focused on “high politics,” with integration taking place in mainly economic policies. The European Coal and Steel Community (ECSC) was designed with the goal of providing security through economic engagement. Coal and steel were the main ingredients needed to wage war, so pooling those resources was expected to make war “materially impossible” among the ECSC member states. The Treaties of Rome, which turned the ECSC into a common market were mainly concerned with fostering cooperation in economic policy and atomic energy. These economic and security policy areas are normally the jurisdiction of executives more than legislatures, so it is not surprising that the treaties overlook the roles of national parliaments. Beginning with the Common Agricultural Policy in the 1960s, the EU’s jurisdiction began to spread into social policy and other areas of “low politics” that normally are the focus of national legislatures. After social policies became a part of EU jurisdiction in the Maastricht Treaty, national parliaments began to see their authorities eroding. One positive development for parliaments came in a

¹Williams (1991); Moravcsik (1993); Dinan (1994); Norris (1997); Rittberger (2005)

²Norton (1996a,c); Raunio and Hix (2000)

provision of the Amsterdam treaty, which required that national parliaments get a minimum of six weeks to debate a policy before it is decided by the Council of Ministers.³ This provision improves the possibility of effective monitoring by giving national parliaments time to translate documents, read them and form opinions on them. More recently, the European Commission has started forwarding documents directly to national parliaments, which makes it more likely that all of the national parliaments will receive EU documents at least six weeks before the Council of Ministers meets to make decisions on each policy.

Over the last twenty years, European integration has enabled the European Union to spread into policy territory that was formerly controlled by national parliaments. Some examples of these policy areas are the environment, health and safety at work, and labor relations.⁴ The Maastricht and Amsterdam treaties added immigration policy, employment policy, cross-border crime (terrorism, drugs, fraud, crimes against children, money laundering, and “cyber-crime”), external border controls, some education, consumer affairs, transport, development aid, asylum, and immigration.⁵ According to John McCormick, policy areas “in which the balance lies with the EU” include: agriculture, competition, consumer protection, cross-border banking, cross-border crime, customs, environment, EU transportation networks, monetary policy (in the Euro zone), fisheries, immigration, trade and working conditions.⁶ If national parliaments want to influence the direction that these policies take, they must insert national interests and perspectives as early as possible in the policy-making process. This can be done through the Conference of Community and European Affairs Committees (COSAC) or through influencing the national government, but the EAC can help the legislature formulate an opinion and encourage parliamentary debate on relevant topics in a timely manner.

Policy areas “in which authority is shared” between the national and Eu-

³Bergman (2000); Raunio and Wiberg (2000b)

⁴(Norton, 1996a, 5)(Pinder, 2001, 95-96)

⁵(Pinder, 2001, 98,104,107)

⁶(McCormick, 2005, 113)

ropean levels include: culture, employment, energy, export promotion, foreign relations, information networks, overseas aid, regional development, small and medium enterprises, social issues, vocational training, and tax policy.⁷ These are prime policy areas for the national parliaments to oversee with EACs because decisions on these matters are made at both the European and national levels. This shared authority requires coordination between national parliaments and the European Union, to make sure that rules and decisions are consistent.

Policy areas “in which the balance lies with the member states” include: broadcasting, citizenship, criminal justice, defense, education, elections, health care, land use, local transportation, policing and postal services.⁸ Currently, national parliaments do not need to assign their European Affairs Committees to examine European legislation in these policy areas because most of these decisions will be made at the national level. However, if the trend of deepening integration continues, these policy areas will also be delegated to the EU. EACs may still monitor these policy areas to be sure these policy areas are not stealthily delegated to the European level in a way that escapes the attention of the national parliament.

As the EU has expanded to include more policy space, there has also been a move to use more supranational decision-making procedures and phase out intergovernmental procedures as frequently as possible. Before the Single European Act was signed in 1986, all decisions in the Council of Ministers were handled intergovernmentally with a unanimity decision rule, which gives each government a mutual veto. The SEA established a qualified majority voting (QMV) rule in the Council of Ministers for some single market legislation. A few years later in 1992, the Maastricht treaty expanded QMV to cover all of the single market policies and set up two new policy pillars, which are still decided under unanimity. The single market policy is considered to be the foundation of the first pillar. The second pillar is the Common Foreign and Security Policy and the third pillar was called Justice and Home Affairs. The Amsterdam treaty transferred elements of asylum

⁷(McCormick, 2005, 113)

⁸(McCormick, 2005, 113)

and immigration policy not related to criminal matters to pillar one and changed the name of the third pillar to Police and Judicial Cooperation in Criminal Matters. One author estimates that 80 percent of decisions on EU policy take place in the first pillar.⁹

One element that makes it harder for national parliaments to influence policy decisions at the European level is the design of the European Union. The Council of the European Union (formerly known as the Council of Ministers) is one of the main decision-making bodies of the European Union and it is composed of representatives from national governments. In a way, there are many Councils of Ministers, because the composition of the Council of Ministers is determined based on the topic of the meeting. A meeting about environmental policy will be attended by the environmental ministers from each of the EU member states. A meeting about transport policy will be attended by transport ministers from each EU member state. Since Council of Ministers meetings are closed to the public, it is difficult for backbenchers or opposition parties to hold the government accountable for its activities at Council meetings.¹⁰ Even though the minutes of Council meetings are available online, the meetings themselves are still closed to the public.¹¹ The minutes only report the Commission's proposal and the Council's decision, without any detail on the substance of debate or negotiations that took place. While the European Commission has agenda-setting power through its monopoly over the EU legislation proposal function, the national governments have collectively gained an enormous amount of influence over European-level policy outcomes through participation in the Council of Ministers.¹² Because it was executives who negotiated the EU treaties that excluded national parliaments, it is possible that executives have deliberately attempted to neuter national parliaments and pool power in the hands of executives. However, it seems more likely

⁹(Pinder, 2001, 28)

¹⁰Norton (1996c); Smith (1996); Raunio and Hix (2000)

¹¹The Council makes its minutes available here: <http://www.consilium.europa.eu/> [accessed 28 March 2007]

¹²Raunio and Hix (2000)

that national parliaments were overlooked until they started to demand more influence in the EU. It was not until the Treaty of Amsterdam (1999) that national parliaments gained an official role in the European decision-making process. They achieved this by working together through COSAC, which was not founded until 1989.¹³

A less pessimistic argument might claim that executives are opportunistically taking advantage of a coordination problem. There are many members of parliament and they are busy with many tasks. It is too difficult for the plenary to closely monitor the actions of government ministers at the European level. Faced with an inattentive principal (i.e., the national parliament), the government ministers are able to engage in agency slack by pursuing policies that do not maximize the utility of the national parliament's backbenchers.¹⁴ This argument focuses on competing incentives for the executive and the legislative branches. It draws on the non-party model of executive-legislative relations reflected in the two-body approach.¹⁵ The literature expresses concern that the two-body image is not a realistic view of the interactions between ministers and members of parliament (MPs) in parliamentary systems, claiming that a political arena model or a market place model would be a more accurate illustration of parliamentary interaction among parties and among individual ministers and MPs.¹⁶

A third possible argument is that information asymmetries make some policy drift inevitable. Principal-agent theory uses the concept of information asymmetry to show that when principals delegate to agents, the agents tend to obtain information that is unavailable to the principal. This idea can be applied to the relationship between governments and national parliaments. Through their roles in the Council, governments have information that is less available to na-

¹³Conference of Community and European Affairs Committees History, http://www.cosac.eu/en/cosac/dvpt_historique.pdf/ [accessed 29 October 2006]

¹⁴For an explanation of parliamentary democracy as a principal-agent relationship, see Strøm et al. (2003)

¹⁵For examples of other studies using this approach, see Lijphart (1984, 1992); Shugart and Carey (1992)

¹⁶Anthony King (1976); Andeweg and Nijzink (1995)

tional parliaments. Some of the information governments possess that national parliaments would not be able to obtain on their own includes the following: the positions of other governments on specific issues, which issues are most salient in the Council of Ministers, and which ministers from each country are easiest to bargain with. In addition, each government knows about issues earlier in the decision-making process than the national parliament does and governments have a larger capacity to process available information because of their access to the bureaucracies.

The implication of this information asymmetry is that national parliaments have difficulty identifying the important issues that come up in the Council. When it takes longer for a national parliament to obtain (and sometimes translate) European documents, then it is slower and less effective at monitoring its agent (government) in its handling of European policy decisions. Also, if a national parliament did manage to obtain all the relevant documents for pending legislation, it still would not know which issues are most important and which are tangential. It also would not know which bargaining chips to use with the ministers from other countries. National parliaments must trust the government to reveal the most important information that would be interesting to the parliament. To counter this difficulty, about two-thirds of national parliaments require their governments to present explanatory memoranda to the parliament's committees to help them scrutinize proposals from the European Commission.¹⁷

Because the Council meetings are closed to the public, the government also engages in hidden action. This means the parliament, even if it is monitoring *ex ante* and *ex post*,¹⁸ cannot observe what the government really does in Council meetings. Does the government vigorously defend the national parliament's perspective or does it abstain altogether on discussion of an issue that is important to the national parliament? As mentioned earlier, it is possible to access the minutes

¹⁷(COSAC Secretariat, 2004, 26-29)

¹⁸See McCubbins and Schwartz (1984) for a discussion of *ex ante* (police patrol) and *ex post* (fire alarm) forms of oversight

of Council meetings from the European Commission, but the minutes only cover the agenda and the decisions made, not the process of decision-making or even how each country voted.¹⁹

In the meantime, national parliaments need to find a way to hold their governments accountable for their behavior at the European level. It should be noted that even though Council voting is behind closed doors, it might not be all that difficult to find out how each person voted. Parliaments could acquire this information by pooling their knowledge with that of other countries' EACs and comparing the various reports from all the member governments. COSAC encourages this practice with the Interparliamentary EU Information Exchange (IPEX), which is a website that posts EU documents and reports produced by EACs from the EU-27. EACs can use IPEX to inform each other about important developments in the Council of Ministers and the European Commission.²⁰ Another tactic might be to find someone with access to the Council meetings and a personal incentive to divulge information. This is most likely to occur within party families, for example if a party is in government in one country and shares information from Council meetings with members of the same party family that are in opposition in another country. This has actually occurred between a government party in Austria and opposition party in Germany,²¹ but it is likely to happen in other countries, as well.

1.2 EACs as a response to the democratic deficit

Prior to the Amsterdam Treaty of 1999, National parliaments were faced with two possible reactions to being excluded from the EU treaties.²² The first option was to accept their excluded status and the second option is to fight it

¹⁹Council of the European Union, Documents: Council Minutes http://www.consilium.europa.eu/cms3_applications/showPage.ASP?id=552&lang=en&mode=g [accessed 18 October 2006]

²⁰See <http://www.ipex.eu/ipex/cms/pid/> [accessed 28 March 2007]

²¹(Auel, 2006, 263)

²²Norton (1996c)

by seeking institutional change that gives the national parliaments influence over European affairs. For clarity's sake, I will call the two responses acceptance and engagement.

At first, parliaments generally chose the first response, acceptance. Early European integration only applied to foreign and economic policy. These policy areas are typically in the executive policy domain, so many national parliaments did not anticipate European integration would interfere with their legislative sovereignty. National parliaments were confident they would continue to exercise policy-making power over domestic issues and they would leave European-level policy to the European institutions.²³

This acceptant response generally persisted until the mid-1980s when a shift occurred toward the second response of engagement. According to Norton, the motivation for this shift was the Single European Act of 1987. The SEA extended the policy areas of the EU to include policy areas of “environment, health and safety, and economic and social cohesion” that were previously handled by national parliaments.²⁴ The SEA also changed the decision rule for Single European legislation from unanimity to qualified majority, which further shifted the policy-making power from domestic political institutions to supranational political institutions. Many parliaments responded to their loss of policy-making ability by establishing EACs that scrutinize the development of European policy.²⁵

Can national parliaments credibly commit to punish the government if it defects from the recommendation of the EAC? The answer is that parliaments have a narrow range of punishment options. There is the blunt instrument of a confidence vote, but this is a drastic measure and threatens the security of the backbenchers, too. There are also smaller punishments: ranging from anonymous leaks to the media about the government's EU policy to direct criticism of the government's EU policy in the media, or even non-cooperation with government

²³Norton (1996c)

²⁴(Norton, 1996c, 24)

²⁵(Norton, 1996c, 23-24)

bills in other policy areas.²⁶ Parliamentary committees can organize hearings or plenary debates to draw broad attention to particular issues as they arise, and backbenchers can use question time to draw attention to the government's policy shortcomings.

1.3 Why are EACs established?

EACs have been established in each of the European Union member states' national parliaments. What do the national parliaments hope to accomplish by establishing these committees? The literature on legislatures and committees points to a number of explanations for the behavior of legislators and these explanations can be fruitfully applied to the establishment of EACs. EACs could be designed to influence European policy by monitoring the government's actions in the Council of Ministers meetings in order to hold the government accountable. Other purposes could be to serve as a commitment device to help international agreements stick, to help government parties claim credit for successful negotiations at the European level, to help opposition parties take visible positions on European affairs, or to help government parties in coalition governments "police the bargain" by monitoring the EU level negotiations of cabinet ministers from coalition partners.

If the goal of EACs is to monitor the government's actions in the Council of Ministers, then this strategy proves problematic because Council of Ministers meetings have been closed to the public.²⁷ For Pillars 2 and 3, where the voting rules require unanimity, EACs can see whether or not the government obeys with a request to veto a particular policy. It takes only one government to veto a

²⁶The option of criticism in the media was mentioned to me by a parliamentary staff member for Sweden's EU-Nämnden (EAC). This was put into practice by the chairman of the German Bundestag's EAC in January 2006 after a government minister voted in favor of a new European Human Rights institution after the government promised the EAC that it would oppose the institution. See EU Observer 2007 and Chapter 5 for more information on this event.

²⁷Some Council records have recently been opened to the public, but some restrictions still apply. See Mattila and Lane (2001).

policy with a unanimity rule, so if a policy passes the Council of Ministers that should have been vetoed, the national parliament will know that the government did not comply with its request. The SEA made it less likely that a single national parliament could use its government to force a veto in the Council of Ministers by replacing the unanimity rule with qualified majority voting for policies in the first pillar.²⁸ Under a unanimity rule, parliaments could have derailed a particular policy or at least forced the policy to be modified simply by convincing their government to veto that policy. Qualified majority voting enables governments to complain to their parliaments that the other governments in the Council of Ministers tie their hands. Even if a government obediently votes against a policy that's unpopular with its parliament, the policy might still take effect because other governments vote in favor of that policy. Nonetheless, a monitoring device could still be a useful deterrence to prevent the government from shirking or defecting from the parliamentary mandate. Even though the government's actions in the Council of Ministers are not completely visible to the EAC, the fact that someone is scrutinizing any available information is likely to inspire government ministers to be careful about taking unpopular positions.

National parliaments may establish EACs in an effort to counteract information asymmetry.²⁹ Keith Krehbiel's distinction between distributive and informational committees can be used to describe EACs as informational committees that are born out of a mutual desire among a group of MPs to specialize in order to overcome information asymmetries. Because EACs are limited in their effectiveness by a qualified majority voting rule in the Council of Ministers and the secretiveness of Council meetings, national parliaments are simultaneously using EACs to gain information on European affairs and bargaining with the European Commission to gain a formal role in the European Union's constitution.³⁰

Another argument sees EACs as a commitment device. EACs have been

²⁸(Pinder, 2001, 37)

²⁹Raunio and Hix (2000)

³⁰Krehbiel (1991); Raunio and Hix (2000)

shown to enhance the credibility of states' commitments to the European Union.³¹ Involvement of national parliaments slows and complicates the decision-making process at the European level, but national parliaments can guarantee that agreements will not unravel ex post when they are submitted to legislative ratification or implementation. The competition between legislatures and executives can be balanced out by mutual goals for international cooperation.³²

Many of the behaviors of legislators can be attributed to the quest for re-election.³³ Two of the activities that legislators use to pursue re-election include credit-claiming and position-taking. Credit-claiming is defined as "acting so as to generate a belief in a relevant political actor (or actors) that one is personally responsible for causing the government, or some unit thereof, to do something that the actor (or actors) considers desirable."³⁴ Position-taking is defined as "the public enunciation of a judgmental statement on anything likely to be of interest to political actors."³⁵ It should be noted that the literature on election-seeking legislators was developed in the American congressional literature, so the arguments apply most easily to individual legislators in the context of a single member district plurality electoral system with weak party discipline. Not all of these observations about legislative behavior translate directly to European parliamentary democracies, because political parties in Western Europe have much stronger party discipline than in the American political system. In spite of this limitation, some of the intuition of this argument can be fruitfully applied to the behaviors of political parties in the national parliaments of European Union

³¹Martin (1997)

³²Rather than illustrating how EACs prevent agreements from unraveling, Lisa Martin's case study of the European Union appears to more strongly indicate an EAC with a strong ex ante voice can speed up the implementation process in EU member states. Withholding ratification is not an option for Council of Minister decisions on European legislation, but national parliaments have been known to drag their feet for implementing directives or regulations. One of Martin's propositions is that "legislatures will institutionalize their participation in international cooperation when there is a greater conflict of interest between the executive and legislature" (Martin, 1997, 19). This could account for the variation among member states in the degree to which they use their EACs.

³³Mayhew (1974)

³⁴(Mayhew, 1974, 52-53)

³⁵(Mayhew, 1974, 67)

member states, rather than to individual legislatures.³⁶

A political party may try to increase its electoral strength through credit-claiming activities. A government party would want to claim credit for successful negotiations at the Council of Ministers, bringing home favorable terms for the country. In a parliament dominated by the government, an EAC is likely to be established in order to support the government in its negotiations at the European level. The EAC can help the government by appearing to tie its hands so it can take tougher negotiating stances at the European level. Additionally, an EAC can support the government by building broad parliamentary support for the government's stance at the Council of Ministers.

Position-taking activities can also be used by political parties. Parties can distinguish themselves in the eyes of voters by taking strong positions and publicizing their stances. Opposition parties are likely to use the EAC meetings as an opportunity to take public positions on European affairs. Even if the opposition parties have no opportunity to really constrain the government through the EAC, they can use the committee as a platform to broadcast its opposition to the government's policy. This can signal to voters that the party is doing what it can to hold the government accountable for its European policy.

Finally, in coalition governments the governing parties may use the EAC to help them "police the bargain." For example, imagine a hypothetical two-party government that has divided the cabinet portfolios such that Party A appoints the finance minister and Party B appoints the minister for foreign affairs. When the finance ministers meet at the Council of Ministers, Party B wonders if the finance minister is really following the coalition agreement or if the finance minister is subtly (or not-so-subtly) pushing for an outcome that is closer to Party A's ideal point. Similarly, when the foreign affairs ministers meet in the Council of Ministers, Party A wonders the same thing about the foreign affairs minister's behavior at the European level. Since Council of Ministers meetings are closed to the public, it can

³⁶There is considerable variation in the degree to which governments rely on parties and vice versa in parliamentary democracy. See Blondel (1995) for an analysis of this variation.

be difficult for government parties to verify that ministers appointed by coalition partners are acting in good faith at the Council of Ministers. The European Affairs Committee can be used as a tool that cabinet parties can use to monitor the behavior of government ministers appointed by coalition partners.

1.4 Contribution this research makes to the literature

This research makes four contributions to the existing literature on EACs. The first is a broader set of observations. The second is a new method applied to the data (i.e. linear regressions and ordered logistical regressions). Third is a new dependent variable in chapter 3, which is the urgency with which EACs are established. The fourth contribution is a more objective dependent variable in chapter 4, which is the oversight approach used by EACs.

In this dissertation, I analyze a broader set of observations than what is found in the prior literature. Earlier cross-national studies analyze only 15 observations from the EU-15 that made up the EU 1995 to 2004. There were many interesting correlations in this dataset, but it was confined to Western Europe and there was a small-n problem. There were too many cases to easily “eyeball” correlations but not enough to use multivariate regressions. Many of the existing studies are collected volumes with each chapter written by a country expert on their own country. This limits the cross-national comparison to the introductory and conclusion chapters written by the editors. By comparing the EU-25 in 2005 and including EACs in upper houses, lower houses and joint committees, I am able to expand the dataset to 34 observations. This expanded dataset is large enough to support binomial and limited multinomial regressions. These methods make it possible to make cross-national comparisons and systematically compare the explanatory power of competing explanations.

Chapter 3 analyzes a new dependent variable: the urgency with which

legislatures establish an EAC. Some legislatures establish their EAC years before the country even joins the European Union, while other legislatures wait and establish their EAC several years or even decades after membership. What explains this variation? The strongest explanation is the timing of membership, but center-periphery and popular support for EU membership are also important factors.

Chapter 4 uses a more objective dependent variable than what has frequently been used before. So far in the literature, cross-national studies of EAC strength have often estimated the “strength” of EACs by “eyeballing” the various institutional and behavioral characteristics of the committees. These categorizations EAC strength can be ambiguous because they define EAC strength as a combination of institutional strength and behavioral influence. This combination conflates oversight approach and oversight effectiveness, but the two are not necessarily connected. If the goal of an EAC is to provide transparency, then a document-based scrutiny approach can be just as effective as a systematic mandating oversight approach. If the goal of an EAC is to influence the negotiations in the Council of Ministers, an informal oversight approach could be as effective as mandating oversight. The effectiveness of oversight depends partly on the oversight process, but it also depends on the government’s responsiveness to parliamentary oversight. Instead of assuming that more assertive oversight is more effective oversight, this should be tested. Unfortunately, the actual influence the parliament has on the government in European affairs is nearly impossible to measure.³⁷ Prior categorizations have been based on potential influence more than effective influence. Instead of analyzing an EAC’s potential influence over the government, this dissertation examines the parliament’s choice of oversight procedures used by each EAC. Some oversight procedures are more assertive than others. Why do some legislatures establish EACs with a wide scope for oversight and an arsenal full of accountability tools, while other legislatures establish EACs with a narrow scope

³⁷As has been pointed out by Fraga (2000), the prior literature confuses means with ends. Processes of oversight and effectiveness of oversight should not be lumped in together in one dependent variable.

for oversight and few formal resources for demanding government accountability? In chapter 4, I compare the oversight processes of EACs in 34 legislatures and find that the timing of membership is the strongest explanation for the cross-national variation.

1.5 Road Map

Chapter 2 is an introduction to the primary explanations for the cross-national variation in the urgency with which EACs are established and the oversight approach used by EACs. The explanations discussed are the timing of membership, the urgency with which an EAC is established, the premodern-postmodern cultural divide, the center-periphery divide, public support for EU membership and the concentration or diffusion of power in national parliaments.

Chapter 3 investigates the factors that explain when the urgency with which EAC was established. The more quickly a legislature establishes its EAC, relative to its membership in the EU, the more urgency surrounds the committee's establishment. In other words, the longer the lag between joining the EU and establishing an EAC, the less urgency. Legislatures that establish their EAC prior to joining the EU display the highest levels of urgency in the oversight of European affairs. What explains this variation in urgency? Legislatures react to the form of the EU at the time they join the organization. The more institutionalized the EU is at the time that a member state joins, the more domestic reforms a member state is required to make at the very beginning. Also, late joiners have less agenda-setting power in the EU when they first join than other countries had when they joined. This is partly because of the country's newcomer status, but also because the marginal influence of each country is decreasing as the pool of members grows.

Chapter 4 focuses on the oversight processes used by each EAC and explains why some EACs have more assertive procedures than others. The chapter argues that the more urgency with which an EAC is established, the more assertive

its oversight approach is likely to be. Also, the more recently a country joined the EU, the more assertive its oversight approach is likely to be.

Chapter 5 examines the case of the German Bundestag's parliamentary oversight mechanisms. Germany is one of the founding members of the European Union, had the longest lag between joining the EU and establishing an EAC, is more post-modern than many other countries in the EU-27, is at the core of Europe, has very high levels of public support for EU membership and has moderate diffusion of power within the parliament among veto players. The Bundestag began with an informal oversight system, but has undergone some recent reforms that appear to give the EAC the ability to use a non-systematic mandating oversight system. Chapter 5 tries to explain why the initial decision was to use an informal oversight approach and why the EAC is becoming more assertive.

Chapter 6 examines the case of the Irish parliamentary oversight mechanism. Ireland's timing of membership was relatively early, but twenty years later than Germany's. The urgency for oversight was relatively low, with a 22 year lag between membership and establishing an EAC. Over the last three or four decades, Ireland's culture shifted from a traditional, agrarian society with many premodern characteristics to a primarily service-sector economy with many postmodern characteristics. Ireland is part of the periphery of Europe, has very high public support for EU membership and has few veto players in parliament. All of these factors are used to explain the document-based scrutiny system used in the Oireachtas.

Chapter 7 examines the German Bundesrat's parliamentary oversight mechanisms. The Bundesrat established the first EAC. This EAC uses a mandating oversight system, but the scope of the EAC's oversight is limited to the policy areas that concern the Länder. Chapter 8 is a conclusion with a summary of the research findings and ideas for future research in this area.

2

Explaining Cross-National Variation in European Affairs Committees

In chapter 1 I discussed the democratic deficit in the EU and raised the question of why European Affairs Committees differ so much. Two areas where EACs differ cross-nationally are in the urgency with which EACs are established and in the oversight approaches used by EACs. This chapter will explore possible explanations for both types of cross-national variation among EACs and discuss the preferred explanations. The possible explanations are postmodern cultural values, the center-periphery divide, public support for EU membership, the concentration of power within the parliament, the timing of membership, and the urgency with which an EAC is established.¹ In chapters three and four, I'll proceed to test these explanations.

¹Urgency is the dependent variable in chapter 3 and an independent variable in chapter 4. Chapter 4's dependent variable is the oversight approach used by the EAC.

2.1 Dependent variables

This section describes the dependent variables that this dissertation seeks to explain. The first dependent variable discussed is the urgency with which EACs are established. The second dependent variable is the type of oversight approach used by each EAC.

2.1.1 Explaining the urgency with which EACs are established

Some legislatures waited several years after joining the EU before establishing a committee to oversee European Affairs, while others designed a committee before they even became full members of the EU. The different lags between joining the EU and establishing an EAC establishment point to different levels of urgency in national parliaments regarding the oversight of European Affairs. Why do some countries take immediate or even pre-emptive steps to scrutinize European integration and legislation while other countries wait for years or even decades before establishing any mechanisms for oversight? This question is important because the urgency with which an EAC is established has been shown to influence the design of the EAC (see chapter 4). A legislature that establishes its EAC prior to EU membership is more likely to arm the EAC with a broad scope of oversight and mandate power than a legislature that establishes its EAC several years or decades after EU membership. The timing of membership is the primary explanation for the urgency with which a legislature establishes its European Affairs Committee. Other candidate explanations include the center-periphery argument, public support for EU membership and the concentration of power within the parliament. All of these explanations will be discussed in Section 2.2.

2.1.2 Explaining the oversight approaches used by EACs

National parliaments vary in the degree of control they attempt to exert in their oversight of European Affairs. In general, the legislatures in the European Union member states take two different approaches for the parliamentary oversight of European Affairs.² First, legislatures that attempt to exert the highest degree of control choose to establish an EAC with mandate power. An EAC with mandating power can issue binding recommendations to the government to guide its negotiations at Council of Ministers meetings. Second is the non-mandating oversight approach. There are two different types of non-mandating oversight: document-based scrutiny and informal oversight. The document-based scrutiny oversight approach focuses on examining all documents flowing from the European level and providing transparency in European affairs. The informal approach focuses on encouraging the flow of information between the government and the rest of parliament, but the parliament does not confront or try to control the government's negotiations in the Council of Ministers. Usually parliaments using an informal oversight do not try to systematically examine all documents flowing from the European Union, but discuss issues as they come to the committee's attention.

The oversight approach an EAC takes is determined by a legislature when the European Affairs Committee is established.³ This means that the way that most legislators view the European Union is a key factor in the way that the committee is set up. If most legislators view Europeanization as undermining legislative effectiveness, then the legislature will set up a more assertive parliamentary oversight mechanism in European Affairs. If most legislators do not view Europeanization as a threatening trend, then the EAC will use a less assertive oversight approach. Also, the more threatening Europeanization appears to a legislature the

²COSAC Secretariat (2004). See Chapter 4 for a more detailed description of the three categories.

³While it is possible for legislatures to reform the EAC as needed and change the oversight approach, the first approach chosen for an EAC sets the precedent. It is more difficult to change the oversight approach for an existing committee than to choose an oversight approach for a newly forming committee.

more quickly the legislature is likely to move to establish an oversight mechanism for European Affairs. The more urgency with which a legislature establishes the EAC, the more likely the legislature will establish an EAC with the most assertive oversight approach. Other candidate explanations include the center-periphery cultural divide, public support for the EU, concentration of power in the national parliament, and postmodern cultural values.

2.2 Possible explanations for differences in EAC urgency and assertiveness

This section will discuss the candidate explanations for the differences in EAC urgency and assertiveness. The explanations will be the center-periphery cleavage in the European Union, public support for membership in the European Union, the concentration of power in the parliament, postmodern cultural values, the timing of membership, and the urgency with which the EAC is established. The urgency with which the EAC is established is considered as an explanation for the timing of membership, but not, of course, for itself.

For each explanation, I will outline the argument that supports that explanation. Next I will explain how this explanation could be applied to the urgency with which each EAC is established. Finally, I will explain how this explanation could be applied to the oversight approach used by each EAC. Some explanations are only applied to oversight approach, so for those explanations I will only describe how it can be applied to oversight approach. See Table 2.2 for an indication of which independent variables will be used in chapter 3 to explain urgency and which independent variables will be used in chapter 4 to explain EAC oversight approach.

2.2.1 Center-Periphery

The center-periphery distinction is used to explain relationships between societies. It draws on Immanuel Wallerstein's World-Systems theory⁴ and Stein Rokkan's distinction between central establishment and subject peripheries.⁵ Wallerstein considered Eastern Europe, Southern Europe, Ireland and Scandinavia to be part of the global periphery.⁶ By this definition, we find that most of Wallerstein's "core" in Western Europe coincides with the founding members of the EU and most of his European periphery coincides with the more recent members that have joined since 1973. Britain is the only country of Wallerstein's European "core" that was not a founding member of the European Union.

It is easier for core countries to achieve their goals in the European arena, because their interests coincide with those of most other core countries. Examples of core countries include France and Germany. These countries are in the geographical heart of the European Union. They participated in founding and designing the European Union. The EU's institutions are designed to resemble French and German domestic political institutions. For example, the Council of Ministers in the European Union closely resembles the German Bundesrat. The European Court of Justice closely resembles the French judiciary system. In general, these countries can easily accomplish their goals in the European arena.

One of the main factors influencing a country's relationship to the European Union is its physical distance from Brussels. This factor is inspired by Rokkan's "distance from Rome" variable. Rokkan argued that distance from Rome was an important policy dimension in European politics because it indicates the degree to which the Roman Empire influenced the culture of each country. Countries

⁴Wallerstein (1974, 1982, 2004)

⁵Rokkan (1975)

⁶"In my own book on the long sixteenth century, I identified three main peripheral zones - Iberian America to be sure, but also eastern Europe and 'southern' Europe. One could comfortably add Ireland and Scandinavia. I specifically excluded Asia (and Africa), and even the Ottoman Empire and Russia, on the grounds that they were not part of the capitalist world-economy in that era and could not therefore be thought of as peripheral zones in the single division of labour of this world-economy" (Wallerstein, 1982, 580).

that have a larger “geopolitical distance northward, from Rome, the fountainhead of the old Empire, the focus of Western Christendom after the Schism of 1054 and the symbolic center for the effort of legal unification through the revival of Roman law” are more likely to have a history influenced by Germanic kingdoms than the Roman Empire (Rokkan, 1975, 575).⁷ Similarly, the European Union can be viewed as a modern-day empire, which has a stronger influence on the culture of countries that are closer to its geopolitical core than the periphery. One difference between the distance from Rome and distance from Brussels is that the distance from Rome is only considered in the Northern direction. Distance from Brussels can grow in any direction, because Brussels is centrally located in Europe.

Countries that are very close to the European capital will be more easily influenced by European political and cultural trends. Countries that are far from Brussels will face more significant transportation costs, higher language barriers and a psychological distance due to reduced contacts with the political and cultural trends of the European Union. For example, national decision-makers from Sweden, Ireland, Greece or Poland must fly to Brussels if they want to meet with European decision-makers. It is only a 3 hour train ride from Paris to Brussels. If French decision-makers want to attend a meeting at the European Commission, it could be a day trip. Linguistically, countries where French, German and English are the native languages usually don't have to translate documents flowing from the European Union. The farther a country is from Brussels, the more likely that EU documents will need to be translated before they can be thoroughly considered by national legislators. The farther a country's population center is removed from Brussels, the more transaction costs associated with participating in European affairs.

Central countries also tend to be more economically engaged with the European Union than peripheral members, and this is reflected in the percentage of each country's external trade that occurs within the European Union. Peripheral

⁷See also Lipset and Rokkan (1967), Rokkan and Urwin (1982), and Rokkan and et al. (1987).

countries are more likely to cultivate and maintain trading partners outside of the European Union. Countries frequently have robust trade with the countries closest to them.⁸ Countries on the far Southern or Eastern edges of the European Union frequently have a tradition of trading with neighboring states that are not a part of the European Union. Countries in the center of Western Europe are surrounded by other EU member states, so they are more likely to trade within the EU.

Countries with large economies are likely to be more influential in an economic union like the EU than countries with small economies. This is because the struggles of a large economy are likely to influence the economic wellbeing of most other countries in the EU. A country with a small economy can experience economic booms or busts without necessarily having a strong influence on the fortunes of other EU member states. In fact, smaller economies are more likely to be affected by the performance of larger economies. Countries in the EU that have smaller economies have to push harder to get the EU to select policies that will benefit them. Also, countries with smaller economies may feel more vulnerable to EU policies than countries with larger economies. If a hypothetical EU policy has adverse effects on a country with a large economy, the effects will most likely be felt by the whole EU. The EU as a whole could prosper based on a policy that has adverse effects on the small economies but benefits the large economies. This is likely to inspire countries with small economies to establish assertive EACs that can limit the range of concessions that the government can make in its negotiations at the European level.

The center-periphery explanation can be applied to the urgency with which EACs are established by arguing that countries on the periphery of the EU are likely to establish their EACs more proactively than countries in the core of the EU. Countries from the geographic and political periphery of the EU are likely to be more disconnected from the EU's processes, policies and culture. An EAC can help some members of the national parliament develop a specialization in

⁸ Linneman (1969)

European legislation and European affairs. The more foreign the EU seems to most parliamentarians, the more urgent the need to develop parliamentary expertise in European affairs. The more familiar the EU seems to parliamentarians, the more likely that there will be a long lag between a country joining the EU and the national parliament setting up an EAC.

Hypothesis 1a: Peripheral countries show more urgency in establishing an EAC than do core countries.

The center-periphery explanation can be applied to the oversight approach used by an EAC. Core countries have interests that are more compatible with the European Union than peripheral countries do. Peripheral countries must work harder at the European level to have their interests reflected in European decisions, so they may look to EACs as a way to boost the negotiating power of the government. One way to strengthen the ability of the national government to “drive a hard bargain” at the European level is to establish an assertive mandating oversight committee that can limit the maneuverability of the government to the point that it can only agree to policies that benefit the national interest. This allows the government to “blame” the advisory committee for its lack of flexibility and can shield the government ministers from pressure to make concessions in the Council of Ministers. Core countries can usually get the most desired outcome through negotiations in the Council of Ministers without needing to take a very rigid position. Therefore, the governments of core countries are likely to want to maximize the flexibility of their bargaining range while peripheral countries will want to limit the flexibility of the bargaining range.

Hypothesis 1b: Peripheral members of the European Union are more likely to have mandating oversight in European Affairs than core countries.

2.2.2 Public Support for European Union

Democratically elected leaders must maintain the support of the public in order to stay in office. This fact of democratic life gives decision makers a

strong incentive to track and respond to the demands of the public. Two tactics that legislators use to maintain public support include credit claiming and position taking.⁹

If legislators sense that the public is skeptical of European integration, they are likely to produce signals to the public that national interests are being protected and that the national-level democratic infrastructure is working to provide accountability and transparency in European Affairs. Legislators will try to claim credit for popular policies at the European level, either through supporting the government in its negotiations at the Council of Ministers or by holding the government accountable for its negotiations. Even if it's not possible for backbenchers to really influence decision-making at the European level, they can still use the EAC as a forum for taking positions on European issues. This position-taking shows constituents that their legislators are actively representing national interests at the European level, regardless of the effectiveness of the representation.

If party discipline is weak, the strategic calculation is made by individual MPs and this trend will be more visible at the party level than in the behavior of individual legislators. If it is strong, the calculation is made at the party level. Parties can encourage their MPs to use legislative committees as a platform for signaling the party's influence over European Affairs if the issue is salient to the electorate. Regardless of the decision-making level, the strategic calculations follow a similar pattern. The strategic calculation involves two elements: the saliency of the issue and the level of popular support. If saliency is high and public support is high, then MPs want to take credit for good things that the public approves of. If saliency is high and public support is low, then MPs may want to take visible positions against the unpopular issue. If saliency is low, then there is little incentive for MPs to take prominent positions or provide a high level of transparency, regardless of the popularity of the issue.

When applying these principles to the issue of European integration, we

⁹Mayhew (1974); Budge and Laver (1986)

see the dynamic playing out in the design and functions of the European Affairs Committee. If the public is uncomfortable with European integration, there is a strong incentive for the parliament to invest a lot of resources in the oversight of European Affairs. On the other hand, in a country with a permissive consensus for European integration, the public is less likely to look for strong accountability mechanisms in European Affairs. European decision-making will be less salient in countries with broad support for European integration therefore politicians will not get much attention for their credit-claiming or position-taking behaviors in European Affairs. This would limit the incentive for members of parliament to invest resources in robust oversight of European Affairs. Instead, parliament is likely to focus on providing other public goods that meet public demands.

In terms of urgency, countries with strong public support for EU membership are likely to have a large gap between acceding to the European Union and establishing an EAC. As long as the electorate is satisfied with the EU, there is little incentive for members of parliament to establish a special committee to scrutinize and oversee European Affairs. The more Eurosceptical a country's public is, the more likely that country's legislature will set up an EAC as soon as the country joins the EU or even earlier.

Hypothesis 2a: The lower popular support for EU membership, the more urgency with which a legislature will establish its EAC.

Legislatures in countries with weak public support for EU membership are likely to establish a more assertive EAC than countries with low levels of Euroscepticism. A Eurosceptical public will distrust the European Union and demand accountability in European affairs. The more assertive an EAC, the stronger the signal parliamentarians give that they are responding to the public demand for oversight of European affairs.

Hypothesis 2b: The lower popular support for EU membership, the more likely the EAC(s) in that country will have mandating oversight.

2.2.3 Concentration of power within the parliament

Some legislatures concentrate most power in the hands of the government, while others spread power out among several veto players. There are several ways to measure the concentration of power. This section begins by describing the way that veto players can reveal the concentration or diffusion of power in a legislature. Next, I discuss the ways that a country's interest group system and the agenda control in a parliament can reinforce the power of government or signify the consensual or competitive nature of decision-making in a legislature.

Veto players are “individual or collective actors [that] have to agree to [a] proposed change” before a policy change can occur.¹⁰ There are two main types of veto players in parliaments: institutional veto players and partisan veto players.¹¹ Institutional veto players can include the government, referendums, presidents with veto powers, legislative upper houses with veto powers, and the courts through judicial review. Partisan veto players are frequently counted as the number of parties in government.¹² These cabinet parties have the ability to veto policies and often they can be agenda setters by proposing new policies. The more parties there are in government, the more difficult it is to make decisive policy changes and the more likely that parliament will establish an oversight committee to monitor cabinet ministers' negotiations in the Council of Ministers. If there is only one party in government, that party can use internal accountability mechanisms to hold cabinet ministers accountable to toeing the party line. If there are multiple parties in government, each government party will want to monitor the cabinet

¹⁰(Tsebelis, 2002, 2)

¹¹Tsebelis (1995); Strøm et al. (2003)

¹²“Tsebelis (1995) summarizes the counting rule of veto players as: ‘a veto player is any player, institutional or partisan, who can block the adoption of a policy’. Following this definition, we take into account two types of veto players: partisan veto players (the political parties that are in the ruling governmental coalition) and institutional veto players (the political actors whose formal veto powers are legally specified by the constitution). Specifically, institutional veto players include the upper chambers in Germany, Australia and Canada, and the President of Portugal (but not France), who has veto power over legislation. Partisan veto players are the parties required for a majority vote inside each institutional player. As a result, when the upper and lower chamber in a country, or the president and the legislature, have different majorities the number of veto players increases” (Tsebelis, 2002, 460-462).

ministers from the other government parties to be sure that they are sticking to the coalition agreement. If an EAC is established during a single-party government, it is most likely that the EAC will have a non-mandating oversight approach. The more parties there were in government when the EAC was established, the more likely the EAC will have a mandating oversight approach.

The more veto players there are in a parliament, the more power is spread out and the more difficult it is to achieve policy changes. It is less clear what effect the number of veto players will have on institutional change. Working from the assumption that decision-makers would prefer to maximize their power to make decisions, it seems unlikely that a unified single-party government will want to create institutional checks on itself. If there are very few veto players in a parliament, the government has the capability to avoid the creation of new institutional veto players or at least delay their development. If there are more veto players in a parliament, it should be more difficult for the cabinet to resist the establishment of a new veto player. Fewer veto players should be correlated with a lower level of urgency in the establishment of an EAC.

All of the national parliaments of EU member states eventually established EACs, but there is considerable variation in the design of EACs. A European Affairs Committee with mandating power is an institutional veto player, but an EAC without mandating power is not. If the government is already sharing power with many veto players, it seems more likely that the EAC that is eventually established will have mandating power. This is because the other veto players have leverage over the government to some degree and can use this leverage to push through a new institutional veto player through threatening to veto.

The number of institutional and partisan veto players is one way to measure the degree to which power is concentrated or spread out in a legislature. Other methods include examining the interest group system and parliamentary agenda control. In countries that use a neo-corporatist interest group system, the government includes societal groups in the process of forming and implementing major

economic decisions. If a government is used to being inclusive and building consensus in economic policy, then perhaps it would also be inclusive and seek broad consensus for European policies. If this is the case, then countries with corporatist interest group systems would be likely to have more assertive EACs.

In countries with neo-corporatist interest group systems it will be common for the government to deliberately integrate societal groups (in the form of peak associations) into the process of formulating and implementing major political decisions. In a pluralist interest group system, societal actors compete to influence government decisions in a “relatively disorganized and competitive manner.”¹³ While a corporatist system emphasizes partnership and consensus-building, a pluralist system is more more competitive and less focused on building consensus. Governments are lobbied by societal groups and the government does not generally seek to include outside actors in the formation of economic policy. This pattern of decision-making could spill over into European policy areas, leading governments to exclude parliamentary committees from the decision-making process and would coincide with an expectation of less assertive oversight committees in pluralist countries. Parliamentary democracy generally puts most decision-making power in the hands of the government. In a corporatist system, the government is used to soliciting the input of societal actors and making decisions based on consensus. This pattern of shared power could translate to the government including parliamentary committees, such as the European Affairs Committee, in its decision-making process. In countries with a pluralist interest group system, the government is used to being lobbied by societal groups and protecting its decision-making authority from competing interest groups. This pattern of decision-making could easily lead to governments excluding parliamentary committees from the decision-making process and would coincide with an expectation of less assertive oversight committees in pluralist countries.

Parliamentary agenda control is another way to observe the concentration

¹³(Gallagher et al., 1995, 360)

or diffusion of power in a parliament. One of the most important tools for directing the course of a legislature's work is to control the plenary timetable. Time is scarce in parliaments and issues at the bottom of the plenary agenda are unlikely to be thoroughly debated. Therefore, the more the government can control the plenary timetable, the more power is concentrated in the government's hands. If non-governmental members of parliament are able to influence the plenary timetable, power is less concentrated in the government's hands. The plenary timetable is determined by the actor that sets the legislative agenda.¹⁴ The policy agenda has been described as, "one of the first, and most important, decisions governments must make with respect to policy initiatives."¹⁵ The primary reason that agenda setting is so important is "the fact that time is an extremely scarce commodity for governments.... proposals introduced relatively early in a government's term, all else equal, have a greater chance of eventually becoming a law."¹⁶ Most of the literature on agenda-setting in parliaments assumes that governments control this decision, but there is variation in how much the agenda is controlled by the government versus the rest of the legislature.¹⁷ The leverage a parliament has over its government is one explanation that has been supported already in the literature on cross-national comparisons of European Affairs Committees.¹⁸

Finally, the parliamentary form of democracy in general gives a lot of power to governments because the executive and legislative branches are fused in the parliament and depend on each other through a confidence relationship. Westminster parliamentary systems tend to concentrate more power in the hands of the government than other forms of parliamentarism. Westminster parliaments tend to have two large parties and one of the parties almost always has a majority. Westminster parliaments are organized in a way that encourages an adversarial

¹⁴Laver and Shepsle (1994)

¹⁵(Martin, 2004, 446)

¹⁶(Martin, 2004, 446)

¹⁷(Döring, 1995, 224)

¹⁸Raunio (2005); Bergman (2000); Raunio and Wiberg (2000b). Contrast with Rozenberg (2002).

relationship between the government and the opposition and that respects the principle of parliamentary sovereignty. The opposition tries to hold the majority party accountable through question time, but the majority party in a Westminster parliament can make unilateral decisions without seeking any input from the opposition party. Governments in Westminster forms of parliamentary democracy use a style of cabinet decision-making that stresses collective responsibility and executive secrecy. This tradition makes it unlikely that backbenchers from the government party can influence government decision-making. There are only a few Westminster-style parliaments in the EU-25, but it since this form of parliamentary democracy concentrates so much power in the hands of the government, seems likely that it will be correlated with a larger gap between joining the EU and establishing an EAC. Also, it is likely to be correlated with a less assertive oversight approach in European affairs.

The urgency with which an EAC is established can be explained using the concentration or diffusion of power in parliament. The more power is concentrated in the hands of the government, the easier it would be for the government to delay the establishment of an EAC, which would monitor and constrain its negotiations in the Council of Ministers. Alternatively, the more control non-governmental members of parliament have over the legislative agenda, the more assertive backbenchers or opposition parties can be toward the government. If the government controls the parliamentary agenda and decision-making, the EAC is likely to be established at some point after the country has joined the EU. If the parliament's backbenchers can easily influence the parliamentary agenda and decision-making in the parliament, then the EAC is likely to be established at the same time that EU membership is gained or even before accession to the EU. This explanation can be summed up with hypothesis 3a.

Hypothesis 3a: The more power is concentrated in the hands of the government, the less urgency with which a legislature will establish its EAC.

The concentration or diffusion of power in a parliament can influence the

oversight approach used by a European Affairs committee. The more control non-governmental members of parliament have over the legislative agenda, the more assertive backbenchers or opposition parties can be toward the government. If the government dominates the parliament, then the European Affairs Committee is likely to use a non-mandating oversight approach. If the parliament generally has a lot of leverage over the government, then the European Affairs Committee is more likely to have a mandating oversight approach. Hypothesis 3b derives from these considerations.

Hypothesis 3b: The more power is concentrated in the hands of the government, the less likely an EAC will have mandating oversight.

2.2.4 Postmodern cultural values

Economic change coincides with value change as societies transition from being pre-modern to modern to postmodern.¹⁹ Pre-modern societies tend to have agrarian economies, while modern societies have industrial economies. Postmodern societies have post-industrial economies dominated by the service sector. Pre-modern and modern societies are both focused on survival, while post-modern societies take survival for granted and focus instead on self-expression. Societies that emphasize survival over self-expression are described in this way:

Societies that emphasize survival values have relatively low levels of subjective well-being, report relatively poor health, and are low on interpersonal trust, relatively intolerant of outgroups, and low on support for gender equality. They emphasize materialist values, have relatively high levels of faith in science and technology and are relatively low on environmental activism and relatively favorable to authoritarian government.²⁰

Societies that emphasize survival values are likely to have very little oversight of leaders in general and the European Union, in particular. At their most

¹⁹Modernization theorists argue that economic change causes societal change, while cultural theorists argue that cultural change causes economic change. Inglehart argues that there is a feedback effect between economic and social change (Inglehart, 1997, 48). The one thing that all three of these approaches agree on is that social and economic change are linked.

²⁰(Inglehart, 1997, 54)

extreme, these societies encourage “people to accept their social position in this life, emphasizing that meek acceptance and denial of worldly aspirations will be rewarded in the next life.”²¹ Meek acceptance of one’s circumstances does not correspond to strong oversight mechanisms.

Societies that emphasize self-expression tend to celebrate diversity. They “reflect an emancipative and humanistic ethos, emphasizing human autonomy and choice.”²² These values are more likely to correlate with mistrust of centralized authority and rigorous oversight of decision-makers. Societies that have post-modern cultural values tend to be skeptical of hierarchy, and be preoccupied with self-expression and quality of life.²³ The more a country’s society emphasizes self-expression values, the more likely it will have highly institutionalized oversight mechanisms for domestic and international political decision-making. Postmodernization “deemphasizes all kinds of authority, whether religious or secular, allowing much wider range for individual autonomy in the pursuit of individual subjective well-being.”²⁴ Citizens in postmodern societies demand accountability and transparency in government, so countries with value systems relatively closer to post-modernism are likely to have EACs with mandating oversight.

Hypothesis 4: The stronger the self-expression values in a country, the more likely its national parliament will establish an EAC with mandating oversight.

2.2.5 Institutional Development of the European Union

Prior to the signing of the Maastricht treaty, 12 countries in Western Europe were united in the European Community, an intergovernmental organization that encouraged free trade and cooperation through a common market. With the Maastricht Treaty, the European Union was born. The EU covers a broader range

²¹(Inglehart, 1997, 71)

²²(Inglehart, 1997, 54)

²³Inglehart describes cultural change as a “shift in survival strategies. ... With the transition from Modernization to Postmodernization, the trajectory of change has shifted from maximizing economic growth to maximizing the quality of life” (Inglehart, 1997, 66).

²⁴(Inglehart, 1997, 74-75)

of policies and looks more like a federal structure than the European Community did. Prior to Maastricht, there was little need for oversight of European Affairs. Post-Maastricht, the need for oversight was obvious to all current and candidate member states.

The European Union has been continuously evolving over time. The organization looked very different in the 1950s than it did in the 1980s or the 1990s. In the 1950s, the organization was limited to intergovernmental economic and political cooperation. Decisions were made unanimously and were limited to a narrow range of policy areas, such as the coal and steel industries, atomic energy and economic policy. In addition to the narrowness of the policy areas, they were also more under the jurisdiction of governments than of national legislatures. By the 1990s, the treaties governing the European Union included social policy, environmental policy, public health policy, transport policy, and immigration policy. Increasingly, decisions were made by qualified majority, meaning that a state could vote against a decision at the European level, be voted down, and still have to implement the policy domestically. For countries joining the EU in 1995 or in 2004, the European Union overlaps with many policy areas that national legislatures traditionally controlled prior to gaining EU membership.

In addition to changes in the policy range of European integration, each new round of enlargement dilutes the influence of any single member state. The European Coal and Steel Community was the first incarnation of the European Union. It was established in 1951 and it only included six member states: France, Germany, Italy, Belgium, and Luxembourg and the Netherlands. The next accession class was in 1973 when Denmark, Ireland and the United Kingdom joined the European Community. With this round of enlargement, the membership of the EU increased by 50 percent from 6 to 9 members. While the original six countries were generally slow to develop EACs, two of the three countries from the accession class of 1973 established EACs right away. Denmark established its EAC the year before membership and the United Kingdom in the year after. Greece joined the

EU in 1981, Spain and Portugal in 1986 and Austria, Finland and Sweden in 1995. As the organization grew from 12 to 15 members in 1995, unanimity decision-making procedures became too cumbersome and the EU began to use qualified majority voting for a growing number of policy areas. Qualified majority voting provided more flexibility for decision-making, but it also undermined the ability of states to protect national interests and national sovereignty from European-level decisions. By the time the 1995 accession class joined, establishing an EAC was becoming an expected part of EU membership. All of the EU-12 countries already had established their EACs before the accession class of 1995 joined the EU. Given the strength of this precedent, it is not surprising that Austria, Finland and Sweden established their EACs within a year of gaining EU membership. In 2004, the largest accession class in the history of the EU joined the organization. The class included ten new countries: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. By 2004, the EU had grown from 6 members to 25 member states. Many of the countries in the 2004 accession class, also known as the A10 countries, established their EACs well before gaining EU membership. Four EACs were established in 2004 at the same time that the country acceded to the EU, but the rest were all established at some point prior to joining the EU.²⁵

Hypothesis 5a: The urgency with which EACs were established was low before and high after the Maastricht Treaty was signed.

Hypothesis 5b: EACs that were established (or reformed) after the Maastricht Treaty was signed are more likely to use mandating oversight than EACs that were established (or last reformed) before Maastricht.

2.2.6 Timing of membership: Learning and Influence

The EU is an organization that late joiners have aspired to join and they had to satisfy the EU's requirements and meet EU standards before being allowed

²⁵See Chapter 3 for more information about when each legislature established its EAC.

in. For early joiners, the EU is a cooperative project of pooled sovereignty that was dreamed up by a prior generation and incrementally developed through cross-national cooperation. Early joiners are likely to think of the EU as a work in progress and something the early joiners have developed by working together. It is inevitable that late joiners will think about and respond to the EU differently than early joiners do.

The roles of early and late joiners can be illustrated using an analogy to an asymmetric market. In an asymmetric market, there are price-makers and price-takers. Price-makers have enough market share that their decisions to buy, sell or hold a good influence the price of that good. Price-takers can choose to buy, sell or hold a good, but that decision does not affect the price of the good. Price-makers have "superior market knowledge" when compared to price-takers.²⁶ This concept from economics can be adapted to describe competition in political environments in the form of rule-makers and rule-takers. Rule-makers participate in developing rules. Rule-takers obey rules that they had no role in developing. A final group, rule-breakers decide to reject rules. Early joiners had the opportunity to participate in formulating the rules that govern the European Union. The later a country joined the EU, the more of the existing rules were decided before the country became a member. This means that the latest joiners are rule-takers for all of the rules that exist at the time that they joined the organization.

There are benefits and costs associated with EU membership and they accrue differently for early and late joiners. Figure 2.1 demonstrates the advantages and disadvantages of joining early and joining late. One of the primary advantages to being an early joiner is the dynamic of path dependency, which is also known as "lock-in by historical events."²⁷ Early joiners participated in early decisions regarding the direction that European integration would take are still shaping the European Union today. Over the years, thousands of small and large decisions have been made that caused the EU to develop into the organization that it is today.

²⁶Scitovsky (1990)

²⁷Arthur (1989)

Table 2.1: Advantages and Disadvantages of Joining the EU Early or Late

	Early Joiners	Late Joiners
Advantages	Path dependency High political capital Influence	Learning from previous examples
Disadvantages	Costs of building EU Trial and error	Low political capital Less negotiating influence More difficult institutional fit Learning curve/legislative burden

The earliest joiners participated in early decisions that have shaped the today's terms of debate, operating procedures and scope of European Union processes. Because early joiners were able to participate in the design of the European Union, it is likely that the institutional design of the European Union is closer to their domestic context than it is for late joiners.

Another advantage is that early joiners have had more time to build political capital with other early joiners over the course of decades of negotiation and compromise. The early joiners can tap into this political capital when necessary to call in favors or trade support with their long-term allies. More experienced member states can rely on a long history of cooperation and deep networking ties with other EU members to help them achieve their policy objectives. This political capital should make it easier for early joiners to negotiate outcomes that reflect their own preferences. The path dependency of European integration makes it more likely that early joiners will prefer the status quo. In general, it is easier to maintain the status quo than to achieve change, so this preference gives early joiners an advantage in negotiations. When early joiners do want to initiate change, they have a large pool of political capital saved up from decades of cooperation and coordination with the other early joiners. These are significant advantages.

Disadvantages of joining early include the costs of building the European Union and the effects of trial and error. The political, social, and economic costs

of building the European Union have fallen disproportionately on the early joiners. The earliest countries to participate in European integration have put significant resources into developing European institutions. Also, since there was no model for early joiners to follow, they had to engage in trial-and-error and experimentation in developing the European Union. Experimentation can be costly and frustrating.

The main advantage that accrues to late joiners is that they can learn from the example set by early joiners. They are joining an already-established organization with institutional inertia, standard operating procedures, adjudication procedures already established. Late joiners can save the costs and effort of trial-and-error experimentation by studying the examples of early joiners. For example, in designing European Affairs Committees, the newest member states have consciously borrowed features from several different EACs in countries that joined the EU before they did, attempting to mix and match to get the best of the possible models for oversight of European Affairs. While it took the early joiners time to realize the necessity of parliamentary oversight and even more time to develop an optimal system for oversight, late joiners can skip straight to an EAC design that has appeared to be effective in another country's legislature.

The main disadvantage to late joiners is that their influence in the European Union is steeply reduced by having less political capital than earlier joiners. Newer members are grappling with being only one of twenty-seven voices, but they do not have the same degree of community support and credibility that more established EU member states can draw from. Late joiners must work harder to network at the European level. Relationships among late joiners will deepen over time, but in the beginning they are likely to be shallower than those among the early joiners. A new member may find it more difficult to resist the will of the other member states. A highly organized national-level oversight committee can help tie the government's hands to help it maintain its resolve at the European level negotiations.

Just as path dependency advantages early joiners, it disadvantages late

joiners. The more recently a member state joined the European Union, the more decisions have been made without the input of the new member state because they occurred prior to that country's EU membership. For late joiners, many of the institutions of the European Union were already established before they joined the organization, so they have had much less influence over the European Union's design and the "institutional fit" is likely to be more awkward for them. Since late joiners did not have the opportunity to participate in designing the European Union, it is likely that many of the EU's procedures or institutions are incongruent with the domestic contexts of late joiner countries.

The member states from the accession class of 1973 joined an international organization that had been in operation for over twenty years. The new member states had to overcome twenty years worth of networking, collaboration, discussion and socialization that occurred among elites from the original six countries. By the time the accession class of 2004 joined, the EU had over fifty years of established precedent for decision-making and negotiation procedures. The countries that founded the EU were present in negotiations for the whole *acquis communautaire*.²⁸ The countries that joined later have had to accept and codify EU treaties that they had no hand in shaping. European Union rules and procedures are more likely to require major reforms in newer countries than in the founding members. The more recently a country joined the European Union, the more control the domestic legislature(s) will want to assert over European Affairs because the EU will seem more foreign to domestic processes and also more difficult to change.

Finally, the later a country joined the European Union, the more institutionalized the EU was at the time of joining and therefore the more policy areas the legislature would have to immediately share with the European Union. It is a daunting task to adjust national legislation to accommodate the European Union's *acquis communautaire* and the national legislature may need to establish a European Affairs Committee to assist with this legislative work. The size and scope of

²⁸The *acquis communautaire* is the body of laws and treaties already adopted by the European Union which new members of the EU must accept as a condition of membership.

the *acquis communautaire* has grown enormously in the last twenty years since the Single European Act in 1986. As the *acquis* has grown, so the legislative burden has grown larger for each new accession class.

The urgency of EAC establishment is most effectively explained by the timing of a country's membership to the European Union. Countries that joined the EU in the past decade are likely to experience more urgency when it comes to establishing parliamentary oversight of European affairs than did countries that founded the European Union. Late joiners try to use their EAC to counteract the disadvantages of joining late. An EAC can improve the marginal influence of a late joiner's government by reinforcing the government's bargaining stance with visible parliamentary support. It can encourage parliamentarians to develop an expertise in European affairs and develop a network of other parliamentarians that specialize in European affairs through COSAC meetings. Finally, an EAC can ease the legislative burden of integrating the *acquis* into the national legal code and developing ways to implement directives flowing from the European Union with minimal disruption to the current national legal tradition.²⁹

Hypothesis 6a: The more recently a country joined the EU, the smaller the gap will be between joining the EU and establishing an EAC (higher urgency).

The cross-national variation in oversight approach is effectively explained by the timing of membership. Late joiners are likely to have more difficulty fitting in to the organization than countries that joined earlier. Assertive parliamentary oversight can limit the range of concessions that a government can make in its negotiations at the European level. A late joiner can strengthen its government's bargaining position with an assertive EAC, therefore the later a country joined

²⁹It is important to note the differences between timing of membership and urgency of EAC establishment. The two are highly correlated, but they are not the same. When controlling for timing (i.e. within one accession class), there is variation in levels of urgency. For example, Ireland and the United Kingdom both joined at the same time, but the UK set up its EAC within one year of gaining membership, while Ireland waited for 22 years. In the A10 accession class, Malta established its EAC 9 years before joining the EU but Slovakia did not establish its EAC until the same year of accession (2004). This variation indicates that timing of membership and urgency are not the same thing.

the EU, the more assertive its parliament's oversight of European affairs is likely to be. Early joiners have more political capital in the EU than late joiners and, therefore, expect to accomplish national goals in the European arena by providing the government with maximum flexibility. This is likely to lead to a non-mandating oversight approach in European affairs that maximizes the government's freedom to negotiate.

Hypothesis 6b: The more recently a country joined the EU, the more likely its EAC will use mandating oversight.

2.2.7 Urgency as an explanation for EAC oversight approach

This factor is the dependent variable in chapter 3, but it is an independent variable in chapter 4. The reason I expect to find a connection between urgency and EAC oversight approach is that both reflect the priority a national legislature gives to the oversight of European affairs. If the oversight of European affairs is given a high priority, then the legislature will move more quickly to establish oversight mechanisms than if not. When a legislature establishes an EAC years before the country joins the European Union, the legislature reveals an urgent impulse to assert control over European Affairs. A national legislature that hurries to establish an EAC before it even joins the EU is taking an active stance toward European Affairs. The more active the national legislature is in European Affairs, the more likely it will want an assertive EAC. Therefore, the more urgently a legislature pursues oversight of European Affairs, the higher a priority the legislature places on the oversight of European affairs and the more assertive the oversight approach the legislature is likely to choose for its EAC.³⁰

Legislatures that join the European Union and wait several decades to establish an EAC reveal a passive stance toward European Affairs. If a legislature takes a passive stance toward European Affairs, it is likely to give its EAC

³⁰See section 2.2 for a discussion of the causes of this urgency.

an informal oversight approach. The informal oversight approach is compatible with a less assertive stance because it doesn't necessarily require the committee to comprehensively oversee European affairs. Instead, an informal oversight EAC can keep a low profile, meet as needed and oversee issues that come to the committee's attention without having to sort through every document that flows from the European Union or interfere with the government's work at the European level.

Hypothesis 7: The more urgency in establishing an EAC, the more likely it will have mandating oversight.

2.3 Preferred explanation for the urgency with which EACs are established

As explained in Section 2.2.7, the urgency with which EACs are established is a function of the priority the legislature places on the oversight of European affairs. The more national legislators believe there is an urgent need for a European Affairs Committee, the more likely the EAC will be established prior to membership in the EU or simultaneously with EU membership. If few national legislators believe there is an urgent need for an EAC, it is more likely the EAC will be established sometime after EU membership. What would cause legislators to place a high priority on the oversight of European affairs? My preferred explanation for the urgency with which EACs are established is the timing of membership. For the next few paragraphs I will explain why the timing of membership is a more convincing explanation than the center-periphery, public support, institutional development, and concentration of power in parliament explanations.

Timing of membership influences and reflects many characteristics of a state's relationship with the European Union. First, the more recently a country joined the EU, the less influence it is likely to have in EU decision-making. This is because new members haven't built deep networks with other decision-makers in the EU. Also, the institutional fit is worse for late joiners than it is for early joiners

because late joiners did not participate in designing and developing the EU like early joiners did. An EAC can help a late joiner overcome some of this difficulty with influence and navigating the EU institutions. The EAC can network with other EACs in COSAC and can help the legislature show the public that they are trying to protect national interests in the European arena.

Second, late joiners can learn from the example of early joiners. By the time the 1995 and 2004 accession classes joined, EACs already existed in other member states. The A10 states deliberately studied the examples of prior early joiners to find the best EAC design.³¹

Third, the larger the legislative burden involved in joining the EU, the more urgent the need for an EAC would seem. Legislative committees are a tool that legislators use to get tasks accomplished. The transposition of EU laws into national laws can be overseen by an EAC.

The timing of membership explanation is more effective than other candidate explanations. One problem with the institutional development hypothesis is that it is difficult to sort out motive and opportunity. The ratification process for the Maastricht treaty certainly provided an opportunity for many national parliaments to establish or reform an EAC. National parliaments were able to hold out on ratification until national governments allowed an EAC to be established or strengthened. It is less clear if the motive to establish or strengthen an EAC came as a result of the Maastricht Treaty or if the flood of oversight activity reveals pent-up demand that was suddenly released when an opportunity arose to act.

The center-periphery explanation argues that the more marginal the country is to the EU, the more likely the government will want to use an EAC to tie its hands. Many late joiners belong to the EU periphery and many early joiners belong to the EU's core. The timing of membership is a stronger candidate explanation than the center-periphery argument because the timing of membership

³¹I attended a conference in Ireland in 2004 that coincided with the Irish presidency of the EU. Attendees from the parliaments of A10 countries were in attendance to study earlier versions of EACs to get ideas for which designs and techniques seem to work best.

influences the relationship of a country to the EU. Founding members were able to design the EU, therefore the institutional fit is better for those countries than for countries that joined more recently. While it is true that peripheral countries are the last to be invited to join, it is clear that joining later makes a country peripheral to the EU even if it has been a core country in the region.

The United Kingdom is a case in point. The United Kingdom has a large economy and has historically been a powerful country in the region of Western Europe. The UK had an opportunity to participate in founding the EU in the 1950s, but declined the invitation. In the 1960s, when the UK was ready to join, Charles de Gaulle blocked its membership twice. It was not until 1973 that the United Kingdom established its membership in the EU.³² Because the United Kingdom missed twenty years of participating in large and small decisions that determined the course of the organization, the EU doesn't fit the UK as well as it fits Germany or France. The UK is extra vigilant in EU negotiations to protect national interests and has needed to negotiate special exceptions, such as a rebate for financing of the Common Agricultural Policy. Early joiners of the EU are less likely to need to negotiate special exceptions because the course of the organization is less likely to seriously conflict with their national interests. The UK has a goal of projecting power in the EU and wants to be a rule-maker, but its late joiner status undermines its ability to influence treaty negotiations. Since the UK doesn't want to be a rule taker and can't usually succeed at rule making, it negotiates exceptions for itself. Examples of UK exceptions include opting out of the Euro currency and the rebate the UK gets on its contributions to the EU budget. In both cases, the UK was not successful in vetoing or abolishing the objectionable program or policy, but could choose not to participate. The UK has many characteristics of a core country, but it is at a relative disadvantage, because it joined the EU later than the other core countries.

The timing of membership also influences public attitudes toward EU

³²(McCormick, 2005, 65-67)

membership. In general, the countries that founded the EU have stronger public support for EU membership than do countries that joined more recently.³³ There are two reasons why this occurs. The first reason is that the longer a country has been a member of the EU, the more citizens are likely to take membership for granted. The issue of EU membership is unlikely to be highly salient in early joiners. Public support may be high for early joiners, but it may not be very intense. EU membership is more likely to be a salient issue in relatively new members because a society-wide conversation about membership precedes joining the EU. So public support for EU membership is likely to be more salient and important for late joiners than for early joiners. The second reason is that new members encounter sudden changes from joining the EU, which are likely to be controversial with the public and cause public ambivalence about membership. The costs and benefits of membership will generally be felt more acutely before and shortly after joining the EU than they will several decades after membership is established.

The concentration of power in the parliament can reveal the capacity of a national legislature to quickly establish an EAC, but does not reveal the urgency with which the EAC is established. In short, similar to the institutional development hypothesis, it can provide opportunity but not motive. The intuition of the concentration of power argument is that the fewer veto players there are, the more easily the government can delay the establishment of an EAC. However, even a parliament with enough veto players to prevent the national government from gaining leverage over the parliament may not move to establish an EAC until there is some evidence that parliamentary control over the agenda is diminishing. The timing of membership can account for the motive.

Europeanization does tend to strengthen national governments at the expense of national legislatures, but this trend has gained momentum over time

³³There is a negative correlation (-0.5421) between public support for EU membership in 2005 and the timing of membership.

and as European integration has deepened.³⁴ For countries that founded the EU, there has been a gradual erosion of legislative sovereignty. At the time that the EU was established, this deparliamentarization trend was not evident, so there was no strong reason for a national legislature of a founding member state to rush to establish an EAC. For countries that joined the EU in 1995 or in 2004, the shift in the balance of power between governments and the backbenchers of parliament was more sudden. This dramatic change is likely to inspire national legislators to quickly establish an EAC to help the parliament hold the government accountable.

In sum, the urgency with which EACs are established is effectively explained by timing of membership. Early joiners are likely to allow a large gap to develop between joining the EU and establishing an EAC while late joiners are not. The oversight of European affairs is urgent for late joiners because an EAC can help late joiners overcome some of the difficulty of fitting in to the EU, such as the difficulty of networking with other EU member states and the legislative burden of the *acquis*. Early joiners do not have these problems, so they did not feel the need to establish an EAC until after the EU developed to the point that it started to undermine the decision-making power of national legislatures.

2.4 Preferred explanation for the oversight approach taken by EACs

My preferred explanations for the oversight approach taken by an EAC are (1) the timing of membership and (2) the urgency with which the EAC was established. Section 2.2.6 discusses reasons why countries that joined the EU more recently are likely to establish more assertive EACs. As explained in section 2.3, the urgency with which EACs are established is a function of the legislature's view of the European Union and the Europeanization process, which is strongly influenced by the timing of membership. The higher priority that national legislators

³⁴See the discussion of deparliamentarization in chapter 1

place on the oversight of European affairs, the more urgently an EAC will be established and the more assertive the oversight approach of the EAC is likely to be. Section 2.3 discussed reasons why legislators may believe an EAC is necessary, including overcoming the legislative burden of joining the EU and using the EAC to strengthen the government's negotiating leverage at the Council of Ministers meetings.

The timing of membership and the urgency with which an EAC is established are stronger explanations for oversight type than the other candidate explanations. The center-periphery argument assumes that states evaluate the EU based on their own relationships to the EU. This assumption is most likely true, however the timing of membership not only reflects the relationship of a country to the EU, it also partly determines a country's relationship to the EU. As the example of the United Kingdom shows, a country can have a large economy and be close to Brussels, but still find itself outside the core of the EU.³⁵ The urgency with which an EAC is established can reveal the priority level its legislature gives to the oversight of EU affairs. While it is possible that peripheral countries will put a higher priority on oversight of EU affairs, there are other factors that could also contribute to a high legislative priority on EU affairs.

The public support argument assumes that legislators respond to the demands of the electorate. According to this perspective, if most voters are skeptical of the European Union then national legislators will establish an assertive EAC that can provide a high degree of transparency and accountability in European Affairs. This is probably a safe assumption; however public opinion doesn't form in a vacuum. People form their opinions about the EU from their perceptions of the costs and benefits of EU membership. These perceptions can be influenced by the timing of a country's entry to the EU. If a country has been a member for a long time, the public is less likely to question EU membership and less likely to demand rigorous oversight. If membership is new, the public is likely to be

³⁵See discussion of the UK example in section 2.3.

more vigilant about the future costs of membership and to demand parliamentary oversight of European affairs.

The concentration of power within a national parliament could be a factor in selecting an EAC's oversight approach. Governments generally do not want to be tied down and have limits on their flexibility, so only national parliaments where power is relatively diffuse would be capable of establishing strong EACs with mandating power. It would be harder for a national parliament to establish a strong EAC with mandating power if there are few veto players and most power is concentrated in the government's hands. Less assertive parliaments might find it more difficult to establish an EAC that can dictate to the government concerning its negotiating positions at the Council of Ministers. As explained in Section 2.3, the main weakness of the concentration of power argument is that it does not explain the motivation to establish a particular oversight approach for an EAC. An assertive national parliament should be capable of establishing an assertive EAC with mandating power, but just because an assertive national parliament could set up an assertive EAC does not mean that it would.

Postmodern values can provide an incentive for assertive oversight of European affairs because self-expression values stress autonomy and distrust of hierarchy. However, this distrust of hierarchy permeates domestic politics as well as European politics.³⁶ Instead of demanding that national parliamentarians provide accountability in European affairs, it is more likely that postmodern self-expression values will lead citizens to bypass national political institutions and directly lobby the EU through direct political activism, such as boycotts, petitions, and demonstrations.³⁷

Joining the EU late provides a strong incentive for assertive oversight of

³⁶Confidence in national institutions has declined over time and seems to be strongly correlated with the growth of postmodern self-expression values. "Postmodern publics evaluate their leaders by different, and more demanding, standards than those applied throughout the modern era" (Inglehart, 1997, 302).

³⁷For evidence that postmodern values lead to more direct and "unconventional" forms of political participation and erode the authority of national political institutions see (Inglehart, 1997, 298-315).

European affairs. Late joiners are disadvantaged, relative to early joiners, in their ability to accomplish national goals in the European arena. An assertive EAC could help late joiners overcome their disadvantage. Additionally, the higher priority a national parliament places on the oversight of European affairs, the more likely it has a strong incentive to establish an assertive EAC. Urgency is an indicator of a high priority in European affairs, so the more urgency in establishing an EAC, the more likely the EAC will have an assertive oversight approach.

2.5 Conclusion

This chapter discussed several competing explanations of cross-national variation in the urgency with which EACs are established and the oversight approach of EACs. Timing of membership is the primary explanation for both, while the urgency with which the EAC was established is also a strong explanation for the type of oversight approach used by an EAC. Chapter 3 will test the explanations given for the urgency with which the EAC is established and chapter 4 will test the explanations for the type of oversight approach used by EACs.

Table 2.2: Expected Signs for Each Independent Variable

Independent Variables	Hypotheses	Operationalization	Expected sign: Ch. 3 Explaining EAC Urgency	Expected sign: Ch. 4 Explaining assertiveness of EAC oversight approach
Timing of Membership	The more recently a state has joined the European Union, the smaller the gap will be between joining the EU and establishing an EAC. The more recently a state has joined the European Union, the more assertive its EAC will be.	The year each country joined the European Union	+	+
Urgency: the gap between joining the EU and establishing and EAC	The larger the gap between joining the EU and establishing an EAC, the less assertive the EAC will be.	Number of years before/after membership in EU that EAC was established. Before (+) or after (-). If established in year of EU, membership = 0	n.a.	+
Postmodern cultural values	The more postmodern a country's values, the more assertive the EAC will be.	Inglehart-Welzel factor scores for survival versus self-expression values.	n.a.	+
Public support for EU membership	The more the public disapproves of EU membership, the more quickly the EAC will be established. The more the public disapproves of EU membership, the more parliamentary assertiveness in oversight of European affairs increases.	Public opinion: EU good thing, year EAC established	-	-

Table 2.2: *continued*

Independent Variables	Hypotheses	Operationalization	Expected sign: Ch. 3	Expected sign: Ch. 4
Center-periphery	<p>The closer a country is to the EU's core, the longer the gap between joining the EU and establishing an EAC will be.</p> <p>The closer a country is to the EU's core, the less assertive the EAC will be.</p>	Historic GDP for the year each legislature established its EAC (In billions, 2000 USD)	-	-
		Distance of the country's population center from Brussels (in hundreds of kilometers). Year: 2000	+	+
		Percentage of total exports that are sold within the European Union (2005)	n.a.	-
		Number of Parties in government in the year EAC was established	+	+
Concentration of power in parliament	<p>The more power is concentrated in the hands of the government, the larger the gap between joining the EU and establishing an EAC The more power is concentrated in the government's hands, the less assertive the EAC will be.</p>	Corporatism	n.a.	+
		Control of the plenary timetable (Döring 1995).	n.a.	+
		Westminster parliament	-	-

3

Explaining Cross-National Variation in the Urgency of EAC Establishment

This chapter addresses the time gap between a country gaining membership in the EU and its legislature(s) establishing an EAC. Some European Union members waited several years (or decades) after joining the EU before establishing a committee to oversee European Affairs, while others designed a committee before they even became full members of the EU. The variance in this time gap between EU membership and EAC establishment reveals different levels of urgency in national parliaments regarding the oversight of European Affairs. Why do some countries take immediate or even pre-emptive steps to scrutinize European integration and legislation while other countries wait for years or even decades before establishing any mechanisms for oversight? Legislatures that establish their EACs prior to EU membership are more likely to arm the EAC with a broad scope of oversight and mandate power than legislatures that establish their EACs several years or decades after EU membership. Chapter 4 shows that the urgency with which an EAC is established is one of the determining factors in the oversight approach of the EAC.

This chapter argues that the timing of EU membership is the strongest explanation for the urgency with which a legislature establishes its European Affairs Committee. See chapter 2 for a discussion of the hypotheses tested in this chapter and the reasons why I favor the timing of membership explanation over the other candidate explanations. The competing explanations are center-periphery, popular support, institutional development and concentration of power.

3.1 Dependent variable: urgency with which EACs are established

This chapter's dependent variable is the time gap between a country joining the European Union and its legislature establishing an EAC. Some legislatures have been proactive in European Affairs, establishing European Affairs Committees prior to gaining official membership in the European Union. These legislatures assign a high priority to the oversight of EU affairs. Other legislatures have been more passive in European Affairs, waiting to establish an EAC as long as three decades after gaining EU membership. This long gap between joining the EU and establishing an EAC reveals a low level of urgency and a lower priority placed on the oversight of EU affairs.

The data in this variable comes from the third biannual report of the Conference of Community and European Affairs Committees (COSAC), which was prepared by the COSAC Secretariat.¹ Table 3.1 shows the underlying data that was used to produce the dependent variable. The year of EAC establishment was subtracted from the year of EU membership. The variable value is positive for legislatures that established their committees prior to membership and negative

¹Presented to the XXXIII Conference of Community and European Affairs Committees of Parliaments of the European Union, 17-18 May 2005 in Luxembourg. This report is "based on information provided by national parliaments of the EU-25 in responses to a questionnaire which was distributed in March 2005. Parliaments were requested to send in their responses by 4 April 2005, and this report takes account of developments up to that date" (COSAC Secretariat, 2005, 3).

for legislatures that established their committees after attaining EU membership. Legislatures that established their committees simultaneously with membership are coded as zero. So as the lag between joining the EU and establishing an EAC decreases, urgency increases.

3.2 Explanatory variable: Timing of membership

Timing of membership is the primary explanation for the urgency with which a legislature establishes its European Affairs Committee. The timing of a country's membership in the European Union is important because it indicates some of the factors shaping a country's perceptions of the organization. There are four reasons why timing of membership influences the urgency with which an EAC is established. The reasons include the influence over the EU as an organization, the goodness-of-fit, changing incentives as the EU has developed and institutional learning. See chapter 2 for a discussion of these reasons.

The urgency of EAC establishment is most effectively explained by the timing of a country's membership to the European Union. Countries joining the EU in the past decade experience more urgency when it comes to establishing parliamentary oversight of European affairs than did early joiners did (hypothesis 6a). The timing of membership variable is represented by the year that each country officially joined the European Union. The range of this variable is from 1952 to 2004.

Figure 3.1 illustrates the relationship between EAC urgency and the timing of membership. It took time for the countries that established the ECSC to establish their EACs. The first EAC of the 6 countries from the ECSC was the Bundesrat's EAC in 1957 and the last was the Bundestag's EAC in 1991. The countries that joined later had significantly shorter lags between joining the EU and establishing an EAC. Starting with the accession of Spain and Portugal in

Table 3.1: Dependent Variable: Urgency with which EAC was established

Member state (Legislature if bicameral)	Year of EU membership	Year of EAC establishment	DV: Years between EU membership and EAC establishment
Austria (Nationalrat)	1995	1995	0
Austria (Bundesrat)	1995	1996	-1
Belgium (Chamber/Senate)	1952	1985	-33
Cyprus	2004	1999	5
Czech Republic (Chamber)	2004	2004	0
Czech Republic (Senate)	2004	1998	6
Denmark	1973	1972	1
Estonia	2004	1997	7
Finland	1995	1994	1
France (Senate)	1952	1979	-27
France (Nat. Assembly)	1952	1979	-27
Germany (Bundestag)	1952	1991	-39
Germany (Bundesrat)	1952	1957	-5
Greece	1981	1990	-9
Hungary	2004	1992	12
Ireland	1973	1995	-22
Italy (Chamber of Deputies)	1952	1990	-38
Italy (Senate)	1952	1968	-16
Latvia	2004	1995	9
Lithuania	2004	1997	7
Luxembourg	1952	1989	-37
Malta	2004	1995	9
Netherlands (House)	1952	1986	-34
Netherlands (Senate)	1952	1970	-18
Poland (Sejm)	2004	2004	0
Poland (Senate)	2004	1991	13
Portugal	1986	1987	-1
Slovakia	2004	2004	0
Slovenia (Nat. Assembly)	2004	2004	0
Slovenia (Nat. Council)	2004	1993	11
Spain (Congress/Senate)	1986	1986	0
Sweden	1995	1994	1
U.K. (Commons)	1973	1974	-1
U.K. (Lords)	1973	1974	-1

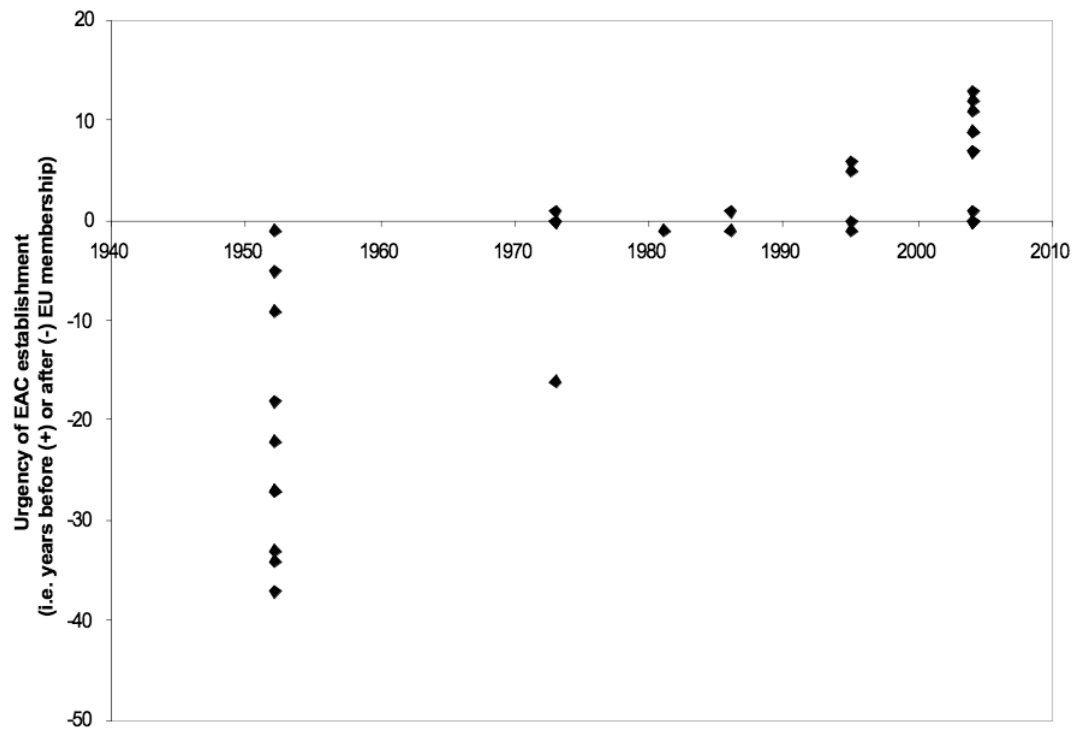


Figure 3.1: EAC urgency and the timing of membership

1986, the longest time gap between joining the EU and establishing an EAC was 1 year. Most legislatures for the late joiners established their EACs either the same year that the country joins the EU or prior to the accession year.

3.3 Competing hypotheses

There are several competing hypotheses that may also explain the cross-national variation in the urgency with which EACs are established. These include the center-periphery cleavage in the European Union, popular support for EU membership and the concentration or diffusion of power in the parliament. See Table 2.2 for the expected signs for each independent variable.

3.3.1 Center-Periphery cultural cleavage

Countries on the periphery of the EU are likely to establish their EACs more quickly than countries in the core of the EU (hypothesis 1a). Countries on the periphery of the EU are more distant from Brussels, geographically, economically and psychologically. Examples of peripheral countries include the Nordic countries and Central European countries. Countries in these regions are late joiners, are far away from Brussels, and some of their policy goals are out of step with many other EU member states.

I operationalize the center-periphery hypothesis in two ways: the distance from Brussels and the size of the country's economy at the time the EAC was established. Instead of designating core, peripheral and semi-peripheral countries, as Wallerstein² would most likely advocate, this analysis uses continuous variables to represent the relationships between societies. A continuous variable makes it possible to account for a country being closer to or farther from the core. Peripheral

²Wallerstein labels countries that belonged to the core, periphery and semi-periphery of the Western economic world in the 16th century Wallerstein (1982). It is remarkable to note that there is significant overlap between Wallerstein's labels from the 16th century and the core and periphery of the EU today. See chapter 2 for more detail on this point.

countries tend to have smaller economies and be farther away from Brussels than the core countries.

One of the main factors influencing a country's relationship to the European Union is its physical distance from Brussels. As explained in chapter 2, countries that are very close to the European capital will be more easily influenced by European trends. Countries that are far from Brussels will face more significant transportation costs, higher language barriers and a psychological distance as well. I measure this difference between central and peripheral countries with the distance between the country's population center in the year 2000 and the city of Brussels.³ Population centers do move around some over time, but usually not very quickly. Since the calculations of the exact locations of these countries are only available for 2000, I am assuming that the population has not shifted very much in the last 50 years.

Countries with large economies are likely to be more influential in an economic union like the EU than countries with small economies. This variable is measured using the GDP in the year that the EAC was established, standardized for United States dollars in the year 2000.⁴

3.3.2 Popular Support for European Union

Democratically elected leaders must maintain the support of the public in order to stay in office. This requirement of democratic leadership means that politicians must develop the ability to perceive and respond to the values, priorities and demands of the public. Chapter 2 explains the credit claiming and position taking tactics⁵ that many legislators use to maintain public support and explains how an EAC could help politicians claim credit and take positions in European affairs. The less popular support there is for the European Union, the more quickly

³Center for International Earth Science Network (CIEN) (2000)

⁴United States Department of Agriculture's Economic Research Service <http://www.ers.usda.gov/data/macroeconomics/Data/HistoricalRealGDPValues.xls>.

⁵Mayhew (1974); Budge and Laver (1986)

a parliament will respond with visible measures to signal the legislature's efforts to scrutinize European affairs (hypothesis 2a).

The public opinion variable is derived from the Eurobarometer question asking, "Generally speaking, do you think that (OUR COUNTRY'S) membership of the European Union is a good thing?" The data represents the percentage of respondents giving a positive answer to the question in the year the EAC was established.⁶ Eurobarometer only began asking this question in 1973 and it generally only asks this question in countries that have already joined the European Union, therefore there are only 17 observations of this variable. France and the United Kingdom established EACs in the upper and lower houses of parliament in the same year. Since there is no variation in the independent or dependent variable in those cases, I only count France and the United Kingdom once each. Table 3.2 illustrates the popular support for EU membership in the year each EAC was established.⁷

3.3.3 Concentration or diffusion of power in parliament

Legislatures vary in the degree to which decision-making power is concentrated or spread out among actors in the parliament. Parliaments where power is

⁶Eurobarometer (2005a)

⁷When gathering the public opinion data for the year each EAC was established, I considered the possibility that data would be missing in a way that reduced the variation of the dependent variable. Eurobarometer generally only measures a country's public opinion after it has joined the European Union. Therefore, when I only consider the Eurobarometer results for the year the EAC was established for each country, all of the countries that established their EACs prior to joining the EU were eliminated from the dataset. Alternately, I considered using the year each country joined the European Union, but the Eurobarometer only began asking this question in 1973. This would eliminate all of the founding members of the European Union from the dataset. In light of these gaps in the data, I needed to be sure that the missing data is not skewing the results in an important way. I tested the relationship for robustness using an average of all the available responses for each EAC (counting some countries twice if they have separate EACs in the upper and lower houses of parliament) as of 2005. For some countries, this average was based on as many as 34 responses (United Kingdom) and for the accession class of 2004, the average was based on 3 responses each. The purpose of this averaging was to get a sense of the general trend of the data with no missing cases and without any variation over time. This robustness test revealed that the significance level and direction of the relationship are consistent with the results I found using the data from the year the EAC was established.

Table 3.2 Public support for EU membership in year EAC was established. Data from (COSAC Secretariat, 2005, 8-9) and Spring Eurobarometer of the year the EAC was established.

Member State (Legislature if bicameral)	Year EAC established	% saying EU is “good thing”
Austria (Nationalrat)	1995	27
Austria (Bundesrat)	1996	40
Belgium (Joint Chamber and Senate)	1985	64
Cyprus	1999	n/a
Czech Republic (Chamber of Deputies)	2004	41
Czech Republic (Senate)	1998	n/a
Denmark	1972	n/a
Estonia	1997	n/a
Finland	1994	n/a
France (Senate)	1979	n/a
France (National Assembly)	1979	49
Germany (Bundestag)	1991	71
Germany (Bundesrat)	1957	n/a
Greece	1990	80
Hungary	1992	n/a
Ireland (Joint Dáil and Seanad)	1995	73
Italy (Chamber of Deputies)	1990	82
Italy (Senate)	1968	n/a
Latvia	1995	n/a
Lithuania	1997	n/a
Luxembourg	1989	77
Malta	1995	n/a
Netherlands (House of Representatives)	1986	83
Netherlands (Senate)	1970	n/a
Poland (Sejm)	2004	42
Poland (Senate)	1991	n/a
Portugal	1987	69
Slovakia	2004	46
Slovenia (National Assembly)	2004	40
Slovenia (National Council)	1993	n/a
Spain (Joint: Congress and Senate)	1986	62
Sweden	1994	n/a
United Kingdom (House of Commons)	1974	n/a
United Kingdom (House of Lords)	1974	33

highly concentrated in the government's hands have few veto players,⁸ tend to have single-party cabinets, and weaker committee systems. The more power is concentrated in the government's hands, the easier it is to achieve policy change, but the harder it is for non-governmental members of parliament to hold the government accountable. This hypothesis (3a) states that the more power is concentrated in the hands of the government, the less urgency with which a legislature will establish its EAC.

There are several ways to operationalize the degree to which power is concentrated or diffuse in a legislature. In this chapter, I use the number of parties in the cabinet the year the EAC was established,⁹ the Westminster parliamentary model, and the parliament's control over the plenary agenda. An EAC is likely to be established at a point when there are more parties in government than usual.¹⁰

Single party governments are likely to have a longer lag between joining the EU and establishing an EAC. Westminster parliaments almost always have single-party governments, so they are likely to have a larger time gap between joining the EU and establishing an EAC than non-Westminster parliaments. Countries with Westminster-style parliaments include the United Kingdom, Malta and Ireland.¹¹

3.3.4 Institutional Development of the EU

The institutional development hypothesis (5a) states that the urgency with which EACs were established was low before the Maastricht Treaty was signed and high afterwards. The Maastricht Treaty signifies a change in European inte-

⁸See chapter 2 for more explanation of this concept.

⁹Tsebelis argues that "participation in a government grants parties the right to veto legislation and to provoke a government crisis if they so wish. This is a sufficient condition for a party to qualify as a veto player" (Tsebelis, 2002, 87).

¹⁰The data for the EU-15 countries comes from *Coalition Governments in Western Europe* (2003) edited by Wolfgang C. Müller and Kaare Strøm. The data for the A10 countries comes from the InterParliamentary Union's Parline database.

¹¹See chapter 6 for an explanation of the ways that the Irish Oireachtas conforms to and departs from the Westminster model.

gration from an intergovernmental project that emphasized economic cooperation to a federal system that includes political and economic union. If this institutional development of the EU caused alarm for national parliaments, one would expect to find that the urgency with which EACs are established would increase after the Maastricht Treaty was signed in 1992. This variable is a binary representation of EACs that were established before (0) or after (1) the Maastricht Treaty took effect in 1992.

3.4 Quantitative Analysis

This section will discuss the quantitative analysis used to test the hypotheses listed in Table 2.2. First I will discuss the reasoning behind the methodological choices I made when selecting an estimation model for this analysis. Next I will describe the dependent variable. Finally I will describe and discuss the results of the bivariate and multivariate ordered logistic regressions.

3.4.1 Methodology

For the quantitative analysis, I considered several different possible estimation models before deciding to use ordered logistic regressions to make cross-national comparisons. The models I evaluated were an event history model, a competing risks model, and ordered logistic regression. I will discuss my reasons for rejecting each of the first three models before I explain why I chose the ordered logistic regressions model.

Event history models can answer the question “What explains the timing of when EACs were established?” This is an interesting question that deserves to be answered; however, chapter 3 asks what explains the urgency with which the EAC was established. When looking at Hungary’s EAC, for example, the question this chapter seeks to answer is not, “Why was this EAC established in 1991?” Instead the question asks “Why was this EAC established 13 years before

the country joined the EU?”

Event history models have been useful in the field of epidemiology, so it can be helpful to think in these terms. So, for example, consider an event history model that measures how long it takes patients to contract the flu. The dataset begins with all patients being exposed to the virus then counts how many days until they develop symptoms. If several patients had symptoms before they were exposed to the virus, then the onset of symptoms would be “left-wise censored” - they occurred before the dataset began recording information.

If “exposure” to the EU begins with joining the EU, then the most interesting cases for urgency (those that established their committees prior to joining the EU) would be left-wise censored out of the dataset. Alternatively, I could consider that first exposure to the EU was in 1952 with the treaty on the European Coal and Steel Community. This solves the problem of left-wise censoring, but it treats Hungary as if it was equally likely to join the EU as Denmark in any given year, for example 1952, 1973, or 1986, when really it wasn’t a real possibility until the 1990s. Also, it does not answer the essential question of chapter 3, about the establishment of the EAC relative to the timing of membership to the EU. Based on the sources I’ve consulted, an event history model is only appropriate if there is no “left-wise censoring” – that would be events that occur before you start recording (in this case, EACs that are established before the country joined the EU.).¹²

This chapter examines the process by which countries and legislatures get from category A (Not a member of the EU, doesn’t have an EAC) to category D (member of the EU and has an EAC). Some countries go through the process $A \rightarrow B \rightarrow D$ if category B is joining the EU and later establishing an EAC. Other countries go through the process $A \rightarrow C \rightarrow D$ if category C is establishing an EAC first and then joining the EU. Other countries go straight from A to D in the same year, skipping the middle steps. A competing risks model can model the transition

¹²Box-Steffensmeier and Jones (1997, 2004)

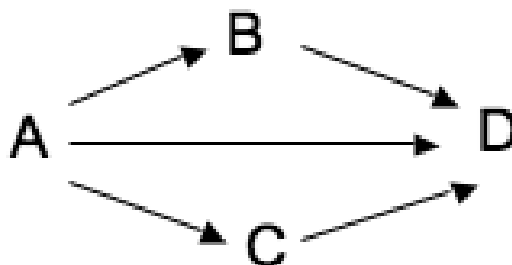


Figure 3.2: Paths to establishing an EAC

from A to D either directly or via B or C.

The problem with a competing risks model is that it only shows the order of steps that a country takes in getting from A to D. I have been trying in this chapter to understand the variation in the time gap between joining the EU and establishing an EAC. Among countries that went through the process $A \rightarrow B \rightarrow D$, some spend longer in the B state than others. In chapter 4, I argue that how long it takes a country to move from A to D and the path taken along the way, influence what kind of EAC is established.

After considering the event history and competing risks models, I chose to use ordered logistic regressions. With ordered logistic regressions it is possible to naturally model the three main paths described above and also the length of time spent in the transition from category A to category B. The three main paths are represented with positive values to represent an $A \rightarrow B \rightarrow D$ path and negative numbers represent an $A \rightarrow C \rightarrow D$ path. Zero represents an $A \rightarrow D$ path that skips states B and C. The values of the positive and negative numbers make it possible to consider the length of time spent in states B or C.

I considered collapsing the dependent variable into three categories where the $A \rightarrow B \rightarrow D$ path is represented by 1, and the $A \rightarrow C \rightarrow D$ path is represented by -1 and an $A \rightarrow D$ path that skips states B and C is represented by a zero. However, this model can capture the path that each case takes on its way from A to D, but not the length of time each case spends in states B or C. Ultimately, I chose to

Table 3.3: Range of Dependent Variable Values

Urgency of EAC establishment	DV value range (years)	Frequency	Percent	Cumulative percent
Before EU membership	1 to 13	16	47.06	47.06
Simultaneous with membership	0	6	17.65	64.71
After EU membership	-1 to -39	12	35.29	100

use ordered logistic regressions without collapsing the categories. So the dependent variable has 21 ordered categories. The range for the dependent variable is reported in Table 3.3.

There are limits to what it is possible to learn from regression analysis. Regressions make an assumption that cases are independent and not reacting to each other. This is called the independence of irrelevant alternatives assumption, or IIA assumption. Essentially IIA assumes that the choice of A or B is not affected by the inclusion or exclusion of any other alternative. In comparative politics it is difficult to satisfy the IIA assumption because there are so few countries to compare and important independent variables frequently correlate with each other.

In this dataset, I include both upper and lower house EACs if a country has a bicameral legislature and has established separate EACs for the two houses. This inclusion has the advantage of increasing the number of observations, which improves significance values, but it also violates the IIA assumption. The decisions of upper and lower houses to establish EACs are relevant to each other and the urgency with which lower houses establish an EAC is likely to be affected by the precedent that has or has not been set by the upper house. However, sometimes upper and lower house EACs are established at the same time and sometimes there is a big difference in the urgency levels between the upper and lower houses in the same country. This within-country variation is interesting and excluding upper

houses would skew the results, causing a type 1 or type 2 error, where missing data leads to incorrect conclusions.

Including both upper and lower house EACs in the dataset makes it possible to observe which countries produce different outcomes on the dependent variable with little or no variation in the independent variables. So for example, Germany has two EACs. The Bundesrat established its EAC in 1957 and the Bundestag established its EAC in 1991.¹³ If I only include the Bundestag observation for Germany and exclude the Bundesrat observation, it will give a skewed perception of the influence distance from Brussels has on the urgency with which an EAC is established in Germany. In this case, the distance from Brussels does not explain the reason why two German EACs were established with such different levels of urgency. However, distance from Brussels may be very useful in explaining the different urgency levels in Greece and Portugal. There are only two countries where the EACs in the upper and lower houses were established at the same time: France and the United Kingdom. All of the other bicameral countries with separate EACs in the two houses established them at different times. By collecting independent variables for the year the EAC was established, I am able to capture within-country variation for these bicameral legislatures with separate EACs. In chapter 4, it becomes apparent that upper and lower houses of parliament sometimes design EACs to have very different oversight approaches.¹⁴

It is important to consider whether it is more appropriate to treat the dataset on EAC urgency as a sample or a population. Since all of the EU-25 countries are included in the dataset, this is the complete population of EACs, not a sample of them. It is not uncommon for political scientists to treat a population of data as if it is a sample of a hypothetical population. While the results from this analysis will not allow me to generalize to other EACs in the EU-25, they may allow generalization to future late joiners to the EU. As of 2007 there are 27

¹³See the case studies on the Bundestag and Bundesrat for more analysis of the similarities and differences between these EACs and possible explanations for the different levels of urgency in the two houses.

¹⁴See Table 4.1

members of the European Union and the new members have EACs. It is highly likely that the EU will continue to add new member states. I can use the results from this analysis of the whole population of EACs as of 2005 to generalize about the urgency with which EACs will be established in future members of the EU. Additionally, the standard errors are helpful because they reveal something about the consistency of relationships across cases. The larger the standard errors, the less consistent the relationship is. This information is perhaps more important than generalization.

Table 3.4 presents bivariate regressions for each of the independent variables. I begin with bivariate regressions because I am concerned about running out of degrees of freedom in such a small set of observations. Also, several of the independent variables are correlated with each other, so I want to compare the explanatory power of each independent variable independent of the other independent variables. Once the bivariate regressions reveal which independent variables are statistically significant, I combine them in multivariate regressions in Table 3.6.

3.4.2 Results for ordered logistic regressions

This section describes the results for the ordered logistic regressions, which are also reported in Tables 3.4 and 3.6. The timing of membership hypothesis (Hypothesis 6b) states that the later a country joins the EU, the more urgency there will be in establishing an EAC. The bivariate ordered logistic regression results support this hypothesis. The timing of membership variable explains the most variance of all the variables tested in Table 3.4 and it is significant at the highest level. To determine if timing of membership is more important for some accession classes than others, I created binary variables for each accession class. I found that the timing of membership is strongly significant for the accession class of 1952 (which includes all the founding members of the ECSC and the original signatories to the Treaties of Rome) and the accession class of 2004. These are the largest accession classes, with 6 and 10 members, respectively. I created another

binary variable that combines the accession classes of 1973 to 1995 (9 countries in all), but this variable was not significant. This could be because the accession classes of 1973 to 1995 are neither early nor late joiners, but somewhere in the middle. It is harder to make definitive predictions about these classes than for the earliest and latest joiners.

The center-periphery hypothesis (Hypothesis 1a) states that peripheral countries will demonstrate more urgency in the oversight of European affairs than core countries. The bivariate ordered logistic regressions support this hypothesis. The smaller a country's economy (GDP), the more urgency there is in the oversight of European affairs. This variable is significant at the highest level and it explains almost 7 percent of the variance in the data. The farther a country's population center from Brussels, the more urgent the oversight of European affairs. This is significant at the 0.002 level, which means I can be 99.8 percent certain that there is a relationship between the distance from Brussels and the urgency with which EACs are established.

The popular support hypothesis (Hypothesis 2a) states that the less the public supports EU membership, the more urgency there will be in the oversight of European affairs. The bivariate ordered logistic regressions support this hypothesis. This variable is significant at the 0.006 level and explains nearly 14 percent of the variance in the data. Because of the pattern of missing data, this variable only shows the relationship among EACs that were not established prior to the country joining the EU. This could cause a type 1 error, where I reject the null hypothesis when it is actually true. Since Eurobarometer generally has not surveyed candidate countries (and certainly not a decade or more before membership), it is not possible to measure those observations so early.

The hypothesis about the concentration of power in the parliament (Hypothesis 3a) states that the more concentrated power is in the hands of the government, the less urgent the oversight of European affairs will be. This hypothesis is not supported by the ordered logistic regressions. The number of partisan veto

players, Westminster parliaments and agenda control variables all fail to overcome the 95 percent confidence threshold.

The institutional development hypothesis (Hypothesis 5a) states that the urgency with which EACs were established was low before and high after the Maastricht Treaty was signed. This hypothesis is not supported by the ordered logistic regressions.

Table 3.4: Bivariate ordered logistic regressions, dependent variable is urgency with which EAC was established.

Independent Variables	Coefficient	Standard error	Pseudo R-squared	Prob > χ^2	Log Likelihood	Absolute z-value	$P > z $	Cases (N)
<u>Timing:</u>								
Timing of Membership	0.154***	0.0317	0.2377	0.0000	-73.290	4.87	0.000	34
Accession class of 1952	-5.250***	1.249	0.1582	0.0000	-80.935	4.20	0.000	34
Accession class of 1973	-0.364	0.8279	0.0010	0.6603	-96.049	0.44	0.660	34
Accession class of 1981	-0.861	1.465	0.0018	0.5614	-95.977	0.59	0.557	34
Accession class of 1986	-0.068	1.076	0.0000	0.9495	-96.144	0.06	0.950	34
Accession class of 1995	0.471	0.8145	0.0017	0.5636	-95.979	0.58	0.563	34
Accession class of 2004	3.840***	0.9165	0.1273	0.0000	-83.908	4.19	0.000	34
Accession classes of 1973 to 1995	-0.099	0.6129	0.0001	0.8711	-96.133	0.16	0.871	34
<u>Center-periphery:</u>								
Size of economy in year EAC established (GDP)	-0.003***	0.0009	0.0693	0.0003	-89.484	3.29	0.001	34
Distance from Brussels	0.180**	0.0593	0.0594	0.0007	-90.437	3.03	0.002	34
<u>Popular support:</u>								
Public opinion: EU good thing, year EAC established	-0.087**	0.0316	0.1380	0.0022	-29.411	-2.74	0.006	17
<u>Institutions:</u>								
Partisan veto players in year EAC was established	-0.154	0.2893	0.0025	0.5961	-56.543	0.53	0.596	2315
Westminster Parliament	-0.114	0.8787	0.0001	0.8969	-96.137	0.13	0.897	34
Agenda control of Parliament	1.02e-16	0.2697	0.0000	1.0000	-34.552	0.00	1.000	15
Upper house committee ¹⁶	-1.634*	0.8314	0.0326	0.0426	-61.006	-1.96	0.049	25
<u>Institutional Development of EU:</u>								
EAC established after Maastricht Treaty signed?	-1.89712	1.1601	0.1100	0.0619	-14.102	-1.64	0.102	34

* = Significant at .05 level, ** = Significant at .01 level, *** = Significant at .001 level

¹⁵Missing data for Latvia, Lithuania, and all upper houses

¹⁶Was an EAC established in the upper house before the lower house established an EAC?

Table 3.5: Cut points for Table 3.4

Cut	Timing of membership		Accession class 1952		Accession class 1973		Accession class 1981		Accession class 1986		Accession class 1995		Accession class 2004		Accession classes 1973-1995	
	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)
1	299.141 (61.949)	-7.461 (1.552)	-3.548 (1.022)	-3.537 (1.018)	-3.501 (1.017)	-3.501 (1.017)	-3.537 (1.018)	-3.501 (1.017)	-3.501 (1.017)	-3.450 (1.018)	-3.450 (1.018)	-3.010 (1.025)	-3.010 (1.025)	-3.531 (1.037)	-3.531 (1.037)	
2	299.949 (61.954)	-6.652 (1.375)	-2.826 (0.740)	-2.814 (0.733)	-2.777 (0.732)	-2.777 (0.732)	-2.814 (0.733)	-2.777 (0.732)	-2.777 (0.732)	-2.725 (0.734)	-2.725 (0.734)	-2.266 (0.743)	-2.266 (0.743)	-2.808 (0.761)	-2.808 (0.761)	
3	300.486 (61.966)	-6.115 (1.305)	-2.390 (0.619)	-2.378 (0.610)	-2.340 (0.609)	-2.340 (0.609)	-2.378 (0.610)	-2.340 (0.609)	-2.340 (0.609)	-2.286 (0.611)	-2.286 (0.611)	-1.807 (0.624)	-1.807 (0.624)	-2.372 (0.646)	-2.372 (0.646)	
4	300.924 (61.981)	-5.676 (1.260)	-2.072 (0.549)	-2.059 (0.539)	-2.020 (0.537)	-2.020 (0.537)	-2.059 (0.539)	-2.020 (0.537)	-2.020 (0.537)	-1.964 (0.540)	-1.964 (0.540)	-1.463 (0.556)	-1.463 (0.556)	-2.063 (0.581)	-2.063 (0.581)	
5	301.324 (62.004)	-5.275 (1.223)	-1.817 (0.504)	-1.804 (0.492)	-1.763 (0.490)	-1.763 (0.490)	-1.804 (0.492)	-1.763 (0.490)	-1.763 (0.490)	-1.705 (0.493)	-1.705 (0.493)	-1.180 (0.513)	-1.180 (0.513)	-1.797 (0.541)	-1.797 (0.541)	
6	302.152 (62.092)	-4.444 (1.129)	-1.413 (0.449)	-1.399 (0.435)	-1.355 (0.432)	-1.355 (0.432)	-1.399 (0.435)	-1.355 (0.432)	-1.355 (0.432)	-1.293 (0.436)	-1.293 (0.436)	-0.713 (0.463)	-0.713 (0.463)	-1.392 (0.497)	-1.392 (0.497)	
7	302.542 (62.140)	-4.062 (1.080)	-1.242 (0.431)	-1.230 (0.416)	-1.184 (0.413)	-1.184 (0.413)	-1.230 (0.416)	-1.184 (0.413)	-1.184 (0.413)	-1.119 (0.417)	-1.119 (0.417)	-0.507 (0.450)	-0.507 (0.450)	-1.221 (0.484)	-1.221 (0.484)	
8	302.915 (62.185)	-3.709 (1.032)	-1.084 (0.416)	-1.075 (0.402)	-1.027 (0.399)	-1.027 (0.399)	-1.075 (0.402)	-1.027 (0.399)	-1.027 (0.399)	-0.960 (0.404)	-0.960 (0.404)	-0.311 (0.441)	-0.311 (0.441)	-1.065 (0.474)	-1.065 (0.474)	
9	303.409 (62.287)	-3.251 (0.939)	-0.938 (0.404)	-0.931 (0.391)	-0.881 (0.388)	-0.881 (0.388)	-0.931 (0.391)	-0.881 (0.388)	-0.881 (0.388)	-0.811 (0.393)	-0.811 (0.393)	-0.120 (0.437)	-0.120 (0.437)	-0.920 (0.467)	-0.920 (0.467)	
10	303.896 (62.388)	-2.809 (0.843)	-0.801 (0.395)	-0.792 (0.381)	-0.744 (0.379)	-0.744 (0.379)	-0.792 (0.381)	-0.744 (0.379)	-0.744 (0.379)	-0.670 (0.385)	-0.670 (0.385)	0.068 (0.437)	0.068 (0.437)	-0.783 (0.463)	-0.783 (0.463)	
11	304.396 (62.492)	-2.372 (0.739)	-0.670 (0.389)	-0.655 (0.371)	-0.613 (0.373)	-0.613 (0.373)	-0.655 (0.371)	-0.613 (0.373)	-0.613 (0.373)	-0.535 (0.380)	-0.535 (0.380)	0.257 (0.442)	0.257 (0.442)	-0.653 (0.460)	-0.653 (0.460)	
12	306.489 (63.045)	-1.090 (0.472)	-0.178 (0.371)	-0.155 (0.351)	-0.125 (0.360)	-0.125 (0.360)	-0.155 (0.351)	-0.125 (0.360)	-0.125 (0.360)	-0.037 (0.372)	-0.037 (0.372)	1.109 (0.514)	1.109 (0.514)	-0.165 (0.450)	-0.165 (0.450)	
13	308.209 (63.281)	0.004 (0.408)	0.553 (0.379)	0.580 (0.362)	0.600 (0.371)	0.600 (0.371)	0.580 (0.362)	0.600 (0.371)	0.600 (0.371)	0.699 (0.396)	0.699 (0.396)	2.417 (0.683)	2.417 (0.683)	0.561 (0.453)	0.561 (0.453)	
14	308.920 (63.337)	0.514 (0.422)	0.972 (0.405)	0.998 (0.391)	1.016 (0.398)	1.016 (0.398)	0.998 (0.391)	1.016 (0.398)	1.016 (0.398)	1.114 (0.423)	1.114 (0.423)	3.136 (0.772)	3.136 (0.772)	0.979 (0.468)	0.979 (0.468)	
15	309.200 (63.363)	0.696 (0.433)	1.131 (0.419)	1.156 (0.407)	1.174 (0.412)	1.174 (0.412)	1.156 (0.407)	1.174 (0.412)	1.174 (0.412)	1.267 (0.435)	1.267 (0.435)	3.456 (0.819)	3.456 (0.819)	1.138 (0.476)	1.138 (0.476)	
16	309.474 (63.382)	0.890 (0.449)	1.304 (0.437)	1.328 (0.426)	1.345 (0.431)	1.345 (0.431)	1.328 (0.426)	1.345 (0.431)	1.345 (0.431)	1.435 (0.452)	1.435 (0.452)	3.758 (0.855)	3.758 (0.855)	1.311 (0.488)	1.311 (0.488)	
17	310.042 (63.409)	1.338 (0.503)	1.715 (0.494)	1.738 (0.486)	1.753 (0.490)	1.753 (0.490)	1.738 (0.486)	1.753 (0.490)	1.753 (0.490)	1.838 (0.506)	1.838 (0.506)	4.365 (0.920)	4.365 (0.920)	1.721 (0.534)	1.721 (0.534)	
18	310.741 (63.428)	1.948 (0.617)	2.295 (0.611)	2.317 (0.606)	2.331 (0.608)	2.331 (0.608)	2.317 (0.606)	2.331 (0.608)	2.331 (0.608)	2.410 (0.620)	2.410 (0.620)	5.088 (1.007)	5.088 (1.007)	2.301 (0.640)	2.301 (0.640)	
19	311.229 (63.436)	2.400 (0.739)	2.734 (0.734)	2.754 (0.730)	2.768 (0.732)	2.768 (0.732)	2.754 (0.730)	2.768 (0.732)	2.768 (0.732)	2.845 (0.741)	2.845 (0.741)	5.585 (1.093)	5.585 (1.093)	2.740 (0.756)	2.740 (0.756)	
20	311.998 (63.445)	3.138 (1.022)	3.459 (1.019)	3.479 (1.016)	3.493 (1.017)	3.493 (1.017)	3.479 (1.016)	3.493 (1.017)	3.493 (1.017)	3.567 (1.023)	3.567 (1.023)	6.362 (1.306)	6.362 (1.306)	3.464 (1.034)	3.464 (1.034)	

Table 3.5: continued

Cut	Size of economy (GDP)	Distance from Brussels	Public opinion	Partisan veto players	Westminster	Agenda control	Upper house committee
	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)
1	-5.343 (1.336)	-2.290 (1.075)	-9.277 (2.589)	-3.488 (1.277)	-3.511 (1.021)	-2.639 (1.440)	-3.886 (1.114)
2	-4.307 (0.964)	-1.563 (0.811)	-8.439 (2.468)	-2.740 (1.051)	-2.788 (0.738)	-1.872 (1.236)	-3.082 (0.840)
3	-3.757 (0.818)	-1.116 (0.703)	-7.837 (2.393)	-2.277 (0.954)	-2.351 (0.617)	-1.386 (1.150)	-2.591 (0.720)
4	-3.395 (0.744)	-0.766 (0.649)	-7.291 (2.302)	-1.935 (0.905)	-2.031 (0.547)	-1.012 (1.089)	-2.220 (0.646)
5	-3.121 (0.700)	-0.461 (0.621)	-6.790 (2.207)	-1.653 (0.871)	-1.774 (0.501)	-0.693 (1.031)	-1.912 (0.593)
6	-2.661 (0.638)	0.053 (0.605)	-6.404 (2.160)	-1.408 (0.844)	-1.368 (0.446)	-0.405 (0.991)	-1.662 (0.558)
7	-2.457 (0.614)	0.270 (0.604)	-6.053 (2.123)	-1.189 (0.824)	-1.197 (0.428)	-0.134 (0.973)	-1.448 (0.536)
8	-2.281 (0.597)	0.474 (0.608)	-5.626 (2.046)	-0.988 (0.810)	-1.039 (0.412)	0.134 (0.973)	-1.259 (0.521)
9	-2.113 (0.582)	0.669 (0.614)	-4.314 (1.763)	-0.626 (0.806)	-0.893 (0.400)	0.693 (1.018)	-0.754 (0.497)
10	-1.950 (0.567)	0.839 (0.618)	n.a. (n.a.)	0.459 (0.824)	-0.755 (0.391)	1.386 (1.125)	0.141 (0.479)
11	-1.785 (0.552)	0.998 (0.622)	n.a. (n.a.)	1.199 (0.867)	-0.624 (0.385)	n.a. (n.a.)	0.801 (0.505)
12	-1.082 (0.478)	1.621 (0.658)	n.a. (n.a.)	1.539 (0.910)	-0.134 (0.367)	n.a. (n.a.)	1.065 (0.530)
13	-0.110 (0.428)	2.572 (0.745)	n.a. (n.a.)	1.996 (0.992)	0.593 (0.373)	n.a. (n.a.)	1.697 (0.635)
14	0.396 (0.437)	3.136 (0.814)	n.a. (n.a.)	2.739 (1.214)	1.009 (0.400)	n.a. (n.a.)	2.911 (1.030)
15	0.582 (0.447)	3.328 (0.833)	n.a. (n.a.)	n.a. (n.a.)	1.166 (0.416)	n.a. (n.a.)	n.a. (n.a.)
16	0.780 (0.461)	3.520 (0.849)	n.a. (n.a.)	n.a. (n.a.)	1.337 (0.435)	n.a. (n.a.)	n.a. (n.a.)
17	1.236 (0.511)	3.975 (0.897)	n.a. (n.a.)	n.a. (n.a.)	1.744 (0.495)	n.a. (n.a.)	n.a. (n.a.)
18	1.851 (0.623)	4.570 (0.973)	n.a. (n.a.)	n.a. (n.a.)	2.321 (0.614)	n.a. (n.a.)	n.a. (n.a.)
19	2.301 (0.744)	4.999 (1.053)	n.a. (n.a.)	n.a. (n.a.)	2.759 (0.736)	n.a. (n.a.)	n.a. (n.a.)
20	3.034 (1.025)	5.716 (1.266)	n.a. (n.a.)	n.a. (n.a.)	3.483 (1.020)	n.a. (n.a.)	n.a. (n.a.)

Table 3.6: Multivariate ordered logistic regressions, dependent variable is urgency with which the EAC was established. Table reports coefficients as top number and standard error in parentheses.

Independent Variables	Model 1	Model 2	Model 3	Model 4	Z-scores / p-values
<u>Timing:</u>					
Timing of Membership		0.523 (0.3350)	0.287*** (0.0746)	0.254*** (0.0605)	3.85 / 0.000 4.20 / 0.000
Accession class of 1952	-2.260 (1.6816)				
Accession class of 1973	2.233 (2.0276)				
Accession class of 1986	3.384 (2.2727)				
Accession class of 1995	4.694* (2.2123)				
Accession class of 2004	6.704** (2.1924)				
<u>Center-periphery:</u>					
Size of economy in year EAC was established		-0.001 (0.0026)	0.0003 (0.0017)	0.23 / 0.819	
<u>EU25 Population Center</u>					
Distance from Brussels		0.114 (0.2646)	-0.094 (0.0791)	-1.18 / 0.236	
<u>Popular support:</u>					
Public support for EU membership in the year EAC was established		-0.029 (1.1187)			
<u>Institutions:</u>					
Upper house committee		-3.989 (2.3159)	-4.581*** (1.3441)	-3.898*** (1.1246)	-3.41 / 0.001 -3.47 / 0.001
Observations	34	15		25	25
Adjusted R-squared	0.2550	0.6022		0.4042	0.3928

Table 3.7: Cut points for Table 3.6

	Model 1	Model 2	Model 3	Model 4
Cut	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)
1	-4.47 (1.91)	1154.41 (800.58)	555.70 (145.51)	491.22 (117.56)
2	-3.66 (1.77)	1157.19 (800.64)	557.29 (145.47)	492.70 (117.69)
3	-3.13 (1.72)	1158.95 (800.88)	558.52 (145.52)	493.74 (117.78)
4	-2.69 (1.68)	1160.17 (800.77)	559.72 (145.65)	494.77 (117.89)
5	-2.29 (1.65)	1166.62 (804.59)	561.30 (145.94)	496.16 (118.08)
6	-1.46 (1.58)	1174.38 (809.35)	563.59 (146.66)	498.42 (118.81)
7	-1.08 (1.55)	1177.43 (810.61)	565.86 (147.40)	500.71 (119.65)
8	-0.73 (1.51)	1180.11 (811.03)	566.88 (147.64)	501.67 (119.82)
9	-0.27 (1.45)	n.a. (n.a.)	569.00 (148.08)	503.68 (120.24)
10	0.27 (1.45)	n.a. (n.a.)	571.40 (148.46)	506.03 (120.60)
11	1.01 (1.62)	n.a. (n.a.)	572.92 (148.68)	507.64 (120.87)
12	3.47 (2.00)	n.a. (n.a.)	573.61 (148.81)	508.30 (120.99)
13	5.28 (2.10)	n.a. (n.a.)	574.80 (148.95)	509.37 (121.08)
14	6.04 (2.13)	n.a. (n.a.)	576.33 (149.01)	510.83 (121.12)
15	6.35 (2.15)	n.a. (n.a.)	n.a. (n.a.)	n.a. (n.a.)
16	6.65 (2.16)	n.a. (n.a.)	n.a. (n.a.)	n.a. (n.a.)
17	7.25 (2.19)	n.a. (n.a.)	n.a. (n.a.)	n.a. (n.a.)
18	7.97 (2.23)	n.a. (n.a.)	n.a. (n.a.)	n.a. (n.a.)
19	8.46 (2.27)	n.a. (n.a.)	n.a. (n.a.)	n.a. (n.a.)
20	9.24 (2.38)	n.a. (n.a.)	n.a. (n.a.)	n.a. (n.a.)

Table 3.6 shows the results from the multivariate ordered logistic regressions. Model 1 reports the relationships among the binary variables for each accession class. In Table 3.4 it is clear that the 1952 and 2004 accession classes are the most significant. When all accession classes are included in one multivariate regression,¹⁷ it seems that timing of membership becomes a significant factor in

¹⁷Except 1981, Greece, which was excluded to avoid multicollinearity.

the urgency with which EAC was established after the Maastricht treaty (1992). This supports my argument that late joiners consider the institutional evolution of the EU when calculating the urgency needed for oversight.

Model 2 combines all five of the statistically significant variables from the bivariate regressions reported in Table 3.4. Those variables include the timing of membership, the size of the economy in the year the EAC was established, the population center's distance from Brussels, the public support for EU membership in the year the EAC was established, and the presence of an EAC in an upper house of parliament. None of the variables in model 2 are able to meet the 95 percent confidence threshold, but the upper house variable is the closest with a p value of 0.085. This means I can be 91.5 percent confident that there is a significant relationship between public support and urgency. The timing of membership variable and the two center-periphery variables do not produce significant results.

The very low number of observations is one reason that the significance levels are so low in model 2. Dropping the public support variable adds ten observations to model 3. The timing of membership variable is statistically significant at the highest level in model 3. This means I can be 99.99 percent certain that there is a significant relationship between timing of membership and the urgency with which EACs are established. The upper house variable is also significant at the highest level. The two center-periphery variables do not meet the 95 percent confidence threshold in model 3. Model 4 combines the two strongest variables: timing of membership and presence of an EAC in the upper house. Both of these variables maintain their strong statistical significance. In fact their z-values get slightly stronger.

Based on these results, it appears that the center-periphery explanation and the popular support explanation both have some merit. However, these variables are weaker explanations than the timing of membership and the presence of an EAC in the upper house and they lose their significance when they are combined with timing of membership in one model. The timing of membership and

the presence of an EAC in the upper house are the strongest explanatory variables, according to these statistical tests.

In addition to ordered logistic regressions, I used statistical simulation to generate quantities of interest and their uncertainties.¹⁸ First, I converted the dependent variable to a more compressed ordinal ranking¹⁹ and ran an ordered logistic regression. Next I used CLARIFY to simulate a probability distribution for the first differences, which are “the difference between two expected, rather than predicted, values.”²⁰ First difference simulations make it possible to answer this question: for a typical legislature, how would the probability of establishing an EAC before gaining EU membership differ if the state joined the EU in 1952 versus 2004? The probability of establishing an EAC prior to EU membership increases by 69.6 percent. The probability of establishing an EAC after EU membership decreases by 87.9 percent.

Statistical simulation was also used to generate Figure 3.3. Figure 3.3 illustrates the influence of membership timing on the urgency with which an EAC is established.²¹ In the 1950s, there was a higher probability of a new member of the EU establishing an EAC after joining the EU. By the turn of the century, it was much more likely that a new member of the EU would set up an EAC prior to joining the EU. The turning point appears to fall between the 1980s and 1990s.

¹⁸Statistical simulations produced using CLARIFY: Software for Interpreting and Presenting Statistical Results (Tomz, Michael, Jason Wittenberg, and Gary King 2001). An earlier publication describes the mechanisms and purpose of statistical simulations: “Statistical simulation uses the logic of survey sampling to approximate complicated mathematical calculations. In survey research, we learn about a population by taking a random sample from it. We use the sample to estimate a feature of the population, such as its mean or its variance, and our estimates become more precise as we increase the sample size, n . Simulation follows a similar logic but teaches us about probability distributions, rather than populations. We learn about a distribution by simulating (drawing random numbers) from it and using the draws to approximate some feature of the distribution. The approximation becomes more accurate as we increase the number of draws, M . Thus, simulation enables us to approximate any feature of a probability distribution without resorting to advanced mathematics” (King et al., 2000, 349).

¹⁹Values were: -1 if EAC was established after EU membership, 1 if it was established before EU membership and 0 if simultaneously.

²⁰King et al. (2000)

²¹The length of the lines signifies the span of the 95 percent confidence interval for each value. The shorter the line, the more precise a prediction is possible.

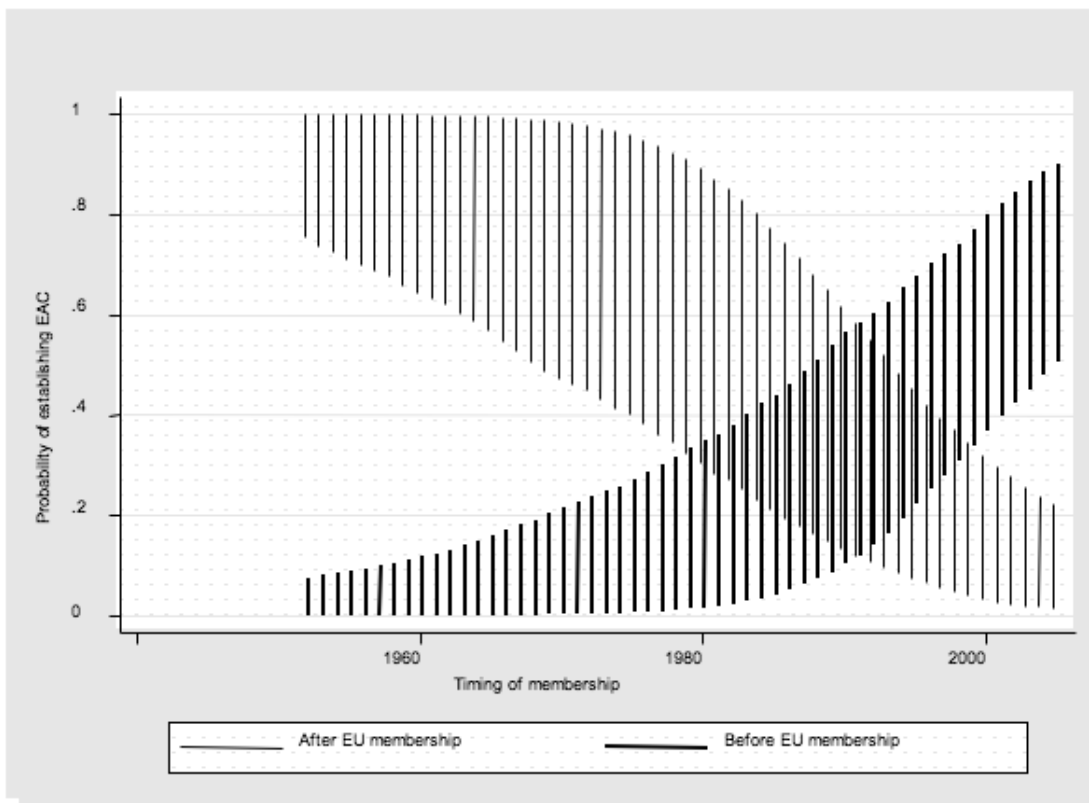


Figure 3.3: Membership timing influence over EAC urgency

During the 1980s and 1990s, countries were about equally likely to establish their EAC before or after membership. These results are consistent with the results in Table 3.4, which showed that the timing of membership has a strongest influence on the earliest and latest joiners.

3.5 Conclusion

This chapter sought to explain why some countries take immediate or even pre-emptive steps to scrutinize European integration and legislation while other countries wait for years or even decades before establishing any mechanisms for oversight. Some of the candidate explanations that were tested include a country's relationship with the European Union (center-periphery), public support for

European Union membership and the concentration or diffusion of power in the parliament. While a country's relationship with the European Union and public support for EU membership are significant explanations, the timing of membership is the strongest explanation for the urgency with which a legislature establishes its European Affairs Committee.

The next chapter seeks to explain why some EACs have more assertive oversight of European affairs than others. Chapter 4 argues that the urgency with which an EAC is established influences the design of the EAC. Legislatures that establish their EACs prior to EU membership are more likely to arm the EAC with a broad scope of oversight and mandate power than legislatures that establish their EACs after EU membership.

4

Explaining Cross-National Variation in the Oversight Approach used by European Affairs Committees

Oversight of the executive is an important function of a legislature and European integration has complicated the abilities of national legislatures to perform this function. An EAC is one way for national parliaments to strengthen their oversight of European Affairs, therefore it is important to analyze variations in the approaches EACs use for oversight. Legislatures vary in the degree of control they attempt to exert in their oversight of European Affairs. In general, legislatures in the European Union member states fall into two broad categories: those that try to exert control over the government with a mandating oversight approach and those that use a non-mandating oversight approach. Legislatures that use the mandating approach can use a systematic or a non-systematic approach to the oversight of European affairs, but in both cases the EAC has the power to issue binding instructions to the government for its negotiations at the Council of Ministers. Within the non-mandating approach there are also two different categories:

informal oversight and document-based scrutiny.

This chapter will begin by describing previous efforts to measure the cross-national variation in EAC strength. Next it will explain a procedure-based method of measuring the cross-national variation in EAC strength and introduce the candidate explanations for this variation. The candidate explanations include the timing of membership, urgency with which an EAC is established, the center-periphery cultural divide, postmodern values, public support for the EU and the concentration or diffusion of power within the national parliament. Finally, the chapter will use statistical analysis to evaluate the candidate explanations and will demonstrate that the timing of membership and the urgency with which EACs were established are the most significant explanations for the variation in EAC strength.

4.1 Measuring the cross-national variation in EAC oversight approaches

There is strong cross-national variation in the strength and procedures of parliamentary oversight of European Affairs. The literature includes several different ways of sorting the variation into ordinal categories. These categories have been based on the binding nature of an EAC's instructions, on policy influence of EACs and on the oversight procedures employed by EACs. One popular way to sort EACs is by their ability to influence the government in its policy-formation at the European level. Studies that take this approach commonly sort parliaments into strong, medium and weak, based on the "bindingness" of the committee's instructions (Bergman 1997 and 2000) or based on the involvement of specialized standing committees (Raunio and Wiberg 2000).

In his 1997 article, Torbjorn Bergman sorts the EACs into an ordinal variable of low (I), medium (II) and high (III), based on his subjective estimation of their strength, which he formed by reading everything available in 1996 about

the EACs. Bergman's initial categorization of EACs includes the following factors: Which actors participate in the process (MPs, MEPs, Länder)? Which of the EU's policy pillars are covered by parliamentary scrutiny?¹ Does the scrutiny process involve the whole parliament (plenary session) or is it monopolized by the European Affairs Committee? If the parliament is bicameral, do both chambers participate in parliamentary scrutiny of EU affairs? If so, is there a difference in how they participate? How binding are the EAC's recommendations on the government?

This final question has developed into an interesting dependent variable that several scholars are attempting to explain. The EU member states for which there is data on this topic (the EU-15) fit into three basic categories. The first category (weak parliamentary scrutiny) contains parliaments where the EAC oversees an informational exchange. The government sends representatives on occasion to report on negotiations at the Council of Ministers and on the development of EU legislation. The second category (medium parliamentary scrutiny) includes parliaments where the EAC makes recommendations to the government regarding its negotiations at the European level. The government is not required to follow these recommendations, but in practice it usually does. The third category (strong parliamentary scrutiny) involves the committee holding an *ex ante* veto over the government's negotiating position at the European level. If the government needs or wants to deviate from the instructions it was given by the European Affairs Committee, then it must obtain permission from the committee. Subsequent studies by Bergman and others have continued to fine-tune the rankings, but the categories have remained largely stable. In 2000, Bergman refined his measure by reorganizing it into a ranking from strongest (1) to weakest (15), based on his subjective estimation in 1999. There was some reorganization between 1996 and 1999, with Finland and Sweden listed stronger in the second measure than they were in the

¹Pillar I includes European Community legislation, Pillar II is Common Foreign and Security Policy and Pillar III is Justice and Home Affairs. Within the framework of decision-making in the Council of Ministers, Pillar I falls under Qualified Majority Voting, while the other two pillars use a unanimity rule for voting. This means that it is more difficult to veto an unpopular bill if it falls under Pillar I than if it falls under the other pillars.

first. Raunio and Wiberg (2000) also devise a subjective ordinal variable based on 1999 information and it matches closely to Bergman (2000).

Another approach is to sort EACs by their policy influence. The strongest category is “policy-making’ parliaments which can reject government policies and substitute them with their own.” The middle category includes “moderate ’policy-influencing’ parliaments which are able to reject or amend government policies but not substitute them.” The weakest category includes “weak parliaments with ’little or no policy effect”’ (Kiiver 2004, describing Norton 1995 and Maurer/Wessels 2001). Maurer (2001) combines three major elements in his classification of EACs: (1) the scope of scrutiny, (2) timing and management of scrutiny, and (3) impact of scrutiny. In his measure of EAC strength, Rozenberg (2002) combines the impact of the EAC with resources available to the EAC (number of clerks, etc.), committee’s level of activity (frequency of meetings, size of committee), and involvement of other parliamentary committees.

Ana Fraga (2000) points out that the prior categorizations are not measuring what they claim to measure. The prior models claim to compare actual parliamentary influence over governments, but this is nearly impossible to measure. Instead, the categorizations have been based on potential influence more than effective influence. A true measure of effective influence would need to examine the oversight process with European legislation as the unit of analysis. However, a cross-national study would be very difficult to organize at this level of detail and I find no evidence it has been attempted.

Fraga proposes sorting parliamentary oversight committees based on their oversight process rather than oversight effectiveness. Fraga’s three categories are: “information and informal influence, systematic scrutiny and mandate.”² Fraga describes the first category, information and informal influence, as “parliaments influence[ing] the national position through meetings with members of government during which a two-way communication is established (the government explains

²(Fraga, 2000, 2)

what is the subject in question and the parliamentarians express their opinion).” The scope of this oversight approach is narrow. The EAC would only focus on highly salient issues as they come to the parliament’s attention. Fraga describes the second category, systematic scrutiny, as a “parliament giv[ing] its opinion in a systematic way upon all subjects (or those included in the parliamentary reserved competence) through the adoption of a report or a resolution.”³ The parliament also follows up with the government to find out if the government followed the parliament’s suggestion during negotiations at the Council. Fraga describes the third category, the mandate, as an arrangement where the parliament tells the government what negotiation positions it must take at the Council.

COSAC, the Conference of Community and European Affairs Committees, appears to have followed Fraga’s lead in its third biannual report (2005), which surveys the oversight processes of the 34 EACs that have been established in the 25 current member states of the European Union.⁴ This COSAC report divides the 34 European Affairs Committees into three broad categories of oversight approaches: (1) informal channels of influence, (2) document-based scrutiny, and (3) mandating systems. Mandating systems are divided into two subcategories to distinguish between systematic and non-systematic mandating systems. In addition to describing three main categories of oversight approaches, the COSAC report also includes self-reported information from representatives of the 34 EACs on the approach that their committee uses for its oversight of European Affairs. This information forms the basis for the dependent variable in this chapter.

³(Fraga, 2000, 2)

⁴The third biannual report was prepared by the COSAC Secretariat and presented to the XXXIII Conference of Community and European Affairs Committees of Parliaments of the European Union, 17-18 May 2005 Luxembourg. COSAC is an organization that brings together representatives of national parliaments and the European parliament. Since the spring 2004 Irish Presidency, COSAC has been issuing biannual reports with each meeting. These reports give information from all COSAC members on their methods of parliamentary oversight.

4.2 Dependent variable: degree of control in parliamentary oversight approach

This chapter's dependent variable is the degree of control the legislature attempts to exert in parliamentary oversight of European Affairs. The data in this variable comes from the third biannual report of the Conference of Community and European Affairs Committees (COSAC).⁵ COSAC is an organization that brings together representatives of national parliaments and the European parliament. When a country occupies the EU presidency, the COSAC meeting is one of the many meetings that the presidency country hosts as a part of its 6 month term. COSAC describes its founding and mission in these terms:

COSAC was created in May 1989 at a meeting in Madrid, where the speakers of the Parliaments of the EU Member states agreed to strengthen the role of the national parliaments in relation to the community process by bringing together the European affairs Committees. The first meeting of COSAC took place in Paris in November 1989. COSAC was formally recognized [sic] in a protocol to the Amsterdam Treaty that was concluded by Heads of State or Government in June 1997. The protocol came into force 1 May 1999. According to this protocol, COSAC is allowed to address to the EU institutions any "contributions" which it deems necessary.⁶

Beginning with the Irish Presidency in Spring 2004, COSAC has been issuing biannual reports after each meeting. These reports give information from all COSAC members on their methods of parliamentary oversight.⁷ As explained above, the third biannual COSAC report divides the 34 European Affairs Committees into three broad categories of oversight approaches: (1) informal channels

⁵This report was prepared by the COSAC Secretariat and presented to the XXXIII Conference of Community and European Affairs Committees of Parliaments of the European Union, 17-18 May 2005 in Luxembourg.

⁶<http://www.cosac.eu/en/cosac/> [accessed 23 September 2006]

⁷The third biannual COSAC report is "based on information provided by national parliaments of the EU-25 in responses to a questionnaire which was distributed in March 2005. Parliaments were requested to send in their responses by 4 April 2005, and this report takes account of developments up to that date" (COSAC Secretariat, 2005, 3).

of influence, (2) document-based scrutiny, and (3) mandating systems. Mandating systems are divided into two subcategories to distinguish between systematic and non-systematic mandating systems. The next two sections describe the non-mandating oversight approaches that are used by EACs. These are informal channels of influence and document-based scrutiny. The next two sections after that describe the systematic and non-systematic mandating oversight approaches. Finally, Table 4.1 indicates the oversight approach used by each of the 34 EACs in the EU-25 countries in 2005.

4.2.1 Informal channels of influence

The informal influence oversight approach is a non-mandating oversight approach. It is “characterised by the absence of a systematic examination of EU draft legislative acts and other EU documents.”⁸ These EACs work to inform the parliament about legislative proposals being developed in the European Union and may organize debates on some of these topics. They can ask the government for explanations for its actions, but the government is not necessarily required to answer the questions or follow the committee’s suggestions.

Insofar as these parliaments wish to exert influence over EU policies, they do so via more informal or political channels rather than via systematic or formal mechanisms in parliamentary committees. Parliamentary committees on European affairs in these parliaments therefore have a primary function of initiating or generating debate on important general European issues inside the parliaments as well as in relation to the public.⁹

The countries that have legislatures that use an informal scrutiny system are Belgium, Cyprus, the German Bundestag, Greece, Luxembourg, Portugal and Spain.

The Belgian Federal Advisory Committee on European Affairs provides a concrete example of an informal scrutiny approach. The Belgian committee

⁸(COSAC Secretariat, 2005, 14)

⁹(COSAC Secretariat, 2005, 14)

describes its role in terms of its relationship with the parliament and with the government.¹⁰ For the parliament, the EAC coordinates parliamentary action, monitors national legislation as it relates to European Affairs, delivers opinions on EU treaty negotiations and European affairs in general, manages inter-parliamentary cooperation among the various national, regional and European level legislatures, and informs standing committees in the Belgian parliament of developments at the European level. As it relates to the government, the EAC listens to the federal government's agendas before European Council meetings and results after those meetings. The EAC also evaluates the Government's reports on the transposition of European laws into Belgian law.¹¹ The Belgian EAC is not collecting information in an exhaustive and systematic way, as in a document-based oversight system. The Belgian EAC is also not trying to direct the government in its activities in the European Council. Instead, the Belgian EAC's main roles are to inform the parliament about European Affairs, to coordinate parliamentary activity in European Affairs, and to listen to the government's description of its activity at the European level.

4.2.2 Document-based scrutiny

The document-based scrutiny system is a non-mandating oversight approach that examines documents from the European Union institutions. In each parliament that uses this approach, the European Affairs Committee scrutinizes EU documents as early as possible in the European decision making process. COSAC describes it by saying that, "Typically, the responsible committee will report to its chamber on the political and legal importance of each EU document, determining which documents require further consideration."¹² The EACs that use a document-based approach do not seek to control the government's negotiations at the European level or even follow the "proceedings at individual Council

¹⁰<http://www.senate.be/doc/eu/fedadv.en.html> [accessed 23 September 2006]

¹¹<http://www.senate.be/doc/eu/fedadv.en.html> [accessed 23 September 2006]

¹²(COSAC Secretariat, 2005, 10)

meetings.”¹³ Their focus is on systematically examining the information flowing from the European Union and informing the rest of the legislature about developments in the European legislative process. The legislatures that use a document-based scrutiny system are in the Czech Republic, France, Ireland, Italy, Malta, the Netherlands Senate and United Kingdom.

The United Kingdom House of Commons European Scrutiny Committee illustrates the differences between the informal oversight approach and document-based scrutiny. The European Scrutiny Committee describes its role in the following way:

The Committee assesses the legal and/or political importance of each EU document, decides which EU documents are debated, monitors the activities of UK Ministers in the Council, and keeps legal, procedural and institutional developments in the EU under review.¹⁴

This committee is not trying to tell the British government what it can or cannot negotiate at the European level. Instead the committee’s goal is to gather information, evaluate the importance of that information, and guide parliamentary debate on the relevant information. There is a “scrutiny reserve” that stops the government from making any decisions or taking any decisive action on proposals that the committee is still considering or that are waiting to be debated by the parliament. Even though document-scrutiny systems do not usually monitor the proceedings of individual Council meetings, the House of Commons’ EAC does use parliamentary questions and interviews with government ministers to monitor developments in the Council. Sometimes the EAC “conducts general inquiries into legal, procedural or institutional developments in the EU.”¹⁵ In this approach the EAC scrutinizes as much of the documentation from the EU as possible, but does not necessarily try to sway the government’s negotiations at the European level.

¹³(COSAC Secretariat, 2005, 10)

¹⁴http://www.parliament.uk/parliamentary_committees/european_scrutiny.cfm [accessed 23 September 2006]

¹⁵http://www.parliament.uk/parliamentary_committees/european_scrutiny.cfm [accessed 23 September 2006]

4.2.3 Mandating systems

The mandating scrutiny system is the most assertive approach to parliamentary oversight of European Affairs. There is a key distinction in terms of how systematic the mandating system is; however for all mandating systems, “the European affairs committees in these parliaments have the capacity on behalf of their parliaments to adopt positions which are binding for their governments.”¹⁶ The EACs that use non-systematic mandating systems use their mandating power infrequently, but the EACs with a systematic mandating system use their mandating power on a regular basis.

Non-systematic mandating systems

EACs that use a non-systematic mandating system have the authority to tell the government what its negotiating positions should be at the Council of Ministers, but they use this authority infrequently. Sometimes the EAC’s mandating authority only extends to a narrow range of policy areas, other times the authority is wide-ranging but rarely used. It is common in non-systematic mandating systems for the EAC to be given information about the government’s position on European affairs only if specially requested by the committee, usually at the prompting of a government minister or a member of the European Affairs Committee.¹⁷ Countries that use a non-systematic mandating system are Austria, the German Bundesrat, Hungary, and the Netherlands House of Representatives.

The Netherlands House of Representatives’ (Tweede Kamer) Standing Committee on European Affairs illustrates the non-systematic mandating system, describing its role in the following way:

In 1986 the House of Representatives established a committee on European Affairs, which is now known as the Standing Committee on European Affairs. The committee’s task is to play an ‘initiating, signalling [sic] and coordinating’ role for the purpose of parliamentary control

¹⁶(COSAC Secretariat, 2005, 12)

¹⁷(COSAC Secretariat, 2005, 12)

of decision making in the European institutions, and particularly the Council.¹⁸

The Standing Committee on European Affairs is in place to coordinate parliamentary control of European decision-making. This legislature includes sectoral committees in oversight of European Affairs and stresses the need to control the government in this area. The strongest area of parliamentary control over European Affairs is that of Justice and Home Affairs (JHA):

In general the scrutiny system in the Netherlands is not one that is based on a mandate. However, on issues relating to Justice and Home Affairs both the Senate and the House of Representatives have special rights as regards controlling the position taken by the Dutch government in the JHA Council. The Government cannot agree to a European decision, to be adopted in the area of Justice and Home affairs, intended to bind the Netherlands until both Houses of Parliament have given their assent. A special committee on Justice and Home Affairs prepares the assent of the House of Representatives.¹⁹

While the Netherlands delegates the oversight of “broader, more general and horizontal developments in Europe” to the European Affairs Committee, the sectoral committees in the area of Justice and Home Affairs are the most assertive and have the most control over Government behavior at the European level.²⁰ The mandating power of parliamentary oversight in the Netherlands is limited to Justice and Home Affairs.

Systematic mandating systems

Systematic mandating oversight EACs can use their mandating power over many different policy areas of European legislation. It is common in systematic mandating systems for the government to be required “to present a negotiation position - in writing or orally - to the committees on all pieces of draft legislation to be adopted by the Council.”²¹ The volume of information flowing from the

¹⁸http://www.houseofrepresentatives.nl/the_tweede_kamer_present_and_past/dossiers/dossier1.jsp [accessed 23 September 2006]

¹⁹(COSAC Secretariat, 2005, 59)

²⁰(COSAC Secretariat, 2005, 58)

²¹(COSAC Secretariat, 2005, 12)

European Union to the national parliaments can be overwhelming, so parliaments have to develop methods of sorting through the information to identify the most important issues and determine which parts of European legislation merit further scrutiny and which do not. Effective filtering of information is critical because time is scarce in national parliaments and budgets for support staff are usually small. The EAC has to be disciplined and organized to focus its attention on the most important issues.²²

In contrast to the Dutch parliamentary oversight system, there are no formal limits on the scope of parliamentary oversight in a systematic mandating system. Instead, the limits are practical and relate to the capacity of the legislature to process the large amount of information produced by European-level bureaucrats, analyze the impact of pending legislation while it is still being developed at the European-level and hold national executives accountable for their negotiations at the Council of Ministers.

It would be very difficult for a single committee to process the large volume of information coming from the European Union, much less possess the expertise to effectively scrutinize such a wide range of policy areas. One powerful institutional tool that some European Affair Committees wield is the power to delegate scrutiny of particular policies to other, more specialized committees. EACs that have this institutional power are able to save energy for scrutinizing “big picture” policies as they are being developed at the European level without being bogged down in very technical discussions. These EACs can also tap into the policy expertise that the more specialized parliamentary committees possess.

The countries that have legislatures that use a systematic mandating

²²COSAC provides some examples of the filtering mechanisms employed by various EACs with systematic mandating oversight: “Whereas the Danish European affairs committee mandates ministers on all proposals of “greater importance” to be adopted by the Council, the Lithuanian Parliament has asked its sectoral committees to divide the different EU-proposals into three categories: “very relevant”, “relevant” and “moderately relevant.” These are normally referred to as “red”, “yellow” and “green” issues. On “red” and “yellow” issues the government is obliged to submit its negotiation “position” on all EU-proposals to the Seimas within 15 days from the receipt of the proposals. “Green” issues are those classified by the committees as being of minor or no interest to the Parliament”(COSAC Secretariat, 2005, 12).

scrutiny system are Denmark, Estonia, Finland, Latvia, Lithuania, Poland, Slovakia, Slovenia, Sweden. Denmark was the first country to develop a systematic mandating approach to the parliamentary oversight of European Affairs. The Danish EAC was described by Mr. Jacob Buksti, a Danish member of parliament, as “a sort of mini-parliament” which “acts on behalf of the parliament.”²³ The Danish EAC coordinates debate in the plenary chamber, but continues the parliamentary discussion within the committee. The committee is designed to competently represent the larger parliament because the votes of committee members are weighted to reflect each party’s strength in the parliament as a whole.²⁴ The committee “is responsible for general scrutiny of all EU matters. This responsibility includes mandating the Government before Council votes on all directives as well as regulations of a greater importance....The mandate is politically binding and is very strictly observed by the government.”²⁵ The Danish systematic mandating oversight approach has a wide scope and also a high degree of control over government behavior at the European level. Table 4.1 lists each EAC from the 25 EU member states along with its oversight approach. In chapter 3 I included upper and lower houses of parliament in the dependent variable, but in this chapter I am only examining EACs in the lower houses or joint EACs. The reason for this is that Germany and the Netherlands are the only countries with two separate EACs in the upper and lower houses that use different oversight approaches. Since there is so little within-country variation, I decided to avoid double-counting countries.

²³Excerpt from the minutes of an Irish Joint Committee on European Affairs meeting (19 January 2004) when visited by the delegation from the Danish European Union Affairs Committee. <http://debates.oireachtas.ie/DDebate.aspx?F=EUJ20040119.xml&Node=9\#N9> [accessed 10 October 2006]

²⁴(COSAC Secretariat, 2005, 29)

²⁵(COSAC Secretariat, 2005, 29)

Table 4.1: Oversight approach used in EU member state legislatures in 2005

Member State (Legislature if bicameral)	EAC oversight approach			
	Non-mandating		Mandating	
	Informal	Document	Non-systematic	Systematic
Austria (Nationalrat)			x	
Austria (Bundesrat)			x	
Belgium (Chamber/Senate)	x			
Cyprus	x			
Czech Republic (Chamber)		x		
Czech Republic (Senate)		x		
Denmark				x
Estonia				x
Finland				x
France (Senate)		x		
France (Nat. Assembly)		x		
Germany (Bundestag)	x			
Germany (Bundesrat)			x	
Greece	x			
Hungary			x	
Ireland		x		
Italy (Chamber of Deputies)		x		
Italy (Senate)		x		
Latvia				x
Lithuania				x
Luxembourg	x			
Malta		x		
Netherlands (House)			x	
Netherlands (Senate)		x		
Poland (Sejm)				x
Poland (Senate)				x
Portugal	x			
Slovakia				x
Slovenia (Nat. Assembly)				x
Slovenia (Nat. Council)				x
Spain (Congress/Senate)	x			
Sweden				x
U.K. (Commons)		x		
U.K. (Lords)		x		

4.3 Explanatory variables: Timing of membership and urgency

The oversight approach an EAC uses is determined by a legislature when the European Affairs Committee is established. Sometimes EACs are reformed later to use a different oversight approach, but this is rare. Usually reforms to an EAC make changes to procedures or intensity of oversight, but the overall oversight approach stays the same.²⁶

4.3.1 Timing of membership

As explained in chapter 2, the timing of membership both reflects and shapes a country's relationship with the European Union. The timing of membership hypothesis (6b) states that late joiners establish more assertive EACs than early joiners do. Early joiners participated in designing the European Union, so they are "rule makers" in the context of European institutions. They are very influential actors within the EU and in some cases don't see a strong distinction between European interests and domestic interests. For example, the president of Luxembourg's Christian Democratic Party (the Christian Social Party, CSV) in 2005 stated that "European politics are home politics" and that many of the questions which people believe are national questions are really only answerable in Europe.²⁷

Late joiners are "rule takers" in the context of the European Union's institutions. They did not participate in designing the institutions, so they have to work harder to achieve national goals through European institutions. While it is true that the countries that joined the EU later are in many cases countries that

²⁶See chapter 5 for a description of a reform to the Bundestag EAC that has changed its oversight approach from informal oversight to a mandating oversight approach. Chapter 6 describes revisions to the Irish EAC which changed the intensity of oversight, but did not change the overall approach.

²⁷Translated from "CSV. De séchere Wee. Och an Europa." A statement by Francois Biltgen, party president. www.csv.lu/text/news.php/1751 [Accessed 12 March 2005]

were not invited to join until late, there are several countries that chose to delay joining the EU in spite of early invitations. If the timing of membership didn't influence the role of a country in the EU, then the wealthy countries that delayed joining the EU should be just as influential in the EU as early joiners. However, the wealthy countries that declined early opportunities to join the EU, do seem to be disadvantaged relative to early joiners. The United Kingdom provides a concrete example of this.²⁸

For all of these reasons and the reasons explained in chapter 2, the timing of a country's membership in the European Union is likely to be a strong predictor of the assertiveness of a legislature's European Affairs Committee. The more recently a country joined the European Union, the more control the domestic legislature(s) will try to assert over European Affairs because the EU will seem more unfamiliar to domestic processes and also more difficult to change. This variable is represented by the year that each country officially joined the European Union. The range of this variable is from 1952 to 2004.

4.3.2 Urgency

Countries that place a high priority on the oversight of European affairs have a high degree of urgency in the oversight of European affairs and establish their EACs as early as possible. Countries that establish their EACs several decades after joining the EU demonstrate little urgency and a low priority for the oversight of European affairs. Countries that place a low priority on the oversight of European affairs are more likely to use an informal oversight approach than a mandating oversight approach (hypothesis 7).

Latvia's legislature, the Saeima, provides an example of the correlation between the urgency with which an EAC is established and the committee's assertiveness. Nine years before Latvia officially joined the European Union, the Latvian legislature established a European Affairs Committee. The event precip-

²⁸See chapter 2

itating the establishment of the committee was the 1995 signing of the European Agreement, which established “an association between the European Communities and their Member States on the one hand and the Republic of Latvia on the other hand.”²⁹ The EAC was different from other committees in the Saeima, because it was the “first committee whose competences were defined in the Rules of Procedure of Saeima.”³⁰ Two key features of the Latvian EAC are the mandating power of the EAC and the obligation on the part of the government to report to the committee:

The EAC reviews and approves the official positions of the Republic of Latvia prior to their submission to European Union’s institutions. At least twice a year, the Prime Minister of the Republic of Latvia or a member of the Cabinet (authorised by the Prime Minister) reports to the Saeima on the Government’s accomplishments and on intended future actions regarding EU matters.³¹

Latvia is one of the most recent member states to join the European Union, it has a very assertive EAC and it established that EAC nearly a decade before joining the European Union.

As in chapter 3, the urgency variable is measured by calculating the number of years before or after official EU membership that a legislature establishes an EAC. If the EAC was established after membership, the timing is reported as a negative number. If it was established at the same time as membership, the value is zero. See Table 3.1 for a report of the year of membership for each of the 25 members of the European Union, the year each EAC was established, and the urgency with which the EAC was established.

²⁹Saeima EU Information Center webpage describing the role of the Saeima European Affairs Committee in the integration process http://www.eiroinfo.lv/pages/SEUIC/content_list.jsp?category_id=260

³⁰Saeima EU Information Center webpage describing the role of the Saeima European Affairs Committee in the integration process http://www.eiroinfo.lv/pages/SEUIC/content_list.jsp?category_id=260

³¹Saeima EU Information Center webpage describing the role of the Saeima European Affairs Committee in the integration process http://www.eiroinfo.lv/pages/SEUIC/content_list.jsp?category_id=260

4.4 Competing hypotheses

There are several competing hypotheses that may also explain the cross-national variation in EAC institutional strength. These competing explanations are the center-periphery cleavage, postmodern values, popular support, and the economic cleavage. See Table 2.2 for the expected signs for each independent variable.

4.4.1 Center-periphery cultural cleavage

The center-periphery hypothesis (Hypothesis 1b) says that EU member states that are located on the EU's periphery are likely to have stronger parliamentary oversight of European Affairs than member states located in the EU's center. In testing the center-periphery argument, I include variables for the distance from Brussels, the percentage of external trade within the European Union in 2005, and the size of the country's economy at the time the EAC was established. Peripheral countries tend to have smaller economies, be farther away from Brussels and will trade more outside of the European Union than the core countries do.

Countries with large economies are likely to be more attractive to an economic union than countries with small economies. This variable was measured using the GDP the year the country established its EAC, normalized to US dollars from the year 2000.³² As in chapter 3, I measure the distance from Brussels with the distance in kilometers between the country's population center in 2000 and the city of Brussels.³³

Peripheral countries are more likely to cultivate and maintain trading partners outside of the European Union. This is partly because peripheral countries are more likely than core countries to share borders with countries that do not belong to the European Union. To measure the degree of economic engagement

³²United States Department of Agriculture's Economic Research Service <http://www.ers.usda.gov/data/macroeconomics/Data/HistoricalRealGDPValues.xls>

³³Center for International Earth Science Network (CIESN) Gridded Population of the World (GPWv3) available online: <http://sedac.ciesin.columbia.edu/gpw/>

with the European Union, I use the percentage of total exports that are sold within the European Union in 2005.³⁴

4.4.2 Postmodern cultural values

The postmodern values explanation (Hypothesis 4) is that postmodern societies have assertive oversight of European affairs because they emphasize self-expression values and skepticism of authority and hierarchy. The more a country's society emphasizes self-expression values, the more likely it will use a mandating oversight approach to provide assertive oversight of European affairs. Societies that emphasize survival more than self-expression are expected to have less assertive oversight of European affairs because people are more acceptant of authority in modern and premodern societies.

Postmodern cultural values are measured using the Inglehart and Welzel factor scores for self-expression versus survival values.³⁵ These values are derived from a factor analysis of the answers to ten World Values Surveys questions between 1981 and 2001. The questions include the importance of God, the importance of teaching children obedience and faith rather than independence and determination, disapproval of abortion, national pride, respect for authority, a high priority for economic and physical security (materialist values), feelings of unhappiness, disapproval of homosexuality, abstaining from signing petitions and distrusting other people. The last five questions are weighted the heaviest in the factor analysis for survival versus self-expression values.³⁶ The range for this variable is from -2 (survival values) to 2 (self-expression values).

³⁴Statistical Office of the European Communities (Eurostat), Eurostat Yearbook 2005. Available online: <http://epp.eurostat.cec.eu.int/>

³⁵Inglehart and Welzel (2005)

³⁶Inglehart and Welzel (2005), Internet appendix (p. 8-12). For the factor scores, see Table A-1, "Predicted and Observed Value Systems (64 societies' locations on 1999-2001 cultural map, predicted from model based on data from first three waves of surveys)" on p. 27 of the internet appendix.

4.4.3 Popular support for European Union

According to the public support argument (Hypothesis 2b), democratic institutions respond to the demands of the public. The less popular support there is for the European Union, the more likely a parliament will respond by providing stronger parliamentary scrutiny of European Affairs. Public opinion is an attractive independent variable because data is readily available; Eurobarometer produces regular measures of European public opinion on a variety of topics. Prior studies on the cross-national variation in the strength of EACs examine the relationship between public opinion and EAC strength and they do find a correlation.³⁷ The main difficulty with relying on public opinion for an explanation for committee strength is that public opinion develops in response to particular events and experiences and it is strongly influenced by values and historical narratives.

The first public opinion variable is derived from the Eurobarometer question asking, “Generally speaking, do you think that (OUR COUNTRY’S) membership of the European Union is a good thing?” The data represents the percent of respondents giving a positive answer to the question.³⁸ The “good thing” Eurobarometer question has been the question most frequently used in the literature on this topic.

4.4.4 Concentration or diffusion of power in parliament

This argument says that the assertiveness of an EAC depends on the concentration or diffusion of power in parliament (Hypothesis 3b). If the government dominates the parliament, then the European Affairs Committee is likely to use a non-mandating oversight approach. This is because a dominant government will not agree to be constrained by an oversight committee with the power to issue binding recommendations. If there are multiple veto players and parliament generally has a lot of leverage over the government, then the European Affairs

³⁷Bergman (2000); Raunio and Wiberg (2000b)

³⁸Eurobarometer (2005b)

Committee is more likely to use a mandating oversight approach.

This chapter measures the concentration of power in parliament in several ways. The first two operationalizations are also found in chapter 3: the number of partisan veto players³⁹, the presence of an EAC in the upper house of parliament, and parliamentary agenda control. Operationalizations that are unique to this chapter include corporatism and the presence of a strong upper house.

Another way to measure the concentration or diffusion of power in a parliament is to examine the degree to which the government controls the plenary timetable. This variable is measured using the agenda control scale developed by Döring to assess the degree to which parliament or the government has the authority to determine the plenary agenda.⁴⁰ The range of this variable is from 1 (government has all agenda power) to 7 (parliament has all agenda power).

Corporatism is another way to measure the concentration or diffusion of power in parliament. The pluralist pattern of decision-making could easily lead to governments excluding parliamentary committees from the decision-making process and would coincide with an expectation of less assertive oversight committees in pluralist countries.⁴¹ This variable is based on a 1 to 5 scale, with 1 being the most pluralist economies and 5 being the most integrated (i.e. corporatist). Since the data source includes data from the 1960s, 1970s, 1980s and 1990s, I use the rating of corporatism that was taken closest to the year when the EAC was established. I expect to find a positive relationship between corporatism and mandating oversight in European affairs.

The last two operationalizations of the concentration of power have to do with institutional veto players, namely upper houses in a bicameral legislature. All upper houses influence decision-making in the lower house of parliament, but there is considerable variation in how strong and influential an upper chamber can be.⁴² Arend Lijphart developed a classification for the strength of upper houses

³⁹i.e. number of parties in the cabinet the year the EAC was established

⁴⁰Döring (1995)

⁴¹(Siaroff, 1999, 190-193, tables 4a-4d)

⁴²“All second chambers exercise influence even if they are considered weak or insignificant”

between 1945 and 1996 in thirty-six democracies. Seventeen of the EU-25 countries are included in Lijphart's analysis. Of the eight EU-25 countries excluded from Lijphart's study, five of them are unicameral. This variable ranges from 1 (unicameral) to 4 (strong bicameralism).

Another way that an upper house can influence the oversight approach used by an EAC is by setting up an EAC in the upper house before the lower house has established its own EAC. It is possible that the presence of an EAC in the upper house will make it less likely that the lower house will empower its EAC to use a mandating oversight approach. This variable is a binary representation of the presence (1) or absence (0) of an EAC in the upper house of the legislature. If a country is unicameral, it cannot have an EAC in the upper chamber, so it is coded as zero.

4.4.5 Institutional Development of the EU

According to the institutional development argument (Hypothesis 5b), cross-national differences in the oversight of European affairs is explained by the institutional development of the European Union. Before the Treaty on European Union was signed in the early 1990s, there was little need for oversight of European Affairs. The organization operated intergovernmentally and most national parliaments were content with non-mandating oversight of European affairs or none at all. After the Treaty on European Union (also known as the Maastricht Treaty), the European Community became the European Union and it spread into a much wider range of policy areas. Suddenly the EU was clearly a threat to the decision-making ability of parliaments. Before this critical development mandating EACs were rare and afterwards they became more common. This variable is a binary representation of EACs that were established before (0) or after (1) the Maastricht Treaty took effect in 1992. Hypothesis 5b would predict that EACs established before the Maastricht Treaty will have non-mandating oversight while EACs es-

(Tsebelis and Money, 1997, 211).

Table 4.2: EAC Design and the Maastricht Treaty

	Non-mandating EAC	Mandating EAC
EAC established before 1992	Belgium France Germany Greece Italy Luxembourg Portugal Spain United Kingdom	Denmark Netherlands
EAC established in or after 1992	Cyprus Czech Republic Ireland Malta	Austria Estonia Finland Hungary Latvia Lithuania Poland Slovakia Slovenia Sweden

tablished after the treaty will have mandating oversight. Table 4.2 shows that nineteen of the twenty-five countries in the EU-25 have lower houses that conform to the expected pattern.

4.5 Quantitative Analysis

This section will discuss the methodology used to test this chapter's hypotheses. First I will discuss the way the dependent variable is measured and coded. Next I will discuss the estimation method I use for testing the model. Finally I will discuss the results from the statistical tests.

Table 4.3: Dependent Variable Summary

Dependent variable	DV value	Freq.	Percent	Cum. %
Non-mandating oversight approach	0	13	52.00	52.00
Mandating oversight approach	1	12	48.00	100.0

4.5.1 Methodology

The dependent variable indicates whether an EAC uses a mandating or non-mandating oversight approach. (Range: 0=non-mandating oversight approach, 1=mandating oversight approach). The values and frequency for the dependent variable are reported in Table 4.3.

The binary dependent variable makes it possible to use logistic regression to estimate the models. Logistic regression uses this equation to evaluate the relationship between a dependent variable and an independent variable or variables.

$$P(y = 1|x) = \exp(x\beta)/(1 + \exp(x\beta))$$

This equation expresses the probability that the dependent variable equals one, given the independent variable x with coefficient beta (β).⁴³

One reason I chose logistic regression instead of Ordinary Least Squares regression (OLS) is that logistic regression does not assume a linear relationship. Another reason is that extreme values don't affect the model as much in logistic regression as it does in OLS. A linear model assumes that a change in an independent variable always results in the same change in the dependent variable, regardless of the value of the independent variable. With the S-shaped logistic curve, the change in the dependent variable for the same change in the independent variable will depend on the value of the independent variable. If the independent value is an extreme, changing it will have less impact on the dependent variable than if the independent variable is near the transition point of the model (i.e. where the dependent variable passes 0.5). Finally, even if the dependent variable is coded as

⁴³Long (1997)

zero or one, the linear OLS model can give outputs for dependent variable values that are much greater than one or much less than zero. This is not sensible and logistic regression does not have this difficulty.⁴⁴

I use bivariate logistic regressions for two reasons. First, the number of observations is small, so I do not want to use up all the degrees of freedom by throwing every variable into one multivariate regression. Second, many of the independent variables tend to be correlated with each other to some extent. Bivariate regressions avoid problems of collinearity and make it possible to compare the explanatory power of each independent variable separately.

4.5.2 Results for ordered logistic regressions

For the statistical results from the logistic regressions, see Table 4.4. The three variables that meet the 95 percent confidence threshold are timing of membership, urgency and institutional development of the EU. The timing of membership has a slightly higher significance level than urgency, but urgency has a slightly larger log likelihood for the same number of observations. This means I can be slightly more confident in the significance of timing of membership for predicting the oversight approach of an EAC, but the urgency model fits the data slightly better than the timing of membership does. Both variables have positive relationships, which is consistent with the predictions of the hypotheses. The later a country joined the EU, the more likely its EAC will have a mandating oversight approach. The institutional development of the EU has a higher p-value than either timing of membership or urgency.

None of the other independent variables meet the 95 percent confidence threshold, but there are two variables that come close. Popular support for EU membership is significant at the 0.055 level. This means I can be 94.5 percent certain that there is a relationship between public support and EAC oversight approach. The relationship is negative, which is the predicted sign. The more

⁴⁴Long (1997)

supportive the public is of European Union membership, the less likely the EAC will have a mandating oversight approach.

Parliamentary agenda control is significant at the 0.074 level, which means I can be 92.6 percent certain that there is a relationship between agenda control and EAC oversight approach. The relationship is positive, which is consistent with the predicted sign. The more influence non-governmental members of parliament have over the parliamentary agenda, the more likely the EAC will have a mandating oversight approach. Popular support and Agenda control models each have 15 observations, so I can meaningfully compare the log likelihoods of the two models. The public support model fits the data better than the agenda control model.

4.5.3 Discussion of results

The logistic regressions indicate that the most important factors in the oversight approach of an EAC are the timing of membership, the urgency with which an EAC is established, and the institutional development of the EU. Early joiners are likely to have non-mandating EACs while late joiners are more likely to have mandating EACs. The higher priority a legislature gives to European affairs (observed in the urgency with which the EAC is established), the more likely the legislature's EAC will have a mandating oversight approach. Finally, EACs established before the Maastricht Treaty are much more likely to have non-mandating oversight of European affairs than EACs established after the Maastricht Treaty. Since these three variables are so highly correlated, it is difficult to determine which parts of the variation they are explaining. However, it is clear that the institutional development variable has a slightly higher significance and larger log likelihood than either of the other two significant variables.

In spite of the strong correlation between the Maastricht Treaty's effects on the EU and EAC design, one difficulty with establishing causality is the fact that the ratification of the Maastricht Treaty provided national parliaments with leverage they could use to persuade the government to allow an EAC to be

established or strengthened. So it is not very surprising to see that EACs seem stronger after Maastricht. One way to discern the difference between the institutional effects of Maastricht and the ratification process of Maastricht is to explore the effects of the IGC on political union that developed into Maastricht.

The Maastricht Treaty was based on two almost completely separate Intergovernmental Conferences (IGCs), one on economic and monetary union (EMU) and the other on political union. ... While the IGC on EMU was well prepared by the Delors Committee (established in 1988) and part of a long-term design, it was only agreed in June 1990 to convene a second IGC on institutional and procedural treaty changes.⁴⁵

The IGC on political union was the point when national parliaments became aware that the European Community was going to expand into more policy space and would begin to operate more like a federal system than an intergovernmental organization. If national parliaments are truly reacting to the encroaching federalism of the EU, then there should be a significant difference in the oversight approaches of EACs before and after the IGC on political union and it should be comparable to the effects of the signing of the Maastricht Treaty. This is not the case, however. According to the statistical results in Table `reftableBivariateLogistic`, EACs established after the 1990 IGC on political union are no more likely to use mandating oversight than EACs established before. This finding indicates that the Maastricht presented an opportunity for national parliaments to design more assertive EACs, but not necessarily the motive. It is the strategic opportunity presented by the Maastricht ratification more than the ideas of political union that correlate with the increase in mandating oversight EACs.

The center-periphery explanation is not supported by the statistical tests. Neither is the postmodern values explanation. This chapter fails to reject the null hypothesis for each of these explanations. The concentration of power in parliament explanation is less clear. Agenda control is a significant factor, but the presence of a strong upper house or an EAC in the upper house do not seem to

⁴⁵(Falkner, 2002, 98)

influence the decision of the lower house when it comes to assigning the EAC a mandating or non-mandating oversight approach.

In addition to logistic regressions, I used statistical simulation to generate quantities of interest and their uncertainties.⁴⁶ Statistical simulation is a way to model a probability distribution:

Statistical simulation uses the logic of survey sampling to approximate complicated mathematical calculations. In survey research, we learn about a population by taking a random sample from it. We use the sample to estimate a feature of the population, such as its mean or its variance, and our estimates become more precise as we increase the sample size. Simulation follows a similar logic [to a random sample in survey research] but teaches us about probability distributions, rather than populations. We learn about a distribution by simulating (drawing random numbers) from it and using the draws to approximate some feature of the distribution. The approximation becomes more accurate as we increase the number of draws.⁴⁷

First, I simulated the first differences, which are “the difference between two expected, rather than predicted, values.” First difference simulations make it possible to answer this question: for a typical legislature, how would the probability of establishing a particular type of EAC differ if the state joined the EU in 1952 versus 2004? The probability of establishing an informal EAC decreases by 33 percent. The probability of establishing a systematic mandating EAC increases by 40 percent.

For a typical legislature, how would the probability of establishing a particular type of EAC differ if the state joined the EU in 1952 versus 1986? Compared with 1952, the probability of establishing an informal EAC decreases by 26 percent for a state that joins in 1986. The probability of establishing a systematic mandating EAC increases by 22 percent. Statistical simulation was also used to generate Figures 4.1 through 4.4.

⁴⁶Statistical simulations produced using CLARIFY: Software for Interpreting and Presenting Statistical Results Tomz et al. (2001).

⁴⁷(King et al., 2000, 349)

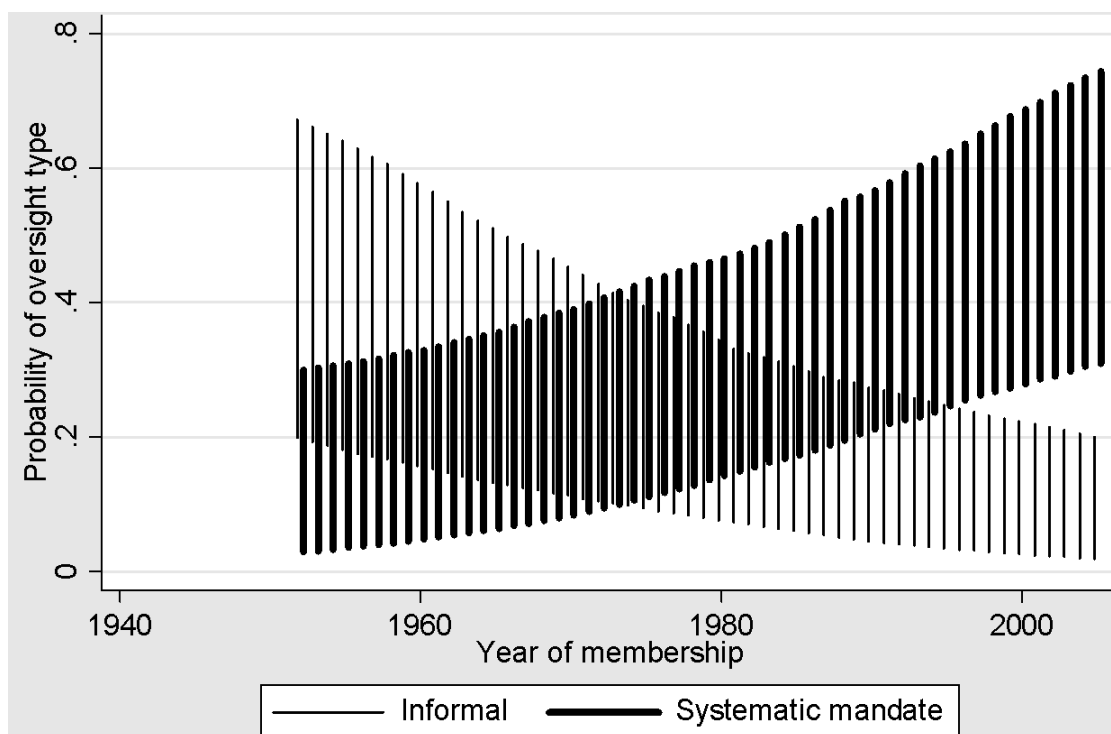


Figure 4.1 Membership timing's influence on oversight approach, comparing informal oversight and systematic mandate

Figure 4.1 illustrates the influence of membership timing on oversight approach used by an EAC. The length of the lines signifies the span of the 95 percent confidence interval for each value. The shorter the line, the more precise a prediction is possible. In the 1950s, there was a higher probability of a new member of the EU establishing an EAC with an informal oversight system than with a systematic mandate. By the turn of the century, it was much more likely that a new member of the EU would set up an EAC with a systematic mandate than an informal oversight system. The mid-to-late 1970s appears to be the turning point. One event that occurred in the late 1970s that could account for national parliaments showing more assertiveness in European Affairs is the shift to direct elections for the European Parliament.⁴⁸ Before the late-1970s, National parliaments appointed Members of the European Parliament (MEPs) and double-hatting was common between MPs and MEPs. When the European Parliament moved to direct elections, this reduced the influence of national parliaments on decision-making at the European level and produced an incentive to establish more assertive EACs.

Figure 4.2 compares the probability of a legislature establishing an EAC with a document-based scrutiny system or with a systematic mandate. In the 1950s and 1960s, there was a higher probability of a new member of the EU establishing an EAC with a document-based oversight system than with a systematic mandate. By the turn of the century, it was much more likely that a new member of the EU would set up an EAC with a systematic mandate than a document-based scrutiny system. The mid-1980s is the turning point between these two oversight approaches. A development that occurred in the mid-1980s is the Single European Act (SEA), which signaled the EU's intention to spread into new policy areas, such as social policy. As European integration deepened in these new policy areas,

⁴⁸Describing the motivation for establishing COSAC: "One important reason was a feeling of loss of contact with Community policies in many national parliaments after the introduction of direct elections to the European Parliament in 1979. Up to 1979, delegations to the European Parliament were appointed by national parliaments, and parliamentarians could be at the same time members of the national parliaments and European Parliament." (COSAC Secretariat, n.d., 1).

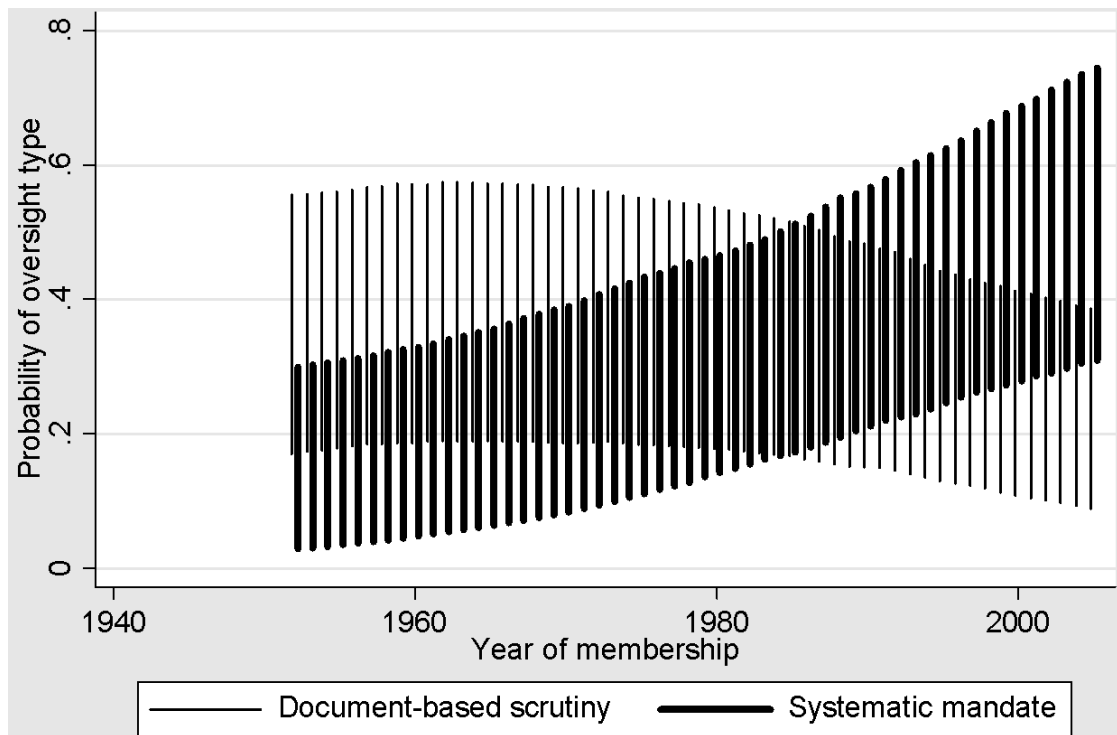


Figure 4.2 Membership timing's influence on oversight approach, comparing document-based scrutiny and systematic mandate

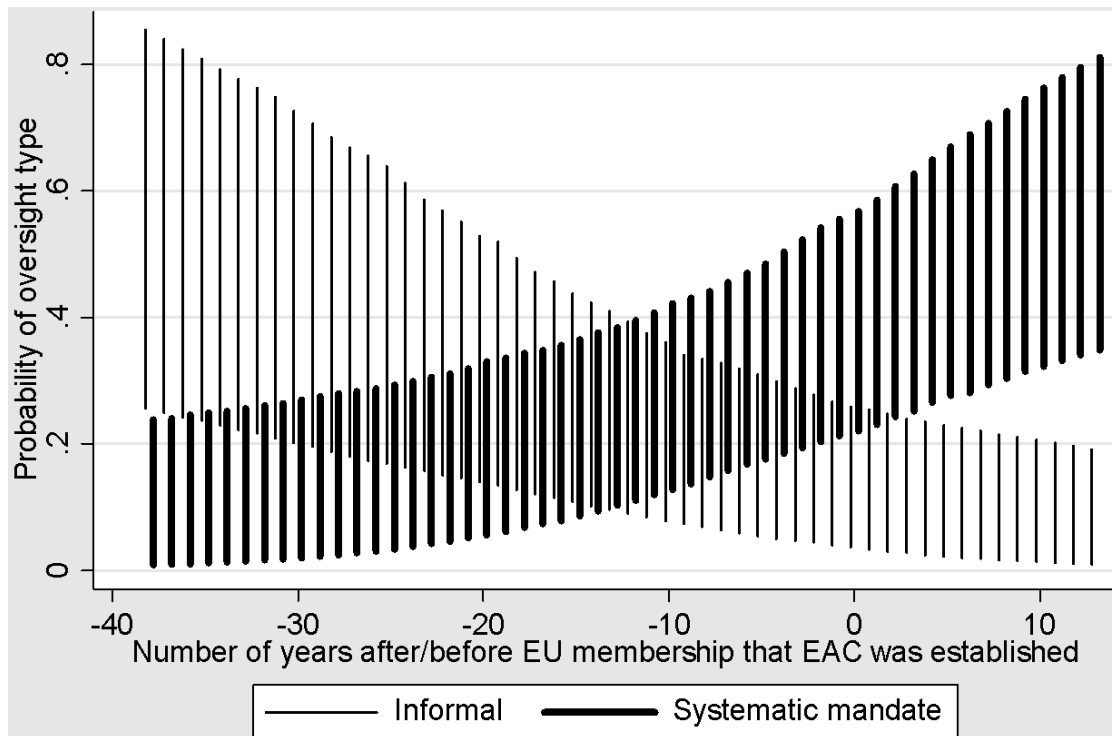


Figure 4.3 EAC urgency's influence on oversight approach, comparing informal oversight and systematic mandate

national parliaments could expect to lose influence over even more policy areas than before. This produced an incentive for new member states to establish even more assertive EACs.

Figure 4.3 compares the probability of a legislature establishing an EAC with an informal scrutiny system or with a systematic mandate and shows how this decision is influenced by the urgency with which the EAC was established. Legislatures that establish their EACs prior to EU membership are much more likely to design EACs with a systematic mandating oversight approach than with an informal oversight approach. Legislatures that establish an EAC several decades after gaining EU membership are much more likely to set up an EAC with an informal oversight approach than with a systematic mandate.

Figure 4.4 illustrates the probability of a legislature establishing an EAC

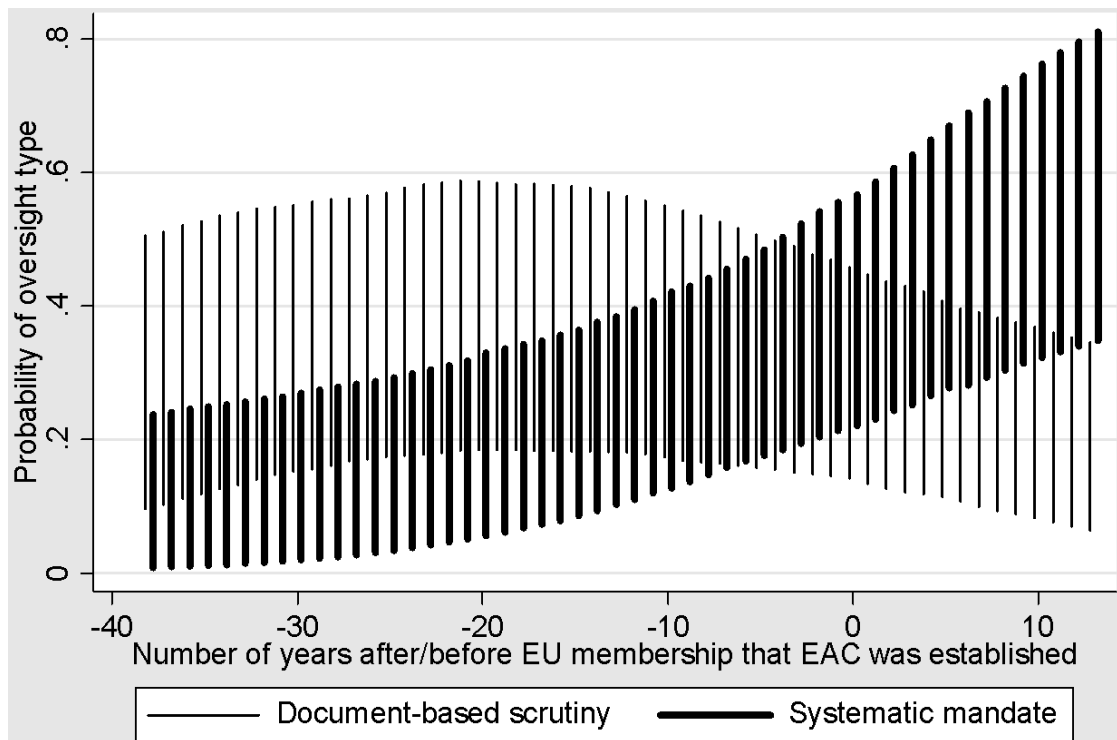


Figure 4.4 EAC urgency's influence on oversight approach, comparing document-based scrutiny and systematic mandate

with a document-based scrutiny system or with a systematic mandate and shows how this decision is influenced by the urgency with which the EAC was established. Legislatures that establish their EACs prior to EU membership are more likely to design EACs with a systematic mandating oversight approach than with a document-based scrutiny approach. Legislatures that establish an EAC 10 or more years after gaining EU membership are more likely to set up an EAC with a document-based oversight approach than with a systematic mandate. Legislatures that establish their EAC shortly after joining the EU seem to be about equally likely to choose a document-based oversight system or a systematic mandating approach.

4.6 Conclusion

What explains the cross-national variation in the assertiveness of European Affairs Committee oversight approaches? The more recently a country joined the European Union, the more likely its legislature will establish an EAC with the most assertive oversight approach. Also, the more urgency with which the legislature established the EAC, the more likely the legislature will establish an EAC with the most assertive oversight approach. Other candidate explanations that were tested in this chapter include the center-periphery cultural divide, postmodern values, public support for the EU, institutional strength of national parliaments, and institutional development of the European Union.

This chapter started by describing previous efforts to measure the cross-national variation in EAC strength. Next it explained a procedure-based method of measuring the cross-national variation in EAC strength and introduced the candidate explanations for this variation. Finally, the chapter used statistical analysis to evaluate the candidate explanations and demonstrated that the timing of membership and the urgency with which EACs were established are the most significant explanations for the variation in EAC strength.

Table 4.4: Bivariate logistic regressions, dependent variable is mandating oversight approach (1=yes, 0=no), for the EU-25 lower houses only.

Independent Variables	Coefficient	Standard error	Pseudo R-squared	Prob > χ^2	Log Likelihood	Absolute z-value	$P > z $	Cases (N)
<u>Timing:</u>								
Timing of Membership	0.056*	0.0254	0.1834	0.0117	-14.133	2.19	0.029	25
<u>Priority:</u>								
Urgency	0.070*	0.0347	0.1683	0.0158	-14.396	2.01	0.045	25
<u>Center-periphery:</u>								
Size of economy in year EAC established (GDP)	-0.004	0.0026	0.1438	0.0257	-14.820	1.48	0.138	25
Distance from Brussels	0.008	0.0613	0.0005	0.8964	17.300	0.13	0.896	25
Trade within EU (2005)	0.035	0.0399	0.0224	0.3789	-16.922	0.87	0.386	25
<u>Postmodern Values:</u>								
Survival vs. Self-expression values	-0.627	0.4551	0.0668	0.1447	-14.857	1.38	0.168	23
<u>Popular support:</u>								
Public opinion: EU good thing, year EAC established	-0.095	0.0496	0.2717	0.0227	-6.954	1.92	0.055	15
<u>Euroceptical parties (v024)</u>								
	11.417	8.3202	0.1127	0.1423	-8.471	1.37	0.170	15
<u>Institutions:</u>								
Partisan veto players in year EAC was established	0.307	0.3465	0.0256	0.3689	-15.343	0.89	0.376	23
<u>Agenda control of Parliament</u>								
	1.316	0.7357	0.3710	0.0078	6.006	1.79	0.074	15
<u>Corporatism</u>								
	7.851	5.8324	0.6704	0.0005	3.007	1.35	0.178	14
<u>Strong bicameral legislature</u>								
	-0.580	0.4433	0.0628	0.1675	-14.206	1.31	0.190	22
<u>Upper house committee⁴⁹</u>								
	-1.163	0.8367	0.0583	0.1555	-16.299	1.39	0.164	25
<u>Institutional Development of EU:</u>								
EAC established after Maastricht Treaty signed?	2.420*	0.9804	0.2148	0.0064	-13.591	2.47	0.014	25
EAC established after IGC on political union (1990)?	1.455	0.9537	0.0747	0.1079	-16.016	1.53	0.127	25

* = Significant at .05 level, ** = Significant at .01 level, *** = Significant at .001 level

⁴⁹Was an EAC established in the upper house before the lower house established an EAC?

5

A Case Study of the German Bundestag's Oversight of European Affairs: Changing from Informal to Mandating Oversight

¹ For the first 15 years that the Bundestag had an EAC, the committee used an informal approach in the oversight of European Affairs. Recently, however, the relationship between the committee and the Federal Government has been renegotiated such that the EAC uses a mandating oversight approach. This chapter describes both approaches and seeks to explain both the initial selection of an informal oversight approach and the transition to a mandating oversight approach.

This chapter begins by describing the historical relationship between Germany and the European Union. Next it describes the expectations concerning the time gap between joining the EU and establishing the European Affairs Committee based on existing theory and my hypotheses in chapter 3. After that, this chapter

¹Parts of this chapter are based on a conference paper presented at the University of Limerick, 21-22 May 2004. The name of conference was “National Parliaments and the European Union: Issues of Oversight and Scrutiny.” Name of the paper was “The German System of Oversight: A Case Study.”

describes the expectations concerning oversight approach based on existing theory and my hypotheses from chapter 4. The next section describes the Bundestag's parliamentary system and general oversight procedures. The section after that relates the history and description of the Bundestag EAC and its oversight procedures. Finally, I will discuss lessons learned from the Bundestag concerning urgency of EAC establishment and oversight approach.

5.1 Germany's relationship with the European Union

This section will discuss the early history of the European Union and Germany's role in European integration. Germany is at the core of Europe historically, geographically, economically, and institutionally. Being a major player in the EU has encouraged Germany to take responsibility for the economic and institutional development of the EU.

Germany has been at the core of the EU from the very beginning of the organization. In the period after World War II, coal and steel were essential ingredients for waging war. Jean Monnet and Robert Schuman were French statesmen who proposed bringing the coal and steel industries of France and Germany under common management, thus making war between these countries "not merely unthinkable, but materially impossible."² Schuman's first priority was to produce peace between France and Germany, but his proposal was open to the participation of other countries. Schuman considered this to be a first step toward the goal of a federal Europe:

The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims³.

²Schuman (1950)

³Schuman (1950)

Ultimately, Schuman hoped that this cooperation in coal and steel production would spillover into more areas of cooperation, such as, “markets of other member countries; the development in common of exports to other countries; the equalization and improvement of the living conditions of workers in these industries.”⁴

On 18 April 1951, Germany, France, Italy, Belgium, the Netherlands and Luxembourg signed a treaty that put the Schuman plan into practice by founding the European Coal and Steel Community (ECSC).⁵ As Schuman had hoped, this cooperation did spill over into other areas of cooperation. After an early attempt in 1954 to establish a European Defense Community failed, European leaders decided to focus their efforts on economic cooperation, which was less politicized than military cooperation. In 1957, the ECSC countries signed the Treaties of Rome, which created a common market called the European Economic Community (EEC) and established a European Atomic Energy Community (Euratom). The goal of the EEC was to increase trade and economic growth by allowing people, goods and services to move freely across the borders of the six EEC countries⁶. The EEC established a customs union, which meant that member states would use a common external tariff instead of charging customs duties for trade between member states. It also included a common trade policy and a common agricultural policy.

Germany has often been called the “engine of Europe” because its economic power has been so important for the development of the European common market:

German policy-makers were the primary driving force behind the first launch of European monetary union (EMU) in the late 1960s, they were the principal architects behind the launch of the European monetary system (EMS) in 1979, and they defined the shape of the institutions that would result in EMU in 1999⁷.

⁴Schuman (1950)

⁵History of the European Union. <http://europa.eu/abc/history/1945-1959/index.en.htm>

⁶European Union. “From the ECSC to the Constitution.” <http://europa.eu/scadplus/treaties/eec.en.htm> [accessed 15 March 2007]

⁷(Kaltenthaler, 2002, 69)

Beginning with the Schuman plan, strengthening the partnership between Germany and France has been at the core of European integration:

Since 1870, the relationship between France and Germany has been decisive for the history of Western Europe, determining wider patterns of co-operation and conflict on the continent as a whole. In this context, the most important development in Western Europe in the post-war era was the process of Franco-German rapprochement. ... Its core arena has been that of European integration, with Franco-German co-operation typically at the heart of new integration initiatives or else providing a reliable anchor in periods of 'Euro-sclerosis'. The character of this Franco-German relationship developed far beyond that of an instrumental alliance for the pursuit of specific interests to become one of the enduring values guiding German European policy⁸.

The partnership between France and Germany has often been described in terms of marriage. Sometimes there are disagreements and different goals, but ultimately the leaders of the two countries come back together and make whatever compromises are necessary for the sake of the partnership. This Franco-German relationship has been at the core of Europe throughout the history of the European Union. As explained by Kurt Bodewig, a former Federal Minister of Transportation and Infrastructure and member of the Bundestag European Affairs Committee:

Germany and France have been the motors of European development right from the beginning. It was due to them and to the fact that they wanted to incorporate peacefully that peace in Europe could be created. We wanted a Europe of peace and it is because of the peaceful basis on which France and Germany established Europe that it could grow. We want to promote this idea, but that does not mean we want to exclude anybody else - quite the contrary. We are in favour of Europe, a Europe where everybody is equal and all the countries of Europe play their role, but it must also be seen that Europe has been put on a peaceful basis and that is one of the reasons we celebrate the Franco-German friendship as we do⁹.

⁸(Hyde-Price and Jeffrey, 2001, 698-699)

⁹Mr. Kurt Bodewig, a former Federal Minister of Transportation and Infrastructure and the head of a visiting delegation from the Bundestag European affairs committee, speaking at a meeting of the Oireachtas Joint Committee on European Affairs on Wednesday, 29 October 2003. www.gov.ie/oireachtas/Committees-29th-D/%E1i1/jea-debates/jcea291003.rtf [accessed 16 March 2007]

Being a major player in the EU has encouraged Germany to take responsibility for the economic and institutional development of the EU. Part of Germany's role in the EU has been to pay a disproportionate share of the costs of European integration. The benefit Germany has reaped from European integration has been accomplishing Germany's "primary geo-political goal: embedding Germany in western institutions to dismantle the security dilemma with its western neighbors, particularly the French."¹⁰ Germany was able to leverage its prominence in the European Union to gain international legitimacy after being discredited by the events of World War II.

5.2 Expectations concerning urgency of EAC establishment

The EU-25 countries include legislatures that established an EAC several years before joining the EU, legislatures that established an EAC at the same time that the country acceded to the EU and legislatures that waited as long as several decades after joining the EU to establish an EAC. This section discusses my expectations for the urgency with which the EAC was established in the Bundestag, which is measured by the length of the time gap that exists between joining the European Union and establishing a European Affairs Committee. The main explanations I consider are timing of membership, cultural values, center-periphery relationship to the EU, popular support for the EU, and institutional characteristics of parliament.

The timing of a country's membership in the European Union indicates some of the factors shaping the country's perceptions of the organization. There are four reasons why timing of membership influences the urgency with which an EAC is established. The reasons include the goodness-of-fit, influence over the organization, changing incentives as the organization has developed and institutional

¹⁰(Kaltenthaler, 2002, 70)

learning.¹¹

Countries that joined the EU at the beginning are more likely to allow a large time gap to grow between membership in the EU and establishing an EAC (Hypothesis 6a). The EU is likely to be a more comfortable fit for ECSC countries than for more recent members and these ECSC countries are likely to have decades-worth of political capital built up with other EU member states to help these countries achieve their goals through diplomatic means at the European level. The timing of membership hypothesis predicts that the earlier a country joined the EU, the larger the gap will be between gaining membership and establishing an EAC. Germany has been a part of the organization from the beginning, so I expect to find a very low level of urgency in establishing an EAC.

The second explanation I consider is the center-periphery relationship between a country and the European Union. It is easier for core countries, like Germany, to influence the European Union. Germany is a core country, frequently described as the “motor of Europe,” so this hypothesis (Hypothesis 1a) would predict very little or no urgency in Germany for establishing an EAC.

The third explanation I consider for the urgency with which EACs are established is the level of public support for EU membership (Hypothesis 2a). In a country with a permissive consensus for European integration, the public is less likely to look for strong accountability mechanisms in European Affairs. European decision-making will be less politically salient in countries with broad support for European integration therefore politicians will not rush to establish an oversight committee for European Affairs. Germany has strong popular support for EU membership¹², so I would expect to find a large time gap between membership in the EU and EAC establishment in the Bundestag.

The final hypothesis concerns the concentration of power in parliament (Hypothesis 3a). The more power is concentrated in the hands of the government, the easier it would be for the government to delay the establishment of an EAC.

¹¹See chapter 2 for a discussion of each of these factors.

¹²See section 5.8 for the evidence of strong popular support for EU membership in Germany

There are a moderately low number of veto players in the Bundestag, so this explanation would expect to find a high level of urgency in the Bundestag for establishing oversight of EU affairs.¹³

5.3 Expectations concerning oversight approach

This section discusses my expectations for the oversight of European Affairs in the Bundestag, based on the hypotheses from chapter 4. In chapter 4, I sought to explain the oversight approach used by EACs in the EU-25. There are four main types of oversight approaches, including informal oversight, document-based scrutiny, non-systematic mandating oversight, and systematic mandating oversight. In general, the informal oversight approach is the least assertive and comprehensive approach, while the systematic mandating oversight approach is the most assertive and comprehensive. Chapter 4 includes several hypotheses for this variation in oversight approaches used in European affairs. The main explanations are timing of membership, urgency, cultural values, center-periphery relationship to the EU, popular support for the EU, and institutional characteristics of parliament.

The timing of membership hypothesis asserts that the earlier a country joined the EU, the more likely it will have a non-mandating EAC (Hypothesis 6b). The founding members are most likely to use an informal oversight approach for European Affairs, while the most recent members are likely to have EACs with a mandating oversight approach. Germany was one of the original six countries that founded the European Union. With this very early timing of membership I would expect to find the least assertive oversight approach, which is an informal, non-mandating approach.

The urgency hypothesis for explaining oversight approach focuses on the

¹³George Tsebelis calculates the average number of veto players in Germany to be 2.19, which is slightly below average for Western Europe.(Tsebelis, 2002, 182, Table 7.3). See sections 5.8 and 5.9 for a discussion of the evidence regarding the number of veto players in the Bundestag.

time gap between joining the EU and establishing an EAC (Hypothesis 7). Logically, a legislature that places a high priority on the oversight of European Affairs will not delay establishing an EAC. Therefore, legislatures that do not set up an EAC until decades after the country has joined the EU are likely to have a non-mandating EAC. The Bundestag's EAC was not established until 39 years after joining the EU, so I expect it to have a non-mandating EAC.

The third explanation I consider is related to postmodern cultural values (Hypothesis 4). Most countries are found along a continuum between pre-modern and post-modern cultural values. The cultural values argument is that a country with a traditional society should have a less assertive EAC than a country with a post-modern secular-rational society. Germany's society has strong post-materialist, post-modern elements, so based on this hypothesis I expect to find a very assertive mandating oversight approach in Germany's EAC.

The fourth hypothesis works from the assumption that countries from the geographic and political periphery of the EU are likely to be more disconnected from the EU's processes, policies and culture than countries at the EU's core (Hypothesis 1b). EU member states that are located on the EU's periphery are likely to have mandating parliamentary oversight of European Affairs while member states located in the EU's center are likely to have non-mandating EACs. Germany is a core country to the EU, so this hypothesis would predict that the Bundestag's EAC will use a non-mandating oversight approach.

The fifth hypothesis says that the less popular support there is for the European Union, the more likely a parliament will respond by providing assertive parliamentary oversight of European Affairs (Hypothesis 2b). The German public has been largely supportive of membership in the European Union, so this hypothesis would predict that Germany would have a non-mandating oversight approach for European Affairs.

The last hypothesis applied to oversight approaches used by EACs has to do with the concentration of power in the parliament (Hypothesis 3b). As ex-

plained in the previous section, this hypothesis assumes that governments prefer to maximize their maneuverability in decision-making and negotiating at the Council of Ministers. A mandating oversight committee would monitor and constrain government negotiations at the Council of Ministers meetings. This hypothesis predicts that the more concentrated decision-making powers are in the hands of the government, the less likely that the EAC will use a mandating oversight approach. Parliaments where decision-making powers are shared among multiple, cohesive political parties (partisan veto players) or that have strong institutional constraints (institutional veto players) on the government are more likely to have an EAC that uses a mandating oversight approach. In the Bundestag, most decision-making power is concentrated in the hands of the government, so this hypothesis would predict a non-mandating oversight approach in the Bundestag's EAC.

5.4 Basic description of the Bundestag and its general oversight procedures

The Bundestag is the lower house of parliament in Germany and is composed of at least 598 popularly-elected national legislators.¹⁴ The Federal Chancellor is elected by the Bundestag and must maintain the confidence of a majority of legislators in the Bundestag in order to govern. Because Germany has a constructive vote of no confidence,¹⁵ it is difficult for members of parliament to force a German Chancellor to resign.

The Bundestag is much larger than most legislatures in the EU-25, so it needs to have more formal decision-making processes.¹⁶ The Council of Elders is

¹⁴Sometimes there are a few more than 598 due to overhang mandates, which occur when a party wins more seats in Single Member District Plurality districts than they do by proportional representation. For example, in the 15th electoral term (2002-2006) the Bundestag had 603 members because there were 5 overhang mandates (COSAC Secretariat, 2005, 38). In the current electoral term, there are 614 members.

¹⁵A constructive no confidence vote requires parliamentarians to agree on a replacement Chancellor before sacking a current government.

¹⁶The average parliament size for the EU-25 is 257 seats. With at least 598 MPs, the Bundestag

the main mechanism for organizing the work of the Bundestag. The Council of Elders includes the President and Vice-Presidents of the Bundestag, representatives from each of the parliamentary groups, and its meetings usually also include representatives from the federal government. The Council sets the plenary agenda, establishes the schedule of parliamentary sessions, and determines which parliamentary groups will supply the chairs and deputy chairs for each of the parliamentary committees.¹⁷ Even though the Council of Elders makes many decisions on behalf of the Bundestag, the ultimate power resides with the plenary, where a majority of members of parliament in the plenary can vote to reject any decision made by the Council of Elders; although this is extremely rare.¹⁸

The Bundestag's parliamentary oversight of the Federal Government is generally considered to be relatively strong. One reason for this is the "high degree of professionalization" found in the Bundestag's committee system.¹⁹ Another reason is that the Federal Government is frequently described as having weak or only moderate control over the plenary agenda,²⁰ which should make it easier for the Bundestag to scrutinize and constrain the Federal Government. This is mainly attributed to the Council of Elders' work to formally set the Bundestag's annual and weekly agenda. The Council of Elders seeks broad consensus before setting the agenda, but since 1955, it has only sought procedural consensus, not substantive consensus on the plenary agenda.²¹ In other words, there is broad consensus that issues on the plenary agenda should be debated, not necessarily consensus that they should be approved. According to Chandler, Cox and McCubbins, "opposition parties accept that the majority should be allowed to control the substantive content of the bills that the government sends to the Bundestag."²² Chandler, Cox

is more than twice as large as the average EU member state's parliament.

¹⁷Bundestag webpage: Organization and Working Methods: Organs of the Bundestag: Council of Elders http://www.bundestag.de/htdocs_e/orga/03organs/03elders/01elderinf.html

¹⁸Ibid.

¹⁹Saalfeld (2003b, 1998)

²⁰(Döring, 1995, 225) ranks the Federal Government's agenda control powers as 4 on a scale of 1 (lowest) to 7 (highest). This is slightly above average for the EU-15.

²¹(Chandler et al., 2006, 29)

²²(Chandler et al., 2006, 28)

and McCubbins examine the frequency with which government parties are “rolled” (a policy they support is voted down in the Bundestag) and find that this almost never occurs.²³ They also find that policy changes almost always follow the ideological bent of the government and that opposition parties have high roll rates, even if they were previously in government. All of this evidence indicates that the Federal Government has very strong agenda control. This could explain what Thomas Saalfeld calls “a certain behavioural reticence of members of the Bundestag about making use of parliament as the classical device in representative democracies to connect citizens with the EU policy process.”²⁴ The Bundestag does not always use all available institutional power to oversee the Federal Government.

5.5 History and development of the EAC and its oversight procedures

After joining the European Coal and Steel Community and later signing the Treaties of Rome, the Bundestag did not immediately see a need for parliamentary oversight of European affairs.²⁵ The first move to oversee European affairs in the Bundestag came from the Budget Committee, which set up a Subcommittee on European Affairs in 1969. A decade later, when the European Parliament transitioned from allowing its members to be appointed by national legislatures to being popularly elected, the Council of Elders recognized the need to manage cooperation between the Bundestag and the European Parliament. The Bundestag’s Rules of Procedure only allows parliamentary committees to give voting rights to members of parliament, so this made it difficult to formally include German MEPs in the parliamentary oversight of EU affairs.²⁶ In 1983, the Europa-Kommission was established in the Bundestag as a way to include both MPs and German MEPs. The

²³Chandler et al. (2006)

²⁴(Saalfeld, 2003b, 73-74)

²⁵This is in contrast to the Bundesrat, which began agitating for an EAC as soon as Germany joined the ECSC and established its EAC in 1957.

²⁶(Saalfeld, 2003b, 84)

Europa-Kommission did not have the power to present anything to the plenary of the Bundestag. It had to rely on the permanent committees to take an interest in its proposals and present them to the plenary. The Europa-Kommission also did not meet very frequently, so it was not reappointed after 1986.²⁷

Three years later, in 1986, the Single European Act was signed, signaling a dramatic increase in the policy areas claimed by the European decision-makers. The Bundestag's Foreign Affairs Committee responded to this development by setting up a Subcommittee on EC Affairs.²⁸ The Subcommittee on EC Affairs allowed MEPs to attend meetings but did not allow them to vote in the subcommittee. This arrangement was not optimal because the subcommittee was limited to scrutinizing policy within the Foreign Affairs Committee's jurisdiction. Also, the Foreign Affairs Committee "was reluctant to grant too much of its scarce time to the discussion of matters raised by the Sub-Committee on European Affairs."²⁹

It was not until 1991 that the Bundestag established the EC Committee as a permanent committee. A year later, the constitution was amended to protect the jurisdiction and role of the European Affairs Committee. Beginning in 1994, the committee was known as the Committee on European Affairs. The oversight procedures of this committee will be described in detail in section 5.6.

5.6 Parliamentary Oversight in the Bundestag

This section begins by discussing the Bundestag's committee system in general and the ways that the EAC is similar to and different from the other parliamentary committees. Next, I will describe the process the Bundestag uses for scrutinizing European Affairs. Third, I will describe the institutional powers that the German Basic Law and other German laws give to the Bundestag to help it hold the Federal Government accountable in European Affairs. Fourth, I discuss

²⁷(Saalfeld, 2003b, 84)

²⁸Before 1993, the EU was known as the European Community.

²⁹(Saalfeld, 2003b, 84)

the behavioral trends in the oversight of European affairs, especially the reluctance of MPs to use all the oversight tools available to the EAC. Finally, I describe recent changes to the implementation of the rules in EU affairs institutional and the possible implications of this change.

5.6.1 The Bundestag’s Committee System and EU Committee Characteristics

In the German parliamentary system, committees are authorized to process information and prepare for deliberations in the plenary session, but they are only allowed to make recommendations to the plenary. Even those recommendations are limited to issues that were assigned to the committee. Committees can work on any issue they find that relates to their area of expertise (even without a referral from the plenary), but they cannot present the results of this work to the plenary without an invitation.³⁰ This is because committees have “no right of initiative in the plenary.”³¹ Invitations come in the form of assignments or questions posed to the committee. Committees can, however, request that the appropriate government minister appear before them to report on the issue and they can even issue recommendations to ministers in their area of expertise.³² However, the real decision-making is reserved for the plenary sessions; except when the Committee on the Affairs of the European Union has been empowered to speak on behalf of the Bundestag plenary.

The Bundestag carefully maintains proportionality. Everything from committee assignments to the distribution of speaking time in plenary debates³³ is allocated proportionally, based on election results. The biggest parliamentary

³⁰Bundestag Rules of Procedure, Rules 62(1) and 64(1)

³¹Bundestag: Organization and Working Methods: Organs of the Bundestag: Committees: About Committees http://www.bundestag.de/htdocs_e/orga/03organs/04commit/01comminf.html

³²Bundestag: Organization and Working Methods: Organs of the Bundestag: Committees: About Committees; Rules of Procedure, Rules 68 and 42

³³Bundestag: Organization and Working Methods: Plenary Sitzings: Debates http://www.bundestag.de/htdocs_e/orga/04plenar/01debates.html

group gets the most seats on committees, the most chairs of committees and the most minutes for speaking in the plenary session, and the smallest parliamentary group gets the smallest allocation of each. The parliamentary groups decide which of their members are assigned to fill each of their committee slots.³⁴ The chairman positions on committees are also distributed proportionally, so the Federal Government must work with committee chairs that are often from opposition parties.

Rather than an ad hoc committee system, the Bundestag relies on specialized and permanent committees with clearly defined spheres of influence. Compared with the committee systems of other West European parliamentary democracies, the Bundestag places in the middle third in terms of agenda control (7th place) and drafting authority (10th place).³⁵ With its well-organized parliamentary oversight, the Bundestag is in a good position to scrutinize European Affairs. In addition to strong organization, there are also incentives for the committees to complete their deliberations in a timely manner, especially on business referred to them by the plenary. Ten weeks after an item is referred to a committee, a parliamentary group or five percent of the members of parliament can request a progress report on the deliberations.³⁶

All of the Bundestag's specialized committees have secretariats, which are part of the Bundestag Administration. The EU secretariat has civil servants, clerks and a secretarial staff. The secretariat does most of the groundwork for preparing the EU Committee to make its recommendations. The secretariat “[compiles] documents for deliberation, takes the minutes, advises committee members, drafts recommendations for decisions and reports for the Bundestag plenary, and deals with the committee's correspondence.”³⁷ The Bundestag Administration also employs specialist researchers. The EU Committee depends on the work of the “Research

³⁴Bundestag Rules of Procedure, Rules 12 and 57(2)

³⁵Mattson and Strøm (2004); This study uses data on labor committees to extrapolate general information about the committee systems. The results of the study do not apply directly to the committees governing European affairs, but they do point to trends in the general committee systems of West European countries.

³⁶Bundestag Rules of Procedure, Rule 62(2)

³⁷(Hölscheidt, 2001, 127)

Section Europe” (established in 1990) to answer questions from committee members. For their research, they use the Bundestag library, external databases, and the research section’s archive of EU documents and academic research on the EU. The Bundestag researchers also rely on the Bundesrat’s online database, which “contains all the referred EU items listed in the order received, with their original COM number, Council document number and title. Each item is given at least one keyword based on its title, which makes it easier to locate unknown items.”³⁸ This administrative support is a real strength of the German parliamentary oversight system. Without this support, it would be impossible for the Bundestag committees to process the large amount of EU documents and develop informed positions on proposed EU legislation early enough to make any kind of impact.

The EU Committee is very large, compared with other parliamentary committees in the Bundestag. The number of MPs on the committee has been slowly shrinking with each electoral period, while the number of MEPs has increased. In the 13th electoral term there were 39 members and 39 alternates. In the next electoral period there were only 36 members and 36 alternates, plus 14 German members of the European Parliament (MEPs).³⁹ The 15th electoral period had 33 members, 33 alternates and 14 MEPs. The 16th electoral period had 33 members, 33 alternates and 16 MEPs.⁴⁰

The MEPs are not allowed to vote and alternates can only vote if they are standing in for an official member. The EU Committee can only have as many votes as they have official members (i.e. 33 in the current electoral period). Members of the European Parliament are valued members of the EU Committee because of their connection to the European Parliament and as sources of information and a fresh perspective. German MEPs are allowed to attend meetings of the committee on the Affairs of the European Union and can even be appointed to

³⁸(Hölscheidt, 2001, 127); COM number is a code used by the Council of Ministers to track legislation while it is being developed.

³⁹(Hölscheidt, 2001, 126)

⁴⁰http://www.bundestag.de/htdocs_e/committees/a21/members.html [accessed 21 March 2007]

the committee.⁴¹ Unfortunately Bundestag committee meetings are scheduled for Wednesdays, making it difficult for MEPs to attend meetings of the Bundestag’s EU Committee without missing meetings of the European Parliament in Brussels or Strasbourg.⁴²

5.6.2 The Bundestag’s scrutiny process

The Commission initiates EU legislation by submitting its proposal to the Council of Ministers. The German Ministry of Finance is responsible for passing these proposals on to the EU Committee. The EU Committee also gets 15,000 to 20,000 “accompanying and follow-up documents” each year, including notes, communications, and memoranda.⁴³ This is an overwhelming volume of information, so the committee relies on the Federal Government to write explanatory memoranda to help the committee to establish its priorities for scrutiny. The Federal Government is required to submit a written report within five sitting days including the following: an explanation of why it is necessary to have European regulation of this area (to satisfy the subsidiarity requirement), a description of the proposed legislation’s content, Germany’s interests in the matter, any financial implications of the proposed legislation and a timetable for the Council’s deliberations of this EU item.⁴⁴

The Chairman of the EU Committee gives other committees an opportunity to request the EU items they would like to work on and explain why they are interested. The committee secretariat maintains a list of the recently received EU items and suggests sending the EU item to one responsible committee and several other committees asked to comment on it. The list is sent around to all the relevant committees and if no counter-proposals are submitted by a certain date then the secretariat’s proposal is sent to the Council of Elders. The Council of

⁴¹Bundestag Rules of Procedure, Rule 93a(6)

⁴²(Hölscheidt, 2001, 127)

⁴³(Hölscheidt, 2001, 135)

⁴⁴Law on Cooperation between the Federal Government and the German Bundestag in Matters Concerning the European Union of 12 March 1993, Section 4 and Hölscheidt 2001, p. 137

Elders and the President of the Bundestag send the EU items to the responsible committee and to the other committees asked to give opinions on the matter.⁴⁵

Most of the time, the responsible committee only acknowledges that the EU item was sent to it. About five percent of the time, the committee recommends sending a resolution on the item to the plenary.⁴⁶ For most of the EU items that are discussed in the plenary session, the Federal Government has only an “informal awareness” of the Bundestag’s position and is not required to act on it in any way.⁴⁷ Very rarely, the Bundestag imposes a “binding political obligation on the Federal Government” by expressing an official position regarding European affairs.⁴⁸ When the Bundestag does choose to express an official position, the Federal Government is constitutionally required to listen to the recommendation, but not required to obey it.⁴⁹ After the decision-making process is finished, the government ministry responsible for negotiation on behalf of the Federal Government is required to submit a report to the EU Committee notifying the committee “of the course of deliberations; of the opinions stated by the European Parliament, the Commissions and other Member States; and of any decisions taken.”⁵⁰

The EU Committee is only authorized to work on the “upstream” part of parliamentary scrutiny of European affairs. The “downstream” implementation phase is handled by other committees in the Bundestag.⁵¹ The EU Committee secretariat does keep tabs on the progress of implementation by maintaining two

⁴⁵Bundestag Rules of Procedure, Rule 93(3) and Hölscheidt 2001, p. 137

⁴⁶(Hölscheidt, 2001, 138-9); Auel (2006) finds that between 1994-1998, Bundestag committees made recommendations on about 8 percent of EU documents (158 out of 2070), but the Bundestag only debated about 1.5 percent of EU documents during this period. In the 1998-2002 period, the volume of EU documents grew by 50 percent to 3137. Bundestag committees made recommendations on about 3 percent of EU documents about 2 percent of the EU documents were discussed in the plenary (2006, 254). See also, Datenhandbuch 2005, <http://www.bundestag.de/bic/dbuch/start.pdf>

⁴⁷(Hölscheidt, 2001, 138-9)

⁴⁸(Hölscheidt, 2001, 139)

⁴⁹Basic Law, Article 23(3)

⁵⁰Interministerial Agreement (as of 10 November 1995), part II, quoted in Legal Basis of the Committee on European Affairs in the German Bundestag

⁵¹Bundestag “Committees: Affairs of the European Union: Functions and Work.” http://www.bundestag.de/htdocs_e/orga/03organs/04commit/02commper/comm20/comm20_function.html

lists. The first list is of all the EU directives adopted and the details of which ministry is in charge of applying it and their progress in doing so. The second list is of all the directives that are more than six months overdue for transposition.⁵²

5.6.3 The Constitutional and Institutional Powers of the Bundestag

Parliamentary participation in European lawmaking was integrated into the German Basic Law as part of the Maastricht agreement's ratification. The Basic Law (Article 23) states that the Bundestag and the Bundesrat should "participate in matters concerning the European Union" and the government is required to keep the legislature informed.⁵³ The constitution also requires the government to give the Bundestag an opportunity to articulate its position before the government participates in EU legislation but the government is only required to "take the position of the Bundestag into account during the negotiations."⁵⁴ In other words, the Bundestag's recommendations are not legally binding on the government, but they are politically binding and the strength of this mandate has been increasing over time.⁵⁵ With politically binding recommendations, government ministers are expected to follow the committee's recommendations and normally they do. If a minister decides not to follow the committee's recommendation, he or she must meet with the EAC after the fact to account for the minister's decision.

The Basic Law requires that a Committee on the Affairs of the European Union be established for every electoral term.⁵⁶ The EU Committee is the "central forum for the decision-making process on European policy," but all of the Bundestag committees are a part of the process. The EU Committee deals with integration issues in the EU such as enlargement, EU institutional reform and

⁵²(Hölscheidt, 2001, 123)

⁵³Basic Law, Article 23 (2)

⁵⁴Basic Law, Article 23 (2)

⁵⁵See section 5.6.5 to read about recent reforms in this area.

⁵⁶Basic Law, Article 45

EU treaties. The EU Committee also takes primary responsibility for European items that overlap with several committees' spheres of influence. When an issue fits neatly into one policy area, the EU Committee delegates its discussion to the specialized committee.⁵⁷

In the Bundestag, the EU Committee is not the only committee working on parliamentary scrutiny of the government's role in the EU. The EU Committee acts as a clearinghouse for information coming from the government and the EU, but it delegates the analysis of most of the pieces of EU legislation to other committees. The EU Committee itself handles bigger picture legislation, but the detailed issue-based legislation is delegated to committees with the expertise to effectively evaluate it.

There are strong reporting requirements imposed on the federal government in the area of European affairs. The Federal Government is required to give progress reports to the EU Committee describing its negotiations at the Council of Ministers meetings. All committees are required to submit written reports to the Bundestag with the committee's recommendations, the reasoning behind the recommendations, the minority opinion and the comments of other concerned committees. The plenary session discusses the committee's report and makes the necessary decisions.⁵⁸ The Federal Government is not required to follow the EU Committee's suggestions or the Bundestag's advice on positions it should take or information it should consider in its negotiations, but it is required to report "comprehensively and at the earliest possible date on the extent to which it has taken the opinions of the Bundestag into account in the deliberations of the Council of Ministers."⁵⁹

The Bundestag's parliamentary oversight is not as assertive as a mandating oversight system, but it does hold the government accountable for its decisions

⁵⁷Bundesrat "Committees: Affairs of the European Union: Functions and Work" http://www.bundestag.de/htdocs_e/orga/03organs/04commit/02commper/comm20/comm20_function.html

⁵⁸Bundestag Rule of Procedure, Rule 66

⁵⁹Bundestag "Committees: Affairs of the European Union: Functions and Work"

and presents a deterrent for diverging from Bundestag recommendations. The government is most likely restrained from completely ignoring the EU Committee's or the Bundestag's recommendation because it must explain its actions later. On the other hand, committee composition is reflective of seat strength in the Bundestag. German governments tend to be majority coalitions, so government parties already represent a majority of the seats on the committee.⁶⁰

The EU Committee has three special powers that set it apart from the other committees in the Bundestag. First, there is the power to adopt opinions that are "as binding on the federal government as the decisions of the Bundestag."⁶¹ The decisions of the Bundestag plenary are only politically binding, not legally binding, so this special power does not give the EAC a mandate over European affairs. Politically binding recommendations do not have the same institutional force as legally binding recommendations, but they are still a significant resource for an EAC to influence policy at the European level. Politically binding recommendations make it unlikely that opposition parties will be able to use the EAC against the government.⁶² It is more likely that government parties will use the EAC to hold government ministers accountable in European affairs, particularly ministers from the party's coalition partner. Opposition MPs can use the EAC as an arena for airing grievances or drawing the government's attention to issues important to opposition parties, but since the oversight is informal, the emphasis is on communicating with the government instead of trying to pressure, control or confront the government.

⁶⁰It is unlikely that the opposition can do very much to move the Bundestag's ideal point very far from the Federal Government's ideal point. While it is theoretically possible that the Bundestag's median legislator is substantially to the left or right of the Federal Government, strong parliamentary groups enforce party discipline and coherence.

⁶¹"Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union of 12 March 1993" Section 2: "The Bundestag shall appoint a Committee on the Affairs of the European Union. The Bundestag may empower the Committee to state an opinion on its behalf." http://www.bundestag.de/ausschuesse/archiv15/a20/rechtsgrundlagen/recht_eng.pdf [accessed 17 March 2007]

⁶²The committee composition also makes this unlikely. Committee seats are distributed in proportion to a party's seat strength in parliament. Since the government commands a majority of seats, the government parties also can dominate parliamentary committees if they are cohesive and disciplined.

Second, if one of the specialized committees has already submitted a recommendation to the plenary session to form a Bundestag opinion, the EU Committee can amend the recommendation.⁶³ The EU Committee is the only specialized committee that's empowered to do this; however, parliamentary groups and MPs can make amendments to resolutions so the EU Committee's amendment power is not as unique in practice as it sounds in theory.⁶⁴

Third, when empowered, the EU Committee has the right to meet and make decisions in the place of the plenary.⁶⁵ This state of empowerment can be invoked if there is an urgent need to form a parliamentary opinion during weeks when the Bundestag is not in session. Normally the EU Committee in the Bundestag must submit its reports to the plenary session. However, with the request of one "parliamentary group (party) or five percent of the members of the Bundestag, the Bundestag may empower the Committee on the Affairs of the European Union, in respect of specifically designated EU items, to exercise the rights of the Bundestag in relation to the Federal Government."⁶⁶ This state of empowerment would mean that the committee is able to speak in the place of the Bundestag and the Federal Government is required by the constitution to listen to the committee's opinion and take it into account in negotiations at the EU level.

The Bundestag has a generally proactive stance toward European Affairs oversight. The earliest stages of EU law drafting are where national parliaments are most likely to have an influence; therefore the Bundestag aims to process EU documents and form an opinion as soon as possible. The EU Committee is expected to deal with every item from the European Union that might matter for Germany, including memoranda, "grey papers" or "white papers" from the Commission, other EU documents and any relevant information given to the Federal

⁶³Bundesrat "Committees: Affairs of the European Union: Functions and Work" and Bundestag Rules of Procedure, Rules 93a(5)

⁶⁴(Hölscheidt, 2001, 130)

⁶⁵Bundestag Rule of Procedure, Rule 93a(3)

⁶⁶Bundestag Rules of Procedure, Rule 93a(2), see also the Law on Cooperation Between the Federal Government and the German Bundestag in Matters Concerning the European Union of 12 March 2003, Section 2

Government.⁶⁷

One challenge with such a large scope of information and limited time and resources is in making sense of the issues and teasing out the most important parts. There are two basic ways of dealing with this challenge: inductively or deductively. The inductive approach would require the national parliament to process all available information related to European affairs before prioritizing the information and developing opinions. The inductive method would require a large research budget for the national parliament and would be very costly in terms of time and money. A more efficient way to address the challenge of large amounts of information and limited time and resources is a deductive method. A deductive method begins by establishing priorities and then devotes oversight resources strategically. Only the most essential documents are thoroughly scrutinized and the rest are only noted. The deductive approach is much quicker and more affordable. The difficult part is in establishing priorities for oversight.

The federal government possesses strategic information about European affairs that the national parliament in general cannot access. By attending Council of Ministers meetings, the federal government knows which issues are most likely to affect constituents, where the average ideal point is in the Council of Ministers and therefore in which direction the policy is likely to move during final negotiations. By overseeing the civil service, the federal government knows the status of preliminary negotiations and has access to the civil service's vast information-processing capabilities. In order to effectively scrutinize European affairs, the national parliament needs this information which the federal government possesses.

The Bundestag uses the deductive method approach and delegates the task of synthesizing the material to the Federal Government. The Rules of Procedure and the Procedural Principles of the Committee on the Affairs of the European Union require the Federal Government to submit a written report at least five sitting days before an EU-related document is scheduled to be considered by

⁶⁷Bundestag: Organization and Working Methods: Items of business: EU Items http://www.bundestag.de/htdocs_e/orga/04plenar/02itembusi/itembus4.html

the EU Committee.⁶⁸ The government’s reports “ must comment on all important substantive and procedural issues raised in the documents.”⁶⁹

Relying on the federal government to synthesize all information relating to European affairs is the most efficient approach, but it is not necessarily the most effective choice. The effectiveness of this method depends on the relationship between the national parliament and the government. If national parliaments and national governments had completely cooperative relationships, then this method would be perfectly prudent. An adversarial relationship between the government and the plenary would render the government’s suggested prioritization suspicious. One way for a national parliament to keep the government in line is to maintain its own research division. If the government (or an individual government minister) is tempted to misinform or withhold information from the plenary session, the parliamentary research division acts as a deterrent. This method is found in both the Bundestag and Bundesrat, as each maintain research divisions which share information. Because the government and the civil service bureaucracy it oversees participate in European Union negotiations at all levels, they already know how to prioritize issues and put them in context. Also, civil servants are well-suited to tasks that involve processing and prioritizing large amounts of data. In the case of Germany, this method is most likely effective because the German system is stable and highly institutionalized, with established procedures and strong accountability. This approach might not be as effective in an informal or adversarial legislature.

5.6.4 Behavioral trends in the oversight of European affairs

Despite the considerable institutional strength given to the Bundestag’s EAC, there is reluctance on the part of MPs to use all the available institutional tools for the oversight of European affairs. This section will begin with evidence

⁶⁸“Procedural Principles of the Committee on the Affairs of the European Union in Dealing with Items of Business Transmitted to it in Accordance with Section 93 of the German Bundestag’s Rules of Procedure as adopted on 25 October 1995,” section 3 “Form and Content of Notification” from the Legal Basis of the Committee on European Affairs in the German Bundestag

⁶⁹Bundestag: Organization and Working Methods: Items of business: EU Items

that the MPs in the Bundestag do not use the formal oversight machinery as thoroughly as possible and the use of formal instruments has been declining over time. Second, I will discuss some of the main reasons for this trend.

Legally speaking, the Bundestag has the ability to provide assertive oversight of European affairs, however the willingness to use formal channels to hold the Federal Government accountable seems to be decreasing. On average, the EAC only issues binding opinions every two or three months and this seems to be occurring less frequently with each new electoral period. In the 14th electoral period (1998-2002), the EAC issued 29 binding recommendations.⁷⁰ In the 15th electoral period (2002-2005), the EAC issued 14 binding recommendations.⁷¹ In the first 18 months of the current electoral term, the EAC issued 6 binding recommendations.⁷² Figure 5.1 demonstrates the number of binding recommendations issues per electoral period since 1998.

One problem with comparing the number of recommendations issued by the EAC in each electoral period is that the electoral periods vary in length. Another way to compare the activity level of the EAC over time is to divide the length of an electoral period by the number of binding opinions issued during that electoral period, which gives the average rate at which opinions are issued. The rate has been slowing down, from an average of a recommendation issued every 50.21 days in the 14th electoral period to every 92.5 days in the first 18 months of the 16th electoral period. Not only is the EAC reducing the number of binding recommendations issued, it is also slowing down the pace at which it issues binding recommendations. Figure 5.1 illustrates this trend.

What explains this decreasing usage of the formal mechanisms for parlia-

⁷⁰“Ausschuss für die Angelegenheiten der Europäischen Union Beschlussempfehlungen, 14. Wahlperiode” http://www.bundestag.de/ausschuesse/archiv14/a22/a22_be.html [accessed 27 March 2007]

⁷¹“Ausschuss für die Angelegenheiten der Europäischen Union Beschlussempfehlungen, 15. Wahlperiode” <http://www.bundestag.de/ausschuesse/archiv15/a20/beschlussempfehlungen.html> [accessed 27 March 2007]

⁷²“Ausschuss für die Angelegenheiten der Europäischen Union Beschlussempfehlungen und Berichte, 16. Wahlperiode” <http://www.bundestag.de/ausschuesse/a21/berichte/index.html> [accessed 27 March 2007]

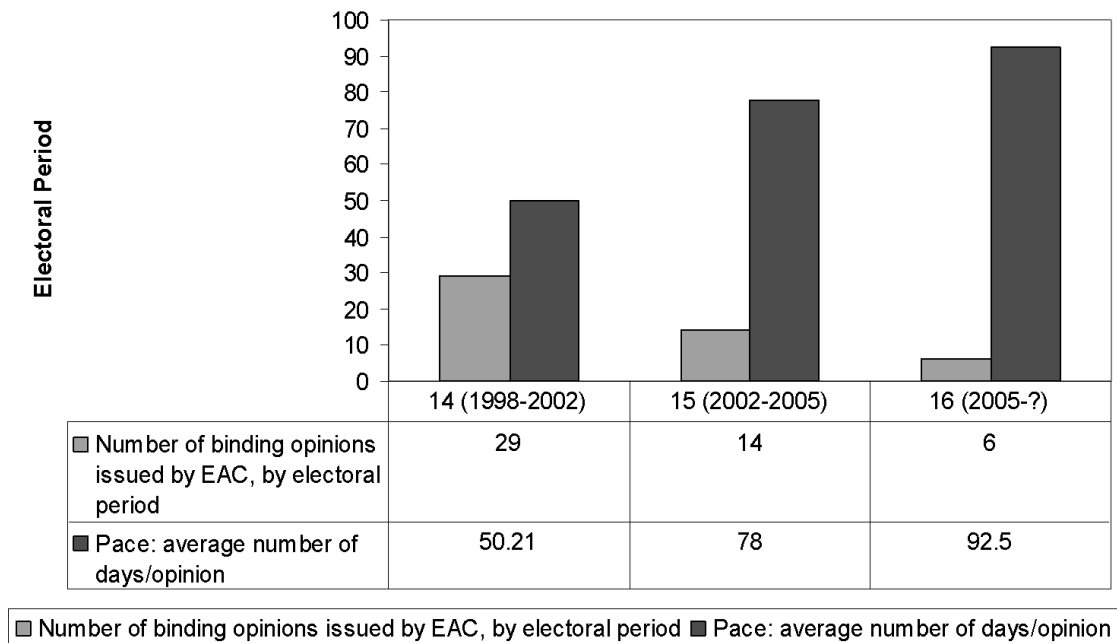


Figure 5.1: Bundestag EAC Recommendations to the Federal Government

mentary control in European affairs? There have been several prominent explanations, including the strong popular support for the EU and institutional flaws in the Bundestag. The strong popular support for the EU reduces the incentives for the Bundestag to provide robust oversight of EU affairs. The strong “permissive consensus” in European affairs has contributed to a very low electoral salience of European issues.⁷³ This low electoral salience has resulted in a lack of powerful Euroskeptical political parties in Germany.⁷⁴ Most members of parliament in Germany think the most important institution for improving the legitimacy deficit in the EU is the European Parliament and not national parliaments.⁷⁵

Institutional flaws, such as inefficiency and competition among specialized standing committees, also undermine efforts to use formal mechanisms in the Bundestag to oversee European Affairs. Institutional inefficiency makes it difficult for the Bundestag to sort through the enormous volume of information flowing from

⁷³(Auel, 2006, 257-8) and Saalfeld (2003b)

⁷⁴Raunio and Wiberg (2000a)

⁷⁵(Wessels, 2005, 452)

the European level and coordinate among all the specialized standing committees that participate in oversight of European affairs.⁷⁶ Competition among specialized standing committees has also held the EAC back from its full potential.⁷⁷

Finally, there is a perception in the Bundestag that public disagreements between the government and the rest of the Bundestag about Germany's interests in the EU will cause Germany to lose face in the European Council and may undermine the stability of the Federal Government.⁷⁸ Instead of thinking of the EAC as a way to limit German concessions in the European Council by signaling to the European Council that Germany's negotiating stance is not very flexible, the more common perception is that it would weaken the German government's negotiating stance by giving the impression of disunity at home. Members of parliament from both government and opposition parties, express fear that German national interests will be undermined if the German government appears to have weak domestic support for its bargaining positions.⁷⁹

Instead of using the formal mechanisms for publicly controlling the Federal Government, members of the Bundestag have been more likely to use informal means of influencing the government. For example, Katrin Auel describes one "semi-informal" method no longer in use:

After the deliberations of a European issue, the committee did not draft a formal resolution proposal but sent the government a more informal "written opinion" asking for it to be taken account of in the negotiations at the European level. Although this procedure proved to be quite effective, the Bundestag's Procedures Committee put an end to it by classifying it as an illegal circumvention of formal procedures.⁸⁰

Another way to informally influence the Federal Government is through parliamentary party groups. Each party organizes the party members on the same parliamentary committee into a "sectoral working group" that meets prior to formal

⁷⁶(Auel, 2006, 256)

⁷⁷Auel (2006)

⁷⁸Auel (2006)

⁷⁹For quotes from members of the Bundestag about this concern, see (Auel, 2006, 259,262-263)

⁸⁰(Auel, 2006, 261)

committee meetings to work out a common position. For members of government parties, these sectoral working groups are effective forums for influencing the government, because the government tends to defer to the specialization that MPs develop while serving on a committee over time.⁸¹

A third informal method of influence is cross-national coordination. German MPs can develop contacts with MPs from other European national parliaments, with members of the European Parliament (German and non-German) and with the bureaucrats in the European Commission. German MPs have more contacts with European institutions than members of most national parliaments in Europe.⁸² One benefit of developing contacts outside the Bundestag is a flow of information that is not dependent on the Federal Government. MPs can meet with members of other EACs at COSAC meetings and even read the reports of other EACs to get a different perspective on Council of Ministers meetings. This cross-border networking can be particularly helpful to opposition MPs. If an opposition MP can develop contacts with MPs from the same party-family that are in government in another country, it is possible to get access to information that may normally be denied an opposition party.⁸³ Following a similar principle, when the Bundesrat is opposition-controlled, the members of the Bundestag from opposition parties can try to use within-party cooperation to influence the Länder governments that are controlled by their party.⁸⁴

Auel argues that even though the formal procedures are not always used in the Bundestag, it is still important to have institutional rules giving the EAC veto power. This is because institutional rules influence the incentives of the government:

Effective cooperation with the executive needs the 'shadow of parliamentary veto': The more credibly a national parliament can threaten to veto the government's negotiation position, the more it is in the

⁸¹(Auel, 2006, 261)

⁸²Wessels (2005)

⁸³One opposition member of the Bundestag mentioned cooperation with members of the Austrian government who were from the opposition MP's party family (Auel, 2006, 263).

⁸⁴(Auel, 2006, 263)

interest of the government to engage in informal cooperation with the legislature or its parliamentary majority.⁸⁵

One reason the Federal Government is so open to the influence of non-ministerial members of government parties is because the government wants to avoid formal mandates or embarrassing public scolding from the EAC. The Bundestag's EAC is able to use informal methods of influencing the government because of the existence of formal mechanisms for oversight.

5.6.5 From informal to mandating oversight: the September 2006 EAC reform

In September 2006 a new agreement was signed between the Bundestag and the Federal Government that further strengthened the EAC's abilities to formally oversee European Affairs. This revision "extends the German Federal Government's duties to report to the Bundestag and streamlines the timetable for their performance, shortens the periods allowed for the presentation of reports by the federal ministries on EU items and requires that more detailed information be supplied on the meetings of the councils of ministers and other bodies."⁸⁶ Since the Bundestag can authorize the EAC to act on its behalf, at times the EAC can give politically binding mandates to the Federal Government for its negotiations in the European Council or Council of Ministers. This new agreement uses much stronger language than what was used in the 1993 agreement between the Federal Government and the Bundestag for European Affairs.

Much like the way the Bundestag used the ratification of the Maastricht Treaty for leverage to encourage the Federal Government to agree to give the Bundestag more formal oversight powers in 1993, the 2006 reform grew out of the ratification process for the European Constitution in 2005. The following quote details the chronology of events:

⁸⁵(Auel, 2006, 264)

⁸⁶"Expanded Cooperation on EU Affairs" http://www.bundestag.de/htdocs_e/europe/expanded.html [accessed 17 March 2007]

Parliament had called for the extension and consolidation of its rights in relation to the German Federal Government in the spring of 2005, when the ratification of the Treaty Establishing a Constitution for Europe was being considered. Shortly after the beginning of the 16th electoral term, the chairman, deputy chairman and parliamentary group spokespersons of the Committee on the Affairs of the European Union met with representatives of the German Federal Government, Günter Gloser, the Minister of State at the Federal Foreign Office, and Peter Hintze, the Parliamentary State Secretary at the Ministry of Economics and Technology. Before the 2006 summer recess, they presented a draft agreement that was approved by the Federal Cabinet on 19 July 2006 and passed by the Bundestag on 22 September 2006. The agreement entered into force once it had been signed by the President of the German Bundestag and the Federal Chancellor, then published in the Federal Law Gazette.⁸⁷

The new conditions for EAC oversight seem to indicate that the Bundestag EAC has moved from an informal oversight approach to a mandating oversight approach in European Affairs.⁸⁸ The Bundestag's EAC stresses that its suggestions are only "politically binding," but this is common practice among mandating oversight EACs. The mandating oversight approach seeks to "give specialised European affairs committees a significant say in relation to their governments' positions in the Council."⁸⁹ For most of the parliaments that use a mandating oversight approach, the government can deviate from the committee recommendations, but only for a good reason and the government must meet with the committee after the Council meeting to explain its actions.⁹⁰ The new agreement between the Bundestag and the Federal Government in European Affairs also allows the government to deliberately depart from the recommendations of the Bundestag "for compelling reasons of foreign or integration policy."⁹¹ After decisions have been made in the

⁸⁷ "Expanded Cooperation on EU Affairs" http://www.bundestag.de/htdocs_e/europe/expanded.html [accessed 17 March 2007]

⁸⁸ Chapters 3 and 4 used COSAC's 2005 classification of the Bundestag, which used an informal oversight approach at the time.

⁸⁹ (COSAC Secretariat, 2005, 12)

⁹⁰ (COSAC Secretariat, 2005, 13)

⁹¹ Section II(4) from the "Agreement between the German Bundestag and the Federal Government on cooperation in matters concerning the European Union in implementation of section 6 of the Act on Cooperation between the Federal Government and the German Bundestag

Council, the Federal Government must inform the Bundestag of the outcome of negotiations, “without delay, particularly with regard to endorsement or rejection of the parliamentary opinion.”⁹² If a government minister chooses to vote against the outcome that the EAC recommended, then the minister must explain this decision.

Mandating oversight approaches can be systematic or non-systematic. In the systematic mandating oversight approach, the government is required to inform the EAC about its negotiation position “on all pieces of draft legislation to be adopted by the Council.”⁹³ The new agreement between the Bundestag and the Federal Government requires the government to comprehensively inform the parliament on all issues that are “of fundamental importance or which have significant implications for the interests of the Federal Republic of Germany,” including a briefing memo by the Federal Government explaining the significance of all documents related to the EU and granting the Bundestag access to all EU-related databases that the government can access.⁹⁴

One necessary feature of a systematic mandating oversight approach is a method of filtering information. This allows the parliament to sift through a large amount of information and still focus its oversight energy on the most important issues. The Bundestag has already been using the Council of Elders to sort out which sectoral committee should take the lead in scrutinizing each issue that is discussed in the Council of Ministers. The European Affairs Committee helps with coordinating this activity. The Bundestag’s EAC is a clearing house and

in Matters concerning the European Union.” http://www.bundestag.de/htdocs_e/europe/vereinb_zus_bt_breg_en.pdf [accessed 17 March 2007]

⁹²Section II(5) from the “Agreement between the German Bundestag and the Federal Government on cooperation in matters concerning the European Union in implementation of section 6 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union.” http://www.bundestag.de/htdocs_e/europe/vereinb_zus_bt_breg_en.pdf [accessed 17 March 2007]

⁹³(COSAC Secretariat, 2005, 12)

⁹⁴Sections I(2), I(5), I(7) and I(8a) from the “Agreement between the German Bundestag and the Federal Government on cooperation in matters concerning the European Union in implementation of section 6 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union.” http://www.bundestag.de/htdocs_e/europe/vereinb_zus_bt_breg_en.pdf [accessed 17 March 2007]

coordination point. Much of the detailed scrutiny is done by sectoral committees, while the EAC focuses on the big picture.

While there seems to be an institutional design that could give the Bundestag a systematic mandating oversight, there are signs that in practice it will look more like a non-systematic mandating oversight approach. For example, the caveat that the government can deviate from the Bundestag's formal recommendation "for compelling reasons of foreign or integration policy"⁹⁵ is word-for-word the way the Austrian parliament's formal terms are described.⁹⁶ Since the Austrian parliament uses a non-systematic mandating oversight approach, this seems like the more likely course for the German Bundestag.

So far, it has been very common for members of the Bundestag to bypass the formal instruments of oversight and instead opt for informal oversight. How likely is it that this change in the agreement between the government and the Bundestag will change the behavioral patterns in parliamentary oversight of EU affairs to include more formal oversight? It is too soon to tell, but early indications point to a more assertive stance in the EAC and more willingness to use the formal instruments of control. For example, in the first five months after the new agreement was signed on 28 September 2006, the EAC issued 6 formal recommendations. This averages out to a recommendation every three weeks, which is a much faster pace than before the reform. Another sign that the EAC is taking a more assertive stance is the fact that the Chairman of the committee, Mathias Wissman, has used the news media to publicly criticize a government minister for voting in favor of a proposal that the government promised, on the recommendation of the EAC, to oppose.⁹⁷

⁹⁵Section II(4) from the "Agreement between the German Bundestag and the Federal Government on cooperation in matters concerning the European Union in implementation of section 6 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union." http://www.bundestag.de/htdocs_e/europe/vereinb_zus_bt_breg_en.pdf [accessed 17 March 2007]

⁹⁶(Falkner, 2000, 229)

⁹⁷EU Observer, 2007. See section 5.9 for a more detailed discussion of this incident.

5.7 The effectiveness of the Bundestag's oversight approach

This section discusses the effectiveness of the Bundestag's oversight approach for European Affairs. It is too soon to judge the effectiveness of the Bundestag's oversight after the 2006 reform, so I will evaluate the effectiveness of the informal oversight approach that has traditionally been used in the Bundestag. The aim of an informal oversight approach is to “[generate] debate on important general European issues inside the parliaments as well as in relation to the public.”⁹⁸ To be effective in this oversight approach, it is necessary for a committee to inform the parliament about European Affairs, to coordinate parliamentary activity in European Affairs, and to listen to the government's description of its activity at the European level. Because the focus of this oversight approach is on generating parliamentary debate and not mandates, the committee can still be considered successful without visibly influencing the actions of the government at the Council of Ministers.

5.7.1 The EU Committee Goals

The stated goal of the Bundestag's EAC is to ensure that the Bundestag is “able to contribute to decisions taken in Brussels and Luxembourg.”⁹⁹ The committee describes itself as a “recognized partner” with the Federal government that “helps to formulate and implement German policy towards the European Union.”¹⁰⁰ It also works to increase cooperation between the European Parliament and the Bundestag.

These goals differ from the Irish Oireachtas' goals.¹⁰¹ The main difference

⁹⁸(COSAC Secretariat, 2005, 14)

⁹⁹“Committee on the Affairs of the European Union: Europe's Special Goal” <http://www.bundestag.de/htdocs.e/committees/a21/index.html> [accessed 17 March 2007]

¹⁰⁰“Committee on the Affairs of the European Union: Europe's Special Goal” <http://www.bundestag.de/htdocs.e/committees/a21/index.html> [accessed 17 March 2007]

¹⁰¹See chapter 6 section 6.7.1

is that the Oireachtas EAC explicitly mentions a responsibility to “promote and protect” the interests of Irish citizens in the European arena. The Bundestag committee seems to be focused on participating in the European arena, but does not mention any special obligation to promote the interests of German citizens.

5.7.2 Scrutiny: The breadth of oversight and synthesis of information

Informal-oversight EACs do not usually collect information in an exhaustive and systematic way, as in a document-based oversight system. In general, the informal approach is “characterised by the absence of a systematic examination of EU draft legislative acts and other EU documents.”¹⁰² However, the Bundestag recognizes that a precondition of effective oversight is an informed principal. Under a heading labelled “Scrutiny presupposes information,” the Bundestag EAC says that:

Effective parliamentary oversight is only possible if the Bundestag possesses adequate information. The German Federal Government is obliged to provide parliament with sufficient information for this purpose.¹⁰³

While the government is required to help the Bundestag inform itself about European affairs, it would be hard to effectively hold the government accountable in European affairs based solely on information provided by the government. The Bundestag has a system for sorting EU information using specialized committees, but this system is not as thorough as what would be found in a document-based oversight approach. One of the changes from the September 2006 reform to the Bundestag EAC is that the government is now required to grant the Bundestag

¹⁰²(COSAC Secretariat, 2005, 14)

¹⁰³“Both aspects of the Bundestag’s involvement - information and control - are regulated in Article 23(2) and (3) of the German Basic Law and addressed in greater detail by the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union of 12 March 1993.” From “The Bundestag’s Rights to Participate in European Affairs” http://www.bundestag.de/htdocs_e/europe/mitwirk01.html [accessed 17 March 2007]

direct access to any databases the government can access. This should go a long way toward improving the Bundestag’s breadth of oversight and synthesis of information in European affairs.

5.7.3 Advice: Communication with the government and the Bundestag

By definition an informal influence oversight approach is likely to influence the government in ways that are difficult to observe from the outside. Informal-oversight EACs do not try to formally direct the government in its activities in the European Council, as in a mandating system of oversight. “Insofar as these parliaments wish to exert influence over EU policies, they do so via more informal or political channels rather than via systematic or formal mechanisms in parliamentary committees.”¹⁰⁴ Some of these informal channels include internal party mechanisms for maintaining internal party discipline (for government parties) and closed-door meetings with government ministers. In many case of informal oversight, the EAC can ask government ministers to provide explanations for their actions at the European level, but government ministers are not necessarily required to answer the questions or heed any advice the committee may offer. In terms of the informal oversight approach, the Bundestag EAC seems to have a high degree of communication with the government. Kurt Bodewig, a former Federal Minister of Transportation and Infrastructure and member of the Bundestag EAC that headed a delegation from the Bundestag EAC that visited the Irish Oireachtas EAC described the Bundestag EAC’s contacts with ministers:

We have hearings attended by Ministers so that we know what the Council of Minister is going to look at and what it might decide. The Ministers or Secretaries of State come to these hearings to tell us so that we are informed very early. We find this is absolutely essential. With the present procedure there is quite a loss of sovereignty. For example, about 70% of all German legislation is based on European legislation and must take that European legislation into account, whether it be

¹⁰⁴(COSAC Secretariat, 2005, 14)

in the form of a framework directive or whatever. The only way one can influence legislation at this stage is by making sure one knows early enough what is happening so that one can then influence the Government or, at least, try to exert influence afterwards when the legislation goes through the parliamentary hearing stage.¹⁰⁵

Since ministers frequently attend EAC meetings the channels of communication are open between the EAC and the government. Usually the EAC is chaired by a member of an opposition party and this tradition is intended to protect the EAC from being completely dominated by the government. The current government allowed the chair from the previous electoral session, Matthias Wissman, to continue leading the EAC even though his party (the CDU) is now in government. This changes the balance of the committee and could be a contributing factor to the reform giving the EAC more formal oversight abilities. It could also account for the newfound willingness of the EAC to use the news media as a way to punish government ministers for defecting from agreements with the EAC.¹⁰⁶

Within the German Federal Government, EU items are dealt with by the ministry responsible for each particular area of policy. There is no ministry for European affairs with exclusive competence over these matters. However, the Federal Foreign Office, which is responsible for fundamental issues, and the Federal Ministry of Economics and Technology, which coordinates the government's responses to many ongoing developments in the EU, enjoy a prominent position with regard to European policy.¹⁰⁷

One advantage to this arrangement is that it gives the EAC access to many cabinet ministers, not only a minister for European Affairs. The Foreign Office can help with coordination and interpretation, but other ministers are also in the habit of meeting with the EAC and explaining their decisions to the committee.

¹⁰⁵Mr. Kurt Bodewig, a former Federal Minister of Transportation and Infrastructure and the head of a visiting delegation from the Bundestag European affairs committee, speaking at a meeting of the Oireachtas Joint Committee on European Affairs on Wednesday, 29 October 2003, p. 5. www.gov.ie/oireachtas/Committees-29th-D%E1il/jea-debates/jcea291003.rtf [accessed 16 March 2007]

¹⁰⁶See section 5.9 for a discussion of this change in EAC behavior.

¹⁰⁷"The Bundestag's Rights to Participate in European Affairs" http://www.bundestag.de/htdocs_e/europe/mitwirk01.html [accessed 17 March 2007]

5.7.4 Transparency: Publicizing the committee's recommendations

Informal EACs work to inform the parliament about legislative proposals being developed in the European Union and may organize debates on some of these topics. In contrast to document-based scrutiny EACs, informal EACs do not have a strong focus on informing the electorate about European affairs. The Bundestag EAC maintains a webpage that includes descriptions of the EAC's work, information on the MPs that serve on the EAC, and archived versions of the EAC webpage from previous electoral periods. More importantly, it also includes copies of the formal recommendations the EAC makes to the government and minutes from the EAC's public meetings. Most EAC meetings are private, so the minutes are only posted when there is a special guest. For example, when the EAC interviewed the President of the European commission, Dr. José Manuel Durão Barroso, the minutes from that meeting were posted on the EAC's webpage.¹⁰⁸ There were about 18 special meetings with publicized minutes during the 15th electoral period. This works out to about 6 special meetings per year. The 14th electoral period had about 26 special meetings, but the webpage only lists the dates of those meetings and does not provide copies of the minutes.¹⁰⁹ These trends indicate that the Bundestag has been increasing its emphasis on transparency.

5.8 Lessons learned from the Bundestag concerning urgency

This section will discuss the lessons learned from the Bundestag concerning urgency of EAC establishment. The Bundestag did not establish its EAC until 39 years after joining the EU, so the level of urgency was very low. I will discuss the

¹⁰⁸That meeting took place 30 November 2006 http://www.bundestag.de/ausschuesse/a21/oeff_sitz/index.html [accessed 29 March 2007]

¹⁰⁹http://www.bundestag.de/ausschuesse/archiv14/a22/a22_sitz.html [accessed 29 March 2007]

predictions and how well they apply to the German case. The predictions discussed include timing of membership, cultural values, center-periphery relationship to the EU, popular support for the EU, and institutional characteristics of parliament.

Based on the timing of membership hypothesis, I expected to find a very low level of urgency in Germany. This is because Germany has been a part of the EU from the very beginning and Germany is deeply invested in the success of the EU. Germany was a founding member of the EU and its European Affairs Committee was not established until 1991. This means that the Bundestag waited almost 40 years before establishing a permanent committee for the oversight of European affairs.¹¹⁰ The Bundestag first began to oversee European affairs through specialized subcommittees, but these subcommittees were limited to the policy areas of the specialized committees that established them and did not have even informal authority to hold the Federal Government accountable. This decades-long lag between membership and the establishment of an oversight committee for European Affairs indicates a distinct lack of urgency, so the Bundestag conforms to the prediction of the timing of membership hypothesis.

Based on the center-periphery hypothesis, I expected to find very little or no urgency in Germany for establishing an EAC. Germany is a core country and the urgency level was very low in establishing an EAC, so the Bundestag conforms to the expected pattern for this hypothesis. Evidence that Germany is a core country includes the short distance between Germany's population center and Brussels, Germany's large economy and Germany's strong influence on the institutional development of the European Union.

Core countries are likely to be in close proximity to EU decision-makers in Brussels. Germany's population center is only 375 kilometers from Brussels. When Germany's capital city was Bonn, it was only a 3 hour drive (232 km) for German members of parliament (MPs) who needed or wanted to attend a meeting

¹¹⁰In 1969 when the Budget committee established a subcommittee on European Affairs, Germany had been a member of the EU for 18 years. By the time the Foreign Affairs Committee established a Subcommittee on EC affairs in 1986, Germany had been a member for 35 years.

in Brussels. Now that the capital is in Berlin, it is a 10 hour drive (775 km) and it would make more sense for MPs or MEPs to take an airplane between Berlin and Brussels. German MEPs are allowed to participate in the EAC and representatives from the European Commission frequently visit the Bundestag's EAC to answer questions about pending European legislation.¹¹¹ Germany's location in the center of Europe makes it easier to have these frequent contacts with Brussels.

Germany's large economy has also contributed to Germany's position in the core of the European Union. To give a sense of scale to the size of Germany's economy, it is useful to make some comparisons. Between 1950 and 1998, Germany's average GDP was 904.6 billion, compared with France's average GDP of 667 billion over the same time frame. The average GDP for all of Western Europe between 1950 and 1998 was 4 trillion, so Germany's economy accounted for nearly a quarter of the GDP for all of Western Europe.¹¹²

Germany has been central to the European Union's institutional development. As the EU's institutions have grown to accommodate an increasingly large number of member states and an increasing range of policy areas, Germany's domestic institutions have been a model for the institutional design of the EU. For example, the Council of Ministers is designed to operate very similarly to the upper house of the German legislature, the Bundesrat. The Bundesrat is composed of members of the Land governments meeting together. The votes of the Länder are weighted based on population size, but each Land must vote as a block. The Council of Ministers is composed of members of the national governments of EU member states. The votes of the member states are weighted by population size, but each country votes as a block. Another example is found in the European Central Bank (ECB), which is said to follow the precedent set by the German Central Bank (the Bundesbank) of pursuing currency stability even at the cost

¹¹¹ "Committee on the Affairs of the European Union: Europe's Special Goal" <http://www.bundestag.de/htdocs.e/committees/a21/index.html> [accessed 17 March 2007]

¹¹² GDP in 1990 PPP/International Geary-Khamis Dollars Data source: Global Financial Data archive of historical financial data http://www.globalfinancialdata.com/index.php3?action=user_homepage

of economic growth. In the negotiations for the Maastricht Treaty, Germany was only willing to agree to join the Eurozone if the ECB was designed along the lines of the Bundesbank and if the Euro currency would be as stable as the Deutsch Mark had been during the Cold War era.¹¹³

It is easier for core countries to influence the European Union and their interests are more closely reflected in the EU than peripheral countries. Germany is a core country, frequently described as the “motor of Europe,” so this hypothesis expected to find a low level of urgency in the oversight of European affairs. The Bundestag demonstrates a low level of urgency, so this hypothesis is confirmed by the Bundestag case.

Germany’s high level of public support for EU membership is predicted to contribute to low urgency. There has been an extended “permissive consensus” on the European project among elites in Germany. As of the Amsterdam Treaty, there were no parties in the German party system that were “fundamentally hostile” to the European Union or the idea of increased integration.¹¹⁴ Criticism of the European Union has been limited to practical details; the European project has been widely supported by the political parties in Germany. Since the German public has high levels of support for membership in the EU, it is unsurprising that there was a low level of urgency in establishing the Bundestag’s EAC. Figure 5.2 illustrates the changes in the support for EU membership in Germany between 1973 and 2006.¹¹⁵

Examining the responses between 1973 and 2005, Germans still have above-average support for EU membership.¹¹⁶ The percentage of German respondents saying the EU was a “bad thing” has remained consistently low, so declining

¹¹³(Kenan, 1995, 19)

¹¹⁴(Hölscheidt, 2001, 117)

¹¹⁵Question: “Generally speaking, do you think that (your country’s) membership of the European Community (Common Market) is ...?” Country: Germany Period: From September 1973 (EB1) To September 2006 (EB66) Source of Figure 5.2: http://ec.europa.eu/public_opinion/cf/waveoutput_en.cfm

¹¹⁶On average, 54.36 percent of Germans support Germany’s membership in the EU, compared with an average of 52.59 percent of respondents in the EU-25.

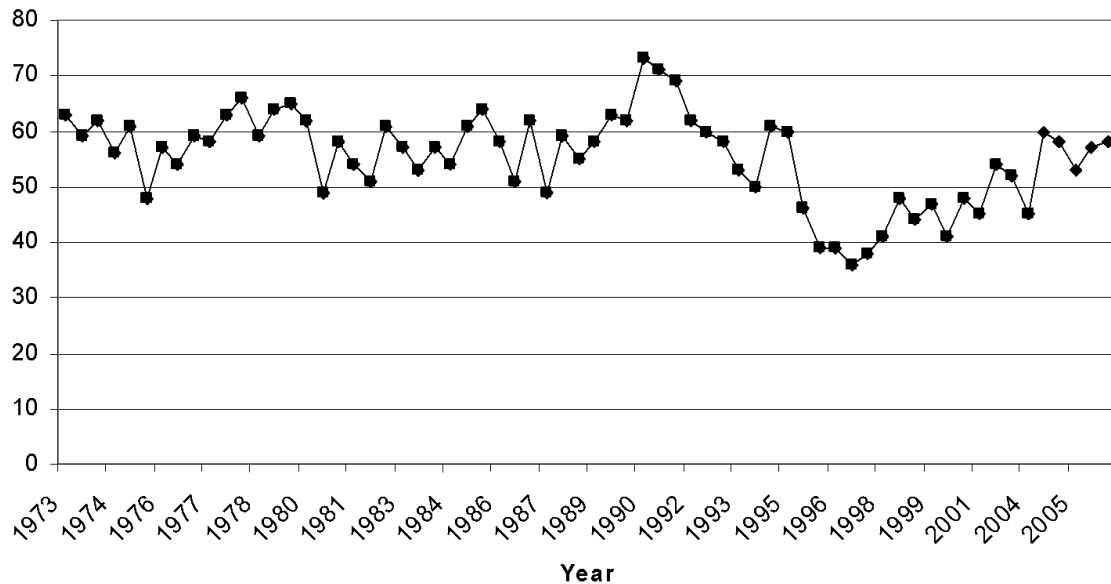


Figure 5.2: Support for EU membership in Germany, 1973-2006

support for the EU has led to increased ambivalence, rather than increased opposition. These results would lead to a prediction of a lower level of urgency in establishing an EAC in Germany than in other countries. The timing of the Bundestag's establishment of an EAC conforms to this prediction.¹¹⁷ In fact, it appears that the support for German membership in the EU plummeted around 1991, which is the year that the Bundestag first established an EAC.¹¹⁸

The final hypothesis predicts that the more power is concentrated in the hands of the government, the larger the time gap will be between a country joining the EU and its legislature establishing an EAC. The more institutional constraints there are and the more cohesive political parties are, the less decision-making power is concentrated in the hands of government. In Germany, there is a “relatively strong dispersion of political power encouraging bargaining amongst different political and economic elites,”¹¹⁹ so this hypothesis predicts a high level

¹¹⁷See the case study on the Bundesrat for a discussion of why this case does not conform to the public support predictions.

¹¹⁸See Figure 5.2

¹¹⁹Saalfeld (2003a)

of urgency in the Bundestag.

One way to measure the degree to which power is concentrated in the government's hands is by analyzing the number of veto players in parliament. The fewer veto players there are in parliament the more power is concentrated mostly in the government's hands. There are two types of veto players: institutional and partisan.¹²⁰ Institutional veto players can include the government, referendums, presidents with veto powers, legislative upper houses with veto powers, and the courts through judicial review. Germany's president does not have veto power, but the upper house of parliament, the Bundesrat, does have veto power over policies that concern the Länder. Germany's institutional veto players include the cabinet, the courts through judicial review and the Bundesrat. This brings Germany's institutional veto players to three. Partisan veto players are frequently counted as the number of parties in government, but for this analysis I analyze the fractionalization of parliament as well as the number of cabinet parties to count the partisan veto players. I use Rae's fractionalization index formula to calculate the probability that any two randomly-selected members of parliament would come from different parties. The higher the index, the more fractionalized is parliament.¹²¹ In the Bundestag the fractionalization of parliament ranges between a high of 0.753 and a low of 0.554 during the years between 1949 and 2006. The current parliament has the highest fractionalization since 1949. Figure 5.3 illustrates the changes in the fractionalization index between 1948 and 2005.

As for cabinet parties, in 1961 there was a single party government, but otherwise every cabinet had between 2 and 4 parties. For the last two months of 1990, just before the EAC was established in the Bundestag, there was a short-lived cabinet with three cabinet parties, the center-right Christian Democrats (CSU/CDU), the liberal Free Democratic Party (FDP) and the center-right German Social Union (DSU).¹²² It is possible that this temporary increase in the

¹²⁰Tsebelis (1995); Strøm et al. (2003)

¹²¹Rae (1967). The Rae Fractionalization Index equation is $1 - \sum n_i^2$ where n_i is the percentage of parliamentary seats held by the i th political party.

¹²²Saalfeld (2003b)

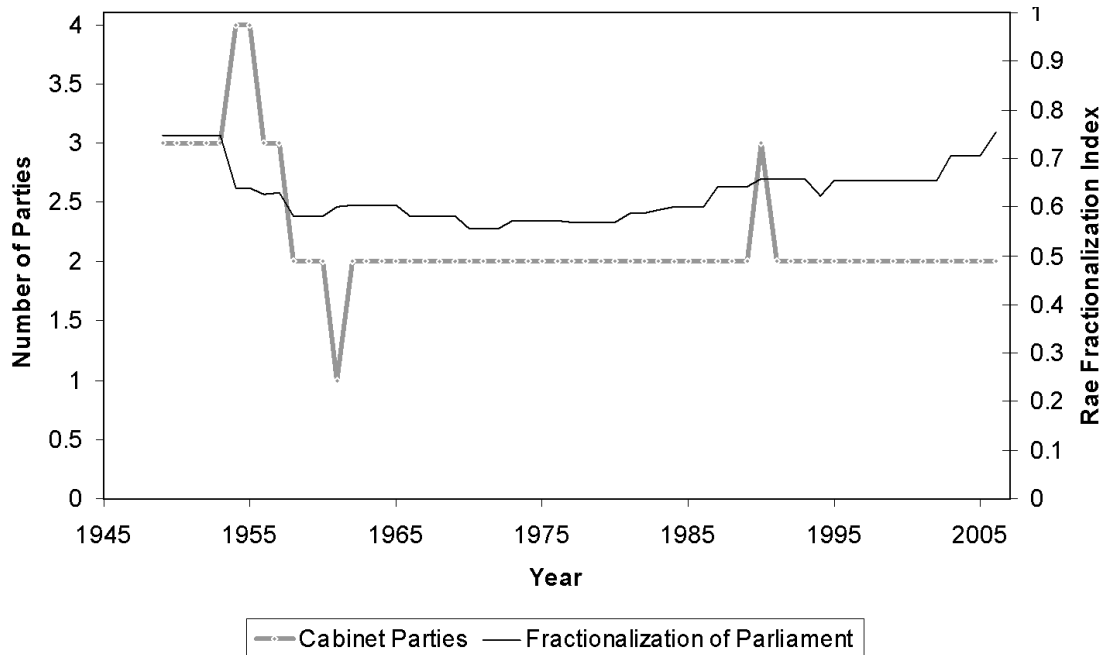


Figure 5.3: Partisan Veto Players in the Bundestag, 1949-2006

number of partisan veto players led to the establishment of the EAC in September 1991, but it seems likely that other factors were more important, such as the parliament's leverage during the ratification of the Maastricht treaty. Figure 5.3 demonstrates the number of political parties in government between 1948 and 2005.

5.9 Lessons learned from the Bundestag concerning oversight approach

This section will discuss the lessons learned from the Bundestag about EAC oversight approach. I will discuss the hypotheses from section 5.3 and how well they apply to the Bundestag's EAC. The main explanations from section 5.3 are timing of membership, urgency with which the EAC was established, cultural values, the center-periphery relationship to the EU, popular support for the EU and institutional characteristics of the EU.

Based on the timing of membership hypothesis I expected the Bundestag to have a non-mandating approach to oversight of European Affairs. The informal influence approach is generally the least assertive approach to oversight, so until recently the Bundestag has been consistent with the expectations of this hypothesis. However, since September 2006, the EAC seems to be growing more assertive. At that time a new deal¹²³ was worked out between the EAC and the government, which “obliges German ministers to closely stick to a legal ‘position’ taken by MPs before EU meetings - but Berlin does keep the right to go its own way in the case of ‘important foreign policy or [EU] integration reasons.’ ”¹²⁴

In December 2006 there was a clash between the government and the EAC that was reported in the news. The government promised the European Affairs Committee that it would “take a very restrictive position’ corresponding to the parliament’s deep skepticism” regarding the creation of a new fundamental rights agency in the European Union.¹²⁵ The main parliamentary objections to the new human rights agency are that it would overlap with the jurisdiction of the Council of Europe and that its proposed form is too inefficient. Instead of conforming to the promised position the German Justice Minister, Brigitte Zypries voted in favor of the new agency at the Council of Ministers meeting in early December 2006. On December 22, 2006, the chairman of the Bundestag’s European Affairs Committee, Matthias Wissman, sent a letter to Chancellor Merkel saying, “I do not want to hide the displeasure of my fellow committee member colleagues that it could not be clarified why apparently not a single word was said about the reservations of the German Parliament during the justice and home affairs council meeting.”¹²⁶ According to reports in the press, the letter “threatens that parliament will in future tie German ministers to formal mandates in EU meetings if the government

¹²³The terms of the new agreement can be read in English here: http://www.bundestag.de/htdocs_e/europe/vereinb_zus_bt_breg_en.pdf [accessed 17 March 2007]

¹²⁴EU Observer, 2007

¹²⁵EU Observer, 2007

¹²⁶EU Observer, 2007

continues to ignore deputies' concerns."¹²⁷ It is not clear how credible this threat really is, but the fact that it was included in a formal letter and leaked to the media indicates that the EAC chairman is serious. Another measure that indicates the new, more assertive approach of the Bundestag in European affairs, the Bundestag "recently opened its own office in Brussels in order to more closely monitor EU legislation, following other national parliaments which have a stronger tradition of keeping a close eye on Brussels' dealings."¹²⁸ This Brussels office should help MPs develop their own contacts in the EU who can inform them of negotiations in the Council of Ministers. Also, the EAC may be able to lobby the European Commission directly without going through the Federal Government.

Since the EAC is clearly getting more assertive toward the government and the timing of membership is static, there must be other factors at work that explain the changes in the oversight approach of the Bundestag's EAC. The Bundestag's European Affairs Committee was initially set up to accommodate the Federal Government more often than not, but this may not be only because of the timing of Germany's membership. Cross-national research has shown that there is a strong correlation between the orientations of national parliamentarians about the function of the national parliament and ideas about where the legitimacy in the EU should be based.¹²⁹ Members of parliament who believe the national parliament's main function is representation are more likely to think that national parliaments should be the main institution giving the EU legitimacy (through robust oversight of EU affairs). Parliamentarians who believe the national parliament's main function is governance are more likely to think that the European Parliament is the proper institution on which to base the democratic legitimacy of the EU. Historically, German parliamentarians have tended to believe that the purpose of the national parliament is governance and that the European Parliament is the correct institution to give legitimacy to the EU,¹³⁰ not the national

¹²⁷EU Observer, 2007

¹²⁸EU Observer, 2007

¹²⁹Wessels (2005)

¹³⁰Wessels (2005)

parliament, but this perspective appears to be changing. One factor that could contribute to this change is the features in the European Constitution that give national parliaments a formal role in the European policy-making process. Even though the Constitution has not been ratified, German members of parliament seem to expect the German government and European Commission to honor the spirit of the Constitution. In an interview with the EU Observer, Matthias Wissman said that “the EU cannot on the one hand speak about engaging national parliaments more strongly and thus making the EU more transparent, and on the other hand defy legitimate concerns of countries’ democratic representations.”¹³¹

The second hypothesis I considered states that the Bundestag’s lack of urgency for establishing an EAC likely contributed to a less assertive oversight approach for European affairs.¹³² With a 39 year gap between membership and EAC establishment, the urgency hypothesis predicts that the Bundesrat will have a less-assertive EAC without the power to mandate the government. The Bundestag’s EAC has used an informal oversight approach since 1991. As explained in section 5.6.3, the EAC’s role is protected by the German Basic Law, but this role does not include a legal mandate. The EAC’s suggestions to government ministers may be politically binding, but they are not legally binding.¹³³ The lack of urgency in establishing the EAC can be used to explain the assertiveness of the EAC at the time that it is first established, but it is not useful as an explanation for changes to the EAC over time.

The cultural values hypothesis predicts that the more post-modern a country’s values, the more assertive the oversight of EU affairs will be. A country with a traditional society should have a less assertive EAC than a country with a post-modern secular-rational society. Germany’s society has strong post-

¹³¹EU Observer, 2007

¹³²There is a 39 year gap between Germany establishing the ECSC and the Bundestag establishing an EAC. This is the largest time gap between membership and EAC establishment in the EU-25. The EU-25 average gap is a 6.68 year lag between EU membership and EAC establishment.

¹³³Personal communication with the secretariat for the Bundestag’s EAC

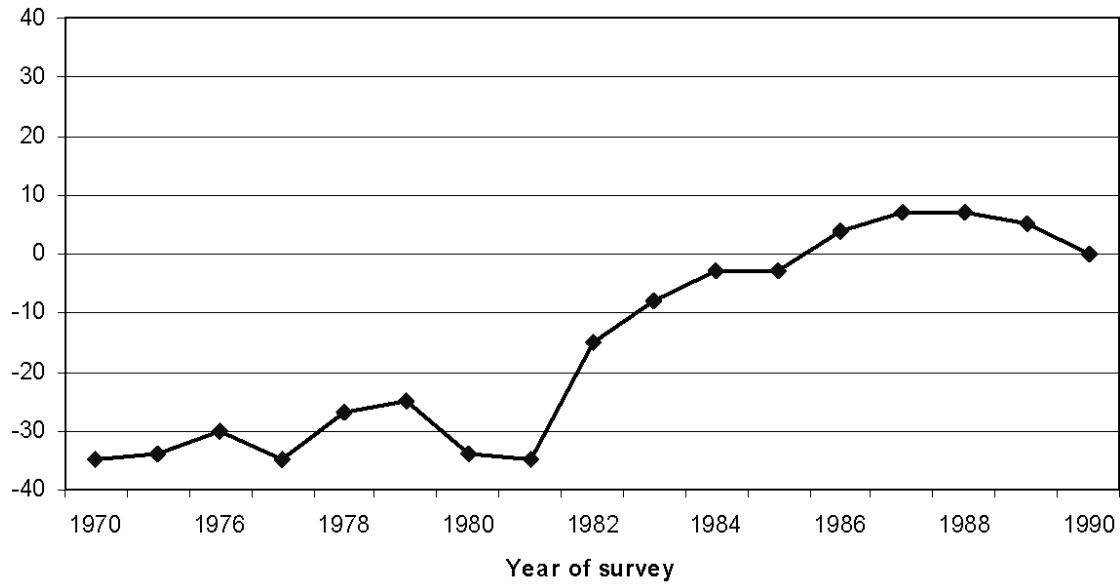


Figure 5.4 Percentage of postmaterialists minus percentage of materialists in West Germany, 1970-1990

materialist, post-modern elements, so I expect to find a very assertive mandating oversight approach in Germany's EAC. To understand the oversight approach that is used in the Bundestag's EAC it is necessary to analyze what German society was like in 1991 when the EAC was established. Figure 5.4 demonstrates value changes that occurred in West Germany between 1970 and 1990.¹³⁴ After 1986, postmaterialists outnumber materialists in West Germany.

This trend in values partially conforms to the prediction of the cultural values hypothesis. As German values became more postmaterialist, the freedom

¹³⁴The differences in values were calculated by analyzing the responses to a Eurobarometer question asking what the country's two top goals should be. The options include two materialist goals (i.e. maintaining order in the nation and fighting rising prices) and two postmaterialist goals (i.e. giving the people more say in important government decisions and protecting freedom of speech). If a respondent selected both materialist goals they were coded as a materialist. If the respondent selected both postmaterialist goals they were coded as a postmaterialist. If the respondent selected one materialist goal and one postmaterialist goal they were coded as mixed (Abramson and Inglehart 1992, 185-186). The percentage materialists respondents was subtracted from the percentage of postmaterialist respondents. So a negative value on Figure 5.4 means that the proportion of materialists outnumbers the proportion of postmaterialists. A positive value indicates that postmaterialists outnumber materialists.

of expression and skepticism of authority became more prominent. This led the Bundestag to establish an oversight committee in European Affairs that could provide transparency and broaden the sources of input in the formation of Germany's bargaining position at the European level. However, the German EAC is not as assertive as one might expect, given the level of post-materialism in the year before the EAC was founded.

Another way to observe these cultural changes over time is to observe the economic changes in a country over time. Economic changes are often thought to coincide with social changes. Stressing the "emancipative effect of socioeconomic development," Inglehart and Welzel argue that:

Socioeconomic development is critical because it impacts powerfully on people's existential conditions and their chances of survival... By reducing economic insecurity, by cognitive mobilization, and by diversifying human exchanges, socioeconomic development diminishes objective constraints on human choice.¹³⁵

They find that pre-industrial societies derive most of their income from agriculture and stress survival. Industrialization "brings the secularization of authority" as survival is tied to controlling nature and rationalizing production. Post-industrialization brings "emancipation from authority" as people emphasize quality of life, environmentalism and personal autonomy.¹³⁶ Figure 5.5 demonstrates the degree to which the service sector has come to dominate the German economy in the last four decades.

In 1991, when the Bundestag's EAC was established, Germany's economy was already post-industrial, with 60 percent of the GDP produced through the service sector. This indicates that the economic processes that led to post-modern cultural values were already well under way in Germany by the time the EAC was established. Since the cultural values hypothesis predicts that post-modern cultural values will lead to more assertive EACs, the Bundestag's EAC contradicted

¹³⁵(Inglehart and Welzel, 2005, 23-24)

¹³⁶(Inglehart and Welzel, 2005, 25)

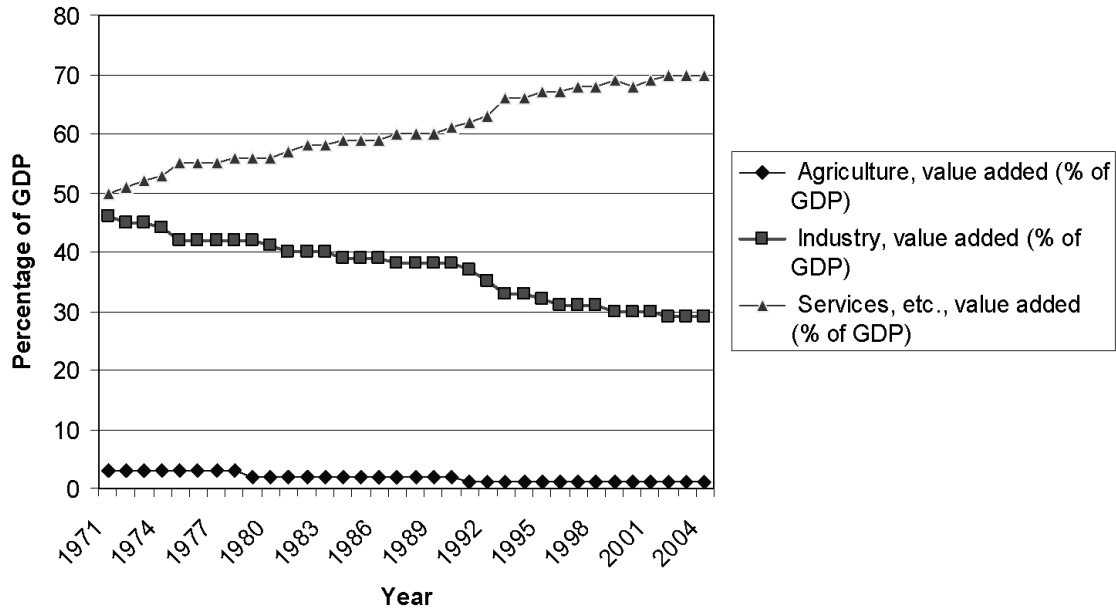


Figure 5.5: German Economy, by sector (Source: World Bank)

that hypothesis in 2005. With the 2006 reform, the EAC is more assertive and seems to fit better with the expectations of this hypothesis.

The fourth hypothesis predicts that the Bundestag's EAC will use a non-mandating oversight approach. This prediction is based on the fact that Germany is a core country in the European Union and has been a leader in the development of the EU from the very beginning of the organization. As long as the government is able to accomplish its goals through negotiation at the European level, the Bundestag is likely to maximize the flexibility of the government's negotiating position. If the Federal Government begins to encounter an increasing level of resistance to its proposals, then the Bundestag is likely to reform the EAC to become more assertive. The Bundestag established an EAC with an informal oversight approach in 1991, which is constitutionally protected but also limited to offering the government advice. Interestingly, as Germany has prepared to assume the presidency of the European Council in spring 2007, the EAC has been growing more assertive. Perhaps this is in anticipation of resistance to Germany's goals

for the presidency. As a founding member of the EU and the “motor of Europe” Germany is under a lot of pressure to lead Europe out of the “period of reflection” that followed the 2005 rejections of the European Constitution by referendums in the Netherlands and France.

The public support hypothesis predicted that Germany would have a non-mandating oversight approach because public support for EU membership has been strong in Germany. Prior to 1991, when the EAC was established, a majority of Germans thought that EU membership was a good thing.¹³⁷ In the context of this “permissive consensus” in European Affairs, it makes sense that the Bundestag’s EAC was established with an informal oversight approach. This maximizes the flexibility of the government and draws little attention to the oversight of European affairs, when compared with a document-based scrutiny approach or a mandating oversight approach. Since popular support for EU membership was high right before the EAC was established and the Bundestag established an EAC with informal oversight, in this sense the Bundestag fits the prediction of the popular support hypothesis. However, looking at changes over time, the issue becomes cloudy. It is interesting to note that public support for the EU reached an all-time high of 73 percent in 1990 and then fell to 36 percent support in spring 1997. Since 1997, support has been growing. Since 2004, popular support for EU membership has remained above 50 percent. Since the EAC became more assertive in Fall 2006, the popular support argument would expect to see a corresponding dip in popular support for the EU shortly before the strengthening of the EAC. The opposite pattern is observed, however, with growing popular support for EU membership at the time that the EAC became more assertive. It seems likely that factors other than public support can account for the reform of the EAC.

The final hypothesis I have tested in this case study of the Bundestag’s EAC is the concentration of power. The hypothesis predicted that the Bundestag was likely to have a non-mandating EAC because most power in the Bundestag

¹³⁷See Figure 5.2, “Germany: EU Membership a ‘good thing’” in section 5.8

is concentrated in the Federal Government's hands. One indicator of the concentration of power is the number of veto players. George Tsebelis calculates the average number of veto players in Germany to be 2.19.¹³⁸ This is slightly below the average number of veto players for the 16 advanced democracies in Western Europe that Tsebelis analyzes in his study.¹³⁹ If more veto players leads to a more assertive EAC, then the Bundestag should have a moderately assertive, but non-mandating oversight approach. The Bundestag's informal oversight approach is non-mandating, but its role is protected by the constitution and its advice is considered to be politically binding even though it is not legally binding.

The number of institutional veto players doesn't usually fluctuate very much over time, but the number of partisan veto players does. The traditional way to count partisan veto players is to look at the number of political parties in the cabinet. Since the Bundestag usually only has two parties in a cabinet, this variable doesn't vary much over time.¹⁴⁰ Another way to look at variance is to examine the percentage of parliamentary seats that are held by cabinet parties. If there are two cabinet parties, but the cabinet share of seats is unusually high, this indicates that the two largest parties, the center-right Christian Democrats and the center-left Social Democrats are ruling together in a grand coalition. Grand coalitions are able to make major policy and institutional changes because the voters cannot blame either party for the reforms. Figure 5.6 demonstrates the share of seats held by cabinets between 1949 and 2006.¹⁴¹

Only in 1967 to 1969 and after the 2005 elections were there grand coalitions that included both the Christian Democrats and the Social Democrats. This grand coalition could be used to explain the recent reforms of the EAC and renego-

¹³⁸(Tsebelis, 2002, 182, Table 7.3)

¹³⁹The mean number of veto players for Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, Switzerland, and the United Kingdom is 2.44. The standard deviation is 1.236.

¹⁴⁰See Figure 5.2

¹⁴¹The data for the EU-15 countries comes from *Coalition Governments in Western Europe* (2003) edited by Wolfgang C. Müller and Kaare Strøm. The data for the A10 countries comes from the InterParliamentary Union's Parline database.

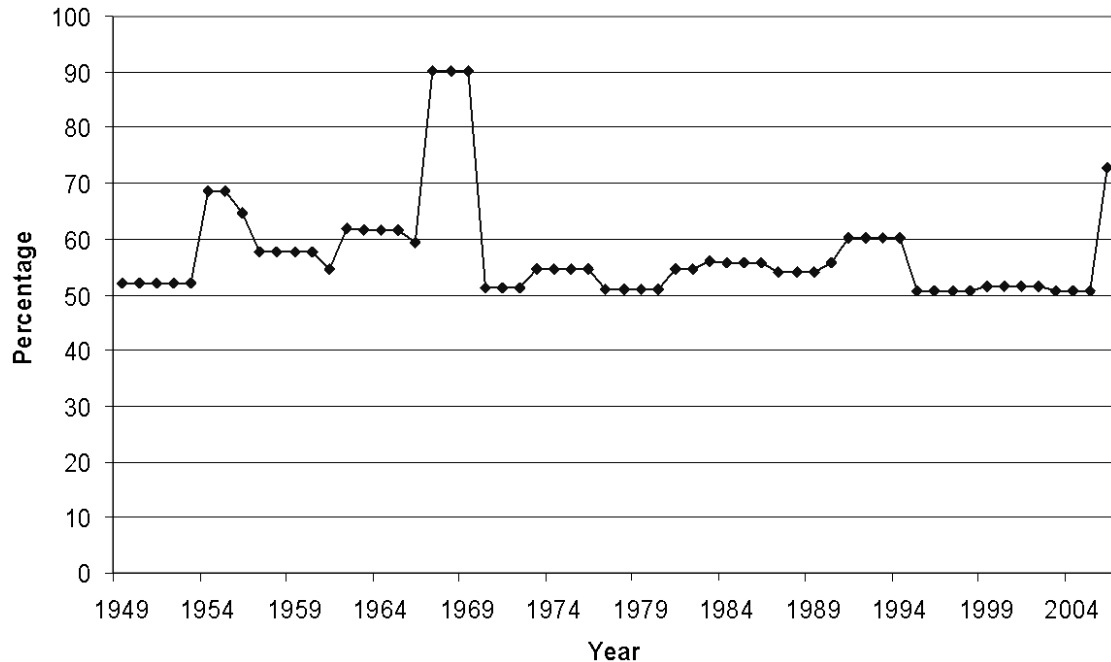


Figure 5.6: Cabinet share of seats in Bundestag, 1949-2006

tiation of the relationship between the cabinet and the EAC in late 2006. However, the grand coalition in the late 1960s does not coincide with any significant developments in the oversight of EU affairs in the Bundestag.

The chairman of the EAC is from the same party as the Federal Chancellor, the center-right Christian Democratic Party, but instead of increasing cooperation between the government and the EAC it seems to have coincided with a period of increased conflict. It could be that what is causing this increased conflict is the grand coalition government that is currently in place. For example, there is a party competition element in the recent controversy over the Federal Minister of Justice voting in favor of a new human rights agency after the Federal Chancellor had promised the EAC to oppose it. The Federal Chancellor, Angela Merkel, and the chairman of the EAC, Matthias Wissman, are Christian Democrats, while the Justice Minister, Brigitte Zypries, is a Social Democrat.¹⁴² Rather than institu-

¹⁴²Brigitte Zypries, Federal Minister of Justice https://ssl.bmj.de/enid/4d13c9cabd84efad4db9641174f0c709,0/Ministry/Minister_13i.html [accessed 17 March 2007]

tional conflict, what might be occurring is party conflict within the arena of the parliamentary committees.

Another way to analyze the number of partisan veto players is to pay attention to the fractionalization of parliament. The higher the probability that two randomly-selected members of parliament would be from different political parties, the less likely that one party can make unilateral decisions in parliament.¹⁴³ Figure 5.2 reveals that the recent effort to increase the assertiveness of the EAC coincides with a big increase in the fractionalization of parliament.

A third way to measure the concentration or diffusion of power in a legislature is to examine the interest group system. In a neo-corporatist interest group system, the government forms a partnership with “peak organizations” representing societal actors. Instead of the competition that is common in pluralist interest group systems, neo-corporatism encourages consensus-building in the process of formulating and implementing major political decisions.

Germany is categorized as “moderately to strongly corporatist.”¹⁴⁴ The countries with EACs that are categorized as more corporatist than Germany all have mandating EACs, so cross-nationally corporatism does seem to correlate with assertive oversight of European Affairs.¹⁴⁵ This categorization would lead to an expectation that EAC assertiveness would increase with the ranking of corporatism. Since Germany is categorized as having moderate to strong corporatism, the concentration of power hypothesis would predict that Germany would have a mandating EAC. This prediction does not fit the observed pattern in the Bundestag. According to Alan Siaroff, Germany’s level of corporatism held steady at

¹⁴³Using the Rae Fractionalization Index. The index was derived using data for the EU-15 countries comes from *Coalition Governments in Western Europe* (2003) edited by Wolfgang C. Müller and Kaare Strøm. The data for the A10 countries comes from the InterParliamentary Union’s Parline database.

¹⁴⁴(Siaroff, 1999, 184)

¹⁴⁵Austria and Sweden are categorized as being “strongly corporatist” while Denmark is categorized as Moderately to strongly corporatist with a slightly higher corporatism ranking than Germany. On the other hand, Finland has what is arguably the most assertive EAC in the EU-25 and its corporatism ranking is a bit lower than Germany’s (Siaroff, 1999, 184).

4.125 from the 1960s through the mid-1990s.¹⁴⁶

Overall, the concentration of power hypothesis is useful for explaining the assertiveness of the Bundestag's EAC. Germany's informal oversight approach is not easily explained by the moderately high number of veto players in the Bundestag, but changes in the oversight approach seem to correlate with an increase in partisan veto players. The number of partisan veto players is useful for understanding variations in the assertiveness of the EAC over time, but the interest group system is not. Based on the interest group system, Germany's EAC is less assertive than expected.

5.10 Conclusion

In sum, the Bundestag has used an informal influence approach to oversight of European affairs since 1991, but recent changes indicate that the oversight approach will be closer to a mandating oversight approach in the future. The explanations considered in this chapter for urgency were the timing of membership, center-periphery, popular support and concentration of power in parliament. The first four variables correctly predict the low level of urgency displayed by the Bundestag for the oversight of European affairs. The moderately high number of veto players made an incorrect prediction of high urgency in European affairs.

The explanations considered for the oversight approach used by the Bundestag were the timing of membership, center-periphery, postmodern values, popular support and the concentration of power in the Bundestag. The timing of membership, center-periphery and public support hypotheses made correct predictions about the Bundestag's non-mandating oversight approach prior to the 2006 reform. The postmodern values hypothesis seemed to make an incorrect prediction prior to the 2006 reform, but after the reform it seems to be a mixed bag. The concentration of power explanation is useful for explaining the change in the oversight

¹⁴⁶Based on a 1 to 5 scale, with 1 being the most pluralist economies and 5 being the most integrated. (Siaroff, 1999, 190-193, Tables 4a-4d)

approach used by the Bundestag. When power was relatively more concentrated, the EAC was designed to use an informal oversight approach. When the Bundestag became more fractionalized, the EAC was reformed to become more assertive.

6

Document-Based Scrutiny: The Oversight of European Affairs in the Oireachtas

The Oireachtas has a flexible, document-based system for the oversight of European Affairs that involves both houses of a bicameral legislature. The most outstanding feature of parliamentary oversight of European affairs in Ireland is a very strong provision of transparency. This chapter begins by describing the historical relationship between Ireland and the European Union. Next it describes the expectations concerning the urgency of establishing an EAC, which is measured by looking at the time gap that exists between joining the European Union and establishing a European Affairs Committee. After that, this chapter describes the expectations concerning oversight approach. The next section describes the Irish parliamentary system and general oversight procedures. The section after that relates the history and description of the Irish EAC and its oversight procedures. Finally, I will discuss lessons from Ireland concerning urgency of EAC establishment and oversight approach.

6.1 Ireland's relationship with the EU

One important factor in understanding the Oireachtas' approach to overseeing European Affairs concerns Ireland's relationship with the European Union. Ireland is geographically and economically peripheral to the EU. Geographically, Ireland is an island, separated from continental Europe by the United Kingdom and the Eastern edge of the Atlantic Ocean. Travel to Continental Europe requires a boat or airplane. As explained by Deputy Gay Mitchell, Chairman of the EAC, to a visiting delegation from the Swedish European Affairs Committee:

We are the only country in the EU which does not have a land connection with Europe. The British have a rail line.¹

While this was true in January 2004, only a few months later the A10 accession class added other countries that lack a land connection to Continental Europe, including Cyprus and Malta. Until recently, this physical separation has contributed to a reduced flow of products, people and ideas between Ireland and continental Europe.

Historically Ireland has been separate from many developments on the continent of Europe. Prior to 1922, Ireland was part of Great Britain and was dominated by England. Ireland developed an independence movement which finally gained separation for the Republic of Ireland by treaty. Since signing this treaty, much of Irish politics has been concerned with maintaining or increasing independence from the United Kingdom. Also since 1922, Ireland has maintained a neutral foreign policy position by avoiding military alliances. Irish neutrality is more an indicator of nationalism than pacifism. Irish citizens want military decisions to be made by their own government and not based on pressure from allies.² This neutrality has separated Ireland politically and psychologically from other

¹Deputy G. Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

²(Coakley, 2005, 64)

countries in Western Europe because Ireland did not experience the world wars a member of an alliance.

We are on the periphery of Europe. We were not involved in the First World War or the Second World War, unlike many other countries. We do not share the same historical context as countries in central Europe.³

Economically, Ireland has made a dramatic transition from being one of the poorest countries in the EU to having a booming economy.⁴ Prior to joining the EU, Ireland's economy was closely linked with the United Kingdom's economy. Irish currency was pegged to the British pound, which greatly reduced Ireland's control over its own monetary policy. Ireland's economy remained underdeveloped until the 1990s. The EU began a Cohesion Fund program in 1994 designed to bring the community's poorest countries up to the same level of economic development enjoyed by the rest of the European Union. The four countries that qualified for these funds were Greece, Portugal, Spain and Ireland. Much of this funding went to building infrastructure. Driving around Ireland today it is common to see large blue billboards, marked with the EU symbol of a circle of yellow stars, proclaiming that this major road was built with the support of the European Union.

As a country on the periphery of Europe, our infrastructure is still greatly underdeveloped, but it has made great advances. Our per capita income has exceeded that of Sweden, but our bank of wealth is still far behind. We still have a lot of work to do on our infrastructure.⁵

Ireland has benefited from the European Union's generosity, but there is some disagreement about what specifically led to Ireland's economic growth. On the one hand, the transfers from the EU helped build infrastructure, which is known to

³Deputy M. Harkin in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

⁴Ireland's economy has grown dramatically from a GDP of €2.22 billion in 1970 to one of €52.55 billion in 1995. Source: Central Statistics Office Ireland

⁵Deputy G. Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

contribute to economic growth. On the other hand, EU membership provides access to markets and requires fiscal discipline, and these have also likely contributed to Ireland's growth.

The transfers are overrated and overstated.... The Single European Act had a bigger effect on us than any transfers we received from Europe. For the first 15 years of our membership of the European Union we had serious problems with our public finances. Although those problems were identified as early as 1979, it took us almost ten more years to grapple with them. Controlling public finances, meeting the criteria for Economic and Monetary Union and then for the Euro and social partnership have contributed more to our recovery than transfers from Europe.⁶

How will Ireland's relationship with the EU change when the transfers are phased out and Ireland becomes a net contributor? On the one hand, the Irish recognize that enlarging the EU to include so many more members from the Eastern periphery of the EU will probably make Ireland feel even more removed from the heart of Europe. On the other hand, the phasing out of transfers results from Ireland's economic success. The members of the committee do not expect a very strong public reaction to the changing economic relationship:

Everyone knows that the system is changing but provided the transfers still arrive and are not cut off, it is not as large an issue as it might appear. When we become net contributors to the Union, if it is not reflected in the individual's take home packet, as it will not be, it is not as big an issue as it might appear. We are aware that we have made significant gains.⁷

If it is the case that Ireland's astonishing economic growth in the 1990s was due to increased trade opportunities with the rest of Europe and increased financial discipline domestically to meet EU requirements, then it seems likely that Ireland's

⁶Deputy G. Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

⁷Deputy J. Dardis, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

economy will not be negatively affected by phasing out contributions from the European Union.

Europe was sold to us as a mechanism for improving our economic situation and it helped. We must look to the future and at the broader picture. We will become contributors and we must do for others what the EU managed to do for us. That will not be easy to sell, but it will be a major challenge.⁸

There seems to be a sentiment in Ireland that it is time to share the EU's largesse with more needy countries and that Ireland should be generous now that it is economically able to be generous.

Several EU member states have been preoccupied with the possible and actual negative consequences of pooled sovereignty.⁹ Ireland's citizens and leaders have seemed less concerned with losing national sovereignty to the European Union than the citizens of other EU member states. Because of Ireland's historic relationship with the United Kingdom, the erosion of national sovereignty through EU membership is not felt the same way in Ireland as it has been in other EU member states. Some believe that Ireland's sovereignty was more compromised before joining the EU than after:

For the first 50 years of our independence we were politically but not economically independent. Practically all our trade, imports and exports, was overwhelmingly with our much larger next door neighbour. Our monetary union with the UK meant that we were not even in control of our own interest rates. That changed when we joined the European Union. Joining the European Union enabled us to become less an off-shore distant cousin and more an equal partner with that next door neighbour.¹⁰

Historically, Ireland has struggled to gain and maintain its independence from the United Kingdom. Even after Ireland left the British Commonwealth, Ireland had

⁸Deputy M. Harkin in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

⁹This has been true in the Nordic states and particularly true for the United Kingdom.

¹⁰Deputy R. Quinn in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Ukraine, 8 February 2006. <http://debates.oireachtas.ie/DDebate.aspx?F=EUJ20060208.xml&Node=H2\#H2> [accessed 12 October 2006]

difficulty establishing autonomous policies from the United Kingdom. While fully independent countries join the European Union and feel that they are less able to pursue their policies unilaterally, Ireland's experience has been the opposite. Instead of being compelled to follow policies that were formulated in the United Kingdom, Ireland can now participate in the formation of European policies.

In sum, Ireland is peripheral to the EU, but membership in the EU has clearly benefited Ireland's economy and has helped Ireland strengthen its independence from the United Kingdom. The twelve new member of the European Union will change Ireland's place in the EU by contributing to Ireland's transition from net beneficiary to net contributor and by moving the geographical center of Europe to the East, which is further from Ireland. However, the new member states may also reveal Ireland's ability to build influence in the EU over the course of Ireland's membership.

6.2 Expectations concerning urgency of EAC establishment

This section discusses my expectations for the oversight of European Affairs in Ireland, based on a number of hypotheses. In chapter 3, I sought to explain the urgency of establishing an EAC, which is measured by looking at the time gap that exists between joining the European Union and establishing a European Affairs Committee. Chapter 3 includes several hypotheses for these varying levels of urgency with regard to the oversight of European Affairs. The main explanations are timing of membership, cultural values, center-periphery relationship to the EU, popular support for the EU, and institutional characteristics of parliament.

The timing of a country's membership in the European Union indicates some of the factors shaping the country's perceptions of the organization. Ireland joined the EU in the first accession class (1973). Only founding members have been in the organization longer than Ireland, so this hypothesis would predict a

lower level of urgency in Ireland than in countries that recently joined the EU, but a higher level of urgency than in countries that founded the EU.

The center-periphery hypothesis asserts that core countries experience less urgency in establishing an EAC than peripheral countries do. It is easier for core countries to influence the European Union and their interests are more closely reflected in the EU than peripheral countries. Ireland is a peripheral country, so this hypothesis would expect to find very little or no delay in Ireland for establishing an EAC.

The public support hypothesis assumes that European decision-making will be less salient in countries with broad support for European integration; therefore the hypothesis asserts that politicians will not rush to establish an oversight committee for European Affairs in countries with high levels of support for EU membership. Ireland has strong popular support for EU membership, so I would expect to find a large time gap between membership in the EU and EAC establishment.

The final hypothesis is concerned with the concentration of power in parliament. The more power that is concentrated in the hands of the government, the easier it would be for the government to delay the establishment of an EAC, which would monitor and constrain its negotiations in the Council of Ministers. If the parliament's backbenchers can easily influence the parliamentary agenda and decision-making in the parliament, then the EAC is likely to be established at the same time that EU membership is gained or even before accession to the EU. If the government controls the parliamentary agenda and decision-making, the EAC is likely to be established at some point after the country has joined the EU.

One way to measure the degree to which power is concentrated in the government's hands is by analyzing the number of veto players in parliament. The fewer veto players there are in parliament the more power is concentrated mostly in the government's hands. Ireland's president does not have veto power and neither does the Seanad, so Ireland's institutional veto players include the cabinet, the

courts through judicial review and the public through referendums. This brings Ireland's institutional veto players to three. Partisan veto players are frequently counted as the number of parties in government, but for this analysis I also examine the fractionalization of parliament. Ireland's partisan veto players range between 1 and 3 during the years between 1973 and 2005. In Ireland there are relatively few veto players in parliament, so this explanation would expect to find a low level of urgency in Ireland for establishing oversight of EU affairs.

6.3 Expectations concerning oversight approach

This section discusses my expectations for the type of oversight of European Affairs in Ireland, based on the hypotheses from chapter 2. In chapter 4, I sought to explain the oversight approach used by EACs in the EU-25. There are four main types of oversight approaches, including informal oversight, document-based scrutiny, non-systematic mandating oversight, and systematic mandating oversight. The informal and document-based oversight approaches are both non-mandating. Chapter 2 includes several hypotheses for the variation in oversight approaches used in European affairs. The main explanations are timing of membership, urgency, cultural values, center-periphery relationship to the EU, popular support for the EU, and institutional characteristics of parliament.

As explained in the previous section, countries that joined the EU more recently are likely to have more difficulty fitting in to the organization than countries that joined earlier. The founding members are most likely to use an informal oversight approach for European Affairs, while the most recent members are likely to have EACs with a mandating oversight approach. Ireland joined the EU in 1973 as a part of the first accession class after the organization was founded. With this early timing of membership I would expect to find a non-mandating approach of oversight of European Affairs, either informal or document-based scrutiny.

When a legislature establishes an EAC years before the country joins

the European Union the legislature reveals an urgent desire to assert control over European Affairs. The more urgently a legislature pursues oversight of European Affairs, the more assertive the oversight approach the legislature is likely to choose for its EAC. Legislatures that establish their EACs before they join the EU are likely to have a mandating approach to oversight of EU affairs. Legislatures that do not set up an EAC until decades after the country has joined the EU are likely to have a non-mandating EAC. Ireland's EAC was not established until 22 years after joining the EU, so I expect it to have a non-mandating EAC.

Societies that have premodern cultural values tend to be very traditional, have very hierarchical political systems, and are preoccupied with survival. Societies that have post-modern cultural values tend to be secular-rational, skeptical of hierarchy and preoccupied with self-expression and quality of life. Most countries do not neatly fit into these categories, but are found along a continuum between them. Countries that display many characteristics of premodern societies are likely to have very little oversight of leaders in general and the European Union, in particular. I expect these countries to have non-mandating oversight approaches to EU affairs. Countries that display many characteristics of postmodern societies are likely to have highly institutionalized oversight mechanisms for domestic and international political decision-making. Countries with value systems relatively closer to postmodernism are likely to have EACs with mandating oversight. In the last few decades, Ireland has experienced cultural change from a predominantly Catholic, traditional, agrarian society into a more secular, post-industrial society. This transition in values should coincide with an increasing demand for oversight of European Affairs. Since Ireland is still more traditional than many of the EU member states, this hypothesis would predict that Ireland will use a non-mandating oversight approach.

Countries from the geographic and political periphery of the EU are likely to be more disconnected from the EU's processes, policies and culture than countries at the EU's core. EU member states that are located on the EU's periphery

are likely to have mandating parliamentary oversight of European Affairs while member states located in the EU's center are likely to have non-mandating EACs. Ireland is a peripheral country to the EU, so this hypothesis would predict that Ireland's EAC would use a mandating oversight approach.

As explained in the prior section, the popular support hypothesis assumes that democratically elected legislators respond to popular demands. The less popular support there is for the European Union, the more likely a parliament will respond by providing assertive parliamentary oversight of European Affairs. Ireland has strong popular support for EU membership, so this hypothesis would predict a non-mandating oversight approach for Ireland's EAC.

The final hypothesis states that the more power is concentrated in the hands of the government, the less assertive the EAC oversight approach is likely to be. In Ireland, there are relatively few veto players and most decision-making power is concentrated in the hands of the government. As a result, this hypothesis would predict a non-mandating oversight approach in Ireland's EAC.

6.4 Basic description of the Oireachtas and general oversight procedures

Traditionally, Ireland's government has been able to run parliament and the country with very little resistance or interference from the backbench members of parliament. Until the mid-1990s, the Irish government was described as having a "virtual immunity from informed review or criticism."¹¹ There are several reasons why this has occurred, including the modified Westminster parliamentary model that Ireland adopted after gaining independence from the United Kingdom, heavy constituency service by members of parliament, and the preferences of the Fianna Fail party.

Ireland inherited some of the characteristics of the Westminster parlia-

¹¹O'Halpin (1993), quoted in Mitchell (2003)

mentary system, but there is more diffusion of power among veto players than in a pure Westminster system. First, I describe some characteristics of the Westminster system and then I explain which of these characteristics is found in Ireland's parliamentary system and which characteristics are not. The Westminster parliamentary system gives the government an advantage over backbench members of parliament. One reason for this imbalance of power between cabinet members and backbenchers is the fused nature of the executive and legislative functions in parliamentary systems. Whether there is a single-party or coalition government, the government must maintain the support of a majority of the members of parliament. With the help of strong party discipline, governments in parliamentary systems are usually powerful enough to override or even disregard opposition parties. Some of the features in the Oireachtas that were "clearly inherited" from the United Kingdom's Westminster system are "organization of Parliament, procedures for law-making, and the administrative structure."¹² Parliament is organized in a way that encourages an adversarial relationship between the government and the opposition and that respects the principle of parliamentary sovereignty. The Constitution gives the Oireachtas the "sole and exclusive power of making laws for the State," but this power is checked by judicial review that empowers the judiciary to declare laws unconstitutional.¹³ The procedures for law-making are similar to the Westminster system, in that a bill must progress through several formal stages before it becomes a law and the government uses a style of cabinet decision-making that stresses collective responsibility and executive secrecy.¹⁴ The administrative structure gives cabinet ministers qualified policy autonomy over the departmental structure that falls under each minister's portfolio. There is more ministerial discretion in single party majority governments than in coalition governments.

¹²(Mitchell, 2003, 418)

¹³Constitution, Articles 15.2.1 and 15.4.2. See also (Mitchell, 2003, 419)

¹⁴"As in other parliamentary democracies the formal position that the legislature makes laws and the government executes them, [omits] the reality that the government (at least a majority government) largely controls the legislature. Most bills are government bills and certainly only bills supported by the government have much prospect of being enacted" (Mitchell, 2003, 420). See also Gallagher (2005); Connolly (2005) and (Mitchell, 2003, 419-421, 435-436)

Some of the features that are different from the Westminster system include a written constitution, proportional representation electoral system with a single transferable vote, and a directly elected President.¹⁵ The Irish Constitution is “protected by a Supreme Court and developed by judicial interpretation and popular referendum.”¹⁶ This differs from the model of Westminster in the United Kingdom, which has no written constitution. Any changes or amendments to the Irish Constitution must be made through a referendum that is supported by a majority of votes cast. Referendums can only be initiated in the Dáil and not by the public.¹⁷

Heavy constituency service by members of parliament also tilts the balance of power toward government ministers. The lower house of parliament is called the Dáil Éireann. Members of the Dáil are elected using proportional representation with single transferable vote (STV) electoral rules, which encourage inter-party and intra-party competition in elections.¹⁸ The intra-party competition causes legislators to emphasize constituency work because this work enables incumbents to distinguish themselves from intra-party competitors that support the same policies and ideologies as the incumbents.¹⁹ Adding to this electoral motive for constituency service, Ireland’s strong tradition of clientelism also fuels an

¹⁵(Mitchell, 2003, 418-419)

¹⁶(Mitchell, 2003, 418)

¹⁷(Mitchell, 2003, 421) and Gallagher (2005)

¹⁸STV is a proportional system that uses multi-member districts and allows voters to indicate their ranked preference when voting. “Ordinal voting refers to the right of electors to vote for as many, or as few, candidates on the ballot paper as they wish; they can vote across party lines” (Farrell, 2001, 127).

¹⁹Farrell asserts that a weakness of STV electoral systems is that they encourage a “brokerage style of politics. Parliamentarians work their ‘parish pumps’, attracting votes by a heavy emphasis on constituency social work and localist concerns. (There is a large literature on this; see Carty (1981)). More time seems to be spent in the Dáil signing letters to constituents and raising constituency matters in question time than with the weightier matters of national legislation. Surveys of TDs (MPs) reveal a heavy constituency workload Gallagher and Komito (1999); Roche (1982b). Election campaigns are characterized by a similarly heavy emphasis on local issues and by regular faction fights between candidates of the same party. And there is good reason for the latter. Between 1951 and 1977, for example, roughly one-third of the incumbent TDs who lost their seats were displaced by running mates from the same party (Carty, 1981, 114). In recent years that proportion seems to be rising Gallagher (1990, 1993, 1999b)” (Farrell, 2001, 145).

expectation of heavy constituency work among members of parliament.²⁰ Backbenchers dedicate a large amount of time and energy to meeting with constituents and solving their problems. Instead of specializing in a particular policy area, most MPs “cultivate the parliamentary profile most suited to their constituents. Thus they focus on constituency matters and articulate issues of interest to the local rather than national community.”²¹ Arkins describes this constituency service activity in more detail:

Many [members of parliament] actively chase constituents, not only by holding clinics to hear grievances but also by installing computerized mailshots offering unsolicited assistance to those who apply for grants, planning permission, and so on. Such behavior is hardly “imposed” on TDs by the STV system of election. Most probably stems from a traditional cultural tendency towards localism, brokerage and face-to-face relations. Clientelist practices undermine the legislative activity of the Dail deputy chiefly by robbing him of the time necessary for policy formulation and executive scrutiny. This is not to argue, however that less time expended on constituency considerations would tilt the balance of decisional functions towards the Legislature away from the Executive.²²

While Westminster systems generally have two effective parties, Ireland has a party system with three effective parties.²³ According to Lijphart’s index of executive dominance, Ireland is in the mid-range with a score of 3.07, while the Westminster-style parliaments have executive-dominance scores closer to 5.5.²⁴ This figure is based on cabinet duration, so Ireland’s governments tend to be stable enough to last on average about 3 years.

²⁰Some scholars maintain that clientelism is a major feature of politics in Ireland and focus on the “brokerage elements” of Irish politics. See Chubb (1963); Bax (1976); Carty (1981); Sacks (1976); Komito (1992). “The politicians used their access to state benefits as a means of building up groups of supporters or clienteles. These clienteles were used to secure re-election, to weaken rivals, and to gain respect and reward from superiors” Komito (1992). Others are less certain that clientelism exists or, if it exists, that it is important in Irish politics. See Gibbon and Higgins (1974); Komito (1984, 1989); O’Connell (1982); Roche (1982b).

²¹(Arkins, 1990, 92)

²²(Arkins, 1990, 95)

²³(Lijphart, 1999, 88)

²⁴(Lijphart, 1999, 132-133). The lowest score was 1.00 (Costa Rica, United States, Switzerland) and the highest was 5.52 (France, United Kingdom, Malta, Bahamas, etc.). Lijphart argues that executive dominance is highly correlated with cabinet duration. The shorter the life-span of most cabinets, the more legislative independence.

Another way that Ireland differs from the Westminster model is that Ireland is semi-presidential, with a directly elected president.²⁵ One way the legislature is able to limit the presidency is that candidates for the presidency must be nominated by members of the legislature or administrative counties.²⁶ The president is described as not having “an executive or policy role,” however the constitution does give the president “absolute discretion” in a few areas, such as “referring a Bill to the Supreme Court for a judgment on its constitutionality or in refusing to dissolve Dáil Éireann (lower house of parliament) on the advice of a Taoiseach (Prime Minister) who has ceased to retain a majority.”²⁷

The three main political parties in Ireland are Fianna Fail, Fine Gael and the Labour Party. Both of the two largest political parties in Ireland, Fianna Fail and Fine Gael, belong to party families that are right of the European center and Irish citizens tend to place themselves farther to the right on the left-right spectrum than other Europeans do.²⁸ Labour is ideologically center or center-left and has frequently been in government.²⁹

Fianna Fail has been the party in government for most of Ireland’s history.³⁰ Fianna Fail has run the country for 56 out of the 86 years between inde-

²⁵(Lijphart, 1999, 119) and <http://www.president.ie/index.php?section=15&lang=eng> [accessed 24 February 2006]

²⁶“To be a candidate a citizen must be over 35 years of age and must be nominated either by not less than 20 members of Dáil or Seanad Éireann, or not less than 4 administrative counties (including County Boroughs)” <http://www.president.ie/index.php?section=15&lang=eng> [accessed 24 February 2006]

²⁷<http://www.president.ie/index.php?section=15&lang=eng> [accessed 24 February 2006]

²⁸(Coakley, 2005, 60-61). In the European Parliament Fine Gael belongs to the European People’s Party (EPP) and Fianna Fail belongs to the Union for Europe of the Nations party family (UEN). The European People’s Party is generally associated with Christian Democratic parties across Europe and is a very large party family with centrist policy goals. The Union for Europe of the Nations party family is associated with nationalist, Eurosceptical parties and is much smaller than the EPP. The UEN’s policy platform includes protecting linguistic diversity and supporting an EU that “respects the powers of National Governments and the competences of the institutions of the European Union.” <http://www.uengroup.org/home.html> [accessed 24 February 2007]

²⁹According to Paul Mitchell, the Labour party spent the most days in government of any Irish party during the period 1973 to 1997. “The figures for tenure in government in days (and years) are as follows: Labour, 4810 days (13.4 years); Fianna Fail, 4330 (12); Fine Gael, 4155 (11.5), Progressive Democrats, 1183 (3.3); Democratic Left, 892 (2.5).” (Mitchell, 2003, 423, footnote 11).

³⁰Since 1921, Fianna Fail has been a governing party 2/3 of the time. Fianna Fail was in

pendence in 1921 and 2007. Of the last 20 years, Fianna Fail has been a governing party for 17.³¹ With this long history of being the ruling party, the party leaders have come to prefer to be in charge with little competition from backbenchers or specialized committees. During periods when Fianna Fail has been in opposition, the Fine Gael party has reformed the Dáil to strengthen parliamentary committees and backbenchers vis-à-vis the government.³² In the early and mid-1980s when Fianna Fail was in opposition, Fine Gael increased the number of parliamentary committees and significantly increased the budget for committee staff and secretarial support for members of parliament. When Fianna Fail returned to government in the late 1980s, funding for parliamentary staff was cut to 1/6 the size that it was in 1986.³³ Fianna Fail is supportive of concentrated power for practical reasons and historically has defended the supremacy of the government over backbenchers.³⁴

The upper house of the Irish legislature is called the Seanad Éireann and its 60 members are appointed. Ten percent of the members are appointed by the alumni of the National University of Ireland and the University of Dublin (Trinity College). Just over 18 percent are nominated by the Taoiseach (the Prime Minister of the Dáil) and the rest of the members of the Seanad are elected by “five panels representing vocational interests namely, Culture and Education, Agriculture, Labour, Industry and Commerce and Public Administration.”³⁵ Because sena-

government 1932-48, 1951-54, 1957-73, 1977-81, 82, 1987-94, and since 1997.

³¹From 1994 to 1997, Fine Gael, Labour, and the Democratic Left formed the only government in the last 20 years that excluded Fianna Fail (Mitchell, 2000, 154).

³²In a Westminster parliamentary system, the cabinet (executive branch) is frequently called the government and the non-cabinet members of parliament are called backbenchers.

³³Appropriations to the Houses of the Oireachtas “increased substantially from a sum of £30,000 in 1979 to £300,000 in 1986, it was cut to £50,000 by the Fianna Fail administration in 1988.” (Arkins, 1990, 96-97)

³⁴“By the early 1980s Fine Gael adopted internal Dáil reform as an integral feature of its programme, advocating, in particular, the use of select committees as a means of equipping the backbencher with information which would improve the range of his influence. Fianna Fail, then and today, view the prospect of an efficient committee system with suspicion, seeing it as a potential threat to the executive supremacy so inherent in the Westminster model of government. Strong select committees do not blend easily with this constitutional model, which sees the cabinet as the center of power. In their search for information, they utilize powers of scrutiny which inevitably constrain government behaviour.” (Arkins, 1990, 95-96).

³⁵“Senators.” <http://www.oireachtas.ie/ViewDoc.asp?fn=/documents/a-misc/senator.htm&CatID=108&m=s> [accessed 30 January 2007]

tors do not depend on popular election, they can focus on the needs of the whole country instead of investing large amounts of time in constituency service.

In theory, Seanad Éireann does not recognise party affiliations. However, as the electorate for the panels is made up of the Members of the incoming Dáil, the outgoing Seanad, county councils and county borough councils, the composition of Seanad Éireann, including the Taoiseach's nominees, will tend to reflect party strengths in Dáil Éireann.³⁶

Many, but not all, of the senators owe some allegiance to the governing party that played a role in appointing them to the Seanad. Because of this political reality, the Seanad is not a non-partisan advisory body, but instead it is divided based on which members owe allegiance to the governing party and which do not. "In practice, Senators will divide into groups supporting and opposing Government business when voting on issues."³⁷ The primary task of the Seanad is to advise the Dáil and decelerate the legislative decision-making process by debating and revising legislation that the Dáil has passed. The Seanad can delay legislation for up to 90 days and is allowed to initiate legislation, with the exception of financial bills and constitutional amendments. As with many upper houses, the Seanad has more freedom to debate and investigate important issues because it is more distant from the government and not as sensitive to popular opinion as the lower house. In the absence of a confidence relationship with the government and the pressures that come with popular elections, the Seanad can explore the implications of important issues at its own pace.³⁸ Even though, in theory, the Seanad is independent of the government, in practice "the government nearly always has majority support within the Seanad" and the Seanad "has not rejected a government bill since July 1964."³⁹

³⁶ "Senators." <http://www.oireachtas.ie/ViewDoc.asp?fn=/documents/a-misc/senator.htm&CatID=108&m=s> [accessed 30 January 2007]

³⁷ "Senators." <http://www.oireachtas.ie/ViewDoc.asp?fn=/documents/a-misc/senator.htm&CatID=108&m=s> [accessed 30 January 2007]

³⁸ <http://www.irlgov.ie/oireachtas/a-misc/senator.html>

³⁹ (Gallagher, 2005, 233)

In general, the committee system in the Oireachtas has been underdeveloped. After each new election, the government decides what parliamentary committees will exist during that term of the parliament.⁴⁰ This practice reflects the tenuous position of many committees in the Irish parliament and can lead to significant disruptions in the work of parliamentary committees. One possible reason that the committee system is underdeveloped is that the Irish Oireachtas has been a small, informal legislature.⁴¹ Michael Gallagher argues that a strong committee system encourages non-partisanship and requires a significant number of MPs with the capabilities to serve in the government but who do not expect to ever have the opportunity. In Ireland, most cabinet members have been TDs⁴² and most TDs eventually get an opportunity to be cabinet ministers, especially if they belong to the Fianna Fail party. The most ambitious and capable TDs have their sights set on running a government ministry and do not want to undermine the power of those cabinet positions through a strong legislative committee system.⁴³

There is a Joint Committee for European Affairs that combines the efforts of the lower house (Dáil Éireann) and the upper house (Seanad Éireann). There is also a sub-committee for scrutiny of European Affairs which concentrates on scouring European Commission proposals and sorting out which proposals merit parliamentary attention. The sub-committee makes recommendations to the Joint Committee regarding which proposals require further parliamentary oversight. The work of the joint committee and the sub-committee enable the Irish parliamentary oversight mechanism to oversee a broad scope of policy areas, while at the same time maintaining the fluidity and flexibility that characterize the Irish parliamentary system.⁴⁴ In addition to participating in the Joint Committee, the lower house of parliament also has its own Select Committee on European Affairs composed of the members of Dáil Éireann who are members of the Joint Committee

⁴⁰Interview with Oireachtas parliamentary staff, April 2005.

⁴¹(Gallagher, 2005, 230-231)

⁴²TD is shorthand for member of parliament in Ireland.

⁴³(Gallagher, 2005, 230-232)

⁴⁴O'Halpin (1996)

on European Affairs.

6.5 History and description of the EAC and its oversight procedures

From the 1970s through the 1990s, Ireland's parliamentary oversight mechanisms in European affairs were informal, institutionally weak and not terribly transparent. There was a legislative committee that dealt with European affairs beginning in the 1970s but it was not an oversight committee. A true oversight committee was established in 1995. It was strengthened in 2002 and became more transparent and more formal. This section will discuss the legislative committees that have been used to deal with European legislation and oversight since the 1970s.

After Ireland joined the European Community in 1973, the Oireachtas established a joint committee on Secondary Legislation of European Communities. On paper it looked as if this committee had the power to effectively hold the government accountable in European Affairs, but in practice, interest in European Affairs was weak and the parliament and the government was left to its own devices in European Affairs until 1993. There were several features included in the European Communities Act of 1972 to give the Committee on Secondary Legislation teeth, but the committee did not utilize all available tools for oversight. Some of these unused oversight tools included the right to review Commission proposals and the power to "recommend the annulment of any regulation" that the government had adopted in European Affairs.⁴⁵ The Committee on Secondary Legislation's greatest weakness was parliamentary inattention to European Affairs - the committee lacked an audience. Another flaw was a "retrospective" method of overseeing European affairs. This committee read and wrote reports on European legislation after decisions were made and frequently after they had already been

⁴⁵(O'Halpin, 1996, 127)

enacted.⁴⁶

After the Maastricht Treaty greatly extended the policy reach of the European Union, members of parliament grew more interested in overseeing European Affairs. A new committee, Joint Committee on Foreign Affairs (JCFA), was established in 1993 to replace the Committee on Secondary Legislation. The JCFA established a sub-committee for European Legislation that took care of the document-based scrutiny and freed up the committee to focus on bigger-picture issues. By 1995 the government set up a European Affairs Committee that was separate from the Joint Committee on Foreign Affairs. One sign of increased parliamentary interest in European Affairs is found in the committee assignments. After 1993, more influential members of parliament led the JCFA and later the European Affairs Committee.⁴⁷ This helped the committees to be more influential and also drew a larger audience for the work of the oversight committees.

The Treaty of Nice was a turning point for Ireland's relationship with the European Union and the Irish parliament's oversight of European Affairs. When the Irish electorate voted to reject the Nice Treaty in 2001, Irish elites interpreted this rejection as a sign that the electorate wanted more accountability in the area of European Affairs. In response to this newly recognized popular demand for oversight of European Affairs, the EAC underwent dramatic reforms aimed at making the oversight process more formal, more transparent and more effective. The next sections discuss the rejection of the Nice Treaty, the societal changes that likely led to this rejection and the institutional response to the treaty rejection.

6.5.1 What caused the Irish electorate to reject the Treaty of Nice Referendum?

The main contribution of the Treaty of Nice was to reform the institutions of the European Union in preparation for the accession of new member states.

⁴⁶(O'Halpin, 1996, 130)

⁴⁷(O'Halpin, 1996, 131)

At the time that the Treaty of Nice was negotiated, the European Union had 15 member states, but within seven years the EU expanded to include 27 member states. This dramatic increase in size necessitated some dramatic changes in European institutions. More seats were added to the European Parliament and the number of seats per country was reduced. The Council of Ministers redistributed the population-based weights per country for qualified majority voting. The European Commission began the process of limiting the number of commissioners until there would eventually be fewer commissioners than countries, meaning that not every country would be able to send one of their own citizens to serve as a commissioner.⁴⁸ All of these changes were aimed at streamlining the decision-making process and the institutions of the EU. They had the effect of diluting the influence of individual member states.

The Irish constitution requires Constitutional amendments to be ratified with a referendum. The treaties that have organized the EU have been treated as constitutional amendments and must go through the ratification process in Ireland. Four times Irish voters approved constitutional amendments allowing the Irish government to ratify EU treaties, so the Treaty of Nice was not expected to encounter difficulties with the ratification process in Ireland.⁴⁹

A referendum on the Treaty of Nice was held on June 7, 2001 and asked the electorate to approve three amendments to the Irish Constitution. One of the amendments would have allowed the state to ratify the Treaty of Nice. If it had passed, it would have become the 24th Amendment. The other two amendments were to prohibit the death penalty (21st Amendment) and allow the state

⁴⁸*Commission of the European Communities*. January 18, 2001. SEC(2001) 99. "Memorandum to the Members of the Commission: Summary of the Treaty of Nice." http://ec.europa.eu/comm/nice_treaty/summary_en.pdf [accessed 13 February 2006]

⁴⁹The Third Amendment (1972) allowed Ireland to become a member of the European Communities. The Tenth Amendment of the Constitution Act (1987) allowed Ireland to ratify the Single European Act. The Eleventh Amendment of the Constitution Act (1992) allowed Ireland to ratify the Treaty on European Union (Maastricht Treaty) and become a member of the European Union. The Eighteenth Amendment of the Constitution Act (1998) allowed Ireland to ratify the Treaty of Amsterdam. The Twenty-sixth Amendment of the Constitution Act (2002) allowed Ireland to ratify the Treaty of Nice.

to ratify the Rome Statute of the International Criminal Court (23rd Amendment). The Twenty-first and Twenty-third Amendments were approved while the 24th Amendment was rejected.⁵⁰ This rejection of the 24th Amendment was shocking in Ireland and in the rest of the European Union. Bertie Ahern, Ireland's Prime Minister (Taoiseach), made a memorable speech shortly after the Nice Treaty was rejected, saying:

I do not believe that the Nice vote marked a willingness and a wish by the Irish people to either cease the process of European integration on which Ireland has been engaged for 28 years or, indeed, to roll back that process. I believe that our people do not wish to detach themselves from Europe. But, we need to do a far better job in communicating Europe to ensure that people are as well informed as possible on issues that are vital to our country.⁵¹

Some elites have argued that the reason the Treaty of Nice was rejected by the electorate is not really because there was widespread opposition, but because voter turnout was so low in the referendum. The justification for this is that when a second referendum was held about a year later (in November 2002), the number of votes against the Treaty of Nice was about the same as the prior referendum. The turnout was much higher and almost all of the additional voters favored the

⁵⁰There is no Twenty-second Amendment because it was not approved by the parliament. From the Constitution of Ireland, list of Amending Acts: "Twenty-first Amendment of the Constitution Act, 2001 [Prohibition of death penalty and removal of references to death penalty] There is no Twenty-second Amendment of the Constitution. The Twenty-second Amendment of the Constitution Bill, 2001 [relating to the removal of a judge from office and providing for a body to be established by law to investigate or cause to be investigated conduct constituting misbehaviour by a judge or affected by incapacity of a judge] was not passed by the Houses of the Oireachtas. Twenty-third Amendment of the Constitution Act, 2001 [Allowing the State to ratify the Rome Statute of the International Criminal Court]. There is no Twenty-fourth Amendment of the Constitution . On 7 June, 2001, three proposals were put to the people, the Twenty-first, Twenty-third and Twenty-fourth Amendments. The people rejected the Twenty-fourth (which dealt with the Treaty of Nice) and approved the Twenty-first and Twenty-third (above). There is no Twenty-fifth Amendment. On 6 March, 2002, a proposal for the Twenty-fifth Amendment to the Constitution was put to the people and was rejected [Protection of Pregnancy in Human Life]. Twenty-sixth Amendment of the Constitution Act, 2002. [Allowed the State to ratify the Treaty of Nice]."

⁵¹"Ireland's EU Relations and the Future of Europe debate." Speech by the Taoiseach, Bertie Ahern, on Ireland's EU relations and the Future of Europe debate - Monaghan, 29/11/2001 http://europa.eu.int/constitution/futurum/documents/other/oth291101_en.pdf [accessed 13 February 2007]

Treaty of Nice. So elites argue that the negative vote on the 24th Amendment was due to a lack of mobilization of the mainstream voters while the Eurosceptical voters did vote in both referendums.⁵²

This argument is complicated by the fact that the initial referendum asked the citizens to vote on three possible amendments to the Constitution and only the amendment dealing with the Treaty of Nice was rejected. If the turnout was too low to get a legitimate result on the question regarding the Treaty of Nice (24th Amendment), shouldn't it also be too low to validate the other two referendum questions that were asked that day? The two questions from the referendum that passed were left unchallenged. There was no serious consideration of rejecting of the results from the same referendum when it came to the two amendments that were approved.⁵³

Another way to analyze the Irish electorate's rejection of the Treaty of Nice referendum is in terms of societal changes that affected the way that Irish citizens view their own government and Ireland's role in the European Union. Ireland's society has undergone a radical transition since joining the European Union. Until the 1970s, Ireland had a traditional society with an agriculturally-based economy, a religious culture that has been described as authoritarian, and a foreign policy that was dominated by the United Kingdom and isolated from Continental Europe.⁵⁴ "These characteristics ... combined to produce a distinctive political culture which was characterized by such features as nationalism, authoritarianism, anti-intellectualism and personalism."⁵⁵ Since the 1970s, Ireland has experienced dramatic socio-economic and religious change that has affected Ireland's political culture.

Socio-economically, Ireland has transitioned from an agrarian to an industrial (or post-industrial) society.⁵⁶ Some of the changes that accompanied this

⁵²See Laffan and Tonra (2005) for a more detailed account of this argument.

⁵³See footnote 6.5.1. The two referendums that passed were Amendment Twenty-one (death penalty) and Amendment Twenty-three (International Criminal Court).

⁵⁴(Coakley, 2005, 39). See also Chubb (1970); Farrell (1971); Schmitt (1973)

⁵⁵(Coakley, 2005, 39)

⁵⁶Coakley describes agrarian societies as having "predominantly rural settlement patterns;

shift are more geographical mobility, more social mobility, and easier access to telephones and televisions. Ireland's economy has grown dramatically from a GDP of €2.22 billion in 1970 to one of €52.55 billion in 1995.⁵⁷ Since 1996, Ireland has experienced net immigration. This is a dramatic societal change after decades of high levels of emigration from Ireland.⁵⁸

Religiously, Ireland has transitioned from a society where the Catholic Church had a near-monopoly on the religious life of the country to a state of religious pluralism. Weekly church attendance has ebbed and flowed over time in Ireland, but after the independence movement allied with the Catholic Church under Daniel O'Connell, "weekly mass attendance rates began to approach 100 per cent."⁵⁹ Extremely high levels of religious activity continued until the 1970s, but declined dramatically since then.⁶⁰ Social changes that have coincided with this decline in religiosity include higher divorce rates, an increasing percentage of births taking place outside of marriage, and increasing abortion rates.⁶¹

These societal changes may have contributed to changes in Irish oversight of European Affairs. During the 1990s, the Celtic Tiger⁶² greatly increased the economic opportunities available to Irish citizens, spreading more wealth around the country and decreasing the average citizen's dependence on elite patrons and

mainly illiterate, and with an oral tradition dominated by village-based or regional dialects; with only a restricted transport network; and with poorly developed communications media" (Coakley, 2005, 40). He describes industrial society as having "predominantly urban settlement patterns; mainly or even universally literate in a modern, standardized language; and with a high degree of mobility" (40).

⁵⁷Table 7, 107 "Gross National Disposable Income and its Use" from the Historical National Income and Expenditure Tables 1970 - 1995 excluding FISIM, which is available from the Central Statistics Office Ireland http://www.cso.ie/releasespublications/pr_natacc.htm [accessed 6 February 2007]

⁵⁸(Coakley, 2005, 42-44)

⁵⁹(Coakley, 2005, 45)

⁶⁰"Those attending church at least once weekly amounted to 91 percent in 1973-4, and this figure remained steady throughout the 1970s...By 2002, only 54 percent declared themselves to be weekly churchgoers, and there was a striking breakdown in age profile: for those aged under 35, only 32 percent attended at least once weekly; this rose to 52 percent for the 35-54 age group, and to 80 percent for those aged 55 or more (calculated from the European Social Survey, 2002)" (Coakley, 2005, 45).

⁶¹(Coakley, 2005, 47-48). Abortion is illegal in Ireland, so the abortion rate is estimated using the number of women "having abortions in England and Wales but giving Irish addresses."

⁶²The Celtic Tiger is reference to the rapidly growing Irish economy of the 1990s.

informal relationships to navigate the state's bureaucracy. This decrease in economic hardship and increase in leisure time that resulted from a growing economy gave citizens more free time. Citizens could choose to use some of this free time to consider the impact of European-level decision-making on their own lives and businesses.

After Irish elites interpreted the rejection of the Treaty of Nice as the Irish electorate demanding more accountability and transparency in European Affairs, the parliament responded with a revamped European Affairs Committee. Gay Mitchell explains that the initial rejection of the Treaty of Nice was caused by elite complacency:

We thought once we joined the European Union and had a referendum in 1973 that there was no need to have a referendum again. However, under the Single European Act the High Court ruled that we would have to have a referendum if a significant change was involved. Because we got used to people saying "Yes" to the Single European Act, the Treaty of Maastricht and the Treaty of Amsterdam, the politicians who favoured the Treaty of Nice did not bother trying to sell it. We thought people would vote "Yes", but they did not. Only 35% of the people voted and it was defeated by 18% to 17%. We then had to find a way to put the question a second time. That made us realise [sic] that there is a need to communicate with people about how to address their concerns on Europe. That is one of the reasons this committee [the EAC] was given new powers.⁶³

Irish elites responded to the message of the Irish electorate in three ways: establishing the National Forum on Europe, making the Seville Declaration and reforming the oversight of European Affairs in the Oireachtas. First, in autumn 2001 the government established a cross-party organization called the National Forum on Europe. The National Forum on Europe exists to "promote a national debate on the European Union, on its future and on Ireland's role in it."⁶⁴ Its members include members of parliament and members of the European Parliament from

⁶³Deputy Gay Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

⁶⁴National Forum on Europe. "Where we come from and what we do" <http://www.forumoneurope.ie/index.asp?locID=77&docID=-1> [accessed 6 March 2007]

across the whole political spectrum. The public is invited to attend all meetings. Some of the meetings are held in Dublin Castle and others are held at locations around Ireland, with the goal of drawing broad attention and attendance among the Irish electorate.⁶⁵

Second in June 2002, the government “sought to clarify Ireland’s position on its military neutrality and towards an emerging European Security and Defense Policy” through the Seville Declaration.⁶⁶ The Seville Declaration reaffirms the sovereign right of member states to decide whether or not to commit troops to military exercises, declares that the ESDP does not impose binding military commitments on member states. Ireland also made a National Declaration to go along with the Seville Declaration emphasizing Irish military neutrality and requiring that Irish Defense Forces will only participate in ESDP operations with the approval of the United Nations, the Irish government and the lower house of the Irish parliament.⁶⁷ This requirement for three levels of approval is considered to be a “triple lock on Irish military force deployment overseas.”⁶⁸

Third, in July 2002 the Oireachtas reformed the oversight of European Affairs in the Oireachtas to provide more accountability and transparency. The

⁶⁵National Forum on Europe. “Forum Members” <http://www.forumoneurope.ie/index.asp?locID=81&docID=-1> [accessed 6 March 2007]

⁶⁶(Laffan and Tonra, 2005, 258)

⁶⁷“Two Declarations were agreed and published at the European Council Summit at Seville on 21 June 2002. The first was a Declaration by Ireland’s EU partners that ‘...the Treaty on European union does not impose any binding mutual defense commitments. Nor does the development of the Union’s capacity to conduct humanitarian and crisis management tasks involve the establishment of a European army.’ It also insists that ‘like all Member States of the Union, Ireland would retain the right, following the entry into force of the Treaty of Nice, to take its own sovereign decision, in accordance with its Constitution and its laws, on whether to commit military personnel to participate in any operation carried out under the European Security and Defense Policy. Ireland, in its national Statement, has clearly set out its position in this regard.’ A National Declaration was then attached to the EU Council Declaration. It provides that ‘Ireland confirms that its participation in the European Union’s common foreign and security policy does not prejudice its traditional policy of military neutrality.’ The National Declaration goes on to say that the participation of contingents of the Irish Defense Forces in overseas operations, including those carried out under the European security and defense policy, requires (a) the authorization of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish government, and (c) the approval of Dail Eireann, in accordance with Irish law.” (Laffan and Tonra, 2005, 258)

⁶⁸(Laffan and Tonra, 2005, 258)

EAC's main contribution is in providing information about the government's work at the European Union and its implications for Ireland's interests. The next section will discuss the reforms that were made in 2002.

6.5.2 Changes in the role of the committee after the Nice referendum was rejected

After the Nice referendum was rejected by the Irish electorate, the role of the Joint Committee on European Affairs underwent significant changes. One change that was implemented in 2002 was the establishment of the Sub-committee on EU Scrutiny. This sub-committee's assignment is "to examine proposals for EU legislation and pre-Council discussions between Ministers and Oireachtas Committees."⁶⁹ Gay Mitchell, the former chairman of the Joint Committee on European Affairs, described the functions of the sub-committee:

"There is therefore a sub-committee of this committee which meets every two weeks and in the last year examined something like 400 draft regulations or draft directives. That sub-committee decides whether or not to recommend further scrutiny. In about 30% of cases, we refer the draft for further scrutiny by standing committees such as the committees responsible for transport, justice or otherwise. In 70% of cases, we make no such recommendation but simply note the proposal."⁷⁰

Another change is that the Government is required "to send to this committee in advance all proposals for regulations and directives within four weeks of their being received by a Government Department."⁷¹ This reform gives the Joint Committee on European Affairs more time to review the proposals before decisions are made at the European level. It also makes it more likely that the government department

⁶⁹Oireachtas Oversight of EU Affairs website <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/EuropeanAffairsUsefulLinks2.htm> [12 October 2006]

⁷⁰Deputy Gay Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

⁷¹Deputy Gay Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

that is formulating an Irish position on the proposal can work with the Joint Committee on European Affairs since they will be considering the proposal at the same time. The Oireachtas EAC has a website that explains its role in the oversight of EU Affairs:

“The Council of Ministers of the European Union is the EU’s main decision-making body. It consists of government ministers from each of the member states. Which Irish Minister participates in Council meetings depends on the subject under discussion. The Foreign Ministers Council meet in the ‘General Affairs and External Relations Council’ (GAERC), which deals with general EU policy matters, such as EU enlargement issues, and the EU’s common foreign and security policy, for example the EU’s relations with the Middle East and Africa. Prior to meetings of the GAERC, the Minister for Foreign Affairs briefs the Joint Committee on European Affairs on the proposals for discussion and decision on the agenda of the Council meetings and the Government’s approach in relation to these matters. This enables the Committee to make its views known on the proposals in advance of the Minister’s participation in meetings of the Council. These pre-GAERC briefings ensure greater Oireachtas oversight of EU decisions.”⁷²

Because the Minister of Foreign Affairs briefs the Joint Committee on European Affairs on upcoming agenda items for the GAERC and communicates the Government’s position on each item, the committee is better equipped to formulate its own position on EU policy matters before the decision is made. Before the 2002 reforms, it was more difficult for the committee to develop a position on Council of Ministers proposals and express that position to the government in a timely fashion. If the committee lacks the time and opportunity to develop a position and express it to the government minister prior to Council of Minister meetings, then the government cannot take the committee’s position into account. The EAC chairman explains:

...as a result of the changes, the Minister for Foreign Affairs now comes before this committee each month before he goes to the General Affairs and External Relations Council. The committee considers the agenda

⁷²Oireachtas Oversight of EU Affairs website <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/EuropeanAffairsUsefulLinks2.htm> [12 October 2006]

with him and members ask questions and raise issues as they wish and get responses.⁷³

The Irish government is not legally required to follow the suggestions of the committee, but now that the EAC is informed at an earlier stage in the decision-making process it is more likely that the committee will have time to develop an opinion and share it with the government before it participates in Council of Ministers negotiations on the topic. These meetings with the Minister for Foreign Affairs “enable the Joint Committee to continue effective oversight of Government policy thinking and to have an input into, and an exchange of views on, topics arising on the agendas of those Council meetings.”⁷⁴

The committee is similar to other EACs in that it has difficulty getting resources to employ a large secretariat staff to support its work. The Irish EAC has two clerical officers, a policy advisor, and three more members of the secretariat assisting. This compares favorably with other legislative committees in the Dail, but members of the committee still complain that there are not enough resources for support staff to really digest all the information flowing from Europe. The volume of information flowing from Europe is similar for all member states, but the larger countries have more resources for absorbing the information than smaller countries do.⁷⁵

The EAC works most closely with the Minister for Foreign Affairs, but it must synchronize its work with members of most of the cabinet ministers. Each cabinet ministry is matched with a department of the civil service that supports the ministry’s work. One important task is to coordinate the work of civil service departments with the work of the EAC.

In each Department, a co-ordinator has been appointed to ensure that the requirements of the legislation are met. There has been some slug-

⁷³Deputy Gay Mitchell, Chairman, in a meeting of the Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

⁷⁴“Houses of the Oireachtas Joint Committee on European Affairs Work Programme 2006” April 2006, p. 4

⁷⁵Personal interviews with members of parliament and the secretariat for the EAC, April 2005

gishness or difficulty in regard to some Departments, though not too much, and there is also a difficulty with the resources of the committee which we need to address. However, under the Act, we are required to report to both the Dáil and Seanad after the end of 2003 on how the scrutiny legislation has worked. We are in the process of reporting to both Houses on how this new system has worked.⁷⁶

Since the Joint Committee on European Affairs was reformed in 2002, the committee publishes a report each year to the Dáil and Seanad on how well the oversight system is working.⁷⁷ The idea is that these reports reveal gaps in oversight so the parliament can make improvements.

6.6 Parliamentary Oversight in the Oireachtas

Since the 2002 reform, the oversight of European Affairs in the Oireachtas has settled into a new routine. The committee reflects the informality and flexibility seen in the Oireachtas in general, but it is more institutionalized than the EAC that was established in 1995. A sub-committee actually scrutinizes proposals from the Council of Ministers, while the Joint Committee on European Affairs interviews government ministers and makes recommendations for the government to consider in its negotiations at the Council of Ministers. This section discusses the constitutional and institutional powers of the Oireachtas and the EAC, the characteristics of the Joint Committee on European Affairs, and the Oireachtas process for scrutinizing European Affairs.

⁷⁶Deputy Gay Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

⁷⁷These annual reports on the operation of the European Union (Scrutiny) Act 2002 are available on the webpage of the Subcommittee on European Scrutiny, <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/europeanAffairsScrutiny.htm>

6.6.1 The Constitutional and Institutional Powers of the Oireachtas

The Oireachtas is flexible and informally organized. In contrast to the German case, the Irish constitution only sketches out the broad rules and leaves the details to be worked out in day-to-day interactions and negotiations among the branches. The only mention of European Affairs in the Irish constitution is in amendments approving the application of the various European Treaties to Ireland and laying out the parameters of the Treaties' applicability, for example stating that a common defense policy will not apply to Ireland, even if the European Council agrees to one.⁷⁸

The Orders of Reference for the Joint Committee on European Affairs delineate the composition, powers, limits and operating procedures for the committee. The joint committee includes members of the Seanad and Dáil. The Dáil members of the Joint Committee on European Affairs will make up the Select Committee on European Affairs. The Select Committee will consider legislation that pertains to the Department of Foreign Affairs.⁷⁹ The Minister of Foreign Affairs is an *ex officio* member of the Select Committee on European Affairs and is allowed to vote.⁸⁰

The orders of reference provide a broad scope of oversight. The Joint Committee on European Affairs is charged with scrutiny of any proposal or document published by or for the European Union, especially as it relates to the work of the Council of Ministers. The committee can choose to consider or ignore any matter that relates to the European Union and Ireland, plus any other matter referred to it by both Houses of the Oireachtas. The committee is also charged with representing the Oireachtas at COSAC meetings. Deputy Gay Mitchell, Chairman

⁷⁸Irish Constitution. Article 29:4(9) "The State shall not adopt a decision taken by the European Council to establish a common defence pursuant to Article 1.2 of the Treaty referred to in subsection 70 of this section where that common defence would include the State."

⁷⁹Orders of Reference of the Joint Committee on European Affairs (1)(a)(i).

⁸⁰Orders of Reference of the Joint Committee on European Affairs (1)(c).

of the Oireachtas Joint Committee on European Affairs in 2004, described the joint committee as having “fairly wide powers in terms of examining issues generally.”⁸¹

The Joint Committee’s powers include the authority to “request the presence” of government ministers, including the Prime Minister, at Joint Committee meetings to brief the committee before Council of Ministers meetings and to listen to the committee’s views on the matter under discussion.⁸² Members of the European Parliament are allowed to attend meetings of the Joint Committee on European Affairs, but they are not allowed to vote.⁸³

“This committee is a joint committee of the Dáil and Seanad but Irish members of the European Parliament also have the right of attendance and audience. They can participate but not vote, though the committee does not normally vote in any event. While there were some votes when legislation was passing through the committee, even then we did not break down on a party basis. The committee generally does its business by agreement and through consensus, something which has emerged rather than being a requirement of legislation. When the committee meets, MEPs often attend and are free to do so, particularly on Mondays or Fridays and sometimes midweek when they are not in Brussels.”⁸⁴

Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe and, if invited by the Joint Committee or sub-committee, non-Irish MEPs are also permitted to attend EAC meetings, but not permitted to vote.

When it comes to the organization of the committee’s work, the committee likes to keep a flexible agenda:

⁸¹Deputy Gay Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

⁸²“The Joint Committee shall have: the power to request the presence of Members of the Government (or Ministers of State nominated in their stead) (or, in the case of the European Council, the Taoiseach or Minister for Foreign Affairs) to attend before the Joint Committee and provide, in private session if so desired by the Member of the government or Minister of State, oral briefings in advance of Council meetings to enable the Joint Committee to make known its views.” Orders of Reference of the Joint Committee on European Affairs (2)(b)(iii).

⁸³Orders of Reference of the Joint Committee on European Affairs (2)(c).

⁸⁴Deputy Gay Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

The Joint Committee is of the opinion that to accord a strict priority and agree a timetable for consideration of the various terms would impose too rigid a structure and would not enable the Joint Committee to respond to evolving events during the year.⁸⁵

Each year the committee publishes a Work Programme that identifies the highest-priority topics that the EAC intends to monitor. In order to maintain flexibility, however, the Work Programme can be revised at any time to add new items for oversight or delete items that no longer seem important to the committee.⁸⁶

6.7 The effectiveness of the Oireachtas oversight approach

This section discusses the effectiveness of the Irish oversight approach. The Oireachtas uses a document-based scrutiny oversight approach for the oversight of European Affairs. The aim of this oversight approach is to provide transparency by scrutinizing the documents flowing from the European Union and developing recommendations to the rest of the parliament based on this scrutiny. To be effective in this oversight approach, it is necessary for a committee to efficiently scrutinize all or most documents flowing from the EU, develop a recommendation in a timely manner and publicize the recommendation. Because the focus of this oversight approach is on transparency and not mandates, the committee can still be considered successful without visibly influencing the actions of the government at the Council of Ministers.

⁸⁵“Houses of the Oireachtas Joint Committee on European Affairs Work Programme 2006” April 2006, p. 2

⁸⁶Quote from “Houses of the Oireachtas Joint Committee on European Affairs Work Programme 2006” April 2006, p. 2: “In response to a particular evolving event or an urgent unforeseen matter, it shall, if it deems it necessary to do so, amend this Work Programme to include further items or delete or revise existing items for consideration.”

6.7.1 The EU Committee Goals

The Joint Committee adopted a mission statement in 2004 that describes the main functions of the committee. There are two parts to the mission statement, one focused on the relationship of the committee to citizens and the other on the relationship of the committee to the Executive and the rest of the parliament. The first part of the mission statement is “to protect and promote the interests of the citizen in proposals, decisions and procedures of the European Union.”⁸⁷ The second part of the mission statement is “to monitor and inform the Executive and to report to both Houses of Oireachtas on these issues.”⁸⁸ Regardless of the priorities contained in the year’s Work Programme, the mission of the committee remains the same:

One of the main tasks of the Committee is to monitor and debate activities of the European Union and their impact on Ireland, including their impact on the interests of the Irish People, arising from European Union membership. The Committee receives oral presentations from individuals and bodies in order to hear their views and to clarify issues under consideration. Following its examination of the issues the Committee may make a report, including recommendations, to both Houses of the Oireachtas.⁸⁹

The committee expresses a commitment “to continuing to assert the proper oversight and accountability role of the Legislature in respect of the Executive.”⁹⁰

⁸⁷Mission statement, adopted by the Joint Committee for European Affairs, January 2004 Source: Oireachtas Joint Committee on European Affairs Work Programme 2006 <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/Work\%20Programme/EA2006.doc> [12 October 2006]

⁸⁸Mission statement, adopted by the Joint Committee for European Affairs, January 2004 Source: Oireachtas Joint Committee on European Affairs Work Programme 2006 <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/Work\%20Programme/EA2006.doc> [12 October 2006]

⁸⁹Oireachtas Joint Committee on European Affairs Webpage <http://www.oireachtas.ie/ViewDoc.asp?fn=/documents/Committees29thDail/europeanAffairs.htm&CatID=80&m=e> [accessed 12 October 2006]

⁹⁰“Houses of the Oireachtas Joint Committee on European Affairs Work Programme 2006” April 2006, p. 2

6.7.2 Scrutiny: The breadth of oversight and synthesis of information

To judge the effectiveness of scrutiny, it is necessary to examine the breadth of oversight and the ability of the committee to synthesize the information to develop recommendations to government or to parliament. Institutionally, the EAC has very broad oversight powers through its sub-committee. The Sub-Committee on European Scrutiny meets about every two weeks to perform ex ante scrutiny of all draft regulations and directives.⁹¹ The sub-committee's Orders of Reference authorize it to scrutinize a "huge range of documents emanating from the European Union," including:

- Any proposals for European legislation,
- Any document that is or will be submitted to the European Council, Council of Ministers or the European Central Bank.
- Any proposal for a "common strategy, a joint action or a common position" that will be submitted to the Council.
- Any proposal for a "common position, framework decision, decision or a convention under Title VI of the Treaty on European Union" that will be submitted to the Council
- Any document published by one EU institution that will be submitted to another EU institution, even if it does not relate to proposals for EU legislation
- Any other document relating to EU matters "deposited in both Houses of the Oireachtas by a member of the Government or Minister of State"⁹²

⁹¹"Houses of the Oireachtas Joint Committee on European Affairs Work Programme 2006" April 2006, p. 5

⁹²Oireachtas. "Remit of the Sub-Committee on European Union Scrutiny." Third Annual Report on the Operation of the European Union (Scrutiny) Act 2002: 1 January 2005 to 31 December 2005, p. 3.

These provisions give the EAC's sub-committee the power to scrutinize a very broad range of documents relating to the European Union.

Effective oversight requires the freedom to scrutinize broadly, but it also requires an ability to process the information available. The government helps the sub-committee make sense of some of the documents it scrutinizes. The sub-committee is authorized to scrutinize a broader range of documents than those that the government is required to accompany with memos. The government is required to write "information notes" for all regulations or directives, joint actions, common positions under the Treaty on European Union and measures that are constitutionally required to get the prior approval of both Houses of the Oireachtas.⁹³

This means every proposal and every draft regulation and directive, once received by the Government, must be forwarded to a sub-committee of this committee within four weeks, together with detailed information on the document. We then decide whether greater scrutiny is needed.⁹⁴

Government memos help the sub-committee place proposals in context and determine the priority that should be given to each proposal. If the sub-committee decides that further scrutiny is merited on an EU legislative proposal, the sub-committee refers the proposal to the Joint Committee on European Affairs.⁹⁵ The joint committee meets weekly to discuss the implications of the proposals that are referred to it by the sub-committee and to interview members of the government about these proposals.⁹⁶

⁹³Oireachtas. "Remit of the Sub-Committee on European Union Scrutiny." Third Annual Report on the Operation of the European Union (Scrutiny) Act 2002: 1 January 2005 to 31 December 2005, p. 3.

⁹⁴Deputy Gay Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a delegation from the French European Union Affairs Committee, 27 May 2003.

⁹⁵"Houses of the Oireachtas Joint Committee on European Affairs Work Programme 2006" April 2006, p. 4

⁹⁶"Houses of the Oireachtas Joint Committee on European Affairs Work Programme 2006" April 2006, p. 5

6.7.3 Advice: Communication with the government and the Oireachtas

The exchange of information and points-of-view with the government is part of effective parliamentary oversight. While it is not necessary for a document-based scrutiny system to visibly influence the government's behavior at the EU level in order to be effective, it is interesting to examine whether or not the committee has a noticeable impact on government behavior. This section discusses the EAC's access to and rapport with ministers.

The Joint Committee on European Affairs has frequent and easy access to government ministers.⁹⁷ The Joint Committee meets with the Minister for Foreign Affairs or the Minister of State for European Affairs about every three weeks. During the meeting committee members or MEPs can question the government minister and even "make suggestions as to the approach to be taken on the agenda items."⁹⁸ These regular meetings make it possible for the committee to develop a comfortable working relationship with the Minister for Foreign Affairs. However, the Ministry for Foreign Affairs is not the only government ministry that the EAC works with:

The committee also takes initiatives and I will give two examples of that. We receive incoming Commissioners and our own Ministers; we do not confine ourselves to the Minister for Foreign Affairs but have recently met with the Minister for Finance in regard to the Stability and Growth Pact and the Minister for Justice, Equality and Law Reform in regard to immigration issues.⁹⁹

This wide-ranging ability to summon government ministers to meetings allows the

⁹⁷ "Before each General Affairs and External Relations Council (GAERC) the Joint Committee on European Affairs has an opportunity to meet with the Minister for Foreign Affairs or the Minister of State for European Affairs to discuss the forthcoming GAERC Agenda." Oireachtas. 2006. Third Annual Report on the Operation of the European Union (Scrutiny) Act 2002: 1 January 2005 to 31 December 2005, p. 6.

⁹⁸Oireachtas. 2006. Third Annual Report on the Operation of the European Union (Scrutiny) Act 2002: 1 January 2005 to 31 December 2005, p. 6.

⁹⁹Deputy Gay Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

EAC to exercise broad oversight. Meetings with European Commissioners give the EAC the opportunity to communicate directly with the European Commission about issues that are important to the Irish Oireachtas, without going through the Council of Ministers. Overall, these meetings with government ministers encourage communication between the government and the committee, making it possible for the Joint Committee to “have direct influence on decision making at the EU level and in keeping the members of the Joint Committee informed as to the progress of major developments in this area.”¹⁰⁰

6.7.4 Transparency: Publicizing the committee’s recommendations

One of the most important functions of the EAC is to provide transparency in European Affairs. Evidence that a document-based oversight committee is effectively providing transparency include: public meetings that are covered by the media, reports regularly generated that explain the findings of the committee, and an informative website that makes it easy for interested citizens to learn about how European affairs affect national interests. This provision of transparency depends partially on the actions of the committee and partially on the news media.

The Irish EAC is unique among the EACs in the European Union in how much information it makes available online about its work. Reports, meeting agendas and transcripts of the minutes of committee meetings are all freely available online. This practice makes it very easy for interested citizens (or scholars) to learn about the committee’s work. On the other hand, it is highly unlikely that most citizens will ever visit the committee’s webpage. The committee needs cooperation from the news media to inform most citizens of its work on their behalf.

It all sounds very good, it works fairly well and we work very hard but nobody knows that because we do not get a great degree of media

¹⁰⁰389 Oireachtas. 2006. Third Annual Report on the Operation of the European Union (Scrutiny) Act 2002: 1 January 2005 to 31 December 2005, p. 6.

coverage, but we get some. We do have a resource problem and that is something we are trying to address.¹⁰¹

As Mr. Mitchell explained, the committee does not get as much media coverage as its members would like, but there is some reporting on their meetings and the committee does what it can to make itself available to the media.¹⁰²

In addition to making the transcripts of meetings available online, the EAC publishes reports that summarize the committee's goals and work. The Joint Committee on European Affairs and the Sub-Committee on European Scrutiny each publish annual reports, which include a review of the committee's powers and composition, minutes to each of the committee meetings during the previous year,¹⁰³ summarizes the committee's work for the year, and describes the travel undertaken by committee members during the year on committee business.¹⁰⁴ The

¹⁰¹Deputy Gay Mitchell, Chairman, in a meeting of the Oireachtas Joint Committee on European Affairs, speaking to a visiting delegation from the Swedish European Affairs Committee, 29 January 2004.

¹⁰²While attending a meeting of the Oireachtas Joint Committee on European Affairs on 27 April 2005 I noticed about a dozen reporters sitting in the observer seats and taking notes as the meeting progressed. It is possible that the media attendance was larger-than-normal for that particular meeting, since the topic of the meeting was more sensational than a typical EAC meeting would be. The EAC was interviewing the parents of an Irish citizen who had been murdered in the Canary Islands and discussing ways to encourage the Spanish police to conduct a more thorough investigation of the crime. As one member of the EAC pointed out during the meeting, interfering with an investigation in a foreign country is outside the jurisdiction of the EAC and even the Irish police, but the media attention that the EAC meeting attracted did put the committee's work in the spotlight. The EAC pledged to discuss with COSAC the development of protocols for dealing with the families of EU citizens who are the victims of violent crimes in other EU countries.

¹⁰³For example, in 2006, the Joint Committee on European Affairs oversaw the following matters: The European Union's Period of Reflection; Strengthening the Role on National parliaments in the EU decision-making process; Inter-parliamentary Cooperation in the EU; Proposals for discussion and decision on the agenda of the General Affairs and External Relations Council; The social and economic integration of EU Migrant Workers in Ireland following EU enlargement in 2004; Consideration of the role of the EU in responding to emerging crises; Improving the European regulatory environment; The implementation of EU legislation through national regulations; Draft EU Commission Decision establishing criteria for granting exemptions to the prescription only principle for veterinary medicinal products; Romania's Progress Towards EU Accession; Bulgaria's Progress Towards EU Accession; European Commission White Paper on a European Communication Policy; European Commission Green Paper on a Future Maritime Policy for the European Union; Scrutiny of EU Legislative Proposals; Priorities of the Finnish Presidency of the European Union; EU-Israel Association Agreement; EU-Russian Relations; EU-US Relations; EU Trade Policy in the years ahead (From the 2006 Annual Report of the Joint Committee on European Affairs, published January 2007, pages 6-7)

¹⁰⁴Report includes the destination, dates, purpose and the members participating in the travel.

Sub-Committee on European Scrutiny publishes an annual report on the operation of the Scrutiny Act of 2002, which broadened the oversight of European Affairs. This report includes a summary of the scrutiny process, an overview of the documents scrutinized by the Sub-Committee during the year, decisions taken by the Sub-Committee, information on which proposals were referred to which sectoral committees during the year. In addition to the annual reports, other reports have been published by the Joint Committee on European Affairs on topics such as EU migrant workers in Ireland, human rights in Zimbabwe, the Lisbon Strategy, Turkish Accession to the EU, suggested changes to the institutions of the EU for the constitutional convention of the EU, and the role of the European Court of Auditors.¹⁰⁵ All of these reports are available on the Oireachtas website and are easily accessed by citizens, scholars and members of the media.

6.8 Lessons learned from Ireland concerning urgency

This section will discuss the lessons learned from the Irish case concerning urgency of EAC establishment. All but one of the predictions derived from the hypotheses point to a low level of urgency in Ireland for the oversight of European Affairs. Ireland did not establish its EAC until 22 years after joining the EU, so the level of urgency was low. I will discuss the predictions derived from the hypotheses and how well they apply to the Irish case. The predictions discussed include timing of membership, cultural values, center-periphery relationship to the EU, popular support for the EU, and institutional characteristics of parliament.

I expected to find a lower level of urgency in Ireland than in countries that recently joined the EU, but a higher level than in countries that founded

In the course of 2006, members of the Joint Committee made 13 trips on committee business.

¹⁰⁵Reports published by the Joint Committee on European Affairs. <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/EuropeanAffairsReports/Reports.htm> [accessed 6 March 2007]

the EU. Ireland does fit the expected pattern. Ireland joined the EU in 1973 and established the Joint Committee on European Affairs was established in 1995, so there was a 22 year gap between membership in the EU and EAC establishment. Ireland's gap between membership and EAC establishment is smaller than the average gap for the countries that established the ECSC in 1951. The average gap for the ECSC countries is 27 years. In fact, Ireland's time gap between membership and establishing an EAC is 45 percent shorter than the gap that occurred between Germany joining the ECSC and the Bundestag establishing its EAC (39 years). Compared with other accession classes, Ireland's urgency level is low. The average gap between EU membership and EAC establishment is 5.75 years for the accession class of 1973. On average, the accession class of 2004 established EACs 6 years prior to joining the EU.

To understand the effect of the timing of membership, it is important to examine the circumstances of Ireland's accession to the European Union. Ireland joined the European Community at a mid-point in the organization's development (1973) after two failed bids during the 1960s. The difficulty in the first two membership bids were a result of Charles de Gaulle's doubts about the United Kingdom's Atlanticist foreign policy and was not aimed directly at Ireland. Because the membership application for Ireland, Denmark and the UK was presented as a package deal, De Gaulle's vetoes of the United Kingdom's membership also prevented Denmark and Ireland from joining. The late 1970s and early 1980s were a period of Eurosclerosis, with high inflation and high unemployment. This period was followed by Euro-euphoria in the mid-1980s, with the passage of the Single European Act and a renewed interest in European integration.¹⁰⁶

In the context of the EU-25 countries, Ireland's Oireachtas appears to support the timing of membership hypothesis from chapter 3; however when Ireland is compared with the other countries from its 1973 accession class the issue becomes cloudier. Denmark and the United Kingdom each established their EACs within

¹⁰⁶McCormick (2005)

one year of gaining membership. Since Ireland's urgency was much lower than that of the other countries in its 1973 accession class, it is possible that the timing of membership is not the most important explanation for the lack of urgency Ireland experienced in establishing oversight of European Affairs. One possible reason that Ireland's urgency level seems so different from its accession class is that Ireland did establish a parliamentary committee that dealt with European Affairs in 1973. It is normally classified as not having an EAC until 1995 because the 1973 committee was so limited and weak. The Committee for Secondary Legislation mainly dealt with helping parliament develop new legislation as it complied with European level policies. The Committee for Secondary Legislation was not overseeing European Affairs or scrutinizing the decision-making process at the European level. Its focus was exclusively "downstream" as it was reacting to decisions that had already been made at the European level.

Overall, the timing of membership works to explain Ireland's urgency relative to the EU-25 countries. It is less effective in explaining Ireland's urgency relative to the 1973 accession class. Perhaps combining the timing of membership with the concentration of power would be a more useful way to understand the time gap between Ireland joining the EU and establishing an EAC.

The center-periphery hypothesis predicts that core countries will have a larger gap between joining the EU and establishing an EAC than will peripheral countries. Ireland is a peripheral country, psychologically, economically and geographically, so this hypothesis would predict a high level of urgency in Ireland for the oversight of European Affairs. Ireland has a large gap between joining the EU and establishing its EAC, so this hypothesis clearly is not confirmed by the Irish case.

Ireland's high level of public support for EU membership is predicted to contribute to low urgency. In the aggregate this hypothesis is accurate for the Irish case. Irish public support for EU membership has been very high throughout Ireland's tenure as an EU member state. As long as the electorate was satisfied

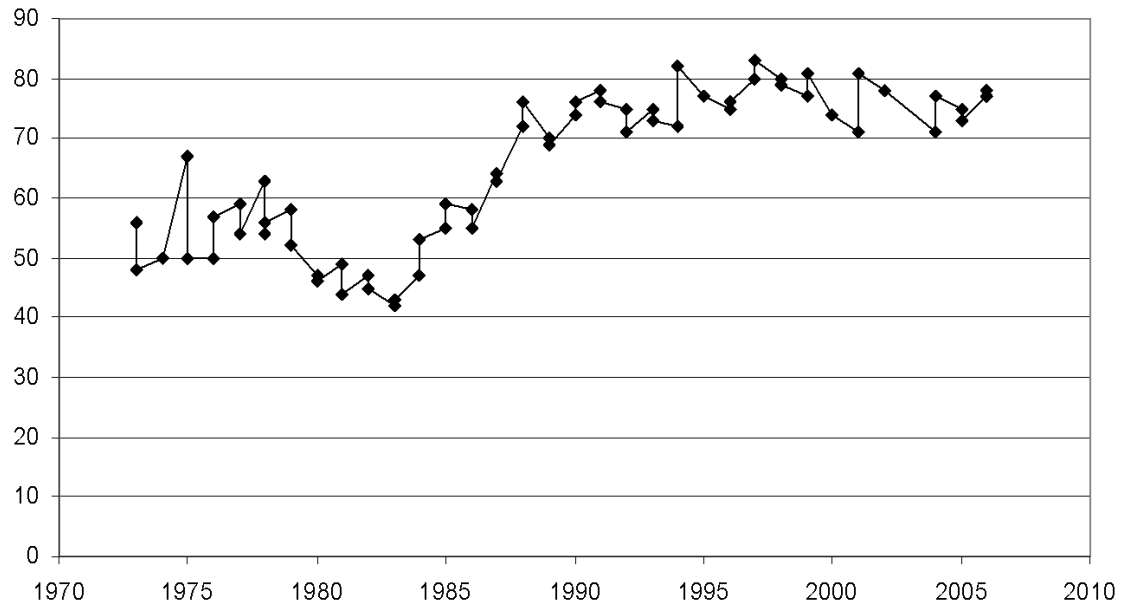


Figure 6.1: Support for EU membership in Ireland, 1973-2006

with the EU, there was little incentive for members of parliament to establish a special committee to scrutinize and oversee European Affairs. An extension of this public support explanation would be to apply fluctuations in popular support for EU membership to the timing of EAC establishment. See Figure 6.1 for an illustration of the fluctuations in public support between 1973 and 2006.

If low public support produces a sense of urgency for overseeing European Affairs, it seems reasonable to expect to find a dip in public support around the time that the EAC was established. The largest dip in public support for EU membership occurred in the early 1980s, but the EAC was not established until 1995. It seems plausible that high public support for EU membership contributed to a longer time gap between Ireland's accession to the EU and the Oireachtas establishing an EAC, but a dip in public support does not seem to have triggered the establishment of the EAC.

The final hypothesis states that the more power is concentrated in the hands of the government, the larger the gap will be between a country joining the EU and its legislature establishing an EAC. The more institutional constraints

there are and the more cohesive political parties are, the less decision-making power is concentrated in the hands of government. In Ireland, there are fewer veto players than in many other parliamentary systems in the EU-25, so this hypothesis predicts a low level of urgency in Ireland.

The modified Westminster parliamentary system discourages institutional constraints on government decision-making. Until the 1990s, the Oireachtas was very informal and had an underdeveloped committee system. Paul Mitchell describes oversight committees in Ireland as “institutionally impoverished,” pointing to the lack of permanent standing committees, the lack of “real *ex ante* agenda or *ex post* veto powers,” the lack of committees with the power to “compel ministers and civil servants to attend and give evidence,” and the lack of administrative resources for committees.¹⁰⁷ Two other factors that have undermined the power of oversight committees in the Irish parliament are the fact that until 1997 most committees cut across the jurisdictions of government/civil service departments rather than lining up with the division of responsibilities among departments and the structure of electoral incentives that encourages TDs to invest their loyalty to party rather than their assigned committee.¹⁰⁸ The main institutional constraints on government decision-making in Ireland are the written constitution and judicial review in the judiciary branch. The PR-STV electoral system undermines party cohesiveness somewhat, but in general, political parties in Ireland are “very cohesive and disciplined and in most respects are increasingly centralized under the direction of the party leaderships.”¹⁰⁹

There appears to be a correlation between the relatively high concentration of power in the hands of the Irish government and a relatively large time gap between joining the EU and establishing an EAC. The lack of a tradition for permanent standing committees could easily cause it to take longer for the Irish Oireachtas to establish an EAC. Each new government in Ireland decides what

¹⁰⁷(Mitchell, 2003, 434)

¹⁰⁸(Mitchell, 2003, 434-435)

¹⁰⁹(Mitchell, 2003, 422). See also Gallagher (1985); Mair (1987); Farrell (1994); Laver and Marsh (1999)

the parliamentary committees will be for the duration of the government's tenure. Governments generally would like to maximize the flexibility of their bargaining position in the Council of Ministers, so it makes sense that the first few governments after Ireland joined the EU did not establish an oversight committee for European Affairs.

One way to measure the concentration of power in government hands is to analyze the degree to which institutional constraints and veto players cause power to be spread out. In calculating the number of veto players, Tsebelis advocates analyzing only the number of parties in government, not all effective parties in parliament.¹¹⁰ Figure 6.2 illustrates the number of cabinet parties between 1969 and 2005.¹¹¹ Since the mid-1980s, every government has been a coalition government. The movement within the Irish parliament to strengthen parliamentary committees has taken place during periods of coalition governments. The EAC was established during the Bruton government (December 15, 1994 to June 6, 1997), which was a three party coalition.¹¹² Figure 6.2 reveals that the Bruton government had the most partisan veto players of any Irish government since Ireland joined the EU. The fact that the EAC establishment coincided with a spike in the number of partisan veto players supports the concentration of power hypothesis.

An underlying feature that contributes to the number of partisan veto players is the fractionalization of parliament. The more fractionalized a parliament, the more likely the government will be a multiparty coalition government. If a government is single party or includes two parties, but there is a high fractionalization level, then the government may be less stable and need to incorporate the views of other non governmental parties.

The more fractionalized parliament is, the less likely that one government party can make all decisions unilaterally. Fractionalization is helpful in seeing the underlying dynamics that produce partisan veto players. Figure 6.2 demonstrates

¹¹⁰(Tsebelis, 2002, 105-106)

¹¹¹Cabinet parties calculated using data from Mitchell (2003).

¹¹²Mitchell (2000)

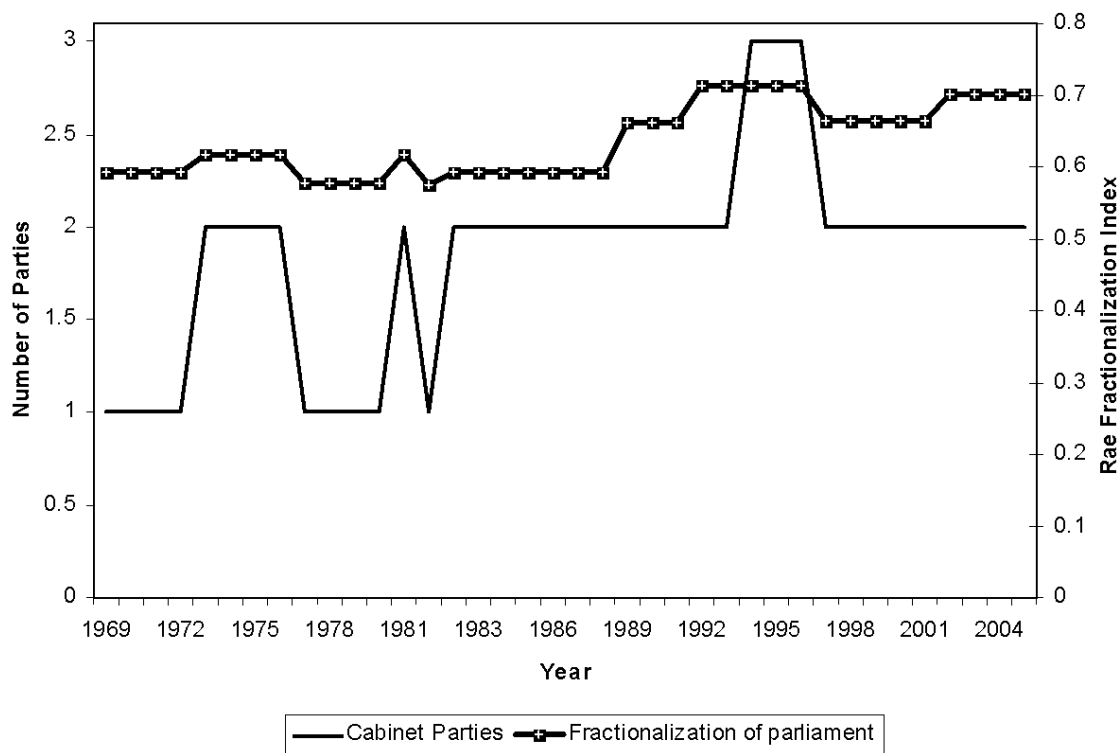


Figure 6.2: Partisan veto players in the Oireachtas, 1969-2005

the Rae Fractionalization index each year since 1969.¹¹³ The fractionalization index has fluctuated from a low of 0.592 and a high of 0.714. It is interesting to note that when the Oireachtas has taken steps to establish and strengthen the oversight of European Affairs it has been at times when the fractionalization index has been higher than average. Ireland's EAC was founded in 1995 during a period when the fractionalization index was at the highest since Ireland joined the EU (0.714). The 2002 reform that strengthened the EAC does not correlate with an increase in the number of cabinet parties, but the fractionalization index was relatively high (0.70) at that time. This indicates that fractionalization is a more sensitive measure of the concentration or diffusion of power in a parliament than simply counting the number of partisan veto players in the cabinet. When Ireland joined the EU in 1973, the fractionalization index in the Dáil was much lower (0.617) than it was when the EAC was established. The trend over time has been for the fractionalization in the Dáil to increase. This trend indicates that Fianna Fail has less power concentrated in its hands today than it did in the 1970s and 1980s.

6.9 Lessons from Ireland concerning oversight approach

This section will discuss the lessons learned from the Irish case concerning EAC oversight approach. I will discuss the hypotheses from section 6.3 and how well they apply to the Irish case. The main explanations from section 6.3 are timing of membership, urgency with which the EAC was established, cultural values, the center-periphery relationship to the EU, popular support for the EU and institutional characteristics of the EU.

Based on the timing of membership hypothesis I expected Ireland to

¹¹³Source: Fractionalization index calculated using Douglas Rae's formula, based on data from the InterParliamentary Union historical archive of election results. http://www.ipu.org/parline-e/reports/2153_arc.htm [accessed 12 March 2007] Data from 1977 election from (Cohan and McKinlay, 1978, 494)

have a non-mandating approach to oversight of European Affairs. Document-based scrutiny is a non-mandating oversight approach, so Ireland's Oireachtas is consistent with the expectations of this hypothesis. The United Kingdom and Ireland both joined the EU at the same time and use the same oversight approach. This could indicate support for the timing of membership hypothesis, but it is more likely that this commonality is caused by the Westminster-style parliaments in each country rather than timing of membership. Denmark was also part of Ireland's accession class in 1973, but it has a systematic mandating approach for European Affairs. Clearly the timing of membership is not the only factor influencing the selection of oversight approach for an EAC.

Ireland's lack of urgency for establishing an EAC likely contributed to a less assertive oversight approach for European affairs.¹¹⁴ With a 22 year gap between membership and EAC establishment, the urgency hypothesis predicts that Ireland would have a less-assertive EAC. The document-based approach is less assertive than a mandating approach, so this prediction appears to be true. The lack of urgency in establishing the EAC can be used to explain the assertiveness of the EAC at the time that it is first established, but it is less useful as an explanation for changes to the EAC over time. Ireland's EAC in 1995 was a passive version of document-based scrutiny. In describing the EAC and other committees involved in coordinating EU affairs, Brigid Laffan and Ben Tonra say that the committee system "was far less institutionalized and formalized than the systems in most other member states, and the committees that existed met with less frequency."¹¹⁵ The reforms to the EAC after the rejection of the Treaty of Nice (2001) made the committee more assertive than it was when it was founded in 1995. The EAC in 1995 did not have "adequate research and administrative back-up to develop independent thinking on foreign and European issues. The [committee was] heavily dependent on briefing papers from the Department of

¹¹⁴There is a 22 year gap between Ireland joining the EU and establishing an EAC. This is almost one standard deviation slower than the average level of urgency for the EU-25. The average is a 6.68 year lag between EU membership and EAC establishment.

¹¹⁵(Laffan and Tonra, 2005, 453)

Foreign Affairs and on external consultants. Moreover, attendance ... was patchy, given the constituency duties of Irish parliamentarians.”¹¹⁶ This inattentive form of document-based oversight is consistent with my expectations. However, the urgency hypothesis is not helpful for explaining the changes to the committee in 2002.

The cultural values hypothesis predicted that the more postmodern a country's values become, the higher priority its legislature will put on the oversight of European Affairs. The cultural values hypothesis predicts that Ireland's more-traditional culture will lead it to have an EAC with a non-mandating oversight approach. It seems likely that Ireland would have an informal approach to the oversight of European Affairs because this type of non-mandating approach seems least likely to constrain the government in its negotiations at the EU level and it also limits the expected activity level of the parliament because the committee can oversee issues in an ad-hoc manner. Instead, Ireland has a document-based scrutiny approach. The document-based approach allows the government to determine its own bargaining positions (it's a non-mandating oversight approach), yet this approach does use transparency and monitoring to hold the government accountable for its behavior at the Council of Ministers. Also, the document-based approach requires the committee to monitor a broad range of issues and decisions at the European level.

To fully evaluate the lessons learned from Ireland for this hypothesis, it is necessary to compare Ireland to other countries. One way to do this is using the Inglehart-Welzel cultural map, which illustrates the variation in cultural values for many countries, including 23 of the EU-25 countries.¹¹⁷ The map plots factor scores derived from the 2005 World Values Survey. The factor scores reveal two dimensions of cultural variation: traditional versus secular-rational values and

¹¹⁶(Laffan and Tonra, 2005, 455)

¹¹⁷Inglehart-Welzel Cultural Map of the World. The map plots the factor scores derived from the World Values Survey http://margaux.grandvinum.se/SebTest/wvs/SebTest/wvs/articles/folder_published/article_base_54 [accessed 11 March 2007] Malta and Cyprus are not included in the Inglehart-Welzel research.

survival versus self-expression values. Ireland is more traditional than any other member state of the EU-25.

In terms of self-expression values, Ireland is more self-expressive than most of the EU-25 countries. Only Sweden, Austria, Denmark, the Netherlands and the United Kingdom are more self-expressive than Ireland. Most of the countries that are more self-expressive have mandating oversight approach. Only the United Kingdom combines high self-expression values with a document-based scrutiny approach.

It is important to consider cultural change when evaluating the cultural values hypothesis. Until the 1970s, Ireland had a traditional society with an agrarian economy and a religious culture that reinforced hierarchy. Since joining the EU in the 1970s Ireland's society has changed to become less traditional. According to the cultural change hypothesis, as a society transitions away from traditional values, the legislature's EAC should become more assertive. The Irish EAC does appear to fit the predicted pattern from the cultural values hypothesis. The overall approach has not changed, but with the 2002 reforms the EAC became more assertive, more thorough and more formal in its oversight of European Affairs.

One way to observe these cultural changes over time is to observe the economic changes in a country over time. Economic changes are often thought to cause social changes. See chapter 5 for a more detailed explanation of this argument.¹¹⁸ In short, pre-industrial societies derive most of their income from agriculture and stress survival. Industrialization "brings the secularization of authority" as survival is tied to controlling nature and rationalizing production. Post-industrialization brings "emancipation from authority" as people emphasize quality of life, environmentalism and personal autonomy.¹¹⁹

Figure 6.3 charts the percentage of Ireland's GDP that was derived from agriculture, industry and the service sector from 1971 to 2003.¹²⁰ Until the 1980s,

¹¹⁸Section 5.8

¹¹⁹(Inglehart and Welzel, 2005, 25)

¹²⁰Data from the World Bank's World Development Indicators

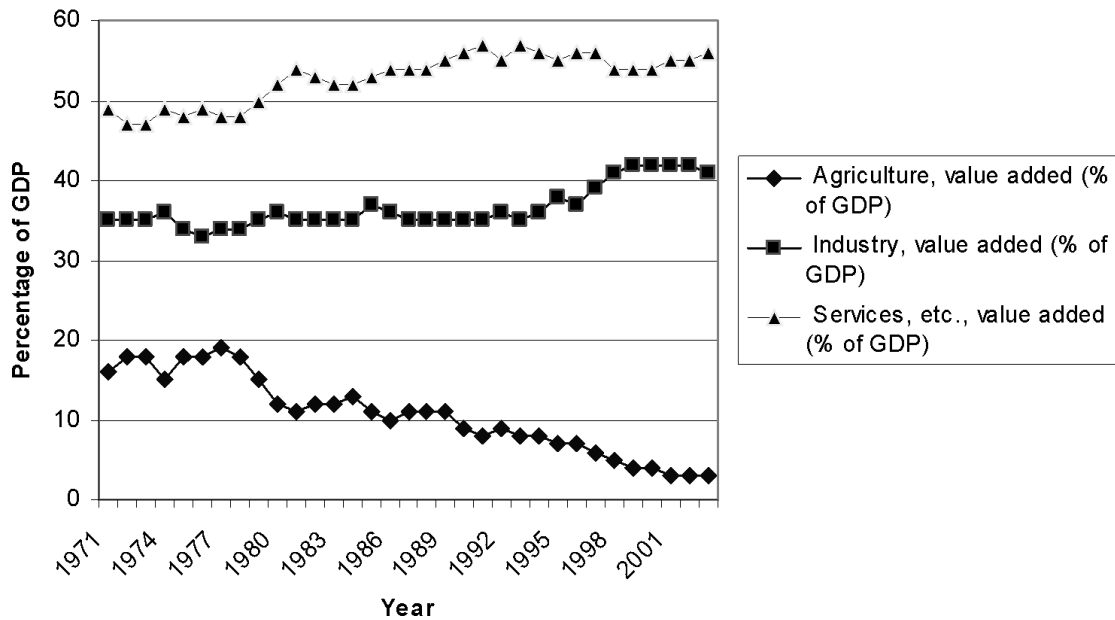


Figure 6.3 Irish economy, by sector (Source: World Bank Development Indicators)

agriculture accounted for up to 20 percent of GDP, while the industrial sector produced about 35 percent of GDP. The service sector accounted for between 45 and 50 percent of GDP. By the mid-1990s, when the EAC was established, the agricultural sector accounted for less than 10 percent of Ireland's GDP, the industrial sector was about the same as before and the service sector grew to account for about 55 percent of GDP. This pattern seems to indicate that people who were leaving farming were migrating to the service sector, rather than the industrial sector. By 2002, the agricultural sector accounted for less than 5 percent of Ireland's GDP, the industrial sector grew to produce between 40 and 45 percent of GDP and the service sector accounted for about 55 percent of GDP.

Another way to observe cultural changes over time is to observe changes in policy priorities among the public. Figure 6.4 indicates that the proportion of materialists started to decline in the mid-1980s.¹²¹ This is about the same point

¹²¹See Figure 6.4. Source: Abramson and Inglehart 1992. The differences in values were calculated by analyzing the responses to a Eurobarometer question asking what the country's two top goals should be. The options include two materialist goals (i.e. maintaining order in the nation and fighting rising prices) and two postmaterialist goals (i.e. giving the people

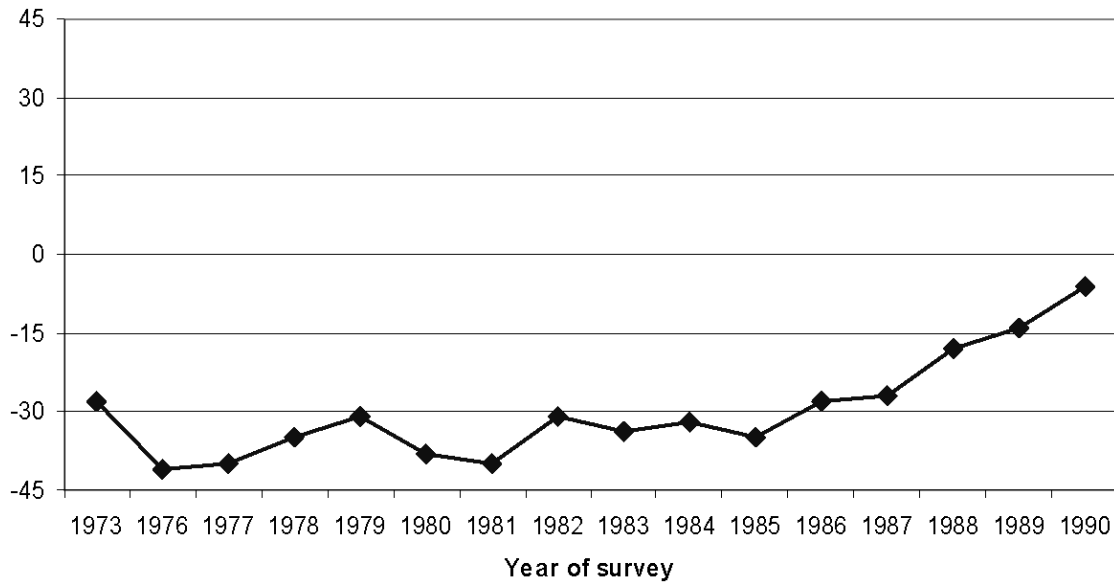


Figure 6.4 Percentage of postmaterialists minus percentage of materialists in Ireland, 1973-1990

when the share of GDP produced by agriculture plummeted. Despite the change in values, in 1990 materialists still outnumbered postmaterialists in Ireland.

Overall, it seems that Ireland's traditional values and self-expression values pull in opposite directions. As a relatively traditional culture, Ireland is pulled to have an informal oversight approach that will be minimally invasive when it comes to the Government's decisions at the European level. As a highly self-expressive culture, Ireland is pulled to have stronger transparency and accountability over the government. These conflicting cultural pressures could explain why Ireland's oversight approach is more assertive than predicted. The role of agriculture has steeply declined in the last thirty years in Ireland. With this tran-

more say in important government decisions and protecting freedom of speech). If a respondent selected both materialist goals they were coded as a materialist. If the respondent selected both postmaterialist goals they were coded as a postmaterialist. If the respondent selected one materialist goal and one postmaterialist goal they were coded as mixed (Abramson and Inglehart 1992, 185-186). The percentage materialists respondents was subtracted from the percentage of postmaterialist respondents. So a negative value on Figure 6.4 means that the proportion of materialists outnumbers the proportion of postmaterialists. A positive value indicates that postmaterialists outnumber materialists.

sition to a more industrial and post-industrial economy comes social changes that emphasize more personal autonomy from traditional sources of authority (i.e. the Catholic Church). While Ireland is more traditional than the other countries of the EU-25, Ireland's cultural values are in transition. The changes to its EAC in 2002 to a more assertive form of document-based scrutiny seem to reflect these cultural changes. As the process of transitioning to a post-industrial, information-based economy continues, it is likely that Ireland's EAC will become more assertive.

The center-periphery hypothesis predicted that Ireland's EAC would use a mandating oversight approach. This is not the approach used by Ireland's EAC, so this hypothesis is wrong for Ireland. Ireland is peripheral to the EU economically, geographically and psychologically, but this has not contributed to a defensive stance toward the EU. Perhaps the cohesion funds and structural funds flowing from the EU to Ireland helped to disarm potential suspicions of the EU. Rather than worrying that Ireland's interests are not at the core of the EU's priorities, Ireland's citizens and leaders could see direct benefit from EU membership. Instead of establishing an assertive EAC that could tie the government's hands and enable it to bargain more rigidly at the Council of Ministers, the legislature has allowed the government to maintain maximum flexibility and pursue an image of being "good Europeans" in Ireland.

Ireland's high level of public support for EU membership was predicted to contribute to a less assertive form of oversight. If the public supports European integration, then the national legislature is expected to establish a less assertive EAC. Irish public support for EU membership has been consistently strong for the last twenty years. Since 1973, the low point in public support was in 1984, just before the Single European Act (SEA). But soon after that, public support began to steadily rise until it leveled off in the early 1990s. The public support began to fall again after 2000, but that was a short-term fluctuation. Irish public support for the European Union is still at very high levels, compared to the rest of Europe. In fall 2006, 78 percent of Irish respondents agreed that Ireland's membership in

the EU is a “good thing.” This is the highest support in the 25 European Union countries and well above the EU-25 average in 2006 (53 percent).¹²² See Figure 6.1 for the historical trends in public support for Ireland’s EU membership.

The public support hypothesis asserts that high levels of public support for European integration will be correlated with less assertive European Affairs Committees. Irish public support for EU membership has been consistently strong for the last twenty years, so the public support hypothesis would expect to find one of the least assertive EACs in Europe. The Irish EAC is not the least assertive in Europe. As Ireland has transitioned to a more transparent and more vigorous EAC, Irish popular support for membership in the EU has remained very high. In light of these facts, the popular support hypothesis does not seem to fit the case of Ireland very well, particularly since 2002. On the other hand, the Irish public’s initial rejection of the Treaty of Nice was interpreted by Irish elites as a sign that the public wanted to have more transparency in the area of European Affairs and the Oireachtas responded to this by reforming the EAC. This sequence of events indicates that legislators do respond to public demands, so it’s possible that the Eurobarometer’s question about support for EU membership does not pick up nuances of public opinion about the desired relationship between the EU and the state.

Finally, the concentration of power hypothesis predicted that the more concentrated decision-making powers are in the hands of the government, the less likely that the EAC will use a mandating oversight approach. In other words, this hypothesis expects to find a positive correlation between committee strength and the number of veto players.¹²³ Ireland’s government is relatively unconstrained by

¹²²EB 66. http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_highlights_en.pdf

¹²³In summarizing the partisan control hypothesis for explaining committee strength, Mattson and Strøm (1995) say, “In Tsebelis’ terms ..., committee strength seems to be positively correlated with the number of institutional veto players” (Mattson and Strøm, 1995, 254). Tsebelis recognizes a relationship between agenda control and veto players: “... in the aggregate (when countries are the units of analysis) more veto players mean less government control of parliamentary agenda” (Tsebelis, 1999, 605).

institutional veto players, so this hypothesis predicts a non-mandating oversight approach for Ireland's EAC.

Figure 6.3 revealed that the EAC was established during a period when the fractionalization of the parliament and number of cabinet parties were unusually high. Also, the reform to the EAC in 2002 also occurred at a time when the fractionalization index was high. In both instances, there were more than three effective parties in Ireland. This indicates that no single party commanded a majority of seats in parliament in those years. The largest party, Fianna Fail, occupied 40 percent of the parliamentary seats in 1995 and 48.8 percent in 2002. The larger number of partisan veto players in 1995 could account for the Oireachtas using a more assertive oversight approach than expected. See section 6.8 for a more detailed discussion of these factors.

Another way to measure the concentration or diffusion of power in a legislature is to examine the interest group system. Ireland is categorized as “weakly or only somewhat” corporatist.¹²⁴ It is one of the least corporatist countries in Western Europe, but still more corporatist than the United Kingdom.¹²⁵ This categorization would lead to an expectation that Ireland would have a less assertive EAC than other, more corporatist, countries in the EU. Additionally, this hypothesized relationship would expect to find that Ireland's interest group would move toward corporatism over time as its oversight of EU affairs becomes more assertive. According to Alan Siaroff, Ireland's level of corporatism increased from 2.25 in the 1960s and 1970s to 2.375 in the late 1980s and 2.625 in the mid-1990s.¹²⁶ This trend is consistent with the pattern seen in Ireland of increasingly assertive oversight of EU affairs. Even though the overall approach remained document-based scrutiny, the assertiveness of the committee did increase after the 2002 reforms.

¹²⁴(Siaroff, 1999, 184)

¹²⁵(Lijphart and Crepaz, 1991, 239)

¹²⁶Based on a 1 to 5 scale, with 1 being the most pluralist economies and 5 being the most integrated. (Siaroff, 1999, 190-193, tables 4a-4d).

6.10 Conclusion

This chapter has examined the oversight of European Affairs in the Irish parliament. This chapter began with a description of the historical relationship between Ireland and the European Union. Next it described the Irish parliamentary system, the Irish approach to parliamentary oversight in general, and the features and background of the Irish European Affairs Committee. Finally, this chapter sought to explain the urgency with which the EAC was established and the oversight approach that is used by the EAC.

I considered several hypotheses to explain the 22-year long gap between Ireland joining the European Community and the Oireachtas establishing an EAC, including the timing of membership, the center-periphery relationship with the EU, public support for EU membership and the concentration of power in the government's hands. The most compelling explanation for this gap is a combination of the timing of membership and public support for EU membership. The timing of membership is useful for explaining why Ireland has a smaller gap between joining the European Union and establishing an EAC than most countries that established the European Coal and Steel Community in the 1950s and a larger gap than countries that joined after the 1980s. The timing of membership is not useful for explaining variations within Ireland's accession class. One reason why Ireland had less urgency toward the oversight of EU affairs, relative to Denmark and the United Kingdom, could be that the public support for EU membership in Denmark and the United Kingdom was weaker than in Ireland.

The Joint Committee on European Affairs uses a document-based system of oversight. I considered several hypotheses to explain the oversight approach that the Joint Committee on European Affairs uses, including the timing of membership, cultural values, the center-periphery relationship with the EU, public support for EU membership and the concentration of power in the government's hands. The most compelling explanation for the initial choice of oversight approach is the concentration of decision-making power in the hands of the Irish government.

Ireland's government is relatively unconstrained by institutional or partisan veto players in the parliament. Over time, the institutional veto players have been stable, but there has been an increase in partisan veto players (and fractionalization of parliament) as the party system shifted to accommodate more effective parties and governments changed from being mainly single party governments to all coalition governments. Fianna Fail has been in most Irish cabinets, but since 1982 it has had to share its decision-making power with coalition partners. As power has dispersed to include more parliamentary actors, it has become more feasible for an oversight committee to participate in the policy formation process in European Affairs.

Another factor that contributed to the transition to a more assertive form of document-based scrutiny in 2002 is public support. Even though the public support for EU membership only slightly dipped around 2002, the Irish elite recognized that the rejection of the Nice treaty in 2001 signaled a public demand for more legitimacy in European Affairs. One way to satisfy that demand was to provide more robust parliamentary oversight of European Affairs.

In conclusion, the Oireachtas uses a document-based scrutiny approach to oversight, which emphasizes flexibility and communication. The European Affairs Committee was established more than two decades after Ireland joined the European Union. This low level of urgency is most plausibly explained by the timing of Ireland's joining the EU, but also by Ireland's high levels of public support for EU membership. The EAC's document-based scrutiny is most usefully explained by the relatively high, but decreasing concentration of power in the government's hands and the public demand for more legitimacy in EU affairs.

7

Mandating Oversight: A Case Study of the German Bundesrat's Oversight of European Affairs

¹ The second chamber of parliament in Germany, the Bundesrat, has a limited scope of issues to scrutinize, but strong scrutiny powers over the policy areas that concern the German federal states (Länder). This chapter begins with a general description of federalism in Germany. Next it describes the expectations concerning the urgency with which the EAC is established based on the hypotheses in chapter 3. After that, this chapter describes the expectations concerning EAC oversight approach based the hypotheses from chapter 4. The next section describes the Bundesrat's general oversight procedures. The section after that relates the history and description of the Bundesrat's EAC and its oversight procedures. Next, I will discuss objective and subjective evidence of the effectiveness of the Bundesrat's oversight approach. Finally, I will discuss lessons learned from the Bundesrat concerning urgency and type of oversight approach.

¹Parts of this chapter are based on a conference paper presented at the University of Limerick, 21-22 May 2004. Name of conference was "National Parliaments and the European Union: Issues of Oversight and Scrutiny." Name of the paper was "The German System of Oversight: A Case Study."

7.1 Federalism in Germany and the European Union

The Bundesrat is the upper house of the German legislature and it is composed of the Länder, which are represented by appointed members of the Länder executive. The most important feature of the Bundesrat is that each land is a single member and casts its vote as a block. The ministers present may vary depending on subject being considered, but in practice there is one Minister for Federal affairs and the Minister-President is the key negotiator and voice, especially on big issues. Each Land (state) appoints members of the Land government to represent the state at the federal level in the Bundesrat. The size of the delegation from each state is (roughly) determined by the size of the state's population. The most populous states appoint six representatives to the Bundesrat and the least populous states appoint 3. There are a total of 69 representatives in the Bundesrat and each state's delegation must vote together in a block.²

The Basic Law³ grants the Bundesrat strong legislative and executive powers within the limited range of Länder interests. Even though there is a very strong Mediation Committee to resolve differences between the two chambers of parliament (Bundesrat and Bundestag)⁴ and the Bundesrat sends representatives to committees in the Bundestag, the Bundesrat conducts most of its negotiations with the Federal Government and maintains a more "executive outlook" than the Bundestag.⁵

The Bundesrat's purpose is "to arrive at a consensual Länder position."⁶ However, this consensual position depends on the partisan divide in the Bundesrat and the Government's ability to maintain or build a majority, often along party

²The Council of Ministers in the European Union is very similar to the German Bundesrat, including in the way that state votes are weighted for population.

³The Basic Law is the German constitution

⁴Bundestag Rules of Procedure, Rule 89 and "Conference Committee" in (Tsebelis and Money, 1997, 181-185)

⁵(Johnson, 1979, 104)

⁶(Goetz, 1995, 108)

lines, on key policy votes. In other words, the Bundesrat's purpose is to aggregate the interests of a constituency (the Länder) in order to pass laws. This conforms to the functions of a legislative assembly.⁷ The German constitution authorizes the Bundesrat to propose legislation, amend legislation through a committee for joint consideration of bills and veto legislation in many policy areas.⁸

Because the Bundesrat possesses so many legislative characteristics, comparativists have commonly classified the Bundesrat as the second chamber of a bicameral legislature. According to Arend Lijphart, Germany is an example of strong bicameralism with symmetrical and incongruent chambers.⁹ Lijphart's symmetrical categorization refers to the power relationship between the upper and lower houses of parliament. In the case of Germany, the Bundestag and Bundesrat are not "formally equal" in their legislative powers, but the fact that the members of the Bundesrat are the Länder (represented by Land executives) renders its overall power symmetrical with the Bundestag. Lijphart's incongruency categorization refers to the degree to which minorities or smaller states are overrepresented in the second chamber. Germany is categorized as incongruent because the Bundesrat over represents the smaller Länder.¹⁰ In sum, the federal nature of Germany's legislature enhances the strength of its bicameralism, rather than calling into question the legislative character of the upper chamber. Indeed, the Bundesrat has been called "one of the strongest second chambers in the world."¹¹

⁷Norton (1990)

⁸Basic Law 76(1), 76(2), 77(2) and 78

⁹(Lijphart, 1999, 212)

¹⁰Lijphart calculates a Gini index of political inequality for nine federal chambers and finds Germany to have a Gini coefficient of 0.32. This is much more incongruent than Belgium (0.01), which approaches total equality, but less than Switzerland (0.46) (Lijphart, 1999, 205-208).

¹¹(Edinger, 1986, 16), quoted in Lijphart (1999)

7.2 Expectations concerning urgency of EAC establishment

The Bundesrat was the first legislative body to establish an EAC. As will be discussed later in this chapter, the first Bundesrat EAC was established in 1957 even though the Bundesrat began pushing for formal oversight powers in European Affairs during the ratification process of the European Coal and Steel Community in 1951.¹² This section will briefly revisit the hypotheses from chapter 2 and describe how each is expected to perform in the case of the Bundesrat. The hypotheses for urgency of EAC establishment include the timing of membership, center-periphery, public support for EU membership and the concentration of power in parliament. These hypotheses were already explained in chapter 2 and placed in the German context in chapter 5, so I will only briefly mention the expectations for each variable.

The timing of a country's membership in the European Union indicates some of the factors shaping the country's perceptions of the organization. The main reasons why timing of membership influences the urgency with which an EAC is established have been thoroughly discussed in previous chapters. The reasons include the goodness-of-fit, influence over the organization, changing incentives as the organization has developed and institutional learning.¹³ The timing of membership hypothesis states that early joiners are likely to have lower levels of urgency than late joiners. Germany was an early joiner of the EU, therefore this hypothesis would predict a low level of urgency for the oversight of European affairs.

The center-periphery explanation states that peripheral countries will have more urgency in the oversight of European affairs. Germany is a core country in the European Union, so this hypothesis would predict a low level of urgency.¹⁴

¹²(Gunlicks, 2003, 363)

¹³See chapter 3 for a discussion of each of these factors.

¹⁴See chapter 5 for a more developed discussion of Germany's centrality to the European Union.

One distinction between the Bundestag and the Bundesrat is that the Bundesrat represents the Länder, which are sub-national units within Germany. It seems likely that the national focus of the Bundestag and the regional focus of the Bundesrat may produce differences in the center-periphery qualities of each chamber.

15

The public support explanation states that the stronger public support for a country's EU membership, the less urgency in overseeing European affairs. Germany has strong public support for its EU membership, so this hypothesis would predict a low level of urgency in European affairs. This hypothesis is difficult to evaluate because Eurobarometer did not exist yet in the 1950s when the Bundesrat was established. Therefore, I cannot determine if public support was weaker in the 1950s than it was in Germany after 1973. Due to the problems of collecting data to test this explanation, it is not a useful explanation for the urgency with which the Bundesrat established its EAC.

The concentration of power hypothesis states that the more concentrated power is in a legislature, the less urgency in establishing an EAC. The Bundesrat operates very similarly to the Council of Ministers in the European Union, with states voting in blocs where the more populous states get more votes than the less populous states, but the smaller states are overrepresented in terms of citizens per vote. This institutional context spreads power out among many actors and requires constant consensus-building to accomplish policy goals. Since power is diffuse in the Bundesrat, the concentration of power hypothesis would predict a high degree of urgency in the Bundesrat.

¹⁵See Sections 7.7 and 7.8 for an argument that the Länder are peripheral to the European Union, therefore the Bundesrat behaves more like a representative chamber for a peripheral actor than for a core actor.

7.3 Expectations concerning oversight approach

The hypotheses for the EAC oversight approach are the timing of membership, the urgency with which the EAC is established, postmodern cultural values, center-periphery, public support for EU membership and the concentration of power in parliament. These hypotheses were already explained and placed in the German context in chapter 5, so I will only briefly mention the expectations for each variable.

The timing of membership hypothesis states that the later a country joins the EU, the more likely its legislature(s) will set up a mandating oversight approach. Germany was an early joiner, so this hypothesis would predict that Germany's legislatures will use non-mandating oversight for European affairs. The urgency hypothesis states that the more urgency with which an EAC is established, the more likely the EAC will use a mandating oversight approach. The Bundesrat has the highest urgency level for all the early joiners, so the urgency hypothesis would predict a mandating oversight approach in the Bundesrat.

The cultural values hypothesis predicts that the more postmodern a country's values are, the more likely it will have a mandating EAC. The Bundesrat began pursuing mandating oversight long before Germany developed postmodern values. Inglehart first noted the shift to post-materialist values in the 1970s,¹⁶ so it is unlikely that the Länder governments were putting their self-expression values above their survival values as the EAC was being designed. The postmodern cultural values argument is not useful for understanding the Bundesrat's EAC approach.

The center-periphery argument states that peripheral countries are more likely to establish mandating EACs and core countries are more likely to establish non-mandating EACs. Germany is a core country of the European Union, so this explanation would predict that Germany's legislatures would use non-mandating oversight. The public support argument states that the stronger the public support

¹⁶Inglehart (1970a, 1971)

for EU membership, the less likely that the country's legislature will give its EAC mandating oversight power. As explained above, this variable is difficult to test since the Bundesrat was established before the first Eurobarometer survey.

The concentration of power hypothesis states that the more concentrated power is in a legislature, the less likely its EAC will use mandating oversight. As explained above, the Bundesrat's institutional context spreads power out among many actors and requires constant consensus building to accomplish policy goals. The concentration of power hypothesis would predict a mandating oversight EAC in the Bundesrat.

7.4 History and description of the EAC and its oversight procedures

7.4.1 The Constitutional and Institutional Powers of the Bundesrat

The Bundesrat was the first legislative body to demand special oversight powers in European Affairs. As early as the establishment of the European Coal and Steel Community, the members of the Bundesrat were able to perceive that European integration would undermine their decision-making power. This transfer of decision-making power away from the Länder and toward the federal government and the European level accelerated as European integration progressed. Some of the policy areas that fall in the Länder jurisdiction and have been subject to European integration include the following: "culture and the media, education and training, health, the environment, research and technology, and in particular, regional structural policy."¹⁷ This supranationalization of policy areas that traditionally belong to the Länder has undermined the autonomy of the Länder. Some of this transfer has been an unavoidable part of European integration, but it has

¹⁷(Hrbek, 1999, 218)

also strengthened the Federal Government's position over the Länder.¹⁸ According to Tanja Börzel, the Bundesrat suffered a "double loss of competencies."¹⁹ In the study of European Union politics, "competency" is used to describe an institution's jurisdiction, specialization and activity levels. Competency includes both the ability to decide and also the authority to decide.

The first area where the Bundesrat lost competency was in its "formal influence on the exercise of [exclusive Länder] competencies at the European level."²⁰ The central state gained influence over policy space that constitutionally belonged to the Länder. This occurred because these policy areas were being discussed and decided at the European level and the national government was representing Germany at the European level. This excluded the regional-level decision-makers from directly representing Länder interests at the European level.

The second area where the Bundesrat lost competency was in federal or shared policy space. When policy areas that are shared between the federal and Länder decision-makers are moved to the European level the Länder's "formal input ... is reduced from a co-determination right in formulation and decision-making to participation in the implementation of European policies."²¹ Instead of full partnership in forging policy in shared policy areas, the Länder were reduced to deciding how to apply European policy decisions to their own regions.

The Bundesrat first asked for participation powers in European affairs in 1951, but the Federal Government rejected the request, calling it unconstitutional. From this timing, it is clear that the Länder recognized that even the limited cooperation of the European Coal and Steel Community encroached on the decision-making authority of the regional legislatures in Germany. There are several ways

¹⁸"...through its agreement to further integration the federal government often transferred powers to the EC which did not rightfully belong to it, while gaining for itself greater control over Länder policies. In other words, EC integration altered the distribution of competencies between the federal and Länder governments, to the detriment of the Länder and advantage of the federal government, but without a formal amendment of the Basic Law" (Baun, 1998, 330-331).

¹⁹Börzel (1999); Hailbronner (1990)

²⁰(Börzel, 1999, 582); See also (Baun, 1998, 331)

²¹(Börzel, 1999, 582); See also (Baun, 1998, 331)

that the Länder authority is undermined through European integration:

While the complaint is often made that Land powers have been transferred to or preempted by the EC over the years, it is useful to ask just which functions these were. First, we have already noted the indirect transfer of Land powers that occurs when the federal government transfers federal powers to the EC/EU over which the Länder then have no voice via the Bundesrat. But this also applies to the Bundestag. That is, both legislative chambers in Germany lose to the Council of Ministers when federal powers are transferred. Second, there is the direct loss of Land powers owing to EC/EU preemptions. Thus, in the area of education and training and more recently in research, technology and environment, it is often claimed that EC policies have preempted certain Land powers. The European Court of Justice (ECJ) has said the EC/EU has no powers in the field of education, but it has used its jurisdiction over economic policy to promote worker mobility. "Mobility" includes mutual recognition of standards and certification in vocational and professional training. Thus, the ERASMUS and LINGUA programs that provide scholarships for students in EC/EU member states to study in other member states require mutual recognition of academic standards.²²

Six years later, during the ratification process for the Treaties of Rome, the Federal Government allowed the Bundesrat a role in European policy-making. One power granted to the Bundesrat was a right of ratification for European treaty revisions. The Bundesrat leveraged this veto power into more policymaking power by threatening to veto the Single European Act (SEA) and the Maastricht Treaty.²³ The SEA marked a transformation of the Bundesrat's oversight of European Affairs. "The SEA led to a major transfer of competence from Member States to European institutions, much of which was allocated to the Länder under domestic constitutional law."²⁴ This expansion of the European Union's jurisdiction to policy areas that were traditionally domestic and (in the context of German politics) regional, motivated the Länder to significantly increase their influence over European decision-making processes. In 1988, the Bundesrat formed a special

²²(Gunlicks, 2003, 361)

²³Baun (1998); Börzel (1999)

²⁴(Hyde-Price and Jeffrey, 2001, 707-708)

committee called the “Chamber for European Community Affairs” (Europakammer) to help with oversight of the Federal government’s role in European affairs and Länder governments began appointing their own European affairs ministers.²⁵ The Länder also established a regular conference that brought the Land ministers of European affairs together on a regular basis.²⁶ Finally, the Länder won the right to include their own representatives in the German delegation at Intergovernmental Conferences (IGCs) where future treaties would be negotiated. Through their participation in the 1990 IGC on “monetary and political union,” the Länder were able to get the Maastricht treaty to include the subsidiarity principle,²⁷ establish a Committee of the Regions (CoR),²⁸ and won the right to have “regional authorities be permitted to participate in meetings of the Council of Ministers.”²⁹ In addition to the IGC on monetary and political union (mentioned above), the Bundesrat sent representatives to two key conventions: the Convention that did the preparatory work for the Inter-governmental Conference (IGC) that devised the Charter on Fundamental Rights; and the IGC on enlargement.³⁰ The Convention is where many of the real decisions underlying an IGC are made because this is the forum where “representatives from national governments, the Commission, the European Parliament and national parliaments jointly consider how Europe should

²⁵(Baun, 1998, 331)

²⁶(Baun, 1998, 331)

²⁷The subsidiarity principle claims that governance decisions should be made at the highest level necessary and the lowest level possible.

²⁸The Committee of the Regions (CoR) is a European Union institution that was created in the Maastricht Treaty (1994). It “allows representatives of local units of government to meet and discuss matters relating to regional and local issues. Most of its 317 members are elected local government officials” (McCormick 2005, 95). CoR was originally established with “five areas of obligatory consultation,” where the European Commission and European Council were required to consult with the regions. Those policy areas were, “economic and social cohesion; trans-European networks in the field of transport, energy and telecommunications; public health; education and youth; culture). [The] Amsterdam Treaty (1999) added a further five (employment, social policy, environment, vocational training, transport)” (CoR website: http://www.cor.europa.eu/en/presentation/fact_sheet.htm). In addition to the policy areas that require consultation with the CoR, “the Commission, Council and European Parliament have the option to consult the CoR on issues if they see important regional or local implications to a proposal. The CoR can also draw up an opinion on its own initiative, which enables it to put issues on the EU agenda” (CoR website: <http://www.cor.europa.eu/en/presentation/Role.htm>).

²⁹(Baun, 1998, 331-332)

³⁰Bundesrat: Europe/International: The Committee on Questions of the European Union

be organized in the future.”³¹

The Bundesrat has been able to effectively leverage its veto power to extract concessions from the Federal Government and strengthen its oversight of European Affairs. When the German federal government needed the Bundesrat’s approval to ratify the Maastricht Treaty, the Bundesrat withheld its approval until it negotiated greater oversight powers for the Länder. When it was time for the Maastricht treaty to be ratified, the Bundesrat withheld their approval until the Basic Law was amended that would “constitutionalize the new coordination procedures between the Länder and federal government on European policy that were introduced after the SEA, and would grant the Bundesrat a right to veto all future transfers of national authority to the EC or other multinational institutions.”³²

Since the late 1980s, the Länder have had offices in Brussels so they can observe actions at the EU level and lobby directly for regional interests. They also participate in the Committee of the Regions. According to Börzel, though, the Länder have found that their interests are better served by cooperating with the Federal Government than by trying to organize a “Europe of the Regions” with power to circumvent national governments. The Bundesrat has institutional powers which it could use to impose its preferences, but the Länder deliberately choose a cooperative strategy.³³

7.4.2 The Bundesrat’s scrutiny process

The German system is characterized by cooperative federalism with joint decision-making and Europeanization has ultimately reinforced this system.³⁴ The Federal Government is required to send the Bundesrat “timely and comprehensive information ... on all planned EU measures that could be of relevance to the

³¹Ibid.

³²(Baun, 1998, 332)

³³“The Länder have never used their direct access to the European policy arena to bypass or circumvent the central state” (Börzel, 1999, 584).

³⁴Goetz (1995)

Länder.”³⁵ In fact, the Federal Government sends the Bundesrat nearly every document it receives from the EU. This includes information from the Council of Ministers, the Commission, reports from Germany’s Permanent Representation to the EU, and the European Court of Justice.³⁶ The EU Committee keeps track of all the documents it receives through a database. The Bundesrat president chooses the documents that will be scrutinized by the Bundesrat and sends them to the specialized committees.

In assigning documents to be scrutinized, the Bundesrat president first chooses proposed EU legislation, especially draft regulations and directives. The Green and White Papers from the Commission are also important because they are used by the Commission to determine if “a particular area should be regulated at the EU level. They serve as a basis for discussions, to allow the Commission to hear the opinions of national governments, parliaments and the interest groups affected, in order to subsequently be able to take these into account when making specific proposals.”³⁷ The Bundesrat is only able to examine about 160 to 170 documents per year. These only represent about 3 percent of the documents transmitted to the Bundesrat. The chosen documents are catalogued and published by the Bundesrat. The rest of the documents are passed along to the Länder.³⁸

The Committee on Questions of the European Union (CQEU) is primarily responsible for all documents related to the EU. This committee focuses on how the documents relate to European policy and integration. Specialist committees examine EU-related documents for technical problems and make recommendations to the CQEU. The CQEU combines the recommendations of the specialist committees with its own concerns for subsidiarity and proportionality to form an opinion,

³⁵EUZBLG (The Act on Cooperation between the Federation and the Federal States in European Union Affairs) and Bundesrat: Europe/International: The Committee on Questions of the European Union

³⁶EUZBLG (The Act on Cooperation between the Federation and the Federal States in European Union Affairs) and Bundesrat: Europe/International: The Committee on Questions of the European Union

³⁷Bundesrat: Europe/International: The Committee on Questions of the European Union

³⁸Ibid.

which is typically transmitted to the plenary session so the Bundesrat can vote on it. The Bundesrat has plenary sessions about once a month, which is much less frequent than the Bundestag's plenary sessions.

Because the Bundesrat's plenary sessions meet only monthly, there is a strong possibility that the Bundesrat will occasionally need to express an opinion on European Affairs during a period when the plenary is not in session. Since 1988, the Bundesrat has had a mechanism for overcoming this difficulty: The Chamber of European Affairs. The Bundesrat's Chamber of European Affairs is empowered to make decisions on the Bundesrat's behalf.³⁹ The Chamber was established in 1988 and added to the Basic Law in 1993.⁴⁰ The Chamber of European Affairs can be convened to make decisions in the place of the plenary. Generally it takes a week to convene the Chamber of European Affairs, but in cases of extreme urgency even that can be shortened.⁴¹ The Bundesrat's Chamber for European Affairs makes its deliberations public, unless there is a specific need for confidentiality. This differs from the Bundesrat's EU Committee meetings, which are usually private, with occasional public hearings organized. In terms of providing transparency, public meetings are the most effective. However, legislatures tend to be more productive in closed-door meetings because there is less temptation to grandstand and more willingness to compromise if legislators are less likely to be punished by the electorate. With venues for both public and private oversight of European affairs, the Bundesrat can reap the benefits of both approaches.

Another difference between the CQEU and the Chamber for European Affairs is the way votes are counted. In Bundesrat committees, each of the sixteen Länder is represented by one committee member and each committee member has one vote. The Chamber for European Affairs is designed to represent the plenary, where the federal states vote in blocs. So when the Chamber for European Affairs meets, there is one representative from each federal state, but this representative's

³⁹Basic Law, Article 52.3a "For matters concerning the EU the Bundesrat may establish a Chamber for European Affairs whose decisions shall be considered decisions of the Bundesrat..."

⁴⁰Börzel (1999)

⁴¹Bundesrat: Europe/International: The Committee on Questions of the European Union

vote counts as a bloc vote. So the vote of a representative from one of the smallest Länder counts as three votes, but a vote by a representative from one of largest Länder counts as six votes.⁴² The chamber works like a miniature plenary session, allowing representatives of the Länder delegations in the Bundesrat to discuss and vote on EU matters in a (sometimes confidential) session separate from the plenary.⁴³ In the Chamber of European Affairs, there is one committee member from each federal state, but the federal states have the “same number of votes in the Chamber as they do in the plenary.”⁴⁴

7.5 Parliamentary Oversight in the Bundesrat

7.5.1 The Constitutional and Institutional Powers of the Bundesrat

The Bundesrat’s role in parliamentary oversight over EU affairs, sometimes overlooked, merits close attention. The revised Basic Law (Article 23) states that the Bundestag and the Bundesrat should “participate in matters concerning the European Union” and the government is required to keep the legislature informed “comprehensively and at the earliest possible time.”⁴⁵ Germany’s federal system gives the Bundesrat has a special role in the oversight of European affairs.

The Bundesrat has stronger constitutional powers of oversight and control over EU affairs than the Bundestag does, but the scope of the oversight is narrower.

⁴²Basic Law, Article 51(2)

⁴³Members of the Bundesrat are appointed by the federal states they represent, rather than elected. Each federal state appoints a member of the Bundesrat or an alternate to the Chamber for European Affairs. The federal states are allocated votes in the Bundesrat in proportion to the population of the federal state, however smaller states are slightly overrepresented. The members of the Bundesrat are required to vote in blocs together with the other representatives from their federal state.

⁴⁴Bundesrat: Europe/International: The Chamber of European Affairs: Composition and Remit of the Chamber for European Affairs http://www3.bundesrat.de/coremedia/generator/Inhalt/EN/5_20Europa-Internationales/5.1_20Europakammer/5.1.1_20Zusammensetzung_20und_20Aufgaben/index.html

⁴⁵Basic Law, Article 23 (2)

The Bundesrat is only entitled to advise on issues that would have been part of the Bundesrat's normal jurisdiction if the matter had been domestic.⁴⁶ While the Bundesrat's normal jurisdiction is restricted to matters that affect the Länder, it is broad enough to include about two-thirds of all Federal laws. This means the Bundesrat has veto power over most Federal legislation. Goetz describes this arrangement as a "system of policy-interlocking," which "institutionalized the need for broad consensus."⁴⁷

The Basic Law states that "the position of the Bundesrat shall be given the greatest possible respect in determining the Federation's position consistent with the responsibility of the Federation for the nation as a whole."⁴⁸ The "greatest possible respect" has been interpreted to mean that the government "must represent the Bundesrat's position in negotiations" if the planned measure affects the "legislative powers of the Länder, the structure of Land authorities or Land administrative powers."⁴⁹ If the Federal Government disagrees with the Bundesrat's opinion in one of the special cases where the Bundesrat is entitled to the "greatest possible respect" and the Bundesrat's opinion is supported by a two-thirds majority, then the Federal Government is required to represent the Bundesrat's position in its negotiations in Brussels.⁵⁰ In other words, the Bundesrat has "the last word" in forming the German delegation's position in Council of Ministers meetings for policy areas related to the Länder.⁵¹ Most of the Bundesrat's oversight of the European Affairs is handled through the Committee on Questions of the European Union (CQEU).

⁴⁶Basic Law, Article 23.4

⁴⁷(Goetz, 1995, 95)

⁴⁸Basic Law, Article 23.5

⁴⁹Europe/International: Committee on Questions of the European Union: General Information on the Committee's Work http://www3.bundesrat.de/coremedia/generator/Inhalt/EN/5.20Europa-Internationales/5.3.20Ausschuss_20f_C3_BCr_20Fragen_20der_20Europ_C3_A4ischen_20Union/5.3.1.20Arbeit_20des_20Ausschusses/index,templateId=renderUnterseiteKomplett.html

⁵⁰Ibid.

⁵¹"The Bundesrat: Deliberations on European Union legislation" http://www3.bundesrat.de/coremedia/generator/Inhalt/EN/2.20Bundesrat/2.1.20Struktur_20und_20Aufgaben/2.1.3.20Aufgaben/HI/8._20EU-Vorlagen.html

In addition to monitoring European affairs and providing transparency, the Bundesrat's parliamentary oversight includes representation of Länder interests at the European level. The Bundesrat has the astonishing right to send representatives to the Council meetings or other EU meetings to represent the Länder.⁵² Sometimes the Bundesrat representatives go with the Federal Government to the negotiations with the Commission or the Council and in some special circumstances the Bundesrat representatives directly represent the Federal Government at the Council of Ministers meetings.

7.6 The effectiveness of the Bundesrat's oversight approach

The mandating scrutiny system is the most assertive approach to parliamentary oversight of European Affairs. For all mandating systems, "the European affairs committees in these parliaments have the capacity on behalf of their parliaments to adopt positions which are binding for their governments."⁵³ These committees typically work closely with cabinet members, meeting with them before Council of Ministers meetings to issue negotiating instructions or advice. European Affairs Committees (EACs) with mandating oversight also usually meet with cabinet members after Council of Ministers meetings to find out how closely the minister followed EAC instructions and to learn about future developments in European affairs.

All mandating systems include the power to give the government binding instructions in European Affairs, but there is a key distinction in terms of the scope of the oversight mandate. The EACs that use *non-systematic* mandating oversight

⁵²Basic Law, Article 23.6: "When legislative powers exclusive to the Länder are primarily affected, the exercise of the rights belonging to the Federal Republic of Germany as a member state of the EU shall be delegated to a representative of the Länder designated by the Bundesrat... their exercise shall be consistent with the responsibility of the Federation for the nation as a whole." See also section 6 sub-section 2 of the Act on Cooperation between the Federation and the Federal States in European Union Affairs (EUZBLG)

⁵³(COSAC Secretariat, 2005, 12)

use their mandating authority infrequently or over a narrow scope of policy areas, but the EACs with a *systematic* mandating oversight use their authority on a regular basis and include a broad scope of policy areas. It is common in non-systematic mandating EACs for the EAC to “receive information on the position of the government on EU documents” only if specially requested by the committee, usually at the prompting of a government minister or a member of the European Affairs Committee.⁵⁴ Systematic mandating EACs, there is a procedure in place for filtering information that flows from the European Union and synthesizing it. In systematic mandating EACs, the committee has the opportunity and ability (at least in theory) to scrutinize any policy from the European Union.

The German Bundesrat uses a non-systematic mandating oversight approach. The Bundesrat’s EAC applies rigorous oversight to European Affairs, but the scope for oversight is limited to the policy areas that are constitutionally set aside for Länder. Legislatures that have EACs with non-systematic mandating oversight approaches are found in Austria, Germany (the Bundesrat), Hungary, and the Netherlands (House of Representatives).

7.6.1 The EU Committee Goals

The main goal of the Bundesrat’s oversight of European affairs is to protect Länder interests at the European level. Even though the Bundesrat began pushing for a role in overseeing European affairs in 1951 during the ECSC, the European affairs committee has officially been in existence since 1957. It has undergone several name changes over the years (see Appendix II), but its essential tasks have been to examine documents from the European level and keep the Bundesrat informed of developments at the EU level.⁵⁵ By informing the Bundesrat of European affairs, the EAC makes it possible for the Bundesrat to effectively use its institutional strength to protect Länder interests.

⁵⁴(COSAC Secretariat, 2005, 12)

⁵⁵(Börzel, 1999, 582)

7.6.2 Scrutiny: The breadth of oversight and synthesis of information

The Bundesrat is only entitled to oversee policy areas that affect the Länder. Despite this limitation, the breadth of the CQEU's oversight is substantial. The Bundesrat has veto power and jurisdiction over about two-thirds of the laws that are passed in the Bundestag. Some of the policy areas that the CQEU monitors are agriculture, immigration, transport and competition.⁵⁶ The EU Committee keeps track of all the EU-related documents the Bundesrat receives through a database. The Bundesrat president chooses the documents that will be scrutinized by the Bundesrat and sends them to the specialized committees.

As explained in section 7.8, the Bundesrat has the right to send Länder representatives to participate in negotiations at the European level. The Bundesrat's ability to participate in EU working group meetings means that the Länder have access to first-hand knowledge about upcoming European legislation and developing policies. According to the typical model for parliamentary oversight of European affairs, the executive possesses the first-hand information about European policies in development and the legislature attempts to extract that information to help it make decisions and perform oversight functions. Because the Bundesrat is uniquely endowed with both executive and legislative powers, the Länder are able to obtain some first-hand working knowledge of developing European policies, which in turn helps the Bundesrat with effective oversight of European Affairs.

7.6.3 Advice: Communication with the government and the Bundesrat

Because of the Bundesrat's unique makeup, it is more focused on representing Länder interests at the European level than influencing the German Federal Government. Often, these two tasks are intertwined, with the Bundesrat using the

⁵⁶Bundesrat: Europe/International: The Committee on Questions of the European Union

normal legislative process to influence the formation of European policy. However, the Bundesrat has several ways to influence European policy in addition to the standard legislative process. Rather than just advising the Federal Government, the Bundesrat can actually step in and negotiate in the Federal Government's place if an issue is essential to the interests of the Länder and does not overlap with any of the policy areas that are outside the Bundesrat's jurisdiction. Additionally, each of the Länder have established their own offices in Brussels so they can lobby directly instead of trying to influence European affairs through influencing the Federal Government.⁵⁷

7.6.4 Transparency: Publicizing the committee's recommendations

As of the mid-1990s, Bundesrat EAC meetings were open to the public, unless there was a good reason to meet behind closed doors. Today, the CQEU meetings are no longer open to the public.⁵⁸ This change indicates that the Bundesrat is less focused on providing transparency than it was in the past. The CQEU maintains a webpage where it publishes a schedule of its upcoming meetings with dates, times and even the address of the meeting.⁵⁹ About two weeks before the meeting it publishes the agenda for the meeting. The agenda lists the Council of Ministers number for the EU pending legislation that was scheduled to be scrutinized and a short summary of the proposed legislation. This is the only EAC I have found so far that publicizes its meetings so far in advance.⁶⁰ The minutes for

⁵⁷The locations of the lobbying offices of the Länder are available online: <http://www.auswaertiges-amt.de/diplo/en/Europa/DeutschlandInEuropa/BuerosDerLaenderBruessel.pdf> [accessed 29 March 2007]

⁵⁸The CQEU website includes this announcement: "Note: The meetings of the committee are not public. Minutes of the meeting of the current and the last legislative period (Bundestag) are in principle confidential. Minutes of earlier meetings can be seen over the library of the Upper House of Parliament." http://www.bundesrat.de/cln_051/nn_9026/DE/organe-mitglieder/ausschuesse/eu/eu-termin-uebersicht.html [accessed 29 March 2007]

⁵⁹"Sitzungstermine und Tagesordnungen: Ausschuss für Fragen der Europäischen Union" http://www.bundesrat.de/cln_051/nn_9026/DE/organe-mitglieder/ausschuesse/eu/eu-termin-uebersicht.html [accessed 29 March 2007]

⁶⁰As of March 2007, the CQEU's online schedule includes meetings through the end of 2007.

the meetings are not publicized, but they are kept in the parliamentary library so people with authorization can access them. According to the CQEU's webpage, the minutes for the current electoral system and the previous electoral term are confidential. Minutes from two electoral terms ago are no longer confidential, but still not easily accessible.

7.7 Lessons learned from the Bundesrat concerning urgency

The primary explanation for the urgency with which a legislature establishes an EAC is the timing of membership. The logic behind this explanation is that the later a country joined the EU, the more threatening Europeanization would be to the national legislature, for a variety of reasons.⁶¹ The Bundesrat appears to challenge the relationship between timing of membership and the urgency of EAC establishment, because Germany was a founding member of the EU and the Bundesrat was the first legislative body to establish an EAC in 1957. However, the Bundesrat's oversight of EU affairs affirms the fundamental assumption I make about the urgency with which an EAC is established. The assumption is that legislatures establish an EAC when they perceive the European level to encroach on the national legislature's jurisdiction in an alarming way. In general, legislatures have been quicker to perceive this threat if they joined the EU later than if they joined it earlier. Europeanization interfered with the Bundesrat's policy jurisdiction earlier than for any other legislature in Europe. This is because the Bundesrat has specific constitutionally-guaranteed jurisdiction which happened to overlap with some early European integration efforts. Since this overlap occurred very early in the course of the European Union, the Bundesrat quickly moved to begin lobbying for robust oversight of EU affairs. The Bundesrat differs from most national legislatures in Europe because Germany's federal constitution sets aside

⁶¹See chapter 3 for a discussion of these reasons.

a specific jurisdiction for the Bundesrat. The explicit codification of Länder jurisdiction made it more noticeable when the EU began to overlap with and challenge the Bundesrat's competencies.

The center-periphery argument would expect to find the least urgency for establishing an EAC in core European Union countries, such as Germany. This prediction does not appear to apply well to the Bundesrat when thinking of it as a national German institution, but it may be more promising at the sub-national level. The regions of Europe are, in a way, all peripheral to the EU. The EU began as a community of states and only recently has it begun to include regions in a meaningful way.⁶² If one thinks of the German Länder as being peripheral to the EU, then perhaps the center-periphery argument does apply to the case of the Bundesrat. In this way of thinking, the prediction of the center-periphery hypothesis should go the opposite direction for the Bundesrat and the Bundestag. The Bundesrat represents peripheral Länder while the Bundestag represents the core country of Germany. This may explain the differences between the first and second legislative chambers in Germany.

The concentration of power states that the more concentrated power is in a legislature, the less urgency in establishing an EAC. As explained earlier, the Bundestag's institutional context spreads power out among many actors and requires constant consensus building to accomplish policy goals. The concentration of power hypothesis predicts a high degree of urgency in the Bundesrat and the Bundesrat appears to confirm this hypothesis.

⁶²Regions are included in European decision-making through the Committee of the Regions (CoR). In addition to participation in the CoR, some regions, including German Länder, have set up lobbying offices in Brussels to directly lobby the EU instead of going through the national government.

7.8 Lessons learned from the Bundesrat concerning oversight approach

The timing of membership argument predicts that the later a country joins the EU, the more likely its legislature(s) will set up a mandating oversight approach. In this case, the timing of membership does not seem to be an applicable factor. Germany was a founding member of the EU, so its robust oversight of EU affairs is counter to the predictions of the timing of membership hypothesis. However, the urgency hypothesis is more promising. The urgency hypothesis states that the more urgency with which an EAC is established, the more likely the EAC will use a mandating oversight approach. The Bundesrat began asking for oversight powers as soon as the European Coal and Steel Community formed.⁶³ The only delay was caused by the Federal Government's resistance to granting the Bundesrat special oversight powers in European affairs. In the case of the Bundesrat, it appears that urgency had a much stronger influence on the design of the Bundesrat's EAC than the timing of membership.

The center-periphery argument predicts that core European Union countries will have non-mandating EACs. As explained above, this prediction does not appear to apply well to the Bundesrat when thinking of it as a national German institution, but it may be more promising at the sub-national level. If the German Länder are peripheral to the EU, then this would help to explain why the Bundesrat is so much more assertive in its oversight of European affairs than the Bundestag. For future research, it would be interesting to compare the individual Länder in their policies toward the European Union to determine if the Länder with the larger economies, with more trade within the EU and that are closer to Brussels are more or less skeptical of Europeanization. As of 1992, 76 percent of Europeans favored giving regions influence over the European Community's decision-making process.⁶⁴ It would be interesting to see if this is still the case and

⁶³See Appendix II

⁶⁴"76% of Europeans approve of their region having a say in the Community's decision-making

if this varies by region, in addition to the between-country variation found by the Eurobarometer survey.

The concentration of power hypothesis predicts that the Bundesrat will have mandating oversight. Within the range of policy areas protected by the constitution, the Bundesrat has a significant degree of agenda control and can be a strong check on the federal government. Outside of those policy areas, the Bundesrat is virtually powerless. When European affairs encroach on the Bundesrat's policy jurisdiction, it has powerful oversight and can even send representatives to Council of Ministers meetings to negotiate directly with other states. Outside of the Bundesrat's jurisdiction, the oversight mechanism is weak or non-existent. The concentration of power hypothesis is useful for understanding the Bundesrat's oversight of European affairs.

7.9 Conclusion

In sum, the Bundesrat is a puzzling case, because it departs from the general trends of the other legislatures in the EU-25. The timing of membership does not appear to be an applicable explanation for the urgency with which the Bundestag's EAC was established and the popular support hypothesis is difficult to test. The center-periphery could be a useful explanation, if the Länder are considered to be peripheral to the EU due to their sub-national status. The strongest explanation for the strong urgency in the oversight of European affairs is the way that German federalism grants the Bundesrat special powers and also guarantees that there will be a lot of veto players in the Bundesrat.

The Bundesrat's mandating oversight approach is most clearly explained by the urgency and the concentration of power hypotheses. Because Germany is a federal system and the Bundesrat is a veto player in German politics, the Bundesrat

process; only 10% do not approve and 14% do not know. Approval is greatest in all the southern countries (including France): Portugal (89%), Spain (87%), France (86%) and Greece and Italy (85%). It is least widespread in Denmark and Luxembourg (56%), the Netherlands (61%) and West Germany (61%, as compared with 69% in the former GDR)" (Eurobarometer, 2005b, 5).

placed a high priority on the oversight of European affairs for the policy areas that fall in the Bundesrat's jurisdiction. The Bundesrat takes on the veto player role more strongly when it is controlled by opposition parties, giving Germany a kind of divided government. The urgency with which the Bundesrat established its EAC demonstrates the high priority that the Länder place on the oversight of European affairs and the Bundesrat's position as a veto player explains why the Bundesrat places such a high priority on the oversight of European affairs.

8

Conclusion

The primary question this dissertation has sought to answer is why some national parliaments establish non-mandating EACs and others establish mandating EACs. A secondary question this dissertation seeks to answer is what causes some national parliaments to place a higher priority than others on the oversight of European affairs. I considered several explanations, which I tested cross-nationally in chapters 3 and 4 and in case studies in chapters 5, 6, and 7. In the next section I summarize the findings of my research and discuss the areas where there is room for improvement. Next, I describe some possible extensions of this research. Finally, I discuss the implications of this research to other areas of political science.

8.1 Summary of Findings

8.1.1 Mandating EACs

In chapter 4 I examined the oversight approach used by European Affairs Committees in the national parliaments of EU member states. About half of the EACs in the EU-25 use a mandating oversight approach and about half use a non-mandating oversight approach. An EAC that uses a mandating oversight approach can offer binding recommendations to cabinet ministers for their negotiations at the European level. An EAC that uses a non-mandating oversight approach can

still offer recommendations for negotiation at the European level, but government ministers are free to disregard those recommendations. Why do some EACs have mandating oversight while others do not? I considered several explanations for this decision, including the center-periphery relationship between a country and the EU, postmodern cultural values, public support for EU membership, the concentration of power in parliament, the institutional development of the EU, the timing of membership and the urgency with which the EAC was established. I tested each of these explanations with cross-national statistical comparisons in chapter 4 and case studies in chapters 5 (German Bundestag), 6 (Irish Oireachtas) and 7 (German Bundesrat).

The center-periphery explanation is not supported by the statistical tests in chapter 4 or by the case study on the Oireachtas. The German case studies are more receptive to the center-periphery explanation than the Irish case or cross-national comparisons in chapter 4. Germany is at the core of the European Union and the Bundestag represents Germany at the national level.¹ The non-mandating oversight approach that has been used by the Bundestag since 1991 is consistent with the prediction of the center-periphery explanation. According to the center-periphery explanation, the recent changes to the EAC can be explained in two ways. Either Germany is losing its centrality to the EU or the reform is not a very significant change. With each new member state that joins the EU the marginal influence of all member states decreases, so it is possible that Germany's influence over the EU is waning. However, the German presidency of the EU in spring 2007 indicates that Germany is still a leader of Europe. Germany has assumed the heavy burden of trying to revive the European Constitution and has pushed hard on climate change, institutional reform of the EU and Transatlantic cooperation during its presidency. It would be difficult for a peripheral country to make serious headway on such wide-ranging and controversial goals, and less

¹While the Federal Government represents Germany at the supranational and international levels, the Bundestag is the institution for representing national German priorities and policies. The Bundesrat represents the sub-national units within Germany.

powerful countries might be less likely to set such ambitious goals. The second explanation, that the EAC reform in the Bundestag is not as important as it appears on paper is more likely than that Germany is losing its influence in Europe. In the past, the Bundestag has refrained from using its full arsenal of institutional powers in the oversight of European Affairs, opting for a more cooperative tactic with the Government. It is entirely possible that this new agreement will not signify a change in the Bundestag's behavioral strategy of avoiding confrontation and pursuing informal influence. However, the EAC has certainly seemed more confrontational after the 2006 reform than it was before. Only time will tell if this is a brief aberration or the beginning of a new era in the Bundestag's oversight of European affairs.

Since one of the Bundesrat's roles is to protect the interests of Länder, it is important to consider the role of Germany's Länder and not only think of Germany as a unitary actor. As explained in chapter 7, the sub-national regions of Europe are peripheral to the EU because the EU has been designed by states. If one thinks of the German Länder as being peripheral to the EU, then the center-periphery is supported by the case of the Bundesrat.²

The postmodern values hypothesis is not supported by the cross-national tests in chapter 4 or the Bundesrat case study. The Bundestag and Oireachtas case studies do not undermine the postmodern values hypothesis and may even support it to some extent. Postmodern values are represented by valuing self-expression over survival. In postmodern societies, people take survival for granted and focus on quality of life. As societies shift toward holding postmodern values, citizens lose confidence in traditional authority, including the authority of national institutions. This trend means that citizens are more likely to be skeptical of the European Union, but not necessarily very likely to expect national institutions to hold the EU accountable.

The public support hypothesis does not quite meet the 95 percent con-

²The 1992-1993 constitutional revisions of the Basic Law, especially Article 23, enhanced the voice of the Länder and gave them some direct representation in Brussels. See chapter 7.

confidence threshold in the cross-national test in chapter 4, but it comes close. This indicates that there could be a relationship between strong popular support for EU membership and a non-mandating oversight approach. The Bundestag and the Oireachtas both have had non-mandating EACs in the context of strong popular support for EU membership, but changes to make the oversight of European affairs stronger or more effective do not appear to follow drops in public support.

The concentration of power hypothesis is partially supported in the cross-national tests in chapter 4. The agenda control variable is a significant factor, but strong bicameralism did not have any appreciable effect on the decision to give the EAC mandating or non-mandating oversight of European affairs and neither did the number of partisan veto players. In the case studies, the pattern over time revealed that a temporary spike in the number of partisan veto players can coincide with the development of more institutional veto players. Perhaps the partisan veto players are trying to protect their vetoes for a time when their power fades. More likely, cabinet parties in a multiparty government use the EAC as a way to monitor the behavior of government ministers from coalition partners in their negotiations at the European level. Parties have internal mechanisms for controlling their own government ministers, but it is more difficult to hold cabinet ministers appointed by a coalition partner. An EAC can help cabinet parties accomplish their goals when there is a multiparty coalition cabinet.

The institutional development hypothesis is partially supported in chapter 4 and not supported in chapter 3. There is a possibility that the correlation in chapter 4 is spurious. The signing of the Maastricht Treaty presented an opportunity for national parliaments to use the leverage of the ratification process to get the government to allow an EAC to be established or strengthened. Since the ratification process provides the opportunity, it is less clear that the institutional developments of Maastricht also provided the motive. By examining the effects of the IGC on political union that developed in to the Maastricht Treaty, it is possible to see that EACs established after the IGC but before the ratification process

do not use mandating oversight. This indicates that something else is possibly causing the motive for establishing more assertive EACs.

I find that the most important factors in the oversight approach of an EAC are the timing of membership and the urgency with which an EAC is established. Early joiners are likely to have non-mandating EACs while late joiners are more likely to have mandating EACs. Late joiners are at a distinct institutional disadvantage in the European Union and they have not had time yet to build up a large amount of political capital to help the country's leaders negotiate successfully at the European level. A mandating EAC is a way for the government to increase its bargaining leverage and gives the government ministers a convenient excuse when resisting pressure to make concessions in key areas. The more help a country needs with achieving goals at the European level, the more likely it will have a mandating oversight approach. In the case studies, I find that the timing of membership accurately predicts the non-mandating oversight approaches used in the Bundestag and the Oireachtas, but it does not help with understanding the Bundesrat's choice to use a mandating oversight.

The higher priority a legislature gives to European affairs (observed in the urgency with which the EAC is established), the more likely the legislature's EAC will have a mandating oversight approach. This explanation was supported in chapter 3's cross-national tests and is strongly supported by the case of the Bundesrat. The source of the Bundesrat's urgency was its status as a strong upper house in Germany's federal system. The scope of ECSC cooperation already crossed into the policy areas in the Länder jurisdiction. Cross-nationally, the level of urgency seems to be generally higher for late joiners than for early joiners. This could be because of the EU's institutional development over time, but it could also be because national parliaments are learning from each others' examples. Either way, national legislatures tend to use a mandating oversight if they give the oversight of European affairs a high priority and leave very little or no lag between joining the EU and establishing an EAC.

8.1.2 Urgency with which EACs were established

In chapter 3 I examined various explanations for the urgency with which EACs are established. Some national parliaments establish their EACs years before the country joins the EU while other national parliaments wait until several decades after joining the EU to establish an EAC. This variation in urgency indicates different priorities in the oversight of European affairs. What causes some national parliaments to place a higher priority on the oversight of European affairs than other national parliaments do?

The candidate explanations that were considered include a country's relationship with the European Union (center-periphery), public support for European Union membership and the concentration or diffusion of power in the parliament. While a country's relationship with the European Union and public support for EU membership are significant explanations, the timing of membership is the strongest explanation for the urgency with which a legislature establishes its European Affairs Committee.

The center-periphery explanation is supported by the cross-national test in chapter 3. The larger a country's economy is, the less urgency it will have in establishing an EAC. The farther the country's population center is from Brussels, the more urgency there is in the oversight of European affairs. This indicates that countries that have tenuous ties to the EU place a higher priority on overseeing European affairs in the national parliament than countries that are important to the EU's economic interests and close to the EU's decision-making center.

The public support explanation for urgency is supported by the cross-national test in chapter 3. The less supportive the public is of European Union membership, the more likely the EAC will be established preemptively (i.e., before the country joins the EU). Public support has two dimensions: salience and supportiveness. If an EU member state has a public that is Eurosceptical, it's highly likely that European issues will be politically salient. Citizens will demand more oversight of European affairs to protect national interests from the EU's encroach-

ing federalism or interference. If an EU member state has a public that is favorable to EU membership, this could be an intense public support for EU membership or it could be passive support. One way to test the quality of public support for EU membership in countries with generally supportive public would be to examine how knowledgeable citizens are about the EU. If citizens are not very well informed about the EU and highly supportive of EU membership, then Europe is not a very salient issue and it is more likely that there will be less urgency in establishing an EAC than if Europe is a salient issue. Ireland is a country where popular support has been high and citizens' knowledge of the EU has not been very extensive. Given the low saliency of European affairs, it is not surprising that it took over twenty years after Ireland joined the EEC before the Oireachtas set up an EAC.

The concentration of power explanation for urgency is not supported by the cross-national tests in chapter 3. The existence of an EAC in the upper house tends to significantly reduce the urgency with which an EAC is established. Otherwise, the parliamentary agenda control and the number of partisan veto players do not seem to influence the urgency in establishing an EAC. In the Bundesrat case study it is clear that German federalism did influence the urgency with which the Bundesrat's EAC was established. The German Basic Law specifically grants the Länder jurisdiction over policy areas that concern them and give the Bundesrat rights of participation for those policy areas. Because the demarcation between federal, regional and shared policy areas is so clear, it was easy for the Bundesrat to perceive that the EU was threatening to the power of the Bundesrat. The less formal the separation of powers, the more likely that European integration will "sneak up" on a national parliament and the urgency for the oversight of European affairs will remain low until some precipitating event causes the national parliament to act.

Finally, the timing of membership explanation for urgency is strongly supported by the cross-national tests in chapter 3. The later a country joins the EU, the stronger the urgency for oversight of European affairs. The relationship

is particularly strong at the tails, with a strong negative relationship for the earliest joiners and a strong positive relationship for the latest joiners of the EU-25. Germany was an early joiner, so it is interesting to note the divergence in urgency between the Bundestag and the Bundesrat. The Bundesrat established its EAC in 1957, but the Bundestag waited until 1991. Late joiners are disadvantaged by the institutional design of the European Union and by their relatively small amount of political capital in the EU. An EAC is one way that late joiners can level the playing field because an EAC can help the government formulate stronger negotiating positions. An EAC can also formally demarcate the range of acceptable concessions that government ministers are authorized to make in Council of Ministers meetings. This procedure could help government ministers avoid making unacceptable concessions in negotiations at the European level. Late joiners are likely to feel the need for parliamentary support through an EAC more urgently than early joiners. For early joiners, the urgency for establishing an EAC is likely to be low until some precipitating event grabs the attention of the national parliament. France's upper and lower houses of parliament established their EACs in 1979 after the European Parliament switched to direct elections. Belgium established its EAC in 1985 while the Single European Act was being developed and the Netherlands lower chamber established its EAC in 1986 after the SEA was signed. The Bundestag established its EAC in 1991 while the Maastricht treaty was being developed.³

8.2 Room for improvement

Some areas that this dissertation has not been able to thoroughly address include the role of political parties, the limits of the timing of membership explanation, the historical development of EACs in general and the relationships between upper and lower houses of parliament. First, the role of political parties in

³See Appendix for a timeline of the establishment of EACs and critical events in the development of the EU.

EACs merits closer examination. I considered the possibility that cabinet parties in coalition governments could use EACs to monitor the cabinet ministers that belong to coalition partner parties, but I did not find empirical evidence showing that this occurs. One way to investigate this further would be through interviews with members of parliament from government parties that serve on the EAC. Additionally, both of my case study countries (Ireland and Germany) have party systems without significant Euroskeptical parties. In future research it will be important to examine the role of political parties that are in government and opposition, as well as pro-EU and anti-EU in their party manifestos.

Since the timing of membership variable seems to overlap with so many possible explanations, one way to separate the effects of the timing of membership from other variables would be to compare different urgency and oversight approaches for the A10 countries. The A10 countries all joined the EU in the accession class of 2004. Since they all have the same timing of membership, comparing them will reveal the other factors besides timing of membership that influence these decisions. For example, late joiners tend to be from the periphery of Europe while early joiners tend to be closer to Europe's core. Comparisons among the A10 countries should make it possible to determine if countries that are closer to Europe's geographic core have more relaxed oversight of European affairs than countries farther away.⁴

The case studies explore the historical development of the EACs in the Bundestag, Oireachtas and Bundesrat, but there exists no broad overview of the history of EACs in general. The appendix presents a timeline of events in the EU, Germany and Ireland since 1951 and I have indicated the year that each of the EACs of the EU-25 were founded. In addition to a thorough analysis of the history

⁴This is not to say that timing of membership and center-periphery are the same thing. See chapter 2 for an explanation of how timing of membership can reduce the influence of a late joiner, even it has other characteristics of a core country. From the other direction, early joiner countries can have more influence than expected based on the operationalizations for center-periphery. Center-periphery has to do mainly with the economic relationships between countries, while timing of membership is about path dependency, influence and learning.

of EACs, it would be interesting to examine the history of COSAC and its efforts to increase learning among EACs.

Finally, this dissertation has not systematically examined the relationships between upper and lower houses in the EU-25. Bicameral legislatures must decide whether or not there will be some division of labor between the two EACs and, if so, what that division of labor will be. Bicameral legislatures also must decide whether to establish separate EACs or one joint EAC that involves both chambers. It would be interesting to examine what factors go into these decisions in bicameral legislatures. Also in bicameral legislatures the upper or second chamber usually establishes its EAC prior to the lower house. In future research I want to investigate why this happens.

8.3 Future research

There are still many interesting avenues for research on European Affairs Committees. One of the first extensions of this research could be to apply the lessons learned from the EU-25 to Romania and Bulgaria, which joined the EU in January 2007. When did the Romanian and Bulgarian legislatures replace their European integration committees with European oversight committees? What kind of oversight mechanisms do these new EACs use?

Another extension of this research would be to explicitly analyze the timing of EAC establishment. Chapter 3 examines the urgency with which EACs are established, but it does not try to explain the timing of EAC establishment separately. It would be interesting to use an event history model to analyze the timing of EAC establishment. Since spikes in fractionalization seem to be correlated with the timing of EAC establishment and the timing of reforms to make the EAC more assertive, I suspect that the fractionalization of parliament will be a powerful explanation for the timing of membership if it is calculated for each of the EU-25 countries as it fluctuates over time.

A third area for future research would be to analyze the way that late joiners and early joiners relate to other international organizations. Do late joiners adopt a more confrontational style than early joiners? Comparing the behavior of late joiners to the EU in the context of a different international organization could give some insight into whether it is the country's relationship with the EU (as a late joiner) that causes the assertive oversight of European affairs or if the country is assertive in other international organizations, as well. Another way to analyze this would be to look at the behavior of late joiners to the World Trade Organization or the United Nations. Are late joiners more or less assertive in the WTO than early joiners? Do late joiners limit the negotiating flexibility of their ambassador to the UN more or less than early joiners?

In addition to applying this research to other international organizations, it could also be applied to federalism. In the United States, do the states that joined the Union later tend to sue the Federal Government more frequently than early joining states? Do the governors of late joining states have different strategies for extracting federal support or repelling federal intervention than early joining states do?

There is one hypothesis I had to discard due to lack of data that I would like to revisit in future research. The hypothesis is that net contributors to the European Union have more assertive oversight of European affairs than net beneficiaries. Anecdotally, Ireland's parliamentary oversight of European affairs became more assertive around the time that it became clear that Ireland was going to lose its net beneficiary status. At the time of writing, the data on net contributions only included the EU-15 and was only available to me for 1994 to 2000. This is not enough data for the kind of analysis I wanted to do, but perhaps in the future it will be easier to get access to enough data about the budget contributions of EU member states to analyze the effects of this variable on the design of EACs.

Finally, I would like to investigate the differences among the four oversight approaches and try to determine if any one approach is more effective for

influencing European legislation. In the future, I would like to trace the way that mandating and non-mandating EACs oversee the same European Commission proposal. Immigration policy is a very politically salient issue in Western Europe, so it is one that national parliaments are likely to focus on.

Appendices

A

**Timeline of Parliamentary
Scrutiny in Germany and Ireland**

Year	EAC established	EU Event	German event	Irish event
1951		European Coal and Steel Community Founded (Treaty of Paris)	Bundesrat requests co-decision powers; Federal Government rejects request as unconstitutional	
1957	Germany Bundesrat	Treaties of Rome establishing the European Economic Community (EEC) and the European Atomic Energy Community (Euratom)	Bundesrat sets up a special committee on the Common Market and the Free Trade Area; Federal Government gives the Bundesrat a foothold in European policymaking.	
1961			Ireland, United Kingdom and Denmark apply for membership in European Economic Community (EEC)	
1963			Charles De Gaulle's veto of the British bid for membership in EEC also halts Irish and Danish applications	

Year	EAC established	EU Event	German event	Irish event
1965		Bundesrat's Special Committee on Common Market and Free Trade Area becomes the Standing Committee for Questions Pertaining to the European Communities.		
1966			Ireland, United Kingdom and Denmark apply for membership in EEC again	
1967				Charles De Gaulle's veto of the British bid for membership in EEC again. This second veto also halts Irish and Danish applications for EEC membership.
1968	Italy Senate			

Year	EAC established	EU Event	German event	Irish event
1969			Bundestag's Budget Committee appoints a Subcommittee on European Affairs	
1970	Netherlands Senate			Ireland, United Kingdom and Denmark apply for membership in EEC a third time. Negotiations last until 1972.
1971				Negotiating terms of joining EEC (along with Denmark and the UK)
1972	Denmark			Negotiating terms of joining EEC (along with Denmark and the UK)
1973		United Kingdom, Denmark, and Ireland accede to the EEC		Ireland joins EEC. Oireachtas sets up the Committee on Secondary Legislation

Year	EAC established	EU Event	German event	Irish event
1974	United Kingdom House of Commons and House of Lords			
1975		European Regional Development Fund (ERDF) created to reduce regional imbalances in the European Community by helping the least-developed regions.		
1979	France Senate and National Assembly	European Parliament switches to direct election, so national parliaments no longer appoint MEPs	Bundestag's Council of Elders set up a Commission to manage cooperation between the Bundestag and the European Parliament	
1981		Greece joins the EEC		

Year	EAC established	EU Event	German event	Irish event
1983			Bundestag's Europa-Kommission established. (It had no plenary power and relied on permanent committees to adopt proposals and present them to the plenary, but it did allow German MEPs who were not Bundestag MPs to participate.)	
1985	Belgium Joint Chamber and Senate			
1986	Netherlands House of Representatives Spain Joint Congress and Senate	Single European Act signed. ¹ EEC becomes EC. Spain and Portugal join the EC.	Bundestag's Foreign Affairs Committee set up a Subcommittee on EC Affairs (MEPs were members without voting rights)	

¹Single European Act provided for the completion of the single market and incorporated a new commitment to economic and social cohesion in the European Community.

Year	EAC established	EU Event	German event	Irish event
1987	Portugal			
1988			Bundesrat establishes the Chamber for European Community Affairs	
1989	Luxembourg			
1990	Greece Italy Chamber of Deputies			
1991	German Bundestag Poland Senate		Bundestag establishes an EC committee as a permanent committee	
1992	Hungary	Treaty on the European Union (Maastricht Treaty) signed ²	Bundesrat / Länder participation in EU matters is written into the Basic Law	

²This treaty officially creates a European Union. Policies are divided under three pillars. Pillar I is all the treaties and policies of the European Communities. Pillar II is the Common Foreign and Security Policy (CFSP) and Pillar III is the Justice and Home Affairs policy (JHA). Treaty includes European citizenship and establishes the economic and monetary union (EMU). Treaty includes a social protocol (also called the Social Charter) that aims to promote employment, improve working conditions, set minimum standards for social protection. United Kingdom opts out of the social protocol.

Year	EAC established	EU Event	German event	Irish event
1993	Slovenia National Council	European Union established; European Single Market	The Bundesrat's Chamber for European Affairs written into the Basic Law (Article 52:3a)	
1994	Finland Sweden	Cohesion Funds established. ³	Committee on European Affairs is set up as the Bundestag's 24th permanent committee; Committee on European Affairs replaces EC committee (Cf. 1991)	Ireland qualifies for Cohesion Funds.
1995	Austria Nationalrat Ireland Latvia Malta	Sweden, Finland and Austria join the EU		Oireachtas EAC first established

³Funds available to EU member states whose GNP per capita is below 90% of the EU average. Money may be used to fund up to 85 percent of major environmental projects or transportation infrastructure projects. Only Ireland, Greece, Portugal and Spain qualify for these funds.

B

Excerpts from the Basic Law

B.1 Article 23 [The European Union]

(1) With a view to establishing a united Europe, the Federal Republic of Germany shall participate in the development of the European Union that is committed to democratic, social, and federal principles, to the rule of law, and to the principle of subsidiarity, and that guarantees a level of protection of basic rights essentially comparable to that afforded by this Basic Law. To this end the Federation may transfer sovereign powers by a law with the consent of the Bundesrat. The establishment of the European Union, as well as changes in its treaty foundations and comparable regulations that amend or supplement this Basic Law, or make such amendments or supplements possible, shall be subject to paragraphs (2) and (3) of Article 79.

(2) The Bundestag and, through the Bundesrat, the Länder shall participate in matters concerning the European Union. The Federal Government shall keep the Bundestag and the Bundesrat informed, comprehensively and at the earliest possible time.

(3) Before participating in legislative acts of the European Union, the Federal Government shall provide the Bundestag with an opportunity to state its position. The Federal Government shall take the position of the Bundestag into

account during the negotiations. Details shall be regulated by a law.

(4) The Bundesrat shall participate in the decision-making process of the Federation insofar as it would have been competent to do so in a comparable domestic matter, or insofar as the subject falls within the domestic competence of the Länder.

(5) Insofar as, in an area within the exclusive competence of the Federation, interests of the Länder are affected, and in other matters, insofar as the Federation has legislative power, the Federal Government shall take the position of the Bundesrat into account. To the extent that the legislative powers of the Länder, the structure of Land authorities, or Land administrative procedures are primarily affected, the position of the Bundesrat shall be given the greatest possible respect in determining the Federation's position consistent with the responsibility of the Federation for the nation as a whole. In matters that may result in increased expenditures or reduced revenues for the Federation, the consent of the Federal Government shall be required.

(6) When legislative powers exclusive to the Länder are primarily affected, the exercise of the rights belonging to the Federal Republic of Germany as a member state of the European Union shall be delegated to a representative of the Länder designated by the Bundesrat. These rights shall be exercised with the participation and concurrence of the Federal Government; their exercise shall be consistent with the responsibility of the Federation for the nation as a whole.

(7) Details respecting paragraphs (4) through (6) of this Article shall be regulated by a law requiring the consent of the Bundesrat.

B.2 Article 45 [Committee on the European Union]

The Bundestag shall appoint a Committee on European Union Affairs. It may authorize the committee to exercise the rights of the Bundestag under Article

23 vis-à-vis the Federal Government.

B.3 Article 50 [Functions]

The Länder shall participate through the Bundesrat in the legislation and administration of the Federation and in matters concerning the European Union.

B.4 Article 52 [President; rules of procedure]

(3a) For matters concerning the European Union the Bundesrat may establish a Chamber for European Affairs whose decisions shall be considered decisions of the Bundesrat; paragraph (2) and the second sentence of paragraph (3) of Article 51 shall apply *mutatis mutandis*.

B.5 Article 88 [The Federal Bank]

The Federation shall establish a note-issuing and currency bank as the Federal Bank. Within the framework of the European Union, its responsibilities and powers may be transferred to the European Central Bank that is independent and committed to the overriding goal of assuring price stability.

C

Joint committee on European Affairs Work Programme 2006

6. JOINT COMMITTEE SPECIFIC ITEMS FOR CONSIDERATION IN 2006 ¹

It is also intended that the following specific items will be considered during 2006 by the Joint Committee:

- EU Commission's Annual Policy Statement and Legislative Programme;
- "Better Regulation" in developing EU policy proposals;
- Priorities of each 6-month Presidency of the European Union;
- The European constitutional treaty;
- The role of national parliaments in the European union and addressing the perceived democratic deficit monitoring the application of the principles of subsidiarity and proportionality;
- Relations between the EU Commission and National Parliaments;
- Connection between the European Union and its citizens;

¹(Oireachtas, 2006b, p. 4-5)

- European Union's period of reflection and how the union may move forward;
- Facilitating effective participation by Ireland in the process of reflection and the broad debate envisaged in the June 2005 European Council Conclusions;
- Continuous exchange of information between Oireachtas Members and Irish representatives in the EU Institutions;
- Communicating Europe: Promoting National European Awareness in particular the Joint Committee's proposal for a 'Europe Day' in the Dáil;
- EU US Relations;
- External relations of the European Union;
- Monitoring of the General Affairs and External Relations Council;
- Wider Enlargement of the European Union;
- The European Union accession negotiations with Turkey and the Former Yugoslav Republic of Macedonia;
- Freedom of movement of workers in the enlarged Union;
- EU migrant workers in Ireland post 2004;
- EU Development Aid;
- the European Union's Financial perspective for the period 2007-2013;
- The future of the European project and European Identity;
- Scrutiny of matters referred by the Sub-Committee on European Scrutiny;
- Continued monitoring of European proposals relating to GM foods;
- Ireland's participation in EU Battlegroups;
- Significant Developments within the EU as they arise.

D

Orders of reference of the joint committee on European affairs

Dáil Éireann on 16 October 2002 ordered:

“That the Orders of Reference of the Select Committee on European Affairs established on 27th June 2002, be amended by the insertion of the following Orders of Reference in substitution thereof:

(1) (a) That a Select Committee, which shall be called the Select Committee on European Affairs, consisting of 11 Members of Dáil Éireann (of whom four shall constitute a quorum), be appointed to consider –

(i) such Bills the statute law in respect of which is dealt with by the Department of Foreign Affairs;

and

(ii) such proposals contained in any motion, including any motion within the meaning of Standing Order 157 concerning the approval by the Dáil of international agreements involving a charge on public funds,

as shall be referred to it by Dáil Éireann from time to time.

(b) For the purpose of its consideration of Bills and proposals under para-

graphs (1)(a)(i) and (ii), the Select Committee shall have the powers defined in Standing Order 81(1), (2) and (3).

- (c) For the avoidance of doubt, by virtue of his or her *ex officio* membership of the Select Committee in accordance with Standing Order 90(1), the Minister for Foreign Affairs (or a Minister or Minister of State nominated in his or her stead) shall be entitled to vote.
- (2) (a) The Select Committee shall be joined with a Select Committee to be appointed by Seanad Éireann to form the Joint Committee on European Affairs to –
- (i) scrutinise, in the context of European Union issues and measures to be taken by the Council of Ministers of the European Union –
 - (I) any proposals under the Community treaties for legislation by the Council or the Council acting jointly with the European Parliament,
 - (II) any document which is published for submission to the European Council, the Council or the European Central Bank,
 - (III) any proposal for a common strategy, a joint action or a common position under Title V of the Treaty on European Union which is prepared for submission to the Council or to the European Council,
 - (IV) any proposal for a common position, framework decision, decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council,
 - (V) any document (not falling within (II), (III), or (IV) above) which is published by one Union institution for or with a view to submission to another Union institution and which does not relate exclusively to the consideration of any proposal for legislation,

and

(VI) any other document relating to European Union matters deposited in both Houses of the Oireachtas by a Member of the Government or Minister of State,

as it may select;

(ii) consider such matters arising from Ireland's membership of the European Communities and its adherence to the Treaty on European Union, as it may select;

(iii) consider such –

(I) acts of the institutions of the European Communities,

(II) regulations under the European Communities Acts, 1972 to 1998,

(III) other instruments made under statute and necessitated by the obligations of membership of the European Communities,

as it may select;

(iv) consider such other matters as may be referred to it from time to time by both Houses of the Oireachtas;

and

(v) represent both Houses of the Oireachtas at the Conference of European Affairs Committees (COSAC);

and shall report thereon to both Houses of the Oireachtas.

(b) The Joint Committee shall have:

(i) the powers defined in Standing Order 81(1) to (9) inclusive;

(ii) the power to refer a proposal for EU legislation which has been considered by it (and which has been concluded to be of sufficient national importance to require further scrutiny) to a Joint Committee on which has been conferred the power defined in Standing

Order 81(4) to consider such proposals;
and

(iii) the power to request the presence of Members of the Government (or Ministers of State nominated in their stead) (or, in the case of the European Council, the Taoiseach or Minister for Foreign Affairs) to attend before the Joint Committee and provide, in private session if so desired by the Member of the Government or Minister of State, oral briefings in advance of Council meetings to enable the Joint Committee to make known its views.

(c) The following persons may attend meetings of the Joint Committee and of its sub-Committees and may take part in proceedings without having a right to vote or to move motions and amendments –

(i) Members of the European Parliament elected from constituencies in Ireland (including Northern Ireland);

(ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe;

and

(iii) at the invitation of the Joint Committee or of a sub-Committee, as appropriate, other Members of the European Parliament.

(d) The quorum of the Joint Committee shall be five, of whom at least one shall be a Member of Dáil Éireann and one a Member of Seanad Éireann.

(3) The Chairman of the Joint Committee, who shall be a Member of Dáil Éireann, shall also be Chairman of the Select Committee.’.”

***Seanad Éireann on 17 October 2002 *ordered*:**

- (1) (a) That a Select Committee consisting of 4 members of Seanad Éireann shall be appointed to be joined with a Select Committee of Dáil Éireann to form the Joint Committee on European Affairs to—
- (i) scrutinise, in the context of European Union issues and measures to be taken by the Council of Ministers of the European Union,
 - (I) any proposals under the Community treaties for legislation by the Council or the Council acting jointly with the European Parliament,
 - (II) any document which is published for submission to the European Council, the Council or the European Central Bank,
 - (III) any proposal for a common strategy, a joint action or a common position under Title V of the Treaty on European Union which is prepared for submission to the Council or to the European Council,
 - (IV) any proposal for a common position, framework decision, decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council,
 - (V) any document (not falling within (II), (III), or (IV) above) which is published by one Union institution for or with a view to submission to another Union institution and which does not relate exclusively to the consideration of any proposal for legislation,
and
 - (VI) any other document relating to European Union matters deposited in both Houses of the Oireachtas by a Member of the Government or Minister of State,
as it may select;
 - (ii) consider such matters arising from Ireland's membership of the Eu-

European Communities and its adherence to the Treaty on European Union,

as it may select;

(iii) consider such –

(I) acts of the institutions of the European Communities,

(II) regulations under the European Communities Acts, 1972 to 1998,

(III) other instruments made under statute and necessitated by the obligations of membership of the European Communities,

as it may select;

(iv) consider such other matters as may be referred to it from time to time by both Houses of the Oireachtas;

and

(v) represent both Houses of the Oireachtas at the Conference of European Affairs Committees (COSAC);

and shall report thereon to both Houses of the Oireachtas.

(b) The Joint Committee shall have:

(i) the powers defined in Standing Order 65 (1) to (9) inclusive;

(ii) the power to refer a proposal for EU legislation which has been considered by it (and which has been concluded to be of sufficient national importance to require further scrutiny) to a Joint Committee on which has been conferred the power defined in Standing Order 65(4) to consider such proposals;

and

(iii) the power to request the presence of Members of the Government (or Ministers of State nominated in their stead) (or, in the case of the European Council, the Taoiseach or Minister for Foreign Affairs) to attend before the Joint Committee and provide, in private session

if so desired by the Member of the Government or Minister of State, oral briefings in advance of Council meetings to enable the Joint Committee to make known its views.

(c) The following persons may attend meetings of the Joint Committee and of its sub-Committees and may take part in proceedings without having a right to vote or to move motions and amendments—

(i) members of the European Parliament elected from constituencies in Ireland (including Northern Ireland);

(ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe;

and

(iii) at the invitation of the Joint Committee or of a sub-Committee, as appropriate, other Members of the European Parliament.

(d) The quorum of the Joint Committee shall be five, of whom at least one shall be a Member of Dáil Éireann and one a Member of Seanad Éireann.

(2) The Chairman of the Joint Committee shall be a Member of Dáil Éireann.

Bibliography

- Abramson, P., and Inglehart, R., 1992: Generational Replacement and Value Change in Eight West European Societies. *British Journal of Political Science*, **22**(2), 183–228.
- Andeweg, R., and Nijzink, L., 1995: Beyond the two-body image: relations between ministers and MPs. In *Parliaments and Majority Rule*, editor H. Döring. Campus, Frankfurt.
- Anthony King, 1976: Modes of Executive-Legislative Relations: Great Britain, France, and West Germany. *Legislative Studies Quarterly*, **1**(1), 11–36.
- Arkins, A. M., 1990: Legislative and Executive Relations in the Republic of Ireland. In *Parliaments in Western Europe*, editor P. Norton. Frank Cass, London.
- Arthur, W. B., 1989: Competing Technologies, Increasing Returns, and Lock-In by Historical Events. *Economic Journal*, **99**, 116–131.
- Auel, K., 2006: The Europeanisation of the German Bundestag: Institutional Change and Informal Adaptation. *German Politics*, **15**(3), 249–268.
- Auel, K., and Benz, A., 2005: The Politics of Adaptation: The Europeanisation of National Parliamentary Systems. *Journal of Legislative Studies*, **11**(3/4), 372–393.
- Baines, P., 1996: The Evolution of the Scrutiny System in the House of Commons. In *Westminster and Europe*, editors P. Giddings, and G. Drewry. St. Martin's Press, New York.
- Barry, F., 2004: Enlargement and the EU Periphery: Introduction. *The World Economy*, **27**(6), 753–759.
- Baun, M. J., 1998: The Länder and German European Policy: The 1996 IGC and Amsterdam Treaty. *German Studies Review*, **21**(2), 329–346.
- Bax, M., 1976: *Harpstrings and Confessions: Machine-style Politics in the Irish Republic*. Van Gorcum, Amsterdam.

- Becker, W., 2003: *From Political Catholicism to Christian Democracy: The Development of Christian Parties in Modern Germany*. University of Notre Dame Press, Notre Dame, IN.
- Bergman, T., 1997: National Parliaments and EU Affairs Committees: Notes on Empirical Variation and Competing Explanations. *Journal of European Public Policy*, **4**, 373–387.
- Bergman, T., 2000: The European Union as the Next Step of Delegation and Accountability. *European Journal of Political Research*, **37**, 415–429.
- Bergman, T., Müller, W. C., Strøm, K., and Blomgren, M., 2003: Democratic Delegation and Accountability: Cross-national Patterns. In *Delegation and Accountability in Parliamentary Democracies*, editors K. Strøm, W. C. Müller, and T. Bergman, 109–220. Oxford UP.
- Blondel, J., 1995: Toward a Systematic Analysis of Government-Party Relationships. *International Political Science Review / Revue internationale de science politique*, **16**(2), 127–143.
- Blümel, B., and Neuhold, C., 2001: The Parliament of Austria: A Large Potential with Little Implications. In *National Parliaments on their Ways to Europe: Losers or Latecomers?*, editors A. Maurer, and W. Wessels. Nomos Verlagsgesellschaft, Baden-Baden.
- Börzel, T. A., 1999: Towards Convergence in Europe? Institutional Adaptation to Europeanization in Germany and Spain. *Journal of Common Market Studies*, **37**(4), 573–596.
- Börzel, T. A., 2002: Pace-Setting, Foot-Dragging, and Fence-Sitting: Member State Responses to Europeanization. *Journal of Common Market Studies*, **40**(2), 193–214.
- Börzel, T. A., and Risse, T., 2000: When Europe Hits Home: Europeanization and Domestic Change. *European Integration Online Papers (EIoP)*, **4**(15). <http://eiop.or.at/eiop/texte/2000-015a.htm>, accessed 19 Jan 2005.
- Box-Steffensmeier, J. M., and Jones, B. S., 1997: Time is of the Essence: Event History Models in Political Science. *American Journal of Political Science*, **41**(4), 1414–1461.
- Box-Steffensmeier, J. M., and Jones, B. S., 2004: *Event History Modeling: A Guide for Social Scientists*. Analytical Methods for Social Research. Cambridge University Press, Cambridge.
- Budge, I., 2000: Expert Judgements of Party Policy Positions: Uses and Limitations in Political Research. *European Journal of Political Research*, **37**, 103–113.

- Budge, I., and Laver, M., 1986: Office Seeking and Policy Pursuit in Coalition Theory. *Legislative Studies Quarterly*, **11**(4), 485–506.
- Bundesrat, 2002: Geschäftsordnung des Bundesrates (Bundesrat Rules of Procedure). Last changed by resolution of the Bundesrat 31 May 2002. http://www1.bundesrat.de/Site/Inhalt/EN/2_20Bundesrat/2.1_20Struktur_20und_20Aufgaben/2.1.5_20Gesch_C3_A4ftsordnung/index,templateId=renderUnterseiteKomplett.html, accessed 19 January 2005.
- Bundesrat, n.d.a: Bundesrat: Europe/International: Committee on Questions of the European Union: General Information on the Committee's Work. http://www3.bundesrat.de/coremedia/generator/Inhalt/EN/5_20Europa-Internationales/5.3_20Ausschuss_20f_C3_BCr_20Fragen_20der_20Europ_C3_A4ischen_20Union/5.3.1_20Arbeit_20des_20Ausschusses/index,templateId=renderUnterseiteKomplett.html, accessed 19 Jan 2005.
- Bundesrat, n.d.b: Bundesrat: Europe/International: The Chamber of European Affairs: Composition and Remit of the Chamber for European Affairs. http://www3.bundesrat.de/coremedia/generator/Inhalt/EN/5_20Europa-Internationales/5.1_20Europakammer/5.1.1_20Zusammensetzung_20und_20Aufgaben/index.html, accessed 19 Jan 2005.
- Bundesrat, n.d.c: The Bundesrat: Deliberations on European Union legislation. http://www3.bundesrat.de/coremedia/generator/Inhalt/EN/2_20Bundesrat/2.1_20Struktur_20und_20Aufgaben/2.1.3_20Aufgaben/HI/8._20EU-Vorlagen.html, accessed 19 Jan 2005.
- Bundestag, 2004: Rules of Procedure of the German Bundestag. Last changed 30 April 2003.
- Bundestag, 2005: Datenhandbuch zur Geschichte des Deutschen Bundestages 1994 bis 2003. <http://www.bundestag.de/bic/dbuch/start.pdf>, accessed 25 March 2007.
- Bundestag, 2006: Agreement between the German Bundestag and the Federal Government on cooperation in matters concerning the European Union in implementation of section 6 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union. http://www.bundestag.de/htdocs_e/europe/vereinb_zus_bt_breg_en.pdf, accessed 17 March 2006.
- Bundestag, n.d.a: Legal Basis of the Committee on European Affairs in the German Bundestag. http://www.bundestag.de/htdocs_e/orga/03organs/04commit/02commper/comm20/comm20_legal.pdf, accessed 19 Jan 2005.

- Bundestag, n.d.b: Organization and Working Methods: Organs of the Bundestag: Committees: About Committees. http://www.bundestag.de/htdocs_e/orga/03organs/04commit/01comminf.html, accessed 19 Jan 2005.
- Bundestag, n.d.c: Organization and Working Methods: Organs of the Bundestag: Committees: Affairs of the European Union: Functions and Work. http://www.bundestag.de/htdocs_e/orga/03organs/04commit/02commper/comm20/comm20_function.html, accessed 19 Jan 2005.
- Bundestag, n.d.d: Organization and Working Methods: Plenary Sitzings of the Bundestag: Debates. http://www.bundestag.de/htdocs_e/orga/04plenar/01debates.html, accessed 19 Jan 2005.
- Bundestag, n.d.e: Organization and Working Methods: Plenary Sitzings of the Bundestag: Items of Business: EU Items. http://www.bundestag.de/htdocs_e/orga/04plenar/02itembusi/itembus4.html, accessed 19 Jan 2005.
- Calvert, M., and Weingast, B., 1987: Congressional Influence over Policy Making: The Case of the FTC. In *Congress: Structure and Policy*, editors M. McCubbins, and T. Sullivan. Cambridge University Press.
- Carty, R. K., 1981: *Party and Parish Pump: Electoral Politics in Ireland*. Wilfred Laurier, Waterloo, Ontario.
- Center for International Earth Science Network (CIESN), 2000: Gridded Population of the World (GPWv3). <http://sedac.ciesin.columbia.edu/gpw/>.
- Chandler, W. M., Cox, G. W., and McCubbins, M. D., 2006: Agenda Control in the Bundestag, 1980-2002. *German Politics*, **15**(1), 27-48.
- Chubb, B., 1963: Going About Persecuting Civil Servants: The Role of the Irish Parliamentary Representative. *Political Studies*, **10**(3), 272-86.
- Chubb, B., 1970: *The Government and Politics of Ireland*. Stanford University Press, Stanford.
- Coakley, J., 2005: Society and Political Culture. In *Politics in the Republic of Ireland*, editors J. Coakley, and M. Gallagher, 36-71. Routledge, New York, 4th edition.
- Cohan, A., and McKinlay, R., 1978: The Used Vote and Electoral Outcomes: The Irish General Election of 1977. *British Journal of Political Science*, **8**(4), 492-498. In Notes and Comments.
- Collier, D., 1991: The Comparative Method: Two Decades of Change. In *Comparative Political Dynamics*, editors D. A. Rustow, and K. P. Erickson, 7-31. Harper Collins, New York.

- Connolly, E., 2005: The government and governmental system. In *Politics in the Republic of Ireland*, editors J. Coakley, and M. Gallagher, 328–351. Routledge, New York, 4th edition.
- Constitution of Finland, 1999: Available on Finland's Ministry of Justice webpage, <http://www.om.fi/21910.htm>, accessed 18 May 2006.
- Constitution of Ireland, 2002: <http://www.taoiseach.gov.ie/upload/publications/297.htm>, accessed 11 October 2006.
- Conway, M., 2003: The Age of Christian Democracy: The Frontiers of Success and Failure. In *European Christian Democracy: Historical Legacies and Comparative Perspectives*, 43–67. University of Notre Dame Press, Notre Dame, IN.
- COSAC Secretariat, 2004: Second bi-annual Report: Developments in European Union Procedures and Practices Relevant to Parliamentary Scrutiny. Prepared by the COSAC Secretariat and presented to the XXXII Conference of Community and European Affairs Committees of Parliaments of the European Union. 22-23 November 2004, The Hague, Netherlands.
- COSAC Secretariat, 2005: Third bi-annual Report: Developments in European Union Procedures and Practices Relevant to Parliamentary Scrutiny. Prepared by the COSAC Secretariat and presented to the XXXIII Conference of Community and European Affairs Committees of Parliaments of the European Union. 17-18 May 2005 Luxembourg.
- COSAC Secretariat, n.d.: COSAC: Historical Development. http://www.cosac.eu/en/cosac/dvpt_historique.pdf/, accessed 29 October 2006.
- Damgaard, E., and Jensen, H., 2005: Europeanisation of Executive-Legislative Relations: Nordic Perspectives. *Journal of Legislative Studies*, **11**(3/4), 394–411.
- de la Fuente, A., and Doménech, R., 2001: The Redistributive Effects of the EU Budget: An Analysis and Proposal for Reform. *Journal of Common Market Studies*, **39**(2), 307–330.
- Diamond, J., 1997: *Guns, Germs and Steel: The Fate of Human Societies*. W.W. Norton, New York.
- Dimitrakopoulos, D. G., 2001: Incrementalism and Path Dependence: European Integration and Institutional Change in National Parliaments. *Journal of Common Market Studies*, **39**(3), 405–422.
- Dinan, D., 1994: The European Community, 1978-1993. *Annals of the American Academy of Political and Social Science*, **531**, 10–24.

- Dolezal, M., and Müller, W. C., 2001: Die Mitgliedschaft in der Europäischen Union und die Rolle des Nationalrats. In *Die österreichischen Abgeordneten: Individuelle Präferenzen und politisches Verhalten*, editor W. C. M. et al. WUV-Universitätsverlag, Wien.
- Döring, H., editor, 1995: *Parliaments and Majority Rule*. Campus, Frankfurt.
- Downs, A., 1957: *An Economic Theory of Democracy*. Harper, New York.
- Edinger, L. J., 1986: *West German Politics*. Columbia University Press, New York.
- Ember, C. R., and Ember, M., 1996: *Cultural Anthropology*. Prentice Hall, London.
- Eurobarometer, 1992: Special Survey 63; “No Europe without its Regions”. http://ec.europa.eu/public_opinion/archives/ebs/ebs_063_en.pdf, accessed 10 November 2006.
- Eurobarometer, 2005a: EB 63 (Spring 2005). http://ec.europa.eu/public_opinion/archives/eb/eb63/eb63_en.htm, accessed 10 August 2006.
- Eurobarometer, 2005b: EB 64 (Fall 2005). http://ec.europa.eu/public_opinion/archives/eb/eb64/eb64_en.htm, accessed 10 August 2006.
- European Commission, 2001: ‘Operational’ budgetary balance (after UK correction) based on the UK rebate definition. Allocation of 2000 EU operating expenditure by Member State. European Commission. Budget Directorate, September 2001. p. 126. http://europa.eu.int/comm./budget/agenda2000/reports_en.htm, accessed 11 March 2003.
- European Commission, 2005: From the ECSC to the Constitution. http://europa.eu/scadplus/treaties/eec_en.htm, accessed 15 March 2007.
- Falkner, G., 2000: How Pervasive are Euro-Politics? Effects of EU Membership on a New Member State. *Journal of Common Market Studies*, **38**(2), 223–250.
- Falkner, G., 2002: How Intergovernmental are Intergovernmental Conferences? An Example from the Maastricht Treaty Reform. *Journal of European Public Policy*, **9**(1), 98–119.
- Farrell, B., 1971: *The Founding of Dáil Éireann: Parliament and Nation-Building*. Gill and Macmillan, Dublin.
- Farrell, D., 1994: Ireland: Centralization, Professionalization and Competitive Pressures. In *How Parties Organize*, editors R. Katz, and P. Mair. Sage, London.
- Farrell, D. M., 2001: *Electoral Systems: A Comparative Introduction*. Palgrave, New York.

- Fearon, J. D., 1999: Electoral Accountability and the Control of Politicians: Selecting Good Types Versus Sanctioning Poor Performance. In *Democracy, Accountability and Representation*, editors Przeworski, Stokes, and Manin. Cambridge University Press, Cambridge.
- Federal Republic of Germany, 1993: Basic Law. <http://www.iuscomp.org/gla/statutes/GG.htm>, accessed 19 January 2005.
- Firth, D., 1993: Bias Reduction of Maximum Likelihood Estimates. *Biometrika*, **80**(1), 27–38.
- Fitzmaurice, J., 1976: National parliaments and European policy-making: the case of Denmark. *Parliamentary Affairs*, **76**, 281–292.
- Fitzmaurice, J., 1998: National parliamentary control of EU policy in the three new member states. *West European Politics*, **19**(1), 88–96.
- Flora, P., Kuhnle, S., and Urwin, D., editors, 1999: *State Formation, Nation-Building, and Mass Politics in Europe: The Theory of Stein Rokkan*. Oxford UP, Oxford.
- Fraga, A., 2000: Wanting more power... a struggle for what? In *National Parliaments and the EU-Stock-Taking for the Post-Amsterdam Era*, editor F. E. K. Julkaisu. Comments on the report by Mr. Tapio Raunio “Parliamentary Scrutiny of EU Decision-Making: Comparing National Systems”, October 1999 COSAC seminar paper.
- Fraga, A., 2001: The Parliament of Portugal: Loyal Scrutiny and Informal Influence. In *National Parliaments on their Ways to Europe: Losers or Latecomers?*, editors A. Maurer, and W. Wessels, 359–375. Nomos Verlagsgesellschaft, Baden-Baden.
- Fuchs, M., 2004: Der Ausschuss für die Angelegenheiten der Europäischen Union des Deutschen Bundestages. *Zeitschrift für Parlamentsfragen*, **35**(1), 3–24.
- Gallagher, M., 1985: *Political Parties in the Republic of Ireland*. Manchester University Press, Manchester.
- Gallagher, M., 1990: The election results and the new Dáil. In *How Ireland voted 1989*, editors M. Gallagher, and R. Sinnott, 68–93. PSAI Press, Dublin and Limerick.
- Gallagher, M., 1993: The election of the 27th Dáil. In *How Ireland voted 1992*, editors M. Gallagher, and M. Laver, 57–78. PSAI/Folens Press, Dublin and Limerick.
- Gallagher, M., 1999a: *Politics in the Republic of Ireland*. Routledge and PSAI Press, London, 3rd edition.

- Gallagher, M., 1999b: The results analysed. In *How Ireland Voted 1997*, editors M. Marsh, and P. Mitchell. Westview/PSAI Press, Boulder CO.
- Gallagher, M., 2005: Parliament. In *Politics in the Republic of Ireland*, editors J. Coakley, and M. Gallagher, 211–241. Routledge, New York, 4th edition.
- Gallagher, M., and Komito, L., 1999: The Constituency Role of TDs. In *Politics in the Republic of Ireland*, editors J. Coakley, and M. Gallagher, 206–231. Routledge (UK), London, 3rd edition.
- Gallagher, M., Laver, M. J., and Mair, P., editors, 1995: *Representative Government in Modern Europe*. McGraw Hill, New York.
- Gehler, M., and Kaiser, W., 2003: Toward a 'Core Europe' in a Christian Western Bloc: Transnational Cooperation in European Christian Democracy, 1925 – 1965. In *European Christian Democracy: Historical Legacies and Comparative Perspectives*, 240–266. University of Notre Dame Press, Notre Dame, IN.
- Gibbon, P., and Higgins, M. D., 1974: Patronage, Tradition and Modernisation: The Case of the Irish 'gombeenman'. *Economic and Social Review*, **6**(1), 27–44.
- Giddings, P., and Drewry, G., 1996: Scrutiny without power? The Impact of the European Community on the Westminster Parliament. In *Westminster and Europe*, editors P. Giddings, and G. Drewry. St. Martin's Press, New York.
- Goetz, K., 1995: National Governance and European Integration: Intergovernmental Relations in Germany. *Journal of Common Market Studies*, **33**(1), 91–116.
- Gonzalez, N. R., 2004: Back to the Future? Christian Democracy, Legitimate Federalism, and the European Constitution. Unpublished manuscript.
- Gunlicks, A. B., 2003: *The Länder and German Federalism*. Manchester University Press, Manchester.
- Hailbronner, K., 1990: Die deutschen Bundesländer in der EG. *Juristenzeitung*, **45**(2), 149–158.
- Hamerly, I. O., 2005: Contested Sovereignty: From Religious Norms to Institutional Design in Parliamentary Oversight of European Union Affairs. In *Proceedings of the Annual Meeting of the American Political Science Association*.
- Hansen, T. B., and Scholl, B., 2002: Europeanization and Domestic Parliamentary Adaptation - A Comparative Analysis of the Bundestag and the House of Commons. *European Integration Online Papers (EIoP)*, **6**(15). <http://eiop.or.at/eiop/texte/2002--015a.htm>, accessed 7 April 2007.

- Hegeland, H., and Neuhold, C., 2002: Parliamentary Participation in EU Affairs in Austria, Finland and Sweden: Newcomers with Different Approaches. *European Integration online Papers*, **6**(10). <http://eiop.or.at/eiop/texte/2002--010a.htm>, accessed 7 April 2007.
- Heinelt, H., Malek, T., Smith, R., and Toller, A. E., editors, 2001: *European Union Environmental Policy and New Forms of Governance: A Study of the Implementation of the Environmental Impact Assessment Directive and the Eco-Management and Audit Scheme Regulation in Three Member States*. Ashgate, Burlington.
- Helms, L., editor, 2000: *Institutions and institutional change in the Federal Republic of Germany*. St. Martin's Press, New York.
- Higgins, M. D., 1982: The Limits of Clientelism: Towards an Assessment of Irish Politics. In *Private Patronage and Public Power: Political clientelism in the modern state*. St. Martin's Press.
- Hölscheidt, S., 2001: The German Bundestag: From Benevolent Weakness' Towards Supportive Scrutiny. In *National Parliaments on their Ways to Europe: Losers or Latecomers?*, editors A. Maurer, and W. Wessels. Nomos Verlagsgesellschaft, Baden-Baden.
- Holzhacker, R., 2005: The Power of Opposition Parliamentary Party Groups in European Scrutiny. *Journal of Legislative Studies*, **11**(3/4), 428–445.
- Hooghe, L., and Marks, G., 2001: *Multi-Level Governance and European Integration*. Rowman & Littlefield Publishers, New York.
- House of Commons, United Kingdom, n.d.: European Scrutiny Committee Webpage. http://www.parliament.uk/parliamentary_committees/european_scrutiny.cfm, accessed 23 September 2006.
- Hrbek, R., 1999: The Effects of EU Integration on German Federalism. In *Recasting German Federalism: The Legacies of Unification*, editor C. Jeffrey. Pinter, New York.
- Huber, J. D., and Shipan, C. R., 2002: *Deliberate Discretion? The Institutional Foundations of Bureaucratic Autonomy*. Cambridge University Press, Cambridge.
- Hyde-Price, A., and Jeffrey, C., 2001: Germany in the European Union: Constructing Normality. *Journal of Common Market Studies*, **39**(4), 689–717.
- Imai, K., King, G., and Lau, O., 2006: Zelig: Everyone's Statistical Software. <http://GKing.Harvard.Edu/zelig>, accessed 8 June 2006.

- Inglehart, R., 1970a: Cognitive Mobilization and European Identity. *Comparative Politics*, **3**(1), 45–70.
- Inglehart, R., 1970b: Cognitive Mobilization and European Identity. *Comparative Politics*, **3**(1), 45–70.
- Inglehart, R., 1971: The Silent Revolution in Europe: Intergenerational Change in Post-Industrial Societies. *American Political Science Review*, **65**(4), 991–1017.
- Inglehart, R., 1997: *Modernization and Postmodernization: Cultural, Economic and Political Change in 43 Societies*. Princeton University Press, Princeton, NJ.
- Inglehart, R., and Welzel, C., 2005: *Modernization, Cultural Change, and Democracy: The Human Development Sequence*. Cambridge University Press, New York.
- Irving, R., 1979: *The Christian Democratic Parties of Western Europe*. The Royal Institute of International Affairs, London.
- Johnson, N., 1979: Committees in the West German Bundestag. In *Committees in Legislatures*, editors J. D. Lees, and M. Shaw, 102–147. Duke University Press, Durham, NC.
- Joppke, C., 1999: *Immigration and the Nation-State: The United States, Germany, and Great Britain*. Oxford University Press, Oxford.
- Judge, D., 1995: The Failure of National Parliaments? *West European Politics*, **18**(3), 79–97.
- Kaltenthaler, K., 2002: German Interests in European Monetary Integration. *Journal of Common Market Studies*, **40**(1), 69–87.
- Kalyvas, S. N., 1996: *The Rise of Christian Democracy in Europe*. Cornell University Press, Ithaca, NY.
- Kassim, H., 2001: Introduction: Co-ordinating National Action in Brussels. In *The National Co-ordination of EU Policy: The European Level*, editors H. Kassim, A. Menon, B. G. Peters, and V. Wright. Oxford University Press, Oxford.
- Kenan, P., 1995: *Economic and Monetary Union in Europe: Moving beyond Maastricht*. Cambridge University Press, Cambridge.
- Kiewiet, D. R., and McCubbins, M. D., 1991: *The Logic of Delegation: Congressional Parties and the Appropriations Process*. University of Chicago Press, Chicago.
- King, G., Tomz, M., and Wittenberg, J., 2000: Making the Most of Statistical Analyses: Improving Interpretation and Presentation. *American Journal of Political Science*, **44**(2), 347–361.

- Komito, L., 1984: Irish Clientelism: A Reappraisal. *Economic and Social Review*, **15**(3).
- Komito, L., 1989: Politicians, Voters and Officials: A Survey. *Administration*, **37**(2), 171–196.
- Komito, L., 1992: Brokerage or Friendship? Politics and Networks in Ireland. *Economic and Social Review*, **23**(2).
- Krehbiel, K., 1991: *Information and legislative organization*. University of Michigan Press, Ann Arbor, MI.
- Laffan, B., 2001: The Parliament of Ireland: A Passive Adapter Coming in from the Cold. In *National Parliaments on their Ways to Europe: Losers or Latecomers?*, editors A. Maurer, and W. Wessels, 251–267. Nomos Verlagsgesellschaft, Baden-Baden.
- Laffan, B., 2004: Irish Politics and European Politics. In *Ireland and the European Union: The First Thirty Years, 1973–2002*, editor J. Hourihane. Lilliput Press, Dublin.
- Laffan, B., and Tonra, B., 2005: Europe and the international dimension. In *Politics in the Republic of Ireland*, editors J. Coakley, and M. Gallagher, 430–461. Routledge, New York, 4th edition.
- Lamberts, E., 2003: Christian Democracy and the Constitutional State in Western Europe, 1945–1995. In *European Christian Democracy: Historical Legacies and Comparative Perspectives*, 121–137. University of Notre Dame Press, Notre Dame, IN.
- Laursen, F., 2005: The Role of National Parliamentary Committees in European Scrutiny: Reflections Based on the Danish Case. *Journal of Legislative Studies*, **11**(3/4), 412–427.
- Laursen, F., and Pappas, S. A., editors, 1995: *The Changing Role of Parliaments in the European Union*. European Institute of Public Administration, Maastricht.
- Laver, M., and Marsh, M., 1999: Parties and Voters. In *Politics in the Republic of Ireland*, editors J. Coakley, and M. Gallagher. Routledge and PSAI Press, London, 3rd edition.
- Laver, M., and Shepsle, K. A., 1994: *Cabinet Ministers and Parliamentary Government*. Cambridge University Press, Cambridge.
- Leston-Bandeira, C., 1998: Relationship between Parliament and Government in Portugal: An Expression of the Maturation of the Political System. In *Parliaments and Governments in Western Europe*, editor Norton, 142–166. Frank Cass Publishers.

- Liebert, U., 1995: Parliamentary Lobby Regimes. In *Parliaments and Majority Rule*, editor H. Döring, 407–447. Campus, Frankfurt.
- Lijphart, A., 1971: Comparative Politics and the Comparative Method. *American Political Science Review*.
- Lijphart, A., 1984: *Democracies: Patterns of majoritarian and consensus government in twenty-one countries*. Yale University Press, New Haven, CT.
- Lijphart, A., 1992: *Parliamentary versus presidential government*. Oxford University Press.
- Lijphart, A., 1999: *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. Yale University Press, New Haven, CT.
- Lijphart, A., and Crepaz, M. M. L., 1991: Corporatism and Consensus Democracy in Eighteen Countries: Conceptual and Empirical Linkages. *British Journal of Political Research*, **21**, 235–246.
- Linneman, H., 1969: Trade Flows and Geographical Distance, or the Importance of Being Neighbors. In *Towards Balanced International Growth: Essays Presented to J. Tinbergen*, editor H. Bos. North-Holland, Amsterdam.
- Lipset, S., and Rokkan, S., 1967: Cleavages Structures, Party Systems and Voter Alignments : An Introduction. In *Party Systems and Voter Alignments*. Free Press, New York.
- Long, S. J., 1997: *Regression Models for Categorical and Limited Dependent Variables*. Sage Publishing, Thousand Oaks, CA.
- Mair, P., 1987: *The Changing Irish Party System: Organisation, Ideology and Electoral Competition*. Frances Pinter, London.
- Maritain, J., 1951: *Man and the State*. University of Chicago Press, Chicago.
- Markku, M. L., and Taagepera, R., 1979: 'Effective' Number of Parties: A Measure with Applications to Western Europe. *Comparative Political Studies*, **23**, 3–27.
- Marsh, M., and Mitchell, P., editors, 1999: *How Ireland Voted 1997*. Westview/PSAI Press, Boulder CO.
- Marshall, B., 2000: *Europe in Change: The New Germany and Migration in Europe*. Manchester University Press, New York.
- Martin, L. L., 1997: *Democratic commitments: Legislatures and International Cooperation*. Princeton University Press, Princeton, NJ.
- Martin, L. L., 2000: *Democratic Commitments: Legislatures and International Cooperation*. Princeton University Press, Princeton.

- Martin, L. W., 2004: The Government Agenda in Parliamentary Democracies. *American Journal of Political Science*, **48**(3), 445–461.
- Martin, L. W., and Vanberg, G., 2004: Policing the Bargain: Coalition Government and Parliamentary Scrutiny. *American Journal of Political Science*, **48**(1), 13–27.
- Mattei, P., 2005: Party System Change and Parliamentary Scrutiny of the Executive in Italy. *Journal of Legislative Studies*, **11**(3/4), 16–37.
- Mattila, M., 2004: Fiscal Redistribution in the European Union and the Enlargement. *International Journal of Organization Theory and Behavior*, **7**(4), 555–570. Available online at <http://www.valt.helsinki.fi/staff/mmattila/euredist/redist.pdf>, last accessed 4 April 2006.
- Mattila, M., 2006: Fiscal Transfers and Redistribution in the European Union: Do Smaller Member States Get More than their Share? *Journal of European Public Policy*, **13**(1), 34–51.
- Mattila, M., and Lane, J.-E., 2001: Why Unanimity in the Council? A Roll Call Analysis of Council Voting. *European Union Politics*, **2**, 31–52.
- Mattli, W., 1999: *The Logic of Regional Integration: Europe and Beyond*. Cambridge University Press.
- Mattson, I., and Strøm, K., 1995: Parliamentary Committees. In *Parliaments and Majority Rule in Western Europe*, editor H. Döring, 249–307. St.Martin's Press, New York.
- Mattson, I., and Strøm, K., 2004: Committee Effects on Legislation. In *Patterns of Parliamentary Behavior: Passage of Legislation Across Western Europe*, editor H. Döring, 91–111. Ashgate, New York.
- Maurer, A., 2002: Nationale Parlamente in der Europäischen Union – Herausforderungen für den Konvent. *Integration*, **25**(1), 20–34.
- Maurer, A., and Wessels, W., editors, 2001: *National Parliaments on their Ways to Europe: Losers or Latecomers?* Nomos Verlagsgesellschaft, Baden-Baden.
- Mayhew, D. R., 1974: *Congress: The Electoral Connection*. Yale University Press, New Haven.
- Mayhew, D. R., 2001: Observations on Congress: The Electoral Connection A Quarter Century After Writing It. *PS: Political Science and Politics*, **34**(2), 251–252.

- Mazey, S., 2001: The Swedish Permanent Representation to the European Union: Melding National and Collective Interests. In *The National Co-ordination of EU Policy: The European Level*, editors H. Kassim, A. Menon, B. G. Peters, and V. Wright. Oxford University Press, Oxford.
- McCormick, J., 2005: *Understanding the European Union: A Concise Introduction*. Palgrave MacMillan, New York, 3rd edition.
- McCubbins, M., and Schwartz, T., 1984: Congressional Oversight Overlooked: Police Patrols versus Fire Alarms. *American Journal of Political Science*, **28**, 165–179.
- Millar, D., 1996: Scrutiny of European Community Affairs by National Parliaments. In *Westminster and Europe*, editors P. Giddings, and G. Drewry. St. Martin's Press, New York.
- Mitchell, P., 2000: Ireland: From Single-Party To Coalition Rule. In *Coalition Governments in Western Europe*, editors W. Müller, and K. Strøm. Oxford University Press, Oxford.
- Mitchell, P., 2003: Ireland: 'O What a Tangled Web...'—Delegation, Accountability, and Executive Power. In *Delegation and Accountability in Parliamentary Democracies*, editors K. Strøm, W. Müller, and T. Bergman, 418–444. Oxford University Press, Oxford.
- Moravcsik, A., 1993: Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach. *Journal of Common Market Studies*, **31**, 315.
- Müller, W. C., 2001: Ministerial Government at the European Level: The Case of Austria. In *The National Co-ordination of EU Policy: The European Level*, editors H. Kassim, A. Menon, B. G. Peters, and V. Wright. Oxford University Press, Oxford.
- Müller, W. C., Jenny, M., Steininger, B., Dolezal, M., Philipp, W., and Preisl-Westphal, S., 2001: *Die österreichischen Abgeordneten: Individuelle Praeferenzen und politisches Verhalten*. WUV-Universitätsverlag, Vienna.
- Müller, W. C., and Strøm, K., 2003: *Coalition Governments in Western Europe*. Oxford University Press, Oxford.
- Nelsen, B., 2004: The Reluctant Europeans: Protestantism, Nationalism and European Integration. In *Proceedings of the Annual Meeting of the American Political Science Association*, 2–5.
- Nelsen, B., and Guth, J. L., 2003a: Religion and Youth Support for the European Union. *Journal of Common Market Studies*, **41**(1), 89–112.

- Nelsen, B., and Guth, J. L., 2003b: Roman Catholicism and the Founding of Europe: How Catholics Shaped the European Communities. In *Proceedings of the Annual Meeting of the American Political Science Association*, 28–31.
- Nelsen, B. F., 1993: The European Community Debate in Norway: The Periphery Revolts, Again. In *Norway and the European Community: The Political Economy of Integration*, editor B. F. Nelsen, 41–62. Praeger, Westport, CT.
- Nelsen, B. F., Guth, J. L., and Fraser, C. R., 2001: Does religion matter? Christianity and Public Support for the European Union. *European Union Politics*, **2**(2), 267–291.
- Netherlands House of Representatives, n.d.: The Tweede Kamer Present and Past. http://www.houseofrepresentatives.nl/the_tweede_kamer_present_and_past/dossiers/dossier1.jsp, accessed 23 September 2006.
- Norris, P., 1997: Representation and the Democratic Deficit. *European Journal of Political Research*, **32**(2), 273–282.
- Norton, P., 1990: *Legislatures*. Oxford University Press, Oxford.
- Norton, P., 1996a: Introduction: Adapting to European Integration. In *National Parliaments and the European Union*. Frank Cass, Portland, Oregon.
- Norton, P., editor, 1996b: *National Parliaments and the European Union*. Frank Cass, London. Special Issue, *Journal of Legislative Studies* 1, No. 3.
- Norton, P., 1996c: National Parliaments in Western Europe. In *National Parliaments as Cornerstones of European Integration*, editor E. Smith. Kluwer Law International, Boston.
- Norton, P., editor, 1998: *Parliaments and Governments in Western Europe*. Frank Cass, London.
- O’Connell, D., 1982: Sociological Theory and Irish Political Research. In *Power, Conflict and Inequality*, editors M. Kelly, L. O’Dowd, and J. Wickham. Turoe Press, Dublin.
- O’Donovan, O., and O’Donovan, J. L., 2000: *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought, 100–1625*. Eerdmans Publishing Co, Grand Rapids, Michigan.
- O’Halpin, E., 1993: Policy Making. In *Politics in the Republic of Ireland*, editors J. Coakley, and M. Gallagher. Folens and PSAI Press, Dublin.
- O’Halpin, E., 1996: Irish parliamentary culture and the European Union: formalities to be observed. In *National Parliaments and the European Union*, 124–135. Frank Cass, London.

- Oireachtas, 2004a: Minutes of an Irish Joint Committee on European Affairs meeting when visited by the delegation from the Danish European Union Affairs Committee. 19 January 2004, Vol. No. 62, <http://debates.oireachtas.ie/DDebate.aspx?F=EJJ20040119.xml>, accessed 10 October 2006.
- Oireachtas, 2004b: Minutes of an Irish Joint Committee on European Affairs meeting when visited by the delegation from the Swedish European Union Affairs Committee. 19 January 2004, Vol. No. 62, <http://debates.oireachtas.ie/DDebate.aspx?F=EJJ20040129.xml>, accessed 12 October 2006.
- Oireachtas, 2006a: Irish-Ukrainian Relations: Presentation. Minutes of an Irish Joint Committee on European Affairs meeting, Volume Number 158. Wednesday, 8 February 2006, <http://debates.oireachtas.ie/DDebate.aspx?F=EJJ20040129.xml>, accessed 12 October 2006.
- Oireachtas, 2006b: Joint Committee on European Affairs Works Programme 2006. <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/Work\%20Programme/EA2006.doc>, accessed 12 October 2006.
- Oireachtas, 2006c: Third Annual Report on the Operation of the European Union (Scrutiny) Act 2002: 1 January 2005 to 31 December 2005. <http://www.oireachtas.ie/viewdoc.asp?DocID=5418\&\&CatID=74>, accessed 5 March 2007.
- Oireachtas, n.d.: Oireachtas Oversight of EU Affairs. <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees29thDail/EuropeanAffairsUsefulLinks2.htm>, 12 October 2006.
- Orr, I., 2003: Competing Agents in Parliamentary Oversight of the European Union: National Governments and European Affairs Committees. In *Proceedings of the Annual Meeting of the American Political Science Association*, 28–31.
- Pahre, R., 1997: Endogenous domestic institutions in Two-Level Games and Parliamentary Oversight of the European Union. *Journal of Conflict Resolution*, 41(1), 147–174.
- Papademetriou, D., 1996: *Coming Together or Pulling Apart? The European Union's Struggle with Immigration and Asylum*. Carnegie Endowment for International Peace, Washington, DC.
- Patterson, W. E., 2005: European Policymaking: Between Associated Sovereignty and Semisovereignty. In *Governance in Contemporary Germany: The Semisovereign State Revisited*, editors Green, Simon, and W. E. Patterson, 261–282. Cambridge UP, Cambridge.

- Pflüger, F., 2002: Der Europaausschuss des Deutschen Bundestages in der 14. Legislaturperiode. *Integration*, **25**(4), 325–329.
- Philpott, D., 2001: *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations*. Princeton University Press, Princeton.
- Philpott, D., 2004: Christianity and Democracy: The Catholic Wave. *Journal of Democracy*, **15**(2).
- Pinder, J., 2001: *The European Union: A Very Short Introduction*. Oxford University Press, Oxford.
- Prodromou, E., 2004: The Ambivalent Orthodox. *Journal of Democracy*, **15**(2), 62–75.
- Przeworski, A., and Henry, T., 1970: *The Logic of Comparative Social Inquiry*. Wiley-Interscience, New York.
- Rae, D. W., 1967: *The Political Consequences of Electoral Laws*. Yale University Press, New Haven.
- Raunio, T., 1999: Always One Step Behind? National Legislatures and the European Union. *Government and Opposition*, **34**(2), 180–202.
- Raunio, T., 2004: The Changing Finnish Democracy: Stronger Parliamentary Accountability, Coalescing Political Parties and Weaker External Constraints. *Scandinavian Political Studies*, **27**(2), 133–152.
- Raunio, T., 2005: Holding Governments Accountable in European Affairs: Explaining Cross-National Variation. *Journal of Legislative Studies*, **11**(3/4), 319–342.
- Raunio, T., and Hix, S., 2000: Backbenchers Learn to Fight Back: European Integration and Parliamentary Government. *West European Politics*, **23**, 142–68.
- Raunio, T., and Wiberg, M., 2000a: Does Support Lead to Ignorance? National Parliaments and the Legitimacy of EU Governance. *Acta Politica*, **35**, 146–68.
- Raunio, T., and Wiberg, M., 2000b: Parliaments' Adaption to the European Union. In *Beyond Congress and Westminster: The Nordic Experience*, editors P. Esaiasson, and K. Heidar. Ohio State University Press, Columbus.
- Ray, L., 1999: Measuring Party Orientations towards European Integration: Results from an Expert Survey. *European Journal of Political Research*, **36**(6), 283–306.
- Rittberger, B., 2005: *Building Europe's Parliament: Democratic Representation beyond the Nation State*. Oxford University Press, Oxford.

- Roche, D., 1982a: *Local Government in Ireland*. Institute of Public Administration, Dublin.
- Roche, R., 1982b: The High Cost of Complaining Irish Style. *Journal of Irish Business and Administrative Research*, 4(2), 98–108.
- Rokkan, S., 1975: Dimensions of state formation and nation building: a possible paradigm for research in variations within Europe. In *The Formation of National States in Western Europe*, editor C. Tilly, 562–600. Princeton University Press, Princeton, NJ.
- Rokkan, S., and et al., D. U., 1987: *Centre-Periphery Structures in Europe*. Campus Verlag, New York.
- Rokkan, S., and Urwin, D., 1982: Centres and Peripheries in Western Europe. In *Politics of Territorial Identity: Studies in European Regionalism*, editors S. Rokkan, and D. Urwin. Sage Publications, London.
- Rometsch, D., 1996: The Federal Republic of Germany. In *The European Union and Member States—Towards Institutional Fusion?*, editors D. Rometsch, and W. Wessels. Manchester University Press, Manchester.
- Rometsch, D., and Wessels, W., editors, 1996: *The European Union and Member States—Towards Institutional Fusion?* Manchester University Press, Manchester.
- Rozenberg, O., 2002: The Involvement of National Parliaments in European Union Affairs: an Empirical Test of Two Variables. In *Proceedings of the ECPR Joint Sessions of Workshops*. <http://www.essex.ac.uk/ECPR/events/jointsessions/paperarchive/turin/ws16/Rozenberg.pdf>, accessed 14 October 2006.
- Saalfeld, T., 1995: The German Houses of Parliament and European Legislation. *Journal of Legislative Studies*, 1(1), 12–34.
- Saalfeld, T., 1996: The German Houses of Parliament and European Legislation. In *National Parliaments and the European Union*, editor P. Norton. Frank Cass, London.
- Saalfeld, T., 1998: The German Bundestag: Influence and Accountability in a Complex Environment. In *Parliaments and Governments in Western Europe*, editor P. Norton, 44–72. Frank Cass, London.
- Saalfeld, T., 2000: Members of Parliament and Governments in Western Europe: Agency Relations and Problems of Oversight. *European Journal of Political Research*, 37, 353–76.

- Saalfeld, T., 2003a: Germany: Multiple Veto Points, Informal Coordination, and Problems of Hidden Action. In *Delegation and Accountability in Parliamentary Democracies*, editors K. Strøm, W. C. Müller, and T. Bergman. Oxford University Press, Oxford.
- Saalfeld, T., 2003b: Germany: Stable Parties, Chancellor Democracy and the Art of Informal Settlement. In *Coalition Governments in Western Europe*, editors W. C. Müller, and K. Strøm. Oxford University Press, Oxford.
- Saalfeld, T., 2005: Deliberate Delegation or Abdication? Government Backbenchers, Ministers and European Union Legislation. *Journal of Legislative Studies*, **11**(3/4), 343–371.
- Sacks, P., 1976: *Donegal Mafia: An Irish Political Machine*. Yale University Press, New Haven.
- Saeima EU Information Center, Latvia, n.d.: The role of the Saeima European Affairs Committee in the integration process. http://www.eiroido.lv/pages/SEUIC/content_list.jsp?category_id=260.
- Sartori, G., 1976: *Parties and Party Systems: A Framework for Analysis*. Cambridge University Press, Cambridge.
- Sassen, S., 1996: *Losing Control? Sovereignty in an Age of Globalization*. Columbia University Press, New York.
- Schmidt, V. A., 1999: European 'Federalism' and its Encroachments on National Institutions. *Publius*, **29**(1), 19–44.
- Schmitt, D. E., 1973: *The Irony of Irish Democracy: The Impact of Political Culture on Administrative and Democratic Political Development in Ireland*. Lexington Books, Lexington, MA.
- Schuman, R., 1950: Declaration of May 9, 1950. http://europa.eu/abc/symbols/9-may/decl_en.htm, accessed 15 March 2007.
- Scitovsky, T., 1990: The Benefits of Asymmetric Markets. *The Journal of Economic Perspectives*, **4**(1), 135–148.
- Secretaria Status Rationarium Generale Ecclesiae, 2000: *Statistical Yearbook of the Church*. Libreria Editrice Vaticana, Vatican City.
- Shaw, M., 1979: Conclusions. In *Committees in Legislatures: A Comparative Analysis*, editors J. D. Lees, and M. Shaw, 361–434. Martin Robertson, Oxford.
- Shell, D., 1996: The House of Lords and the European Community: The Evolution of Arrangements for Scrutiny. In *Westminster and Europe*, editors P. Giddings, and G. Drewry. St. Martin's Press, New York.

- Shepsle, K. A., and Weingast, B. R., 1987: The Institutional Foundations of Committee Power. *The American Political Science Review*, **81**(1), 85–104.
- Shugart, M., and Carey, J., 1992: *Presidents and assemblies: constitutional design and electoral dynamics*. Cambridge University Press.
- Siaroff, A., 1999: Corporatism in 24 industrial democracies: Meaning and measurement. *European Journal of Political Research*, **36**(2), 175–205.
- Smith, E., editor, 1996: *National Parliaments as Cornerstones of European Integration*. Kluwer Law International, London.
- Sprungk, C., 2003: National Parliamentary Scrutiny in the European Union: The German Bundestag and the French Assemblée Nationale Key Players or Side-Shows? In *Proceedings of the EUSA Conference*, 27–30.
- Statistical Office of the European Communities (Eurostat), 2005: Eurostat yearbook 2005. <http://epp.eurostat.cec.eu.int/>.
- Steininger, B., 2001: Der Bundesrat. In *Die österreichischen Abgeordneten: Individuelle Praeferenzen und politisches Verhalten*, editor W. C. M. et al. WUV-Universitätsverlag, Wien.
- Sterzing, C., and Tidow, S., 2001: Die Kontrolle der deutschen Europapolitik durch den EU-Ausschuss des Bundestags – Bilanz und Reformpotenziale. *Integration*, **24**(3), 274–288.
- Strikwerda, C., 2003: Parties, Populists and Pressure Groups: European Christian Democracy in Comparative Perspective. In *European Christian Democracy: Historical Legacies and Comparative Perspectives*, 267–292. University of Notre Dame Press, Notre Dame, IN.
- Strøm, K., 2000: Delegation and Accountability in Parliamentary Democracies. *European Journal of Political Research*, **37**, 261–289.
- Strøm, K., Müller, W. C., and Bergman, T., editors, 2003: *Delegation and Accountability in Parliamentary Democracies*. Oxford UP.
- Taggart, P., and Szczerbiak, A., 2002: The Party Politics of Euroscepticism in EU Member and Candidate States. Technical Report 51, Sussex European Institute. SEI Working Paper.
- Tehrani, M., 2002: Democratizing Governance. In *Democratizing Global Governance*, editors E. Aksu, and J. A. Camilleri. Palgrave Macmillan, New York.
- Thomas, T. K., and Buttigieg, J. A., editors, 2003: *European Christian Democracy: Historical Legacies and Comparative Perspectives*. University of Notre Dame Press, Notre Dame, IN.

- Tilly, C., editor, 1975: *The Formation of National States in Western Europe*. Princeton University Press, Princeton, N.J.
- Tomz, M., Wittenberg, J., and King, G., 2001: CLARIFY: Software for Interpreting and Presenting Statistical Results. Version 2.0, <http://gking.harvard.edu>.
- Transparency International, 2001: 1993–2001. Corruption Perception Index. <http://www.transparency.org>, accessed 4 April 2006.
- Tsebelis, G., 1995: Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism and Multipartyism. *British Journal of Political Science*, **25**(3), 289–325.
- Tsebelis, G., 1999: Veto Players and Law Production in Parliamentary Democracies: An Empirical Analysis. *The American Political Science Review*, **93**(3), 591–608.
- Tsebelis, G., 2002: *Veto Players: how political institutions work*. Princeton University Press, Princeton.
- Tsebelis, G., and Money, J., 1997: *Bicameralism*. Cambridge University Press, Cambridge.
- Urbantschitsch, W., 1998: *National Parliaments in the European Union—The Austrian Experience*. Forschungsinstitut für Europarecht, Graz, Austria.
- von Beyme, K., 2000: The Bundestag—Still the Centre of Decision-Making? In *Institutions and Institutional Change in the Federal Republic of Germany*, editor L. Helms. St. Martin's Press, New York.
- Wallace, H., and Wallace, W., 1996: *Policy-making in the European Union*. Oxford University Press, Oxford.
- Wallerstein, I., 1974: *The Modern World System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*. Academic Press, New York.
- Wallerstein, I., 1982: European Economic Development: A Comment on O'Brien. *The Economic History Review*, **36**(4), 580–583. New Series.
- Wallerstein, I., 2004: *World-Systems Analysis: An Introduction*. Duke University Press.
- Warner, C. M., 2003: *Strategies of an Interest Group: The Catholic Church and Christian Democracy in Postwar Europe, 1944–1958*, 138–163. University of Notre Dame Press, Notre Dame, IN.

- Wessels, B., 2005: Roles and Orientations of Members of Parliament in the EU Context: Congruence or Difference? Europeanisation or Not? *Journal of Legislative Studies*, **11**(3/4), 446–465.
- Wessels, W., Maurer, A., and Mittag, J., 2001: *Fifteen Into One? The European Union and Its Member States*. Manchester University Press, Manchester.
- Wessels, W., and Rometsch, D., editors, 1996: *The European Union and Member States: Towards institutional fusion?* Manchester University Press, Manchester.
- Williams, S., 1991: Sovereignty and Accountability in the European Community. In *The New European Community: Decisionmaking and Institutional Change*, editors R. O. Keohane, and S. Hoffmann. Westview Press, Boulder.
- Woodberry, R. D., and Shah, T. S., 2004: Christianity and Democracy: The Pioneering Protestants. *Journal of Democracy*, **15**(2).
- World Institute for Development Economic Research and United Nations Development Programme, 2005: World Income Inequality Database (V 2.0a June 2005). <http://www.wider.unu.edu/wiid/wiid.htm>, accessed 4 April 2006.
- Zier, M., 2005: *Nationale Parlamente in der EU*. Vandenhoeck & Ruprecht (V&R unipress), Göttingen.
- Zorn, C., 2005: A Solution to Separation in Binary Response Models. *Political Analysis*, **13**, 157–170.