

National parliaments

in Europe's post-crisis economic governance

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Dissertation submitted to the Hertie School of Governance
in partial fulfilment of the requirements for the degree of
Doctor rerum politicarum (Dr. rer. pol.)
in the
Doctoral Programme in Governance

Berlin, 2019

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Summary

This dissertation provides a comprehensive account of the role of national parliaments in Europe's post-crisis economic governance. It examines national parliaments in the European Semester, in relation to the European Stability Mechanism and the Interparliamentary Conference on Stability, Economic Coordination and Governance and challenges the view that the Euro crisis has only reduced the influence of national parliaments.

The analysis moves beyond prerogatives and institutional capacities to actual parliamentary involvement. Scrutinising the different stages of the European Semester remains a challenge for many national parliaments that have been marginalised by this multilevel coordination and surveillance process. In case of the third rescue package for Greece, the overall involvement by national parliaments exceeded what legal provisions would have demanded. But both economic governance domains suffer from asymmetries between those national parliaments that are willing and able to become actually involved and those that are not. One possible remedy against these asymmetries would be to involve national parliaments into economic governance collectively. The provision of Article 13 TSCG and the Interparliamentary Conference established on this basis, however, fall short of collective involvement or joint scrutiny and the experience of negotiating the institutional design of the new Conference even suggests that any kind of joint parliamentary body for the Euro area would be very difficult to realise.

As a general overhaul of the Economic and Monetary Union seems indispensable to make the common currency weather-proof, a more symmetric involvement of national parliaments is necessary to strengthen the legitimacy that they supply. In the European Semester this could be achieved via minimum standards for parliamentary involvement, but the tangled web of procedures for ESM rescue packages is likely to persist and interparliamentary cooperation can only be developed incrementally.

Acknowledgments

This dissertation is the result of my doctoral research at the Hertie School of Governance from 2014 to 2018. It has been a great pleasure to focus on this important and evolving topic. The Hertie School's Doctoral Programme in Governance and the Jacques Delors Institute Berlin have been an ideal place for researching national parliaments in Europe's post-crisis economic governance.

I am most grateful to my three PhD advisors. Henrik Enderlein has been an excellent supervisor of my dissertation who supported this project from its very beginning. My second supervisor, Olivier Rozenberg, has always provided very helpful advice for my thesis and we have cooperated fruitfully ever since we first met in Paris. Ben Crum, as third member of my PhD committee, has generously commented on individual chapters on numerous occasions.

The Hertie Foundation provided financial support for this project with two short-term grants in 2015 and 2018 and the IPID4all programme of the German Academic Exchange Service allowed me to present my findings at international conferences and workshops, to undertake field trips to European capitals for interviews, and to be an observer of interparliamentary cooperation. I thankfully acknowledge this support and I am highly indebted to Members of Parliament, officials and staff in national parliaments and the European Parliament who shared their insights with me.

Last but not least, I want to thank all colleagues and friends with who I have had the privilege to study, work or exchange over the years and who have made invaluable contributions to shaping the ideas behind this project. Without these regular contacts and occasional encouragements, this dissertation would not have emerged in the same way.

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List of Abbreviations

AFCO	Constitutional affairs committee of the European Parliament
AfD	Alternative for Deutschland, Germany (Alternative für Deutschland)
AGS	Annual Growth Survey
AN	Assemblée nationale
BT	Bundestag
CDA	Christian-Democratic People's Party, The Netherlands (Christen-Democratisch Appél)
CDU	Christian Democratic Union, Germany (Christlich-Demokratische Union Deutschlands)
CFSP	Common Foreign and Security Policy
COSAC	Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (Conférence des Organes Parlementaires Spécialisés dans les Affaires de l'Union des Parlements de l'Union Européenne)
CSDP	Common Security and Defence Policy
CSRs	Country-specific recommendations
CSU	Christian Social Union, Germany (Christlich-Soziale Union)
DBP	Draft budgetary plan
ECB	European Central Bank
ECOFIN	Economic and Financial Affairs Council
ECON	Economic and Monetary affairs committee of the European Parliament
EELV	Europe Ecology - The Greens, France (Europe Ecologie - Les Verts)
EFSF	European Financial Stability Facility
EMU	Economic and Monetary Union
EP	European Parliament
ESM	European Stability Mechanism
ESMFinG	Act on Financial Participation in the European Stability Mechanism (ESM-Finanzierungsgesetz, Gesetz zur finanziellen Beteiligung am Europäischen Stabilitätsmechanismus)
EU	European Union

FDP	Free Democratic Party, Germany (Freie Demokratische Partei)
GDP	Gross Domestic Product
IMF	International Monetary Fund
IPEX	Platform for EU Interparliamentary Exchange
LR	The Republicans, France (Les Républicains)
MEP	Member of the European Parliament
M5S	Five Star Movement, Italy (Movimento 5 Stelle)
MoU	Memorandum of Understanding
MP	Member of Parliament
n/a	not available
OECD	Organization for Economic Development and Cooperation
OPAL	Observatory of Parliaments after the Lisbon Treaty
ÖVP	People's Party, Austria (Österreichische Volkspartei)
PP	People's Party, Spain (Partido Popular)
PS	Socialist Party, France (Parti Socialiste)
PSOE	Socialist Workers' Party, Spain (Partido Socialista Obrero Espanol)
PStab	Stability Programme (Programme de Stabilité)
PVV	Party for Freedom, The Netherlands (Partij Voor de Vrijheid)
RoP	Rules of Procedure
RQMV	Reversed Qualified Majority Voting
SECG	Interparliamentary Conference on Stability, Economic Coordination and Governance
SPD	Social Democratic Party, Germany (Sozialdemokratische Partei Deutschlands)
SPÖ	Social Democratic Party, Austria (Sozialdemokratische Partei Österreichs)
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TSCG	Treaty on Stability, Coordination and Governance
UMP	Union for a Popular Majority, France (Union pour un Mouvement Populaire)
VVD	People's Party for Freedom and Democracy, The Netherlands (Volkspartij voor Vrijheid en Democratie)

“Decisions by one national parliament — be it in Germany or Ireland, in Slovakia or Portugal — are watched all over Europe. Maybe not formally speaking, but at least politically speaking, all national parliaments have become, in a way, European institutions.”
*Herman Van Rompuy, President of the European Council*¹

Chapter 1:

Introduction

European integration has created an arena of international policy-making beyond the nation-state. Member states of the European Union (EU) have given up sovereignty through a shift of power from the national to the European level. Intergovernmental negotiations and intergovernmental decision-making at the EU level mean that another shift of power has taken place at the domestic level: from national parliaments to their governments.

In reaction to these power shifts, national parliaments were able to strengthen their prerogatives in EU affairs and obtained rights and capacities to participate in EU policy-making (Rozenberg and Hefftlar 2015; Winzen 2017). They reacted to European integration by setting up European affairs committees, by controlling the decisions of their national government in the Council and by participating in the Conference of Parliamentary Committees for Union Affairs of Parliaments of the EU (COSAC).

From 2010 onwards, the Euro crisis was tackled ad-hoc and stepwise in an approach of “exploratory [...] policy-making” (Enderlein 2015a: 16). The EU agreed and adopted various economic governance reforms, such as the Treaty on Stability Coordination and Governance (TSCG), the Treaty establishing the European Stability Mechanism (ESM) and a set of legislative measures. This period has often been portrayed as a period during which the EU embarked on a path of “executive federalism” (Crum 2013; Habermas 2012).

¹ European Council (2012), Speech by President Herman Van Rompuy to the Interparliamentary Committee meeting on the European Semester for Economic Policy Coordination. Brussels, 27 February 2012 (EUCO 31/12).

The Euro crisis has probably been one of the biggest challenges for national parliaments: New tasks and new challenges emerged for them. On the one hand, emergency bailouts required from Euro area members to commit loans and guarantees to other members in financial difficulties. On the other hand, the surveillance and coordination of national fiscal and economic policies was tightened in the European Semester. Both ways, in which the Euro crisis touched upon member states, affected the “power of the purse” (Wehner 2006) of national parliaments. Hence, the question arises if they have once again been able to “fight back” (Raunio and Hix 2000) — or not — and what role(s) national parliaments play in the post-crisis economic governance.

National parliaments’ involvement does not only take place individually, it also takes place collectively (Crum and Fossum 2013a; Lupo and Fasone 2016): The basic foundations for interparliamentary cooperation can be found in the Lisbon Treaty; national parliaments had to fill them with life in the context of the Euro crisis when Article 13 TSCG provided for setting up a conference that became the Interparliamentary Conference on Stability, Economic Coordination and Governance (SECG).

The first chapter of this dissertation introduces the topic “National parliaments in Europe’s post-crisis economic governance”. It is structured as follows: The next two sections discuss the debates on democracy and legitimacy beyond the nation-state (section 1.1) and on national parliaments in the EU (section 1.2). After that, this chapter explains why the post-crisis economic governance is different from general EU affairs (section 1.3) and introduces the overarching research question as well as the structure of this dissertation (section 1.4) that analyses *how national parliaments are involved in Europe’s post-crisis economic governance*.

1.1 Democracy and legitimacy beyond the nation-state

The question of whether and, if yes, to what extent there is a democratic deficit in international politics has been at the centre of normative and theoretical debates about democracy and legitimacy beyond the nation-state. This section revisits these debates and their contribution to the topic of this dissertation, for instance with respect to a possible parliamentary counterbalancing at the national or international level (see also Freyburg et al. 2017). The EU's democratic deficit has been intensively discussed since the 1990s, but the global governance debate has tended to be less interested in the specific role of parliaments and their potential contribution to legitimising international politics (see Beisheim and Brunnengräber 2008: 75) than in broader considerations about legitimacy or accountability in global governance (e.g. Held and Koenig-Archibugi 2005).

Decision-making under the conditions of global governance

International cooperation to tackle problems of globalisation empowered international institutions to take decisions independently or jointly with representatives of the national governments. As a consequence, the political, economic, social and cultural autonomy of nation-states has been reduced (Dahl 1994: 26). Parliaments are “the democratic institutions that have suffered most from the shift of authority [from states to international organisations]” (Freyburg et al. 2017: 3).

Domestic democratic or parliamentary control over decisions at the international level often only takes place ex-post (after decisions were taken) and national parliaments then face a take-it-or-leave-it dilemma between approval and rejection. Since international negotiations are usually conducted by government representatives, the executive branch is strengthened compared to the legislative branch. Governments benefit from the so-called “two-level game” (Putnam 1988) as only *they* act at the

international and the domestic level. Parliamentarians lack possibilities to become directly involved at the international level: Opportunities for MPs to participate in international politics are limited, since the few parliamentary assemblies that exist in international organisations have varying degrees of powers (Marschall 2006).

Is there a democratic deficit?

The democratic deficit of international politics has been widely discussed with different answers to the question of whether it exists or not. Some have argued that there is no democratic deficit in international politics (e.g. Keohane et al. 2009; Moravcsik 2004). In their reasoning, international institutions can be evaluated by “less demanding standards of legitimacy or accountability” (Fossum and Crum 2012: 74; Grant and Keohane 2005) and may even enhance domestic democracy (Keohane et al. 2009: 2). The EU, viewed by them as a limited-purpose organisation, does not suffer from a democratic deficit either — as long as it is limited to non-redistributive and regulatory issues (Majone 1998, 2014).²

According to others, global governance is characterised by executive multilateralism and governments coordinate their policies internationally “with little national parliamentary control and away from public scrutiny” (Zürn 2004: 264). Dani Rodrik argues that it is impossible to simultaneously pursue “hyperglobalization, democracy, and national self-determination” (Rodrik 2011: 200). In the EU, many policies negatively affect national welfare states (see Scharpf 1999) and despite the creation and strengthening of a supranational parliamentary assembly, the European Parliament, the EU might need more politicisation in order to remedy its democratic deficit (Follesdal and Hix 2006). Rodrik’s political trilemma of the world economy also highlights the difficulties of ensuring proper democratic

² See section 1.3 (Why Economic Governance is different) on redistributive effects of the post-crisis economic governance.

control in European integration and has been applied to the Economic and Monetary Union (see Crum 2013).

Parliamentary counterbalancing at the international and the national level

Legislatures can react to policy-making beyond the nation-state by introducing domestic reforms to strengthen their position in the multilevel system (Beisheim and Brunnengräber 2008). They would then follow Robert Dahl who argued that, in reaction to the development of a transnational system, democratic institutions need to be improved at the national level in order to “maintain the vitality of the democratic process” (Dahl 1994: 33). Thus, the debate about legitimacy and democracy *beyond* the nation-state is linked to legislative studies and research on legitimate and democratic decision-making *within* the nation-state.

The challenges for national parliaments that can be observed in global governance (still) exist in a similar way in European integration which means a shift of power from the national to the international level as well as a domestic shift of power from national parliaments to their governments (see Moravcsik 1994). It is for this reason that the European Parliament has been empowered gradually and that national parliaments have intensified their involvement into EU policy-making. By now, a “growing consensus that the European integration process affects national democratic systems” (Fossum 2015a: 45) has emerged in research on democracy and legitimacy beyond the nation-state.

1.2 National parliaments in the European Union

Since the 1990s, the role of national parliaments in the EU has been the subject of major research projects (Hefftlar et al. 2015; Maurer and Wessels 2001) and widely covered in the literature (see reviews by Crum 2017; Goetz

and Meyer-Sahling 2008; Rozenberg and Heffler 2015; Winzen 2010). This dissertation contributes to this broad strand of European integration research which has also received significant attention in the most recent literature (for instance Auel and Christiansen 2016; Heffler et al. 2015; Jančić 2017; Rozenberg 2017).

In addition, numerous studies address the role of national parliaments in EU economic governance (Auel and Höing 2014, 2015; Crum and Curtin 2015; Crum 2018; Fromage and van den Brink 2018; Hallerberg et al. 2012; Höing 2015b; Maatsch 2016; Rittberger and Winzen 2015). When analysing national parliaments in the post-Lisbon and post-crisis EU, however, many authors tend to focus on the ratification of related measures in national parliaments and the adoption and implementation of parliamentary reforms, not on the actual involvement of national parliaments.

The effect of European integration on national political systems

Over the years, the analysis of national parliaments moved away from the research focus of many integration theories that took domestic politics as an explanatory factor of the integration process, but started to view European integration as an explanatory factor in domestic continuity or change (see Hix and Goetz 2000). “Europeanisation” has been defined by Robert Ladrech as

“an incremental process reorienting the direction and shape of politics to the degree that [...] political and economic dynamics become part of the organizational logic of national politics and policy-making” (Ladrech 1994: 69).

National parliaments have adapted their procedures to European integration and, for example, established European affairs committees to deal with EU issues. As a consequence, national parliaments have become Europeanised just like other institutions at the member state level (see Kassim 2013). European integration affects *policies* and *politics* of EU member states as well as their *polities* (Schmidt 2006: 7).

De- or Reparliamentarisation of EU affairs?

Two partly contradicting assessments have been made in the literature about the role of national parliaments in the EU and the question whether there is a de-parliamentarisation or a re-parliamentarisation of EU affairs.

The first accounts of *de*-parliamentarisation emerged in the analysis of political systems and comparative political science, but processes of globalisation and Europeanisation led to new wave of literature that followed the de-parliamentarisation thesis (e.g. Norton 1996). National parliaments in the EU were seen as threatened by a de-parliamentarisation of (national) politics when European integration expanded after the Single European Act and the Maastricht Treaty. The introduction of qualified majority voting for legislation in the Council, even though balanced by a greater role for the European Parliament, created the possibility to overrule the concerns or objections of individual national governments or parliaments.

The de-parliamentarisation thesis was challenged in the 2000s when national parliaments were seen as having started to become “competitive actors” (O’ Brennan and Raunio 2007), but it re-emerged in the Euro crisis. In that context, the key question has been

“whether the new structure of economic governance has involved a shift in executive power and, if so, whether that shift has been matched by an appropriate and effective shift in parliamentary prerogatives at the national and/or the European level” (Crum 2018: 271).

In 2015, John E. Fossum argued that it was “too early to tell” (2015a: 56) whether the Euro crisis had led to a general pattern of de-parliamentarisation. It may again have taken some time for parliaments to “fight back” (Raunio and Hix 2000). The underlying question of *de*- or *re*-parliamentarisation must not be considered in relation to individual national parliaments, but must take the overall system of representative relations in the EU into account (Fossum 2015a).³

³ The next chapter, Chapter 2 Assessing parliamentary involvement in Economic Governance, develops the theoretical framework on which this dissertation relies.

Executive federalism, de-politicisation and technocratisation in the Euro crisis

National parliaments have not only been affected by general trends regarding their role in national political systems and EU affairs, but also by the economic and financial crisis. In the EU and its member states, fiscal and economic policies became (further) depoliticised and a technocratic order emerged. Between 2008 and 2013, the various measures against the crisis led to an ad-hoc technocratisation of economic policy-making: Decisions that were formally legitimised in parliament *de facto* corresponded to executive decrees (Enderlein 2013: 732). But fiscal and economic policy, the area of taxation and expenditure, is “fundamental to any democratically accountable political system: it sits at the heart of the relationship between parliament, government and the public” (Fox 2012: 465).

Jürgen Habermas has called the EU’s new governance model “Exekutivföderalismus” or “executive federalism” (Habermas 2011: 48; 2012). It is based on macroeconomic and fiscal surveillance that takes place via “depoliticised procedures and technocratic institutions” (Crum 2013: 615). The policies and measures that were adopted against the economic and financial crisis were achieved “at a high cost to democratic ideals” (Sánchez-Cuenca 2017: 354).

Viewed from the perspective of the political trilemma of the world economy (Rodrik 2011), the path of “executive federalism” as the immediate crisis response implied that monetary integration was preserved, that the nation-state remained at the centre of decision-making and that democracy was sacrificed (Crum 2013: 625-26). As a consequence, national parliaments are also seen as having suffered from the economic and financial crisis and the response to it.

Prerogatives, capacities and activities of national parliaments

The literature on national parliaments in the EU has examined the prerogatives and institutional adaptation (i.e., the development of institutional capacities) of national parliaments in EU affairs have been examined in great depth. Such studies provide valuable insights, but shed only little light on whether parliaments actually use their prerogatives (Auel 2007). Parliamentary *activities* have only received limited attention:

“[M]ost studies have emphasized formal parliamentary rights, measuring institutional opportunities rather than behaviour in practice, with the result that there is an incomplete account of the performance of national parliaments in EU politics.” (Auel et al. 2015a: 60; see also Raunio 2014a)

Some recent exceptions covering individual parliamentary activities in economic governance are studies by Auel et al. (2015a, 2015b), Hallerberg et al. (2012, 2018) and Wessels et al. (2012).

The general findings reveal a certain mismatch between existing classifications of national parliaments in general EU affairs and the adaptation of national parliaments to EU economic governance (e.g. Fasone 2015; Höing 2015b; Rittberger and Winzen 2015). Existing indices about the parliamentary strength of European affairs committees (Auel et al. 2015a; Karlas 2012; Winzen 2012), for instance, only partly explain parliamentary involvement in EU economic governance (Auel and Höing 2015; Hallerberg et al. 2012, 2018; Rittberger and Winzen 2015; Winzen 2017). It is furthermore important to take the broader field of legislative studies and budget issues (Hallerberg et al. 2009; Wehner 2014) into account when studying the involvement of national parliaments in EU economic governance.

National parliaments do not only act individually, they also cooperate among each other and with the European Parliament. This does not constitute an autonomous channel of parliamentary legitimation and representation in the EU (Fasone and Lupo 2016a: 9), but national parliaments can use interparliamentary cooperation in order to reduce information gaps (Benz 2011; Neunreither 1994). National parliaments and

the European Parliament interact and respond to each other, but there is “no automatic way in which their voices cohere or can be aggregated” (Crum 2016: 9) and the relationship between the two parliamentary levels has never been fully defined. It is (still) characterised by conflict rather than cooperation (Costa and Latek 2001; Herranz-Surrallés 2014; Kreilinger 2013; Neunreither 2005).

1.3 Why Economic Governance is different

Compared to EU affairs in general, post-crisis economic governance has several distinct features. Five main features explain why the European Semester, the ESM and the SECG Conference differ from normal EU affairs: the legal framework, the procedures under which the instruments operate, the “inability to rely on existing mechanisms of parliamentary involvement” (Fromage and van den Brink 2018: 241), depoliticised rules and redistributive effects. These features are now examined in greater detail.

Legal and procedural differences of Economic Governance

First, the legal framework is particularly complex in the post-crisis economic governance. Instruments for providing financial assistance to Euro area members in financial difficulties (the ESM and its predecessor, the EFSF) were set up in 2010 and 2012 on the basis of international agreements by those member states whose currency is the Euro. Besides the adoption of two sets of regulations and directives that reinforced the Stability and Growth Pact and created additional surveillance procedures (the Six-Pack and the Two-Pack) by the Council and the European Parliament in 2011 and 2013, 25 EU member states signed another international agreement, the Treaty on Stability, Coordination and Governance (TSCG), in 2012 (see Kreilinger 2012b). The TSCG provided for transposing balanced-budget rules into national law via “provisions of binding force and permanent character, [which

are] preferably constitutional.”⁴ These international agreements create a “largely self-standing” (Fromage and van den Brink 2018: 241) legal framework outside the EU Treaties.

Second, decision-making itself differs. It relies on distinct decision-making procedures that are mostly non-legislative. The ESM works on the basis of separate intergovernmental decision-making structures and procedures. The decision-making processes in the European Semester are also different from general EU affairs: They produce reports and recommendations, allow EU institutions “to examine national budgets earlier and in a more systematic manner than before” (Maatsch and Cooper 2017: 651), facilitate the adoption of guidance (and sanctions) via reversed qualified majority voting (RQMV) and make political responsibility difficult to locate, because “at every stage it is possible for the actors involved to refer to the preceding step as conditioning their actions” (Crum and Curtin 2015: 83).

Third, national parliaments find it more difficult to control and shape the post-crisis economic governance than to control and shape general EU affairs. This is related to the legal bases and the decision-making processes⁵: Many scrutiny procedures in national parliaments are well-adapted to the EU legislative process (scrutinising draft EU legislation, questioning ministers or voting resolutions), but they are to some extent inadequate for economic governance (see de Wilde and Raunio 2018; Fromage and van den Brink 2018: 241-42). On top of that, the fundamental parliamentary right to decide on the budget — a core prerogative of many legislatures in the world — is reduced in the European Semester and by the ESM. Economic governance, however, also provides for new ways of parliamentary involvement: The TSCG contains a specific provision that gave the impetus for setting up a policy-specific interparliamentary conference⁶ and in the European Semester

⁴ Article 3(2) TSCG.

⁵ They are not based on the Community method. See Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.1 Contemporary perspectives on European integration).

⁶ Article 13 TSCG.

direct exchanges take place between the European Commission and national parliaments.

Fourth, EU economic governance is characterised by depoliticised rules and norms (see Fromage and van den Brink 2018: 242; Schmidt 2015). This applies to rescue packages where the Troika adopted a technocratic crisis-management approach. The Stability and Growth Pact also imposes debt and deficit constraints (Scharpf 2002: 648) and takes away the possibility to rebalance a national economy in case of an economic downturn by a significant expansion of public spending. Fiscal and economic policy decisions in the EU's economic governance often follow only numeric rules and are not political choices (see Schmidt 2015).

The redistributive impact of Economic Governance

The last of the five main differences is that the measures under Europe's post-crisis economic governance are generally assumed to have significant redistributive effects (Börzel 2016: 15; Chalmers et al. 2016; Frieden and Walter 2017). Their impact on national economies and their (possible) impact on national budgets are another feature that makes post-crisis economic governance different from general EU affairs, where redistributive effects of regulation are rather small.

In the early years of existence of the Economic and Monetary Union, assumptions about its welfare or redistributive effects had diverged (Enderlein 2006: 1136-39), because in a monetary union that is not an Optimal Currency Area several distinct welfare and redistribution effects occur (see Enderlein and Verdun 2009: 493-97): On the one hand, there are overall welfare enhancing effects, but on the other hand, the real interest rate has redistributive consequences under a logic of "one size fits none" (Enderlein 2015b: 29) and when welfare states adjust, this also leads to

redistribution.⁷ If it has not already happened before, the Euro crisis “definitely turned EMU into a redistributive issue by increasing the scale and visibility of redistribution” (Börzel 2016: 15).

The redistributive effects of the European Semester and the ESM exceed those of the EU budget⁸ or from the EU’s regulatory policies: “The EU is [now] engaged in massive redistribution among member states. This occurs most explicitly through the European Stability Mechanism” (Chalmers et al. 2016: 3).

Policy-makers often stressed the limited character of this “capacity-building”, but the ESM affects and relocates core state powers: Distributive implications and costs become visible, while the long-term benefits are more abstract. Under the fiscal and economic policy coordination and surveillance of the European Semester, however, core state powers remain national assets: Exercising these powers is only constrained by European rules and the distributive implications are concealed (see Genschel and Jachtenfuchs 2014: 262). For some member states, however, it is more difficult to comply with the rules than for others — “this horizontal redistribution is not directly visible” (Genschel and Jachtenfuchs 2016: 173). (Re)distributive implications might also be an explanation behind the difficulties in setting up the SECG Conference:

“[I]nter-parliamentary coordination cannot be premised on the assumption that the interests of parliaments naturally align. Certainly on issues with distributive implications, the interests of national parliaments may well conflict and, hence, national parliaments may prefer to operate on their own or in coalitions that involve smaller subsets of the parliaments in the system.” (Crum 2016: 15)

⁷ Over the years, the lack of economic convergence between the Euro area members increased the interest rate effects and (in some countries) the economic and financial crisis eradicated the accumulated welfare-enhancing effects that the common currency has had since its creation.

⁸ The EU budget amounts to approximately 1% of the EU’s GDP while the guarantees of a country to the ESM are the equivalent of about a third of the amount of the annual budget.

Finally, other key features of the post-crisis economic governance are differentiated integration and emergency measures (Fromage and van den Brink 2018: 242; White 2015). Compared to general EU affairs, these two and the previous five features have created or reinforced specific traits of EU economic governance. Some policy areas in general EU affairs have some of these features, too. But the combination of all of them makes EU economic governance different from general EU affairs.

Economic Governance: Different, but also fragmented

These specificities of economic governance challenge national parliaments, because “parties, parliaments and the process of electoral competition [...] are wedded to the old style of majoritarian redistributationalism [at the national level]” (Hix and Goetz 2000: 9) and because governments use the budget to “exercise their redistributive and stabilisation functions in the economy” (Laffan 2014: 282). But any redistribution at the European level should still be controlled by national parliaments:

“[It] requires the involvement of national parliaments since the European Parliament alone is unlikely to have sufficient democratic legitimacy to generate social acceptance of EU redistributive policy among Europeans.” (Börzel 2016: 26)

Two broad conclusions can be drawn on the basis of these considerations about the nature of Europe’s post-crisis economic governance: Firstly, it is different from “normal” EU affairs and has a distinct way of functioning. And, secondly, what this dissertation calls “post-crisis economic governance” is quite fragmented itself: The coordination and surveillance of fiscal and economic policies differs from the mechanisms that were set up to offer the possibility of providing “stability support” to Euro area members in financial difficulties.

1.4 Research questions and outline of the thesis

Analysing the role of national parliaments and their involvement in Europe's post-crisis economic governance can provide insights into issues that are relevant in the multilevel governance system of the EU, in particular the democratic legitimacy of decisions taken at the EU level. Have national parliaments once again been able to “fight back” (Raunio and Hix 2000)? Is there thus continuity in a stronger role of national parliaments? Or do relevant procedures at the national and the European level suffer from shortcomings that prevent national parliaments from effectively holding the executive(s) accountable (Curtin 2014; Dawson 2015)? This section introduces the research questions, the objectives of the analysis and the structure of this dissertation.

The overarching research question and three sub-questions

Beyond prerogatives and legal provisions, it is important to know how exactly procedures in national parliaments are used in practice. This dissertation addresses the overarching research question of *how national parliaments are involved in Europe's post-crisis economic governance*.

Each empirical chapter adjusts the overall research question of this dissertation (*How are national parliaments involved in post-crisis EU economic governance?*) to a more precise sub-question. These sub-questions are now briefly presented one after the other.

- First, the chapter on the European Semester (Chapter 3) analyses how national parliaments are involved in practice and asks *what are the drivers of parliamentary involvement in the European Semester?* In order to assess why and how national parliaments are involved in the European Semester, it is necessary to identify the factors that trigger parliamentary scrutiny and, if national parliaments scrutinise, how exactly this scrutiny is organised.

- Second, the analysis of national parliaments and the ESM (Chapter 4) turns to the third rescue package for Greece which was negotiated in 2015. It defines parliamentary involvement as substantial if a national parliament voted at least once in plenary or committee in relation to that rescue package, and examines *under what conditions national parliaments get a substantial say on ESM rescue packages*.
- And third, studying interparliamentary cooperation in economic governance (Chapter 5) allows to ask *how and in what direction the legal basis, rules and practices shape the functioning of the SECG Conference* and to examine the parliamentary preferences and negotiations concerning the institutional design of this new arena of interparliamentary cooperation between national parliaments and the European Parliament.

Objectives of the analysis

Researching national parliaments under the lens of “parliamentary involvement” follows objectives that are *conceptual*, *descriptive–explanatory* and *comparative*: First, this dissertation aims at making a contribution to understanding the post-Lisbon and post-crisis role of national parliaments in the EU on the basis of a framework that allows for an all-encompassing analysis of their involvement in EU economic governance (*conceptual* objective). Second, the empirical chapters want to uncover the asymmetries between national parliaments in their involvement and to explain different paths and drivers of parliamentary involvement in EU economic governance (*descriptive* and *explanatory* objective). And, third, this dissertation aspires to compare parliamentary involvement in different domains of EU economic governance, to analyse variation between these domains on an aggregate level and variation in parliamentary involvement between national parliaments (*comparative* objective).

With respect to the *conceptual* objective of contributing to research on the role of national parliaments, Chapter 2 situates the national parliaments of EU member states in the chain of delegation from voters to the ultimate

policy makers. The chapter follows the concept of the Multilevel Parliamentary Field (Crum and Fossum 2009) which stipulates, based on the EU Treaties, that national parliaments and the European Parliament constitute a two-channel structure for democratic representation and legitimacy in the EU. The characteristics of the Multilevel Parliamentary Field are discussed in detail. Subsequently, driving factors of parliamentary involvement and ideal types of national parliamentary scrutiny in EU affairs developed by Olivier Rozenberg and Claudia Heffler (“Policy shaper”, “Government watchdog”, “Public forum”, “Expert” and “European player”⁹) are adapted to EU economic governance and the chapter further develops how this dissertation sets up the three studies of national parliaments and EU economic governance.

The *descriptive* and *explanatory* objective of uncovering asymmetries and explaining different paths of parliamentary involvement is related to the national level (Chapter 3 and Chapter 4) and to interparliamentary cooperation (Chapter 5).

Finally, the *comparative* objective concerns each empirical chapter and the dissertation as a whole: This dissertation compares asymmetries in the involvement of national parliaments in EU economic governance.

Outline of this dissertation

The question how national parliaments, situated in the Multilevel Parliamentary Field of the EU (see Crum and Fossum 2009), can be studied in the particular context of the Euro crisis and post-crisis economic governance is tackled in the next chapter (Chapter 2). After developing the theoretical and methodological framework, the three empirical chapters of this dissertation examine the European Semester (Chapter 3), the ESM (Chapter 4) and interparliamentary cooperation under Article 13 TSCG

⁹ See Rozenberg and Heffler 2015 for these five models. In Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.3 Not just involved: Driving factors and ideal-typical models), the models are applied to EU economic governance.

(Chapter 5). Finally, the Conclusion (Chapter 6) offers an extensive summary, connects the individual chapters and discusses the theoretical and practical implications of the findings.

Chapter 2:

Assessing parliamentary involvement in Economic Governance

The second chapter develops the overall theoretical and methodological framework of this dissertation. It provides the basis for the assessment of national parliaments in three empirical chapters and for linking these findings to the normative debates about the EU's democratic legitimacy in the area of economic governance and the prospects for representative democracy beyond the nation-state.

The first section (2.1) reviews the main assumptions about the role and place of parliaments in the current theoretical debates about EU integration. Subsequently, section 2.2 discusses executive-legislative relations, the principal-agent theory for the relationship between national parliaments and national governments as well as the need for an overarching analytical framework to study national parliaments in EU economic governance: The theoretical concept of the “Multilevel Parliamentary Field” (Crum and Fossum 2009) offers such a framework for the assessment of parliamentary involvement in EU economic governance. After that, section 2.3 presents the different driving factors for parliamentary involvement and applies the ideal-typical models of national parliaments' scrutiny of EU affairs (Rozenberg and Hefftlar 2015) to EU economic governance.

The final section of this chapter (2.4) explains how the three comparative studies of national parliaments and EU economic governance in this dissertation are set up: Chapters 3, 4 and 5 provide mostly qualitative in-depth analyses based on numerous written sources about the individual and collective involvement of national parliaments into EU affairs in the decade

after the Lisbon Treaty as well as semi-structured interviews and participating observation.

2.1 Contemporary perspectives on European integration

Any assessment of parliamentary involvement in Europe's post-crisis economic governance takes place in the context of the current theoretical debates in European studies and on-going reflections about the methods of European integration by policy-makers and academics. This section reviews these debates and reflections, turns to the economic governance powers of the European Parliament and national parliaments and finally calls for connecting the different strands of current thinking on EU-institutional issues, because a number of key assumptions are complementary rather than incompatible.

Current theoretical debates about European integration

The long-standing dichotomy between intergovernmental and supranational perspectives on European integration has led to renewed theoretical debates in the context of the Euro crisis (see Joerges and Kreuder-Sonnen 2017 for a review), between the “new intergovernmentalism” (Bickerton et al. 2015; S. Fabbrini 2016b; Puetter 2014) and the “new supranationalism” (Bauer and Becker 2014; Dehousse 2015). Neither of the theoretical perspectives assigns a particularly important role to national parliaments, but the fact that actors who follow either federal-supranational or intergovernmental “polity ideas” (Jachtenfuchs et al. 1998) have different constitutional preferences about the role of national parliaments and the European Parliament is useful for considering the findings of this dissertation: This affects their views on institutional reforms (see Winzen 2017) and possibly their views on actual parliamentary involvement, too.

Besides these two perspectives, there is also emerging theoretical thinking about a “new parliamentarism” (Schmidt 2016), which basically refers to a

“continuous parallel process in which parliaments at different levels (national and European) and in different configurations are involved to make [...] EU executive decisions visible and to hold those who take them to account” (Crum 2017: 835).

The “new parliamentarism” essentially analyses the empowerment of the European Parliament (Héritier 2017; Hix and Høyland 2013), but there is also a rich body of literature on the empowerment of national parliaments.¹ The competences and the influence of both, the European Parliament and national parliaments, have grown in a process of “parliamentary co-evolution” (Winzen et al. 2015) during the process of European integration.

The EU’s integration methods

Two major components of EU economic governance that are both under investigation in this dissertation, the European Semester and the ESM, operate under two different methods of European integration, under a new “Coordinative method” and the Union method.

On the one hand, the European Semester made EU macroeconomic governance more supranational when it significantly empowered the European Commission (Dehousse 2016), but in its day-to-day functioning it is without sufficient control by the European Parliament and not based on the Community method (although the Six-Pack and the Two-Pack were adopted under the Ordinary Legislative Procedure). Under a new sort of “Coordinative method” (Dawson 2015), parliamentary control of the European Semester is particularly difficult: Actors can always refer to the preceding step as conditioning their actions (Crum and Curtin 2015). But although the European Semester constrains, the real sanction mechanisms have never been used. In 2015, for instance, the EU institutions shied away from imposing financial penalties against Spain and Portugal.²

¹ See Chapter 1 Introduction (section 1.2 National Parliaments in the European Union).

² See Appendix A Scrutinising the European Semester (section A.4 on Portugal).

On the other hand, rescuing the Euro was predominantly an intergovernmental affair with key decisions taken by the European Council, national governments acting under the Union method³ and establishing the EFSF, the ESM and the TSCG on the basis of international law (Puetter 2014). This approach marginalises the European Parliament and creates “executive federalism” (Crum 2013; Habermas 2012).

Limited powers of the European Parliament in Economic Governance

In the development of European integration, the European Parliament was continuously able to extend its legislative powers and some scholars claim that the Euro crisis has not fundamentally altered the longstanding logic and practice of the EU’s parliamentarisation (e.g. Rittberger 2014: 1181), but challenges from economic governance affecting the EU’s parliamentary institutions have mainly been non-legislative: The European Semester is not placed under the Ordinary Legislative Procedure and the ESM and TSCG are based on international treaties outside the EU’s legal framework.

In those areas where this dissertation examines national parliaments’ involvement, the role of the European Parliament is limited. The European Parliament did not obtain any effective powers to intervene and is only consulted through an “extensive web of economic dialogue[s]” (Crum 2018: 279). Many scholars therefore argue that the EU’s democratic deficit now matters even more than before (e.g. Hix 2014) and that the European Parliament has been the “major victim” (F. Fabbrini 2016a: 189) of the management of the Euro crisis. The European Parliament has repeatedly criticised the lack of parliamentary involvement in economic governance and insisted that only itself can provide legitimacy.⁴

³ College of Europe, Speech by Federal Chancellor Angela Merkel at the opening ceremony of the 61st academic year of the College of Europe, Bruges, 2 November 2010.

⁴ For instance, European Parliament, European Parliament resolution of 20 November 2012 with recommendations to the Commission on the report of the Presidents of the European Council, the European Commission, the European Central Bank and the Eurogroup “Towards a genuine Economic and Monetary Union”, point EE./13. (P7_TA(2012)0430).

Constrained powers of National Parliaments in Economic Governance

National parliaments have developed effective ways to control EU affairs, but these are mainly targeted at activities of the national government in the Council (see de Wilde and Raunio 2018). When policy coordination takes place (as in the European Semester) or when decisions on ESM rescue packages are taken in the ESM Board of Governors, many normal procedures in national parliaments are inadequate.⁵

The coordination and surveillance of fiscal and economic policies at the EU level has preserved the ultimate right to adopt the budget at the national level (Crum 2018: 270), but this right has been limited by balanced-budget rules (F. Fabbri 2016a: 27-42), by guidance and recommendations from the EU level which are not subject to sufficient parliamentary oversight (Maatsch and Cooper 2017: 650) and adopted in the Council by reversed Qualified Majority Voting (RQMV). Thus, the “high consensus requirements of EU legislation” (Scharpf 2009: 182) do not apply to fiscal and economic policy coordination and surveillance.

As a consequence, budgetary sovereignty, regarded as the “crown jewel of parliaments” (Puntscher Riekmann and Wydra 2013: 565) or “the most important and symbolic prerogative of national parliaments” (Dawson and de Witte 2013: 827), has been affected by the EU’s new economic governance. Its “policies with strong distributional effects” (Fossum 2015a: 57), however, would require legitimation by national parliaments.⁶ This dissertation takes the initial parliamentary strength in the annual budget procedure (Hallerberg et al. 2012: 70; Wehner 2014) into account when it assesses national parliaments’ “power of the purse” in the area of EU economic governance.

⁵ See Chapter 1 Introduction (section 1.3 Why Economic Governance is different). The 2017 Reflection paper of the European Commission on the deepening of the Economic and Monetary Union also points out that “the interplay between the Eurogroup, the European Commission and the European Stability Mechanism [...] in practice [...] means complex decision-making, criticised for not being understandable and transparent enough” (European Commission, COM(2017) 291 final, 31 May 2017, p. 17).

⁶ See also Börzel (2016) and, in this dissertation, Chapter 1 Introduction (section 1.3 Why Economic Governance is different).

Individual or collective counterbalancing?

Although the institutional logic of the Economic and Monetary Union is one of a “reinforced two-level game” (Crum 2018: 273-75) in which national parliaments find themselves on the losing side, this does not exclude that national parliaments managed to adapt and become involved into EU economic governance (see e.g. Auel and Höing 2014; Auel and Höing 2015). Some national parliaments, for example the German Bundestag, were able to reinforce their role in the Euro crisis. If a national parliament is involved before the start of negotiations on an ESM rescue package and if this parliament must also approve the result of the negotiations, parliamentary double veto power provides a country with additional leverage in international negotiations (Bellamy and Weale 2015; Benz 2013; Moschella 2017; Putnam 1988). This follows the “Paradox of Weakness” (Schelling 1960).

Furthermore there is collective involvement of national parliaments in EU affairs, based on coordination among themselves and cooperation with the European Parliament (Crum and Fossum 2009; Lupo and Fasone 2016). The specific institutional preferences of national parliaments have a direct influence on and shape interparliamentary cooperation between them and the European Parliament. Even though parliaments have a common interest in holding the executives accountable, they have often failed to be a collective actor via interparliamentary cooperation (Kreilinger 2013: 17).

In the scrutiny of EU economic governance, the Interparliamentary Conference on Stability, Economic Coordination and Governance (that was established on the basis of Article 13 TSCG in 2013) could play an eminent role, but cooperation between national parliaments and the European Parliament has met significant challenges in this area. The Rules of Procedure of the Conference were only agreed in October 2015, two years after the Conference had met for the first time.⁷

⁷ See Chapter 5 The Interparliamentary Conference on Stability, Economic Coordination and Governance.

Connecting a variety of contemporary perspectives on European integration

Although the different perspectives diverge in their attention paid to national parliaments, “[i]t is quite likely that, if the euro crisis has fed a greater centralisation of economic governance in the EU, this is reflected in both the intergovernmental and the supranational institutions” (Crum 2018: 274). Taking the widely shared assumption that the post-crisis economic governance constrains national parliaments and reduces their “power of the purse” as a starting point, national parliaments (and the European Parliament) have different options to react to this two-fold trend: *Intergovernmental tendencies* could be addressed at the domestic level through stronger oversight by national parliaments (Patzelt 2014: 90-93), with new interparliamentary bodies or via empowering the European Parliament as a counterweight to intergovernmental institutions at the EU level. *Supranational tendencies* could be addressed through the European Parliament to which the European Commission is accountable (Patzelt 2014: 87-88) or with EP-led scrutiny in interparliamentary committee meetings related to EU economic governance. The assessment of parliamentary involvement in the post-crisis economic governance in this dissertation examines the extent of the problem (lack of parliamentary control of economic governance) and looks at national parliaments’ actual involvement and the driving factors behind it.

2.2 National parliaments as multilevel actors

National parliaments are either “multi-arena players in the making” (Auel and Neuhold 2017) or, they might, as this sections argues, already be multilevel actors. Above all, they interact with their government and face opportunities and constraints in this principal-agent relationship when it comes to EU affairs (sub-section 2.2.1), but they are also active directly at the European level. This calls for an overarching analytical framework to assess national parliaments in EU economic governance (sub-section 2.2.2).

2.2.1 Executive-legislative relations, principals and agents

Among the many different conceptualisations of the role of legislatures, the ones advanced by Antony King (1976) and Kaare Strøm et al. (2003a) have been particularly influential (see Rozenberg 2018b: 330). This sub-section is structured as follows: First, it presents the different modes of executive-legislative relations (King 1976) and then discusses the principal-agent theory (Strøm et al. 2003a). After that, this sub-section introduces the notions of “police patrol” and “fire alarm” oversight (McCubbins and Schwartz 1984) and points to the limits of the principal-agent theory in explaining the role of the opposition (Rozenberg 2018b: 330-33).

First of all, different modes of executive–legislative relations, most importantly the *intra-party mode* and the *opposition mode*, can be distinguished (King 1976; Saalfeld 2000: 363). Monitoring by the parliamentary majority following the *intra-party mode* of executive–legislative relations takes place behind closed doors and is mostly invisible, but potentially very effective, because the government usually depends on the support of (its) backbenchers. Opposition MPs can instead force the government to defend its policies (*opposition mode* of executive–legislative relations). Conflict is the dominating feature of this mode (see King 1976: 18) in which the opposition tries to hold the government accountable. Other

modes are the *non-partisan mode* (a parliamentary body like a committee functions by consensus) and the *trans-partisan mode* which can exceptionally emerge inside a committee (Rozenberg 2018b: 330-31).

Principal-agent theory

Many contributions that analyse the involvement of national parliaments in EU decision-making follow rational choice institutionalism and, in particular, the principal-agent theory. This kind of research is theory-driven and situates national parliaments in a two-fold role as agent of the citizens and principal of the government (Rozenberg and Heffler 2015: 18).

Initially only an economic model of the relationship between “principal” and “agent” under incomplete contracts, it was introduced into studying parliamentary control by Bergman, Müller and Strøm in 2000: Those authorised to make political decisions conditionally designate others to make political decisions on their behalf (Strøm 2000: 266). The former are called “principals” and the latter are called “agents”.

There are several distinct steps in the chain of delegation from voters to the ultimate policy makers (Bergman et al. 2000: 257): Voters delegate decisions to parliamentarians, parliamentarians empower cabinet members and ministers delegate the implementation of the decision to public servants. Parliamentarians are therefore the “agents” of the voters (the “principal”) and the relationship between a national parliament and the national government is also one of a principal to his agent. MPs are consequently in the position of being simultaneously agents and principals (Saalfeld 2000: 356). In parliamentary democracies, delegation takes the form of a long and singular chain. For EU member states, European integration has made delegation to EU institutions the final step in the chain of delegation.

Agency theory argues that any delegation of power to an agent creates risks for the principal, because the agent might not act in the best interest of the principal. The principal usually tries to reduce these risks through ex-ante and ex-post control mechanisms over the agent: The chain of delegation

is, as Wolfgang C. Müller et al. (2003) put it, “mirrored by a corresponding chain of accountability” (2003: 20) through which the principal has possibilities to monitor, sanction or reward his/her agent. Agency problems may also occur if two or more agents compete for the attention of the same principal or if a single agent is accountable to two or more principals (Strøm 2000: 270). Information asymmetries between the principal and the agent increase agency problems.

In their principal-agent relationship with governments, parliaments suffer from information asymmetries vis-à-vis the executive. In order to reduce such asymmetries, they can adapt their internal functioning⁸ and, for instance, increase specialisation into parliamentary committees (Saalfeld 2000: 357), but a side effect of this are additional agency problems *within* a legislature between committee members and non-members. Monitoring and reporting requirements for the agent may also help the principal to control the agent.

Different types of scrutiny and limitations of the principal-agent theory

Besides the different modes of executive-legislative relations (King 1976) and the principal-agent theory, two further aspects must be taken into consideration for assessing parliamentary involvement: Different types of parliamentary scrutiny and the fact that principal-agent theory has some limitations.

The work by King (1976) and Strøm et al. (2003a) provides a useful basis for classifying parliamentary control instruments and for distinguishing different types of scrutiny activities. In addition to these two schemes, McCubbins and Schwartz (1984) argue that a large part of the scrutiny activities undertaken by legislatures corresponds to what they term “police-patrol oversight”. This type of oversight means that legislatures, as the principal, monitor activities of the agent with the objective to detect deviations of the agent from his/her mandate. The alternative to “police-

⁸ See also Dahl 1994 and the discussion of “counterbalancing” in Chapter 1 of this dissertation (section 1.1 Democracy and legitimacy beyond the nation-state).

patrol oversight” is “fire-alarm oversight” (McCubbins and Schwartz 1984) where actors outside the legislative arena notify MPs about agents’ violations of the mandate that was fixed by the (parliamentary) principal.

Finally, the principal-agent theory has certain limitations (see Rozenberg 2018b: 333-34). The relationship between a principal and his/her agent in parliamentary democracies differs from the “standard type”: The governing parties (usually with a majority in parliament) support the government while the opposition does not. Governing parties and opposition parties must therefore be distinguished when analysing parliamentary behaviour in the EU (Auel 2007; Holzacker 2002). Moreover, for instance with respect to how to motivate lawmakers to cooperate and to coordinate among themselves and beyond their domestic arena, principal-agent theory does not sufficiently take into account collective action problems within parliaments (Rozenberg 2018b: 333-34).

Relevance for Economic Governance and the analysis in this dissertation

Viewed from principal-agent theory, European integration necessarily “involves a decline in the capacity of national politicians to affect policy outcomes that matter to their citizens” (Strøm et al. 2003b: 744). The strengthening of supranational norms and institutions has created a situation in which national governments must act responsibly to supranational principals and consequently find it even more difficult to be responsive to their own citizens (see Mair 2009; Rose 2014). Nowadays the tension between supranational responsibility and national responsiveness often characterises EU affairs and particularly the post-crisis economic governance. When national governments retain some autonomy while at the same time being constrained by supranational rules, as it is the case in the European Semester (Crum 2018: 270), the principle–agent relationship and the lines of accountability from executives to legislatures become even less clear.

Monitoring by national parliaments in EU economic governance mostly corresponds to “police-patrol oversight” (McCubbins and Schwartz 1984), but if governments deviate from plans and pledges under the European Semester or if a recipient of ESM stability support does not fulfil conditionality, external actors might make a national parliament aware of this (“fire-alarm oversight”).

In this dissertation, Chapter 3 on the European Semester situates national parliaments in a dilemma between responsibility and responsiveness on budgetary issues in which they currently fail to control their agent, the national government. Chapter 4 then explicitly spells out what the chain of delegation and the principal-agent relationship from national parliaments to the ESM looks like. Both chapters take the role of the opposition into account and examine what happened inside national parliaments, with questions like “who raises what kind of objections against the European Semester?” and “who or what factors trigger parliamentary involvement?”. The case of interparliamentary cooperation in Chapter 5 is also interesting from a principal-agent perspective: It could remedy information deficits of national parliaments and MPs who participate at an interparliamentary conference are actually agents of the entire parliament or the relevant committee(s) which act(s) as the principal of these MPs.

2.2.2 An overarching analytical framework

The EU relies on two sources of democratic representation and legitimacy, enshrined via a two-channel structure in Article 10 TEU: Citizens are represented in their *national parliament* which controls the government in the Council of the EU and the European Council, and they are directly represented in the *European Parliament* (Crum and Fossum 2009: 249-50). This structure can be considered “an integral characteristic of the EU polity” (Crum 2016: 6).

In the 1990s and early 2000s, Karlheinz Neunreither (1994, 2005) examined interaction between the European Parliament and national parliaments, Andreas Maurer (2002) invented the term “Mehrebenenparlamentarismus” (European multilevel parliamentarism) and Arthur Benz (2003) conceptualised the EU as a “compound polity”. These different efforts in theorising the EU’s representative democracy argue that parliamentary functions and relations in the EU go beyond those of a simple network of legislators (see Slaughter 2004: 104-30).

In 2009, Ben Crum and John E. Fossum concluded that an overarching analytical framework was needed to relate empirical research on democratic representation in the EU to normative debates about the EU’s democratic deficit and the prospects for representative democracy beyond the nation-state in general (Crum and Fossum 2009: 254). They proposed to capture all representative bodies and relations in the EU under the concept of “Multilevel Parliamentary Field” (Crum and Fossum 2009, 2013a; see also Patzelt 2014). The Multilevel Parliamentary Field has not been the first, but the most elaborate effort of theorising representative democracy in the EU to date (see Table 2.1). For studying parliaments in economic governance, it is important to depict both channels of representation on the basis of an overarching analytical framework. Even though this dissertation primarily analyses national parliaments, the Multilevel Parliamentary Field provides an important point of reference for such an analysis.

Table 2.1 Approaches to theorising representative democracy in the EU

Neunreither (1994, 2005)	Cooperation and conflict
Maurer (2002)	Mehrebenenparlamentarismus
Benz (2003)	Compound polity
Slaughter (2004)	Networks of Legislators
Crum and Fossum (2009, 2013)	Multilevel Parliamentary Field
Lupo and Fasone (2016)	Euro-national parliamentary system

Source: Own elaboration.

Studying the EU's Multilevel Parliamentary Field

The conceptual innovation of the Multilevel Parliamentary Field has been to introduce the sociological notion of the organisational field into the study of parliaments and representative democracy in the EU: DiMaggio and Powell (1983) defined a “field” as composed of organisations that, “in the aggregate, constitute a recognised area of institutional life: key suppliers, resource and product consumers, regulatory agencies and other organi[s]ations that produce similar services or products” (1983: 148). One might even want to see parliaments as “suppliers” of legitimacy, but Crum and Fossum (2009) argue that the “recognised area of institutional life” must be seen broadly and that what keeps the Multilevel Parliamentary Field together is “a shared function and the role perception [...] of representing people’s interest in EU decision-making” (Crum and Fossum 2009: 260). This is closely related to Bourdieu (1984, 1989), according to whom a field designates the state of the relations between actors and institutions that share certain fundamental orientations (Bourdieu 1984: 114-15). At the same time, “the field takes on certain properties and dynamics that are of structural character” (Crum and Fossum 2009: 260) which are “capable of guiding and constraining” (Bourdieu 1989: 14) the practices of actors and institutions in the field.

Building upon the Multilevel Parliamentary Field, the most recent attempt of theorising representative democracy in the EU has been the “Euro-national parliamentary system” by Nicola Lupu and Cristina Fasone (2016a). This “system” is composed of both European and national procedures and considers the individual parliamentary functions of representation, policy-making and oversight as “increasingly networked and shared” (Fasone and Lupu 2016a: 10) among the different parliaments in the EU. The notion of a parliamentary system refers to a “set of elements standing in interrelation to one another and with the environment” (Fasone and Lupu 2016a: 11).

Compared to the Euro-national parliamentary system (Lupu and Fasone 2016), the Multilevel Parliamentary Field is less likely to imply that

“parliaments at either level should have a prescribed place” (Lord 2013: 235). The questions of whether interparliamentary relations are more akin to a field or a system (Crum 2017; Lupo 2018; see also Patzelt 2014) and to what extent the EU might have evolved from a Multilevel Parliamentary Field based on learning to a “democratically problematic” joint-decision structure, “especially in connection with the European Semester” (Fossum 2016: 9-10, 13), where parliaments are less involved than under the Lisbon Treaty provisions for normal EU affairs, have received renewed attention in recent years and are discussed in this dissertation.

Applicability to the post-crisis Economic Governance

In EU economic governance, parliamentary procedures may suffer from shortcomings that prevent national parliaments from effectively holding the executive(s) accountable (see Curtin 2014; Dawson 2015). Such accountability deficits lead to asymmetries between national parliaments in the post-crisis economic governance. In addition to the existing severe imbalances between the governments of Euro area members, these asymmetries between national parliaments threaten the “ability to foster a viable Multilevel Parliamentary Field” (Fossum 2015b: 808).

In the European Semester, executive powers are dispersed between the European Commission and the national governments which cannot be collectively held accountable: Succinctly put, “no one is accountable” (Crum 2018: 276). In the ESM, only some national parliaments have the powers to block or delay a decision of the Board of Governors, because they vote on a binding mandate for the government representative in the ESM Board of Governors; others merely have a right to be informed (Rittberger and Winzen 2015: 435-37). The risk of growing asymmetries, between those national parliaments that have successfully adapted to EU economic governance and those that have not, is arguably bigger than ever. Interparliamentary cooperation, as provided in Article 13 TSCG, therefore faces difficulties to act as a “democratic coping mechanism” (Fossum 2015b) in this challenge.

2.3 Not just involved: Driving factors and ideal-typical models

Beyond formal influence in terms of veto power, the oversight and monitoring of the executive branch in terms of scrutiny are among the key tasks of any legislature (see Kreppel 2014b). Various procedures for the scrutiny of EU affairs and for involvement in economic governance have emerged in national parliaments. The comparative analysis of parliamentary involvement in the post-crisis economic governance must therefore put an emphasis on the factors that drive the activities of national parliaments and on developing or adapting ideal-typical models which can be used as benchmarks for parliamentary involvement in different economic governance domains.

This section argues that national parliaments are “not just involved” in the post-crisis economic governance, but that a complex interplay between prerogatives and activities that has only recently started to attract broader attention in research on national parliaments (Auel et al. 2015a) requires an analysis of the driving factors behind actual parliamentary involvement (see sub-section 2.3.1). With respect to ideal-typical scrutiny models (see sub-section 2.3.2), it is clear that national parliaments can play more than one role within and beyond the institutional setting of their own political system. As Olivier Rozenberg and Claudia Heffler (2015: 28) have stressed, ideal types of parliamentary scrutiny in EU affairs are not mutually exclusive and are based on the functions that legislatures generally fulfil. This reasoning also applies to EU economic governance. Finally, this section considers cross-cutting issues of parliamentary involvement (see sub-section 2.2.3).

2.3.1 Driving factors for actual parliamentary involvement

Adaptation of parliaments often implies “rule change” (Müller and Sieberer 2014: 326), but despite a possible lack of (new) formal prerogatives, national parliaments may still be able to undertake scrutiny activities (see e.g.

Wessels et al. 2012 for the case of the European Council). When they can rely on existing powers, national parliaments do not need new prerogatives (see Kreilinger 2016: 30): With respect to the European Semester, the Finnish Eduskunta reported that its existing rules for the parliamentary scrutiny of the annual budget process fitted “nicely” and did not need to be adapted.⁹

Thus it is indeed possible that some national parliaments did not see the need to adopt new rules — either because their rules were suitable or because they could establish *new practices* without codifying them. If national parliaments obtained new prerogatives, this does not necessarily mean that they have been able to use these powers in an effective way: Sometimes national parliaments, even though they have the prerogatives, do not scrutinise (Auel et al. 2015b). The assumption that national parliaments are willing and able to use their rights and that formal capabilities are equal to actual parliamentary behaviour, has severe limitations (Auel 2007: 490). At the same time, national parliaments might (occasionally) also be more active than one would expect on the basis of their prerogatives. As a consequence, this dissertation does not limit itself to analysing prerogatives, but examines parliamentary activities.

This perspective seeks to advance the literature on national parliaments in EU economic governance by moving to the analysis of their actual involvement (see also Auel et al. 2015a). Earlier research on national parliaments in EU economic governance, in particular Auel and Höing (2015), Hallerberg et al. (2012, 2018), Rittberger and Winzen (2015) or Winzen (2017: 151-75), explained the role of national parliament with the two broad action logics of *institutional path dependency* and *economic strength*. Previously strong powers of a national parliament in EU affairs or in the budget procedure fall under *institutional path dependency* (see also Dimitrakopoulos 2001), the first action logic, while *economic strength* is a completely different, second action logic.

⁹ COSAC, Annex to the Twenty-first Bi-annual Report: Developments in European Union. Procedures and Practices Relevant to Parliamentary Scrutiny (Brussels: COSAC Secretariat, 19 June 2014), p. 240.

However, these two action logics (*institutional path dependency* and *economic strength*) cannot account for the whole picture: Cases of unexpected parliamentary involvement as well as cases where one would have expected a national parliament to be involved both remain puzzling. This dissertation argues that it is therefore necessary to introduce a new set of driving factors that follow another action logic: *domestic political dynamics*. This third action logic looks at what happens within national parliaments, also in their relationship to the government: Different actors (opposition parties, governing parties, junior coalition partners and the government itself) all have different interests and motivations to trigger (or not to trigger) parliamentary involvement under the institutional constraints that they face.

In this dissertation, each of the two empirical chapters that explains individual parliamentary involvement in the post-crisis economic governance (Chapter 3 on the European Semester and Chapter 4 on the ESM) relies on this overall framework with regard to the driving factors and puts forward its own distinct set of possible drivers for substantial parliamentary involvement in the respective domain of the post-crisis economic governance.

2.3.2 Models of parliamentary scrutiny of EU affairs

Although the national parliaments of EU member states are situated in similar actor constellations (see Scharpf 1997: 36-50), they organise their interaction with executive actors (i.e., parliamentary scrutiny activities) differently, according to their orientations and capabilities. The precise conduct of parliamentary involvement is the result of choices taken by parliamentary actors under the constraints that they face. The following six ideal-typical models are taken from Wessels et al. (2012) and Rozenberg and Hefftlar (2015).

In this sub-section, one ideal-typical model after the other is described and applied to EU economic governance: “Traditional scrutiniser” (Wessels et al. 2012), “Policy shaper”, “Government watchdog”, “Public forum”, “Expert” and

“European player” (Rozenberg and Hefftlar 2015; see also Wessels et al. 2012).¹⁰

“Traditional scrutiniser”

National parliaments that are “traditional scrutinisers” (Wessels et al. 2012: 42) either have reduced rights in EU affairs in general or only follow the standard scrutiny method for draft EU legislation, ex-ante control by a specialised parliamentary committee (Wessels et al. 2012: 42), and are “gatekeepers” (Raunio 2011; Sprungk 2013: 551). With their activities, these parliaments target “the ordinary legislative procedure, scrutinising Commission proposals and government behaviour in the Council” (de Wilde and Raunio 2018: 320).

The “traditional scrutiniser” parliament is ill-suited for the post-crisis economic governance which is either mainly non-legislative, regulatory in nature and based on a new Coordinative method (European Semester) or non-legislative and intergovernmental (ESM).¹¹ Such national parliaments are lagging behind as they have not adapted to the new realities, but might want to compensate for this lack of adaptation by creating strong interparliamentary cooperation in EU economic governance.

“Policy shaper”

National parliaments that are “policy shapers” want to influence policies through ex-ante activities before binding agreements are reached at the EU level and have strong formal powers, like the possibility to mandate the position of their government for negotiations in the Council (Rozenberg and Hefftlar 2015: 31). Such a mandate can either be constitutional binding or be considered politically binding (Rozenberg and Hefftlar 2015: 31; Winzen 2012). Policy shaping mainly takes place in the European affairs committee,

¹⁰ As explained by Rozenberg and Hefftlar (2015), the roles of national parliaments in the EU are rooted in (national) parliamentary practices and based on divergent visions of what function(s) a legislature should perform.

¹¹ See section 2.1 Contemporary perspectives on European integration.

with an advisory role for sectoral committees, and often behind closed doors. Beyond shaping policy, a legislature acts in its function as legislator when it has the powers to delay, veto or amend legislation or when it has the authority to present an opinion on legislation, a general plan of action or a broad policy programme (see Kreppel 2014b: 117-19).

Policy shaping is easier under normal EU affairs than under the new economic governance, because many bodies, such as the European Council, the Eurogroup or the ESM, operate less transparently than the EU's legislative process (see Curtin 2014). But EU economic governance also offers possibilities to actually shape policy outcomes and therefore clear incentives for national parliaments to become active in these areas (see de Wilde and Raunio 2018: 318-19).

“Government watchdog”

When national parliaments lack the powers to issue mandates, to amend, delay or veto bills, documents or reports, they cannot shape policy beforehand, but as a “government watchdog” they still exercise control by holding the government accountable (Rozenberg and Heffler 2015: 32). This happens ex-post and can also be an effective way of parliamentary scrutiny: The existence of an accountability mechanism is expected to have an effect on the executive actors who will have to defend in parliament the position taken at the EU level (Crum and Curtin 2015: 72). “Government watchdog” parliaments do not have mandating powers, their main objective with this type of scrutiny is politics rather than policy, thus allowing to criticise the government and to increase visibility and publicity (de Wilde 2011: 676; Wessels et al. 2012: 42). In EU affairs, there are fewer possibilities for actually sanctioning the government ex-post than in domestic affairs, because once a final decision has been taken at the European level, such a decision is more difficult to reverse (Auel 2007: 502).

For a “watchdog” parliament, ex-post accountability in economic governance for instance means that decisions on an ESM rescue package are

only debated in parliament after the decision was taken. With respect to the European Semester, such a national parliament can be expected to scrutinise the Country-specific recommendations after their adoption.¹² Cooperation with others helps “watchdog” parliaments to obtain information, reduce information gaps and hold their government accountable.

“Public forum”

Scrutiny in plenary debates means that the national parliament becomes a “public forum” (Rozenberg and Heffler 2015: 29) for the specific topic that is debated. National parliaments’ plenary debates allow to communicate policies to the public, but access to scarce plenary time (Cox 2006: 144) is generally difficult. Scholars of legislative studies “refine and challenge the conventional view that debate is a verbal contest between government and opposition without any real policy impact” (S. Martin et al. 2014: 13). Plenary debates allow for MPs to represent the views of the citizens and often also to (try to) hold the government accountable.

Debating economic governance in public offers the possibility to contest and influence government policy. In addition to that, MPs who are initially not EU specialists become involved, if the entire assembly is called to debate (see Gattermann et al. 2016). If EU issues are the subject of plenary debates, this indicates a high salience. Although often considered technical, EU economic governance issues, such as the European Semester and the ESM have become subject of plenary debates (see Chapters 3 and 4). When decisions are taken under time pressure (White 2015), however, “there is [...] no time for deliberation and extensive public debate” (Joerges 2015: 90).

“Expert”

A national parliament that follows the “expert” model, produces proper expertise on EU affairs (Rozenberg and Heffler 2015: 33) which enables it to

¹² See Appendix A (Scrutinising the European Semester in four national parliaments) for more information about scrutiny activities related to Country-specific recommendations.

assess developments independently and to become active early in the different processes. This happens in committees, with the European affairs committee in the lead, but sectoral committees are involved, too. Conflicting positions within parliament are not visible and such activities — almost an end in itself — generally attract less attention than plenary debates or hearings with ministers (Rozenberg and Heffler 2015: 33).

The working practices of the “expert” can be used for the new tasks and challenges of economic governance. Here, too, it is possible to produce proper expertise, if national parliaments have built up sufficient capacities. The complexity and unclear responsibilities in EU economic governance (Crum and Curtin 2015: 83) as well as economic emergencies (White 2015) might not always allow for the “expert” to fully play its role. The “expert” parliament is probably only clearly in favour of interparliamentary cooperation in EU economic governance, if it offers an added value to its own expertise.

“European player”

Finally, national parliaments that are a “European player” have a better understanding of the negotiation situation at the European level through a network “beyond the own domestic parliamentary arena” (Rozenberg and Heffler 2015: 34). These parliaments perform a “networking role” (Sprungk 2013: 551) with supranational institutions and with other parliaments, partly in order to obtain relevant information (that their own government might withhold from them) or in order to learn from other parliaments’ scrutiny practices. In that sense, John E. Fossum described the Multilevel Parliamentary Field after the Lisbon Treaty but prior to the economic and financial crisis as “based on learning” (Fossum 2016: 9-10). The ideal-type of the “European player” refers to national parliaments that actively use all the formal or informal opportunities to engage with EU institutions as well as interparliamentary cooperation (Rozenberg and Heffler 2015: 34-35).

The “European player” is usually very cooperative and active in the interparliamentary relations of economic governance. Such parliaments can

take the lead in convening ad-hoc meetings of likeminded parliaments (Kreilinger 2015b: 281-86) and stimulate greater diversification in interparliamentary cooperation. In EU economic governance, some of them might strive for interparliamentary cooperation at which EU decision-makers are questioned, criticised and held to account.¹³

Shifts between scrutiny models

Given that national parliaments have usually adopted elements of several ideal-typical scrutiny models in general EU affairs, the same reasoning applies to economic governance. National parliaments probably follow different scrutiny models in EU economic governance and shifts over time are possible or even quite likely.

Olivier Rozenberg and Claudia Heffler (2015: 29) point out that national parliaments' powers in their policy-making and policy-influencing function range from consultation to delay, veto and amending powers. In their control and oversight function, the instruments of national parliaments in their scrutiny processes include questioning ministers, inquiries and hearings. Furthermore, great variations between the EU's national parliaments continue to exist with respect to when and how they are informed by their governments (Rozenberg and Heffler 2015: 29). But this can change. The ultimate test about whether an accountability regime is effective depends on "its ability to correct or improve executive action by (re-)aligning the actions of the executive actor with those of the forum and constituency it represents" (Crum and Curtin 2015: 71-72).

¹³ See Chapter 5 The Interparliamentary Conference on Stability, Economic Coordination and Governance.

Table 2.2 Ideal-typical scrutiny models for EU affairs applied to EU economic governance

	Ideal type	Explanation	EU economic governance challenges
a)	Traditional scrutiniser	Focus on EU legislation	<ul style="list-style-type: none"> • Ill-adapted to soft coordination and intergovernmental mechanisms • Compensation via interparliamentary cooperation
b)	Policy shaper	Influencing positions of the government	<ul style="list-style-type: none"> • Possibilities to shape EU economic governance via ex-ante activities • Inward-looking in interparliamentary cooperation
c)	Government watchdog	Holding the government accountable	<ul style="list-style-type: none"> • Executive accountability difficult in EU economic governance • Politics instead of policy in parliament • Cooperative to reduce information gaps
d)	Public forum	Communicating with the public	<ul style="list-style-type: none"> • Possibility to publicly raise objections against EU economic governance • Involvement of all MPs, incl. non-specialists • Cooperative to reduce information gaps
e)	Expert	Producing proper expertise on EU affairs	<ul style="list-style-type: none"> • Independent assessments and early activities • Possibly not enough time in emergencies • Conditional interest in interparliamentary cooperation
f)	European player	Acting directly at EU level	<ul style="list-style-type: none"> • Good understanding of negotiation situation • Network beyond domestic arena • Engagement with EU institutions • Actively cooperating in interparliamentary relations, different preferences

Source: Own elaboration. Wessels et al. (2012) for the traditional scrutiniser model; Rozenberg and Heffler (2015) for the remaining models.

The individual empirical chapters of this dissertation examine which ideal-typical models national parliaments follow in different areas of economic governance.

2.3.3 Cross-cutting issues of parliamentary involvement in economic governance

Besides driving factors and ideal-typical models for parliamentary involvement in Europe's post-crisis economic governance, a number of cross-cutting issues can help to understand national parliaments as "not just involved". They contribute to the "throughput legitimacy" (Schmidt 2013) of economic governance. The cross-cutting issues that this sub-section examines concern the *efficacy*, *transparency*, *inclusiveness* and *openness* of national parliaments' involvement in Europe's post-crisis economic governance as well as broader *accountability* questions (see also Schmidt 2013).

These cross-cutting issues primarily relate to the timing and setting of parliamentary involvement: The concrete organisation of the involvement of national parliaments in the European Semester or with respect to ESM rescue packages affects the "throughput legitimacy" of Europe's post-crisis economic governance (see Barrett 2018; Fromage and van den Brink 2018).

Efficacy of parliamentary involvement

In general, parliamentary scrutiny depends on good and timely information about the dossiers in question (Krehbiel 1992) and the timing of parliamentary involvement makes a key difference for actual parliamentary influence in terms of its *efficacy* (the ability to produce the desired or intended result). Early parliamentary involvement takes place "in policy-formulating phases before intergovernmental negotiations start" (de Wilde 2011: 676). By this, a national parliament tries to influence the government before EU-level decisions are taken rather than to contest them afterwards (Wessels et al. 2012: 42). In relation to this, Katrin Auel points out that

"[e]x ante, [...] that is before and during the negotiations in the Council, national parliaments do have some power to sanction the government for both incomplete or late information (monitoring), as well as for a failure to take parliamentary opinions into account. And this is where strong formal parliamentary rights of influence, such as the right to issue public resolutions or to mandate the government's negotiation position, really become important." (Auel 2007: 502-03)

There is an overall trend towards earlier parliamentary involvement in EU affairs.

Parliamentary involvement can lack consistency and its timing often varies. In that respect, the role of the government is important, because it often controls the parliamentary agenda setting powers together with the parliamentary majority (see Döring 1995). For instance, in one year the European Semester may be closely scrutinised ex-ante while in another year it is not. Rescue packages of the ESM are usually considered under great time pressure. The *efficacy* of parliamentary scrutiny in EU economic governance largely depends on sufficient information, ex-ante scrutiny and early involvement.

Inclusiveness and openness of parliamentary involvement

Furthermore, the ability of legislatures “to serve as effective tools of communication as well as the relative importance of this role can vary significantly” (Kreppel 2014a: 85). Parliamentary involvement can take place in plenary and/or in committees. Debates or votes in plenary mean that all MPs are involved, but access to the common pool of plenary time for non-legislative matters is regulated tightly (see Cox 2006: 144). The role that a national parliament plays in case of recurring plenary debates resembles the *public forum*, while regular and extensive committee activities follow more the *expert* model (Rozenberg and Hefftlar 2015: 30-35).

Plenary sessions that deal with Europe’s post-crisis economic governance indicate that not only major constitutional moments of European integration, such as the ratification of EU Treaties are debated in plenary (see Thomas 2016; Wendler 2016), but that EU economic governance is no longer a purely technocratic and committee-based affair. Parliamentarians “beyond the specialists for European affairs” (Gattermann et al. 2016) become involved when sectoral committees, such as the Budget and Finance committee (see

Fasone 2018b) or the Economic affairs committee¹⁴, start to scrutinise the European Semester or the ESM. In both cases, parliamentary involvement becomes more *open* and *inclusive* than if only members of European affairs committees were involved.

Transparency of parliamentary involvement

The *transparency* of parliamentary involvement extends the previous cross-cutting issue of inclusiveness and openness. *Transparency* is, however, subject to a trade-off with the information that a legislature receives. Confidential information often means that meetings of parliamentary committees must take place behind closed doors (Curtin 2014: 24). But scrutiny outside the public eye does not allow for a direct confrontation between different opinions and opposing views in the parliamentary arena. Such committees are also more likely to become consensus-building arenas (see Shaw 1979). While the information discussed behind closed doors might be more relevant, this kind of committee work is *not transparent* for the public.

Parliamentary committees play a truly important role in the budget process (Mattson and Strøm 1995; Yläoutinen and Hallerberg 2009). Among the EU's national parliaments closed-door sessions of Budget or Finance committees are especially prominent in those parliaments that have a strong role in the annual budget process (Hallerberg et al. 2012: 72) and around 50% of European affairs committees meet behind closed doors, too (Auel and Raunio 2014: 4). Whether parliamentary involvement contributes to a better visibility of EU economic governance, therefore depends on the specific arrangements about the *transparency* of committee meetings.

¹⁴ In the German Bundestag, the Economic affairs committee leads the parliamentary scrutiny of the National Reform Programme. See Appendix A (section A.1 German Bundestag: Parliamentary inertia).

More than “just involved” in Economic Governance

In short, this sub-section with its analysis of “throughput legitimacy”-related cross-cutting issues and the previous two sub-sections on driving factors and ideal-typical models for parliamentary involvement provide a framework for analysing national parliaments in economic governance. The involvement of national parliaments is driven by an individual set of factors under one (or more than one) of the three action logics (see sub-section 2.3.1). This involvement follows one or several of the ideal-typical scrutiny models (see sub-section 2.3.2) under which national parliaments perform specific functions in EU economic governance. And, finally, cross-cutting issues must be taken into account (this sub-section).

Shifts between scrutiny models are possible and even likely (see also Rozenberg and Hefftlar 2015: 28). They indicate broader trends regarding national parliaments’ involvement in EU economic governance, for instance a greater emphasis on the communication function vis-à-vis the public, on specialisation within parliamentary assemblies or on direct engagement with the European Commission. These trends relate to the framework in the following ways: First, highly salient issues of EU economic governance, such as a rescue package for Greece, prompt national parliaments to become a “public forum”, if the time pressure allows. This kind of parliamentary involvement is *open*, *inclusive* and *transparent*. Second, the emergence of fiscal and economic issues leads to stronger involvement of Budget and Finance committees. It also makes acquiring expertise essential for national parliaments (ideal type of the “expert”). Such parliamentary involvement is *efficacious*, but it is usually *not transparent*. And third, a greater emphasis by national parliaments on their role as “European players” helps them to remedy information deficits vis-à-vis their government in EU economic governance and is therefore *efficacious* in itself.

The three empirical chapters and the concluding chapter of this dissertation assess the specific kinds of parliamentary involvement that take place in the post-crisis economic governance. The overall framework with

driving factors, ideal types and cross-cutting issues (and general trends that indicate what “more than ‘just involved’” could mean) of this section serves as the backbone for the following analysis.

2.4 Three comparative studies of national parliaments in the post-crisis economic governance

The final section of this chapter explains how the following empirical chapters of this dissertation (Chapter 3, Chapter 4 and Chapter 5) are set up methodologically¹⁵ and proceeds in three steps: First, this section justifies the selected cases (European Semester, ESM and SECG Conference) which cover the most important recent developments in economic governance (see also Rittberger and Winzen 2015). In a second step, it describes the methodological approach that the empirical chapters follow: qualitative in-depth examinations of parliamentary procedures/activities and of the economic governance issue in question. This is, as the section reports in a third step, complemented by semi-structured interviews and participating observation.

Key elements of Europe’s post-crisis economic governance

The elements under investigation have been selected in order to cover and represent the new tasks and new challenges for national parliaments in the post-crisis economic governance. National parliaments’ “power of the purse” (Wehner 2006) is affected when a country ties its hands by making commitments in the area of fiscal and economic policies (as it does in the European Semester) and when taxpayers’ money is used to guarantee loans to another country (via the ESM). In both instances, national parliaments can

¹⁵ Each of the (self-standing) empirical chapters also contains a short methodological explainer.

be involved individually and (try to) hold their government accountable for its actions at the European level. In addition, a provision for collective parliamentary involvement (to set up an interparliamentary conference) was enshrined in Article 13 TSCG. The same threefold perspective on EU economic governance as in this dissertation has, for instance, been adopted by Berthold Rittberger and Thomas Winzen in an article in *Politische Vierteljahresschrift* (Rittberger and Winzen 2015).

More specifically, this dissertation selects specific events and/or time spans linked to each of the three elements of EU economic governance. These are the scrutiny activities related to the Stability or Convergence Programmes and National Reform Programmes in four national parliaments¹⁶ over five years from 2012 to 2017 (Chapter 3 on the European Semester), the third rescue package for Greece of July and August 2015 (Chapter 4 on the ESM) and the negotiations about the institutional design and the Rules of Procedure of the SECG Conference from 2013 to 2015 (Chapter 5).

National parliaments' adaptation to the European Semester has been a slow process and therefore calls for a medium-term analysis of five European Semester cycles. The third rescue package for Greece represents a crucial case as it was the most salient and by far the most difficult to negotiate (Höing 2015b: 42-46; Moschella 2017). The analysis of the discussions about institutional design and the Rules of Procedure of the SECG Conference, finally, examines more than two years of interparliamentary negotiations. With these three cases, this dissertation provides an up-to-date picture of national parliaments' involvement in the post-crisis economic governance.

Qualitative in-depth analysis

The in-depth studies of this dissertation are informed by different sources. Written sources from the parliamentary sphere are, for instance, complemented by academic literature and press coverage. In case of collective

¹⁶ These are the French Assemblée nationale, the German Bundestag, the Irish Dáil and the Portuguese Assembleia.

parliamentary involvement, the documentation is usually available on IPEX, the platform that parliaments use for interparliamentary information exchange. Plenary speeches that are made in parliamentary debates on economic governance are a key source to analyse individual parliamentary involvement. All these sources are used for tracking parliamentary procedures and actual involvement in the post-crisis economic governance.

Each empirical chapter is a “single-outcome study” (Gerring 2006) whose ambition is “to craft a minimally sufficient explanation of a particular outcome, with sufficiency defined as an explanation that accounts for all the important aspects of an outcome with no redundant parts being present” (Beach and Pedersen 2013: 18; see also Mackie 1965). In comparison to the work of historians, and similar to “explaining-outcome process tracing” (Beach 2017), each of the empirical chapters has an ambition that reaches beyond that single case.

For the analysis of parliamentary procedures, “[f]ormal rules governing the conduct of parliamentary work are typically contained in the constitution and in standing orders or rules of procedure of parliaments” (Müller and Sieberer 2014: 311). Such legal provisions for parliamentary involvement as well as evidence of activities inside the parliamentary arena (agendas or minutes of committee meetings, resolutions and reports adopted, voting records on motions that were tabled protocols, minutes, oral or written questions tabled in parliaments and press releases) are key sources and examined in detail. Appendix A and Appendix B complement the analysis of Chapters 3 and 4 in that respect.

The analysis of the European Semester in Chapter 3 also asks what kind of objections are raised by MPs against the European Semester: Procedural or policy objections? And to whom are these objections directed, to the national government or the European Commission? Beyond the previously mentioned sources, plenary protocols were therefore retrieved from the websites of the French Assemblée nationale and the German Bundestag. The speeches made by MPs were screened and the objections raised were coded in their original

language (German or French) as either procedural or policy-related objections together with the addressee (national government or European Commission). Quotes from these speeches were translated into English and the speaker's affiliation was also included (political group and governing/opposition party). Plenary debates are an important addition to the distinctive empirical evidence gathered from other sources and are included in Chapter 4 on the ESM, too.¹⁷

In addition to that, the analysis of driving factors behind parliamentary involvement in case of the third rescue package for Greece (Chapter 4 on the ESM) is not solely qualitative, but relies on a quantitative analysis of different indices for parliamentary strength and activities in EU affairs and budget process (Auel et al. 2015a; Hallerberg et al. 2012; Wehner 2006; Winzen 2012). A series of *t*-tests are conducted to examine whether the differences in means (between those national parliaments that were substantially involved and those that were not substantially involved) are statistically significant or not.

The preferences of national parliaments towards the institutional design of interparliamentary cooperation are at the core of the analysis of collective parliamentary involvement in Chapter 5. Besides agenda-setting and the participation in ad-hoc meetings or interparliamentary conferences, written documents allow to extract national parliaments' preferences with respect to the institutional design of these bodies as they were expressed in relevant sections of reports and resolutions adopted by national parliaments individually or in letters and working papers drafted collectively in the context of interparliamentary ad-hoc meetings in sub-groups of national parliaments. Such documents are vital sources¹⁸, as they allow to examine which parliamentary actors took the initiative, their activities and preferences. This allows to track the parliamentary preferences and

¹⁷ See the country studies on France and Germany in Appendix A (Appendix to Chapter 3) and in Appendix B (Appendix to Chapter 4).

¹⁸ They are available on the IPEX website and on the websites of national parliaments and the European Parliament.

negotiation strategies in order to explain cooperativeness and institutional design in the interparliamentary relations of the post-crisis economic governance.

Semi-structured interviews and participating observation

In addition to that, a small number of semi-structured interviews with MPs and administrators provides important additions to other empirical evidence. Interviews help to get a “fine-textured understanding of beliefs, attitudes, values and motivation in relation to the behaviours of people in particular social contexts” (Gaskell 2000: 39) and are “one of the most valuable sources of data for the study of legislative behaviour” (S. Martin et al. 2014: 14). Interviews allow to find out what the actors involved in certain processes have done and are planning to do (Aberbach and Rockman 2002: 673). They are a particular suitable method to understand and to be able to explain the behaviour of parliamentarians and administrators — in order to “give meaning to what legislators do” (S. Martin et al. 2014: 14), because written documents often do not directly reveal the ideas and strategies behind parliamentary activities.

The legal and institutional analysis based on written evidence has therefore been complemented by three rounds of interviews with a total of eleven semi-structured interviews in Berlin and Paris between July 2016 and March 2017.¹⁹ These interviews with MPs, parliamentary officials and advisors in the French Assemblée nationale and the German Bundestag were guided by a common questionnaire on EU economic governance issues.²⁰ In order to increase the likelihood of obtaining confidential information,

¹⁹ The full list of interviewees is included in Appendix C (for the purpose of the submission of this dissertation only). Interviewees include a committee chairperson and the Vice-chair of a committee, the heads of delegations to the SECG Conference, leading MPs at the intersection between EU affairs and budgetary issues from the main political groups, an advisor to a political group, as well as administrators in the Secretariats of European affairs and budget committees and officials working on EU issues in the parliamentary administration.

²⁰ See Appendix C (List of interviews) and Appendix D (Interview guide). Interviews lasted between 30 and 75 minutes. In the case of permission, the interviews were audio-recorded. Otherwise written notes were taken and completed immediately afterwards.

interview partners were granted anonymity.²¹ Interviews were conducted in German or French; the quotes from the interviews that are included in this study were translated into English.

In addition to that, “participating observation” (Schöne 2005) at four meetings of the SECG Conference (Luxembourg 2015, Brussel 2016, Bratislava 2016 and Brussels 2017), including the final round of negotiations among the heads of delegations in Luxembourg on 11 November 2015, provides relevant insights for the analysis of the functioning of the Conference.²²

In short, the variety of sources on which this dissertation is based — written documents of different origins, a small series of semi-structured interviews with key parliamentary actors in EU economic governance and participating observation — allows to triangulate the evidence and findings about parliamentary involvement in Europe’s post-crisis economic governance in the qualitative content analyses of the following empirical chapters.

²¹ Except French MPs, following the approach by Rozenberg (2018a). But these quotes are anonymised in this dissertation in order to treat them in the same way as German MPs.

²² The possibility to establish personal contacts with MPs and administrators through participating observation at interparliamentary conferences greatly facilitated obtaining appointments for interviews from their parliamentary offices later.

Chapter 3:

National parliaments in the European Semester¹

The European Semester is a complex governance framework designed to coordinate and monitor the fiscal and economic policies of EU member states. It constrains the powers of national parliaments, but it also represents an opportunity for them to re-gain influence in national budgetary processes. Such institutional change within national parliaments related to the European Semester would be part of the wider and ongoing Europeanisation of national parliaments. In addition, the European Semester allows assessing whether and, if yes, how national parliaments are willing and able to participate in multilevel coordination processes that are dominated by national governments and the European Commission.

This chapter asks: What are the drivers of parliamentary involvement in the European Semester? It examines how national parliaments are involved in practice by analysing the various possible drivers across the cases of the French Assemblée nationale, the German Bundestag, the Irish Dáil and the Portuguese Assembleia.

Considering that legal provisions for a parliamentary debate on the Stability Programme can be ignored in France, that the German Bundestag is much less active in the European Semester than in EU affairs or in the budget process and that the weakness of Ireland's parliament in the annual budget procedure affects its role in the European Semester, this chapter recommends defining minimum standards for parliamentary involvement. EU economic governance and the European Semester do not suffer from a zero-sum trade-off between responsiveness on the one hand and responsibility on the other, but parliamentary involvement can strengthen national ownership over the coordination and surveillance cycle.

¹ This chapter has been published as an article in the *Journal of European Integration*: Valentin Kreiling (2018), 'Scrutinising the European Semester in national parliaments: what are the drivers of parliamentary involvement?', *Journal of European Integration*, 40 (3), pp. 325-340, <https://doi.org/10.1080/07036337.2018.1450402>.

The Euro crisis has been a major stress test for representative democracy everywhere in Europe and has challenged the democratic legitimacy of European and national decisions (see Benz 2013; Crum 2013; Enderlein 2013). The strengthening of EU economic governance established a higher degree of integration in the area of fiscal and economic policies, also by the creation of the so-called European Semester. But even though national parliaments try to exercise influence and to develop ownership over the European Semester (Crum 2018; Hallerberg et al. 2018; Kreilinger 2016; Rittberger and Winzen 2015; Rozenberg 2017), they face difficulties to review decisions that are taken as a consequence of the European Semester: It is difficult to locate political responsibility in a “never-ending cycle of budgetary monitoring” (Dawson 2015: 982), because “at every stage it is possible for the actors involved to refer to the preceding step as conditioning their actions” (Crum and Curtin 2015: 83). National parliaments have only to some extent been able to “fight back” (Raunio and Hix 2000) and adapt their functioning and behaviour.

Beyond prerogatives and provisions, it is important to know *how exactly procedures in national parliaments that relate to EU economic governance are used in practice*. This chapter examines how national parliaments scrutinise the European Semester. The conditions under which they become active and their specific role determine the legitimacy of the European Semester in the sense of its throughput legitimacy. More concretely, the relationship of national parliaments with executive actors affects the European Semester’s efficacy, accountability, transparency, inclusiveness and openness (Schmidt 2013). If national parliaments are *not involved*, executive power is not under appropriate parliamentary control and it is unclear how constraints to national fiscal and economic policies are legitimated.²

² The European Parliament can make a contribution to the throughput legitimacy of the European Semester via its scrutiny of the European Commission at the EU level. The instruments at its disposal include conducting “economic dialogues” with the European Commission and other EU institutions as well as adopting own-initiative reports. The European Parliament was involved in the adoption of the European Semester via the Ordinary Legislative Procedure over the Six-Pack and the Two-Pack, but it lacks direct policy influence over the European Semester. See also Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.1 Contemporary perspectives on European integration).

Previous research has identified asymmetries between national parliaments in their involvement in the European Semester, measured what competences national parliaments have and how active they are during the main stages of the European Semester cycle. Although national parliaments have been taking ownership in reaction to the Euro crisis in many areas (Auel and Höing 2015), including the European Semester (Kreilinger 2016), they have adapted in an asymmetric way. Rittberger and Winzen (2015: 437) measured new parliamentary prerogatives related to the European Semester on a 0-to-2 scale. According to their data, only one third of national parliaments (nine out of 27) adopted new prerogatives in order to scrutinise the European Semester.³ A survey-based study by Hallerberg et al. (2018) found that Budget and Finance committees of national parliaments play a more important role in the European Semester in 2015 than they did in 2012, but surprisingly, national parliaments of non-Euro area members are more actively scrutinising the European Semester than the national parliaments of member states whose currency is the Euro (Hallerberg et al. 2018: 261). The analysis by Rittberger and Winzen (2015) and other studies (e.g. Fasone 2015; Jančić 2016; Kreilinger 2016) show that “[national] parliaments in Mediterranean countries like Italy, Spain and Portugal [...] have been remarkably assertive in extending their involvement in the budgetary process” (Crum 2018: 275).

The following analysis of national parliaments’ roles in the European Semester in France, Germany, Ireland and Portugal adds to the pre-existing literature: Behind the bigger trends, an important insight from comparative research on scrutiny procedures and practices in the European Semester is that there are not only asymmetries between individual national parliaments, but also differences in how a national parliament scrutinises from one cycle of the European Semester to another (Raimla 2016; Rozenberg 2017). These depend less on structural factors, but largely on strategic

³ These member states are Denmark, France, Italy, Lithuania and Portugal (far-reaching parliamentary reforms) as well as Bulgaria, Latvia, Austria and Spain (moderate parliamentary reforms). See Rittberger and Winzen (2015: 437).

calculations of the political actors involved at the national level. This chapter aims to identify the factors that drive parliamentary activities in the European Semester.

The chapter proceeds as follows: The first section (3.1) presents how the EU's post-crisis economic governance affects the "power of the purse". After that, section 3.2 puts forward a series of different driving factors for parliamentary involvement in the European Semester. The following section 3.3 briefly summarises the scrutiny procedures and practices in France, Germany, Ireland and Portugal and explains these national parliaments' relative level of involvement in the European Semester. The last section (3.4) of this chapter concludes by reviewing the asymmetries and loopholes of parliamentary scrutiny in the European Semester.

3.1 Parliamentary scrutiny of the European Semester

Each new cycle of the European Semester starts when national governments of Euro area members submit their draft budgetary plans to the European Commission by 15 October, before starting the national budget procedures. In November, the European Commission publishes the Annual Growth Survey (EU-wide economic policy priorities) and the Alert Mechanism Report (Macroeconomic Imbalances). These are followed by detailed country reports. The European Council then endorses the priorities of the Annual Growth Survey in March. After that the European Semester moves back to the national political arena: All member states are obliged to submit Stability or Convergence Programmes and National Reform Programmes to the European Commission by 30 April. According to the Five Presidents' Report of June 2015, national parliaments should "[a]s a rule [...] be closely involved in the adoption of National Reform and Stability Programmes."⁴ Subsequently, the

⁴ European Commission, Completing Europe's Economic and Monetary Union (Report by Jean-Claude Juncker in close cooperation with Donald Tusk, Jeroen Dijsselbloem, Mario Draghi and Martin Schulz), June 2015, p. 17.

Commission drafts Country-specific recommendations in which it provides guidance for reform and which are adopted by the Council in June/July. Member states are expected to take these recommendations into account for their national fiscal and economic policies.⁵

The participation of a national parliament in the European Semester depends on domestic scrutiny arrangements. Economic governance is still partly in the crisis mode of an “ad-hoc technocratisation” (Enderlein 2013) with national parliaments undertaking exceptional scrutiny activities, but the European Semester is gradually becoming part of normal activities of national parliaments. Two scholars recently argued that

“[g]iven limitations of time and expertise, as well as the electoral incentives facing their members, it seems unrealistic to expect most national parliaments to play a more active part in scrutinizing the Semester process” (Verdun and Zeitlin 2018: 145).

Despite prerogatives to scrutinise, some national parliaments are inactive: Although some of them could, for example, amend the Stability or Convergence Programme or the National Reform Programme⁶, they do not exercise that kind of influence, and over time, they often do not pursue consistent preferences related to the European Semester. But many national parliaments have become involved at least to some extent; they follow their distinct scrutiny procedures and practices for the European Semester.

In order to identify the driving factors behind parliamentary involvement in the European Semester, this chapter examines the involvement of four national parliaments (French Assemblée nationale, German Bundestag, Irish Dáil and Portuguese Assembleia) over five European Semester cycles from 2012 to 2017. These four national parliaments bring together two large and two small member states (all of which have the euro as their currency), different political systems (two parliamentary systems and two semi-presidential systems) and a different exposure to the economic and financial

⁵ See also Appendix A Scrutinising the European Semester in four national parliaments.

⁶ European Parliament, Review of Stability and Convergence Programmes by National Parliaments within the framework of the European Semester (Spotlight on Parliaments in Europe, N°2), November 2014, pp. 2-3.

crisis (two recipient countries and two creditor countries). As Table 3.1 shows, scrutiny roles of the four national parliaments in general EU affairs also vary (see Neuhold and Smith 2015: 678).

Table 3.1 Scrutiny models of EU affairs and scores in budgetary strength of French Assemblée nationale, German Bundestag, Irish Dáil and Portuguese Assembleia

	National parliaments' roles in EU affairs (Neuhold and Smith (2015: 678))	Strength in the budget process (Hallerberg et al. 2012: 70)	Legislative budget powers (Wehner 2006: 777)
France: Assemblée nationale	Public forum, Expert	1	19.4
Germany: Bundestag	Watchdog, Policy shaper	4	52.8
Ireland: Dáil	Public forum	1	16.7
Portugal: Assembleia	Watchdog, Public forum, European player	2	38.9

Source: Own elaboration. Strength in the budget process from 0 (weak) to 6 (strong), legislative budget powers from 0 (none) to 100 (full).

When the European Semester addresses public finances, the previous prerogatives and the overall position of a national parliament in the annual budget procedure must be taken into account. The typology of the overall budget policy impact of legislatures by Wehner (2004: 5), adapted from Norton (1993: Table 4.1), which distinguishes budget-making legislatures, budget-influencing legislatures, and legislatures with little or no budgetary effect, is useful in this regard. Furthermore, in Hallerberg et al.'s ranking (2012: 70), where strength in the budget process can range from 0 (weak) to 6 (strong), Germany has a score of 4, Portugal a score of 2 while France and Ireland achieve a budgetary strength of 1. In Wehner's assessment of legislative budget powers (2006: 781), Portugal (38.9) is near the median of the countries under examination, France (19.4) and Ireland (16.7) are clearly

in the lower quartile while Germany (52.8) is close to the upper quartile of countries with the most powerful budget institutions (see Wehner 2006: 777).

The Appendix to this chapter⁷ gives an overview of the legal provisions, the actual parliamentary involvement in the European Semester (plenary debates, votes, committee meetings, hearings) as well as of the different documents related to and emanating from scrutiny activities (such as reports, motions, resolutions).

3.2 Driving factors for parliamentary involvement⁸

Starting from the premise that involving national parliaments contributes to the “throughput legitimacy” of the European Semester and that it can take different forms and varies between member states and over time, this section proposes five possible driving factors behind parliamentary involvement in the European Semester. Two of them relate to parliamentary power, either in EU affairs or in the annual budget procedure (see sub-section 3.2.1). The three other possible driving factors are more specific to the European Semester (see sub-section 3.2.2): Firstly, specific legal bases for parliamentary involvement trigger actual involvement; secondly, political dynamics — such as confidence in the government (or its lack), symbolic government interests to involve parliament and effective opposition mobilisation — and, thirdly, the economic strength and the fiscal soundness of the public finances of a country could trigger parliamentary involvement in the European Semester. These factors are likely to influence each other in different ways. They can reinforce or depend upon each other, but the more these conditions are met, the more likely is parliamentary involvement in the

⁷ Appendix A Scrutinising the European Semester in four national parliaments.

⁸ Due to the stand-alone nature of this chapter, some overlaps with Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.3 Not just involved: Driving factors and ideal-typical models) are unavoidable.

European Semester. Each of the five driving factors is now discussed in detail.

3.2.1 Parliamentary power as a driving factor

General EU scrutiny power of a national parliament

The European Semester requires that national parliaments create “capabilities to monitor complex, unfamiliar and opaque union procedures” (Lord 2017: 682). National parliaments could hence follow their roles in scrutinising normal EU affairs.⁹ Rozenberg and Hefftlar distinguish five possible roles in the Handbook on National Parliaments and the European Union (2015): “Government watchdog”, “Policy shaper”, “Public forum”, “Expert” and “European player” (see Table 3.2).

First, when a national parliament lacks the powers to issue mandates, amending, delay or veto powers, it cannot shape policy beforehand, but — as a “government watchdog” — it can exercise control by holding the government accountable (Rozenberg and Hefftlar 2015: 32). The existence of such an accountability mechanism means that executive actors will have to defend in parliament the position taken at the EU level (Crum and Curtin 2015: 72). In the European Semester, “watchdog” parliaments hold governments and EU institutions to account ex-post, for example over the Country-specific recommendations.

Second, national parliaments that are “policy shapers” want to influence policies through ex-ante activities and have strong formal powers (Rozenberg and Hefftlar 2015: 31). Shaping government policy is easier for EU affairs than in the European Semester, but EU economic governance offers incentives for national parliaments to become involved and possibilities for them to shape policy outcomes (de Wilde and Raunio 2018: 318-19), for

⁹ The five ideal types of the Palgrave Handbook on National Parliaments and the European Union (see Rozenberg and Hefftlar 2015: 27-35) are applied to the European Semester. In the following, they are discussed one after the other (see also the summary in Table 3.2).

example via scrutinising Stability or Convergence Programmes and National Reform Programmes.

Third, plenary activity of a national parliament often allows it to be a “public forum”. In plenary debates on the European Semester, the government’s fiscal and economic policy and EU recommendations can be contested. MPs who are initially not EU specialists become involved, if the entire assembly is called to debate and possibly vote (Fromage 2016b).

Fourth, work in committee allows for “expert” scrutiny over the European Semester, for example over the content of the programmes to be submitted to the European Commission. It is possible for national parliaments to produce proper expertise, if administrative capacities are built up. This enables them to assess developments independently, become active early and conduct a report-based scrutiny of all major stages. Conflicting positions within parliament are, however, not visible; such activities (almost an end in itself) generally attract less attention than plenary debates or hearings (Rozenberg and Heffttler 2015: 33).

Fifth and finally, as a “European player”, a national parliament acts directly at the EU level via formal and informal ways of engaging with the European Commission, other national parliaments and the European Parliament. It has a better understanding of the negotiation situation at the European level, a network “beyond the own domestic parliamentary arena” (Rozenberg and Heffttler 2015: 34) and is able to obtain relevant information that its own government might withhold.

Some involvement into EU affairs is a necessary condition for national parliaments’ involvement in the European Semester, but not a sufficient one. Whether they actually follow the same roles as in EU affairs, remains to be answered in the empirical analysis.

Table 3.2 Ideal-typical scrutiny models for EU affairs applied to the European Semester

Ideal type	Explanation	Application to the European Semester
Government watchdog	Holding the government accountable	<ul style="list-style-type: none"> • Focus on executive accountability (ex-post) • Politics instead of policy in parliament • Scrutiny of Country-specific recommendations
Policy shaper	Influencing positions of the government	<ul style="list-style-type: none"> • Ex-ante scrutiny of European Semester • Strong formal prerogatives • Scrutiny of Stability Programmes and National Reform Programmes
Public forum	Communicating with the public	<ul style="list-style-type: none"> • Plenary debates on the European Semester • Possibility to publicly contest European Semester • Involvement of all MPs, incl. non-specialists
Expert	Producing proper expertise on EU affairs	<ul style="list-style-type: none"> • Independent assessments and early activities • Own expertise related to the European Semester • Report-based scrutiny of all major steps
European player	Acting directly at EU level	<ul style="list-style-type: none"> • Network beyond domestic arena • Good understanding of negotiation situation • Direct engagement with EU institutions

Source: Own elaboration, based on Table 2.2 in Chapter 2 (sub-section 2.3.2 Models of parliamentary scrutiny of EU affairs). Ideal types and explanations according to Rozenberg and Heffler (2015).

General budgetary power of a national parliament

Related to public finances, a crucial requirement of the European Semester is that national governments must submit their draft budget to the European Commission — possibly even before their national parliament has seen it.¹⁰ In general, budgeting differs from most other parliamentary decisions by the “calendar-based necessity” for a decision: “If parliament has not acted by a certain date, specified budget decisions are automatically activated” (Olson

¹⁰ See European Union, Regulation (EU) No 473/2013 of the European Parliament and of the Council on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area.

2008: 324). Since national parliaments “have had to adapt from different positions of relative strength in their own national political systems” (Lord 2017: 683), the budgetary power of a legislature can be a driver for parliamentary involvement in the European Semester.

The annual budget procedure has commonly been divided into four phases¹¹: Preparation, adoption, implementation and evaluation (Imbeau and Stapenhurst 2017; Wehner 2004). In the first phase of the annual budget procedure, the government prepares the draft budget and submits it to parliament. After that, in the second phase, the budget is debated in parliament and accepted, amended or rejected by parliament (the powers of amendment and rejection are generally limited). The third phase, implementation, is then once again solely a governmental task — only if the budget needs to be adjusted, the government must ask parliament for approval. Finally, in the fourth phase of the annual budget procedure, the accounts are evaluated, generally by a Court of Auditors which submits a report to government and parliament (see Imbeau and Stapenhurst 2017).

A national parliament may already have had limited powers in the annual budget procedure *before* EU surveillance mechanisms were created or strengthened, because the “power of the purse” (Wehner 2006), that parliaments have, varies widely: Many legislatures do not have the institutional means or the political independence to be influential budgetary actors. For these parliaments, the approval of the national budget is, according to Wehner (2010: 141), “little more than a constitutional myth”. Considering that, under the European Semester, the EU’s national parliaments are merely obliged to approve the national budget after it was validated at the EU level, their role might not have changed significantly — the fiscal autonomy of national governments might have been more affected than those of national parliaments (see Fasone 2015: 11). Thus, the pre-crisis role of a legislature in the annual budget procedure matters for assessing the

¹¹ This paragraph had not been included in Valentin Kreilinger, ‘Scrutinising the European Semester in national parliaments: what are the drivers of parliamentary involvement?’, *Journal of European Integration* 40 (3), pp. 325-340.

impact of EU surveillance procedures on national parliaments, because, formally, the European Semester, has “left the primacy of national policy-making in fiscal affairs intact” (Crum 2018: 273). The impact of a legislature on budget policy (Norton 1993) can be expected to be a necessary, although not a sufficient condition for parliamentary involvement in the European Semester.

3.2.2 European Semester-specific driving factors for involvement

The next three possible drivers for parliamentary involvement are specific to the European Semester. They refer to *legal enabling clauses*, *political dynamics* and *economic strength*.

Legal enabling clauses

If there are “systemic” drivers for parliamentary involvement (as proposed in the previous sub-section 3.2.1), it is reasonable to expect that at least some parliaments have developed new scrutiny arrangements for the European Semester. These can be based on new legal provisions that enable or prescribe certain parliamentary scrutiny procedures or practices in the European Semester.

Indeed, many national parliaments “have used the European Semester to increase their consultation rights in the early stages of budget preparation and on the broader financial and economic frameworks that govern the budgetary process” (Crum 2018: 274). In 2013, for instance, the Danish Folketing introduced a “National Semester” which provides for three annual joint consultations of the European affairs committee and the Finance committee with the government (Buskjaer Rasmussen 2018: 348-53; Kreilinger 2016: 35-36). The first joint consultation takes place on the Annual Growth Survey (in December). A report of the Danish Parliament describes the second joint consultation as

“an overall briefing [by the government] on how it generally expects to reflect the broad economic policy orientations set by the Spring European Council in the National Reform Programme and the Convergence Programme.”¹²

This was criticised by an opposition party in a minority opinion to the Folketing’s report as insufficient, because “the Government will merely need to discuss its general ideas regarding the economic situation with the Danish Parliament on a non-binding basis”¹³ before it starts drafting the Convergence Programme and the National Reform Programme. Thus, even a generally strong national parliament like the Danish Folketing possibly faces problem in holding the government to account in the European Semester. Finally, a third joint session of the two parliamentary committees concerns the draft Country-specific recommendations of the European Commission at the end of May and takes place before they are adopted by the Council.

Instead of such new legal enabling clauses, it is also possible that national parliaments did not see the need to adopt new rules, either because their old rules have been suitable for the scrutiny of the European Semester or because they were able to establish new practices without writing them down (Kreilinger 2016: 30). The Finnish Eduskunta, for instance, reports that existing rules for the parliamentary scrutiny of the annual budget process fitted “nicely” and did not need to be adapted to the European Semester.¹⁴ The Eduskunta can nevertheless adopt an opinion on the Stability Programme that is binding for the government.¹⁵ Legal enabling clauses are therefore a possible condition for parliamentary involvement in the European Semester, but neither a necessary nor a sufficient condition.

¹² Danish Folketing, Report on Consideration of the European Semester by the Danish Parliament, issued by the European Affairs Committee and the Finance Committee on 21 June 2013, Report No. 5 – 2012-13, p. 2.

¹³ *Ibid.*, p. 3.

¹⁴ COSAC, Annex to the Twenty-first Bi-annual Report: Developments in European Union. Procedures and Practices Relevant to Parliamentary Scrutiny (Brussels: COSAC Secretariat, 19 June 2014), p. 240.

¹⁵ European Parliament, Review of Stability and Convergence Programmes by National Parliaments within the framework of the European Semester (Spotlight on Parliaments in Europe, No. 2), November 2014, pp. 2-3.

Political dynamics

The notion of “political dynamics”, as the fourth possible driving factor, refers to (symbolic) government interests to involve parliament and to effective opposition mobilisation. National decision-makers have sometimes not fully embraced and accepted the coordination and surveillance system of the European Semester in which the European Commission can make recommendations and the Council adopts them. EU institutions have been repeatedly criticised for interfering in national fiscal or economic policies. French President François Hollande insisted in May 2013 that the “European Commission cannot dictate what we should do; it can only say that France must balance its public finances”¹⁶ and in October 2015 Italy’s Prime Minister Matteo Renzi said that “Brussels is not a teacher giving exams, it’s not qualified to intervene”, the EU “can advise us, but it can’t tell us which tax to cut”¹⁷.

The involvement of a national parliament in the European Semester can, first of all, be related to its confidence in the government (or the lack thereof). But just like the opposition, national governments also have specific interests to involve parliament. They can “use international co-ordination to co-manage and constrain their own national democracies” (Lord 2017: 683). In both cases, parliamentary parties have the possibility to raise objections against the European Semester which can be classified as *two different types of objections*, either policy objections or procedural objections¹⁸: On the one hand, parliamentary parties can raise policy objections related to the specific policy initiatives promised by the government or to those recommended by the EU. On the other hand, parliamentary parties can raise procedural objections related to how the European Semester is treated in the national parliament or about how it unfolds at the European level (see Table 3.3).

¹⁶ Pour Hollande, Bruxelles “n’a pas à nous dicter ce que nous avons à faire”, Le Monde, 29 May 2013, https://www.lemonde.fr/economie/article/2013/05/29/ayrault-nous-ferons-les-reformes-a-notre-maniere_3420368_3234.html.

¹⁷ Brussels not a teacher giving exams says Renzi, ANSA English, 16 October 2015.

¹⁸ See Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.4 Three comparative studies of national parliaments and EU Economic Governance).

Table 3.3 Raising objections against the European Semester

		National level	EU level
Type of objection	Procedure	Domestic scrutiny of the European Semester	Conduct of the European Semester at the EU level
	Policy	European Semester pledges of the government	Country-specific recommendations of the European Semester

Source: Own elaboration.

Economic strength

Finally, under the European Semester, EU member states “retain a certain level of autonomy but [...] become constrained by supranational norms” (Crum 2018: 270). The fiscal rules matter the most for a country that is in risk of breaching them. The economic strength and the fiscal soundness of the public finance therefore affect how constraining the different rules and surveillance mechanisms are in the context of the European Semester. The higher the constraints, the more salient economic governance becomes and the more likely is parliamentary involvement in the European Semester.

3.3 Explaining national parliaments’ involvement in France, Germany, Ireland and Portugal

This section briefly presents how the French Assemblée nationale, the German Bundestag, the Irish Dáil and the Portuguese Assembleia scrutinise the European Semester.¹⁹ The four national parliaments are involved at different stages in the cycle and they use different scrutiny tools and instruments. In the context of many other pressing issues in EU affairs and domestic politics, the key question for each legislature is *to scrutinise or not to*

¹⁹ For a detailed description of their involvement, see Appendix A Scrutinising the European Semester in four national parliaments.

scrutinise? (see also Auel et al. 2015b). Neither the involvement in EU affairs nor in the annual budget procedure can guarantee influence in the European Semester: In France, Germany, Ireland and Portugal, national parliamentary scrutiny depends to a large extent on domestic political dynamics and on the current economic situation of the country. Plenary debates on the European Semester have taken place in France, Germany and Portugal despite difficult access to scarce plenary time in legislatures (Cox 2006: 144), but are exceptional rather than normal. This indicates that the European Semester is not always a purely technocratic or committee-based affair with National Reform and Stability Programmes being quietly sent to Brussels (as it is still the case in Ireland), but that, by now, fiscal and economic policy coordination is occasionally debated at the heart of the parliamentary arena. Ireland still faces an uphill struggle there.

3.3.1 To scrutinise or not to scrutinise?

With respect to the first driving factor, *EU scrutiny power*, the four national parliaments only to a certain extent follow the roles of their scrutiny of EU affairs (“government watchdog”, “policy shaper”, “public forum”, “expert”, “European player”). The same is true for the second driving factor, *budgetary power*. This sub-section now briefly examines each of the four national parliaments in turn.

From 2013 to 2017, the Assemblée nationale adopted numerous parliamentary reports and acted as an “expert” in the European Semester. The amount of written expertise produced is impressive and may once again almost have become an end in itself (see Rozenberg and Heffler 2015: 33). The Assemblée nationale tries to be a “public forum” for debating the European Semester. But while it is powerful on paper, with a debate and vote on the Stability Programme foreseen²⁰, the reality is different: The French parliament itself concedes that both depend on the willingness of the

²⁰ See Appendix A (A.1 French Assemblée nationale: Adaptation without obligation).

government and that only a revision of the Constitution (and no other legal provision) could guarantee parliamentary participation in the European Semester.²¹ The scrutiny practice for the Stability Programme confirms the parliamentary weakness in the annual budget procedure.²² Plenary debates and votes on the Stability Programme took place in 2013 and 2014, but after there had been 41 abstentions from Socialist MPs in 2014, the government was not certain that it would have a majority in 2015. A senior Socialist lawmaker explains that the government “simply abolished the examination in plenary session and the vote, using the parliamentary Easter vacations as an excuse.”²³ One year later, the Stability Programme was debated, but not subject to a vote; the opposition deplored the “weakening of the role of our assembly.”²⁴ The role of the *Assemblée nationale* in the European Semester has been to gather information and sometimes to stimulate a public debate, but not to hold the government to account (see also Thomas and Tacea 2015).

In its scrutiny prerogatives and activities related to the European Semester²⁵, the Bundestag does not meet the standard of its EU affairs scrutiny, where the German parliament is considered a “government watchdog” and “policy shaper” (see Höing 2015a). This is surprising given that Chancellor Merkel was at the origin of several initiatives that eventually led to the tightening of fiscal and economic surveillance. When pushing for these reforms at the EU level, she was under considerable pressure from her backbenchers to ensure strict conditionality of any kind of financial assistance and to force other member states to be in compliance with fiscal rules. But according to one interview partner from the EU affairs directorate

²¹ *Assemblée nationale*, Rapport d’information N°3195 sur le traitement des affaires européennes à l’Assemblée nationale, 3 November 2015, p. 30, p. 33.

²² See Table 3.1: The French *Assemblée nationale* scored 1/6 in terms of strength in the budget process (Hallerberg et al. 2012: 70) and 19.4/100 for legislative budget powers (Wehner 2006: 777).

²³ Interview with a Member of the French *Assemblée nationale*, PS, 7 November 2016. See also *Pas de vote pour cause de vacances*, *Le Canard enchaîné*, 15 April 2015, p. 2.

²⁴ Gilles Carrez, LR, *Assemblée nationale*, 173e séance, *Compte rendu intégral*, 2e séance du mardi 26 avril 2016, 2837. Translated by the author.

²⁵ See country study on Germany in Appendix A (A.2 German Bundestag: Parliamentary inertia).

in the German Bundestag, “[t]he European Semester is a case where the German Bundestag could and should do more.”²⁶ Senior MPs from CDU and SPD agree on the existence of “upward potential”²⁷ and that the European Semester “is the instrument that could be used more intensively”.²⁸ It was occasionally debated in short plenary sessions, but speeches were sometimes only added to the plenary protocol.²⁹ In 2016, Green MP Katharina Dröge sarcastically noted that the discussion of the National Reform Programme took place two hours earlier than in 2015: “It is a success that we are discussing it at 9 pm this evening. Last time we discussed it at 11 pm.”³⁰

In Ireland³¹, the limited involvement of parliament in the European Semester clearly follows from its marginal role in the annual budget procedure. According to the OECD Budget Review of Ireland, parliamentary involvement in the budget process “is under-developed by international standards” (Downes and Nicol 2016: 1). Although MPs are aware of the European Semester and stressed its importance after the country had exited its bailout, the Irish Dáil has not been a “public forum” as it is in normal EU affairs (see Barrett 2015). Its scrutiny of the European Semester has not started to follow another scrutiny model of EU affairs either and must thus be considered ill-adapted, even though some scrutiny activities take place.

Finally, Portugal — the other crisis-hit country examined here — is a case where the nature of the executive-legislative relationship and parliamentary scrutiny led to the downfall of the minority government under Prime Minister Sócrates in 2011. The Portuguese Assembleia³² is an example for an active national parliament with strong prerogatives. Despite a mixed adaptation to general EU affairs and comparatively weak powers in the budget process before the crisis (see Hallerberg et al. 2012: 70; Kreiling 2016: 20), national

²⁶ Interview with a clerk in the EU affairs directorate of the German Bundestag, 2 March 2017.

²⁷ Interview with a Member of the German Bundestag (CDU), 22 March 2017.

²⁸ Interview with a Member of the German Bundestag (SPD), 8 March 2017.

²⁹ See Appendix A (A.1 German Bundestag: Parliamentary inertia).

³⁰ Katharina Dröge, BÜNDNIS 90/DIE GRÜNEN, Deutscher Bundestag, Stenografischer Bericht der 167. Sitzung vom 28. April 2016, 16491C-D. Translated by the author.

³¹ See Appendix A (A.3 Irish Dáil: Overall weakness in the budgetary procedure).

³² See Appendix A (A.4 Portuguese Assembleia: Using and expanding powers).

parliaments from Mediterranean countries, including Portugal, have been relatively well involved in the European Semester.³³ Greater efforts to adapt to the European Semester might be the consequence of initially weaker parliamentary rights, both in EU affairs and the annual budgetary procedure, and follow the logic of “backbenchers fight[ing] back” (Raunio and Hix 2000). In the case of Portugal, this was part of a broader revision of the rules governing parliamentary involvement in EU affairs in 2011 (see Jančić 2015). Like in broader EU affairs, the Assembleia has managed to play the roles of “government watchdog”, “public forum” and “European player” in the European Semester and despite shortcomings, such as the lack of a compliance mechanism to ensure that the governments fulfils its information duties (Fasone 2014b: 13), it can no longer be classified as a legislature with only little budgetary influence.

The summary of these findings shows that the four national parliaments often do not play their roles from EU affairs when it comes to scrutinising the European Semester (“No”). They are sometimes able to partly play the respective role in the European Semester when they fully play it in EU affairs, but rarely manage to fully meet that standard (see Table 3.4).

³³ See Crum (2018: 275), Fasone (2015: 20-21), Jančić (2016: 242-43). According to Buskjaer Rasmussen (2018), however, the Spanish parliament cannot provide substantial scrutiny of the European Semester. It is important to note that Greece and Cyprus, due to financial assistance programmes, were not part of the European Semester for most of the time.

Table 3.4 Scrutiny models for the European Semester in French Assemblée nationale, German Bundestag, Irish Dáil and Portuguese Assembleia

	Watchdog	Policy shaper	Public forum	Expert	European player
Germany: Bundestag	No	No			
France: Assemblée nationale			(✓)	✓	
Ireland: Dáil			No		
Portugal: Assembleia	(✓)		✓		(✓)

Notes:

(✓) = National parliament plays the respective role in general EU affairs and partly in the European Semester;

✓ = National parliament plays the respective role in general EU affairs and in the European Semester.

Source: Own elaboration, roles in EU affairs: Neuhold and Smith (2015: 678).

3.3.2 Raising objections against the European Semester

Other driving factors for parliamentary involvement beyond EU *scrutiny power* and *budgetary power* could, as suggested in section 3.2, be the following three factors: *legal enabling clauses*, *political dynamics* and *economic strength*. With respect to the executive-legislative relationship, governments and parliaments should not be treated as separate entities and legislatures are not a “black box” (Auel 2007). The means and ends of governing and opposition parties in national parliaments differ. This leads to a “government versus opposition” conflict line in parliamentary democracies which also seems to guide European Semester scrutiny.

The third driving factor, new *legal enabling clauses*, turns out to be less relevant since two out of four national parliaments (Germany and Ireland) do not have formal prerogatives related to the European Semester. And despite

the legal provision to hold a plenary debate and vote in France, the government was consistently able to limit parliamentary involvement.³⁴

Political dynamics, proposed as the fourth driving factor, clearly plays a role: When the European Semester arrives in the national parliamentary arena, the key problem are information asymmetries between governing parties and the opposition. An EU coordination process in which governments make pledges and communicate their plans to the European Commission and in which they receive feedback (in the form of Country-specific recommendations) on their plans in return, almost automatically leads to a re-emergence of the government-opposition conflict line: Governing parties and the government form a block against the opposition and vice versa.³⁵ But the European Semester makes it possible for everyone to raise objections. Procedural issues and policy issues can be put forward when, each spring, the European Semester moves from the EU level to the national level and arrives in the national parliamentary arena. In 2016, French and German opposition MPs raised procedural issues about the domestic scrutiny of the European Semester process while MPs from governing parties raised procedural issues about the conduct of the European Semester process at the EU level.³⁶ Parliamentary parties can also use their scrutiny of the European Semester to contest EU-level analyses or recommendations and to propose alternative policies, like national governments do in their programmes (see Bekker 2016: 8), or to contest government policy: Opposition MPs in France and in Germany raised policy issues about the government's EU economic governance pledges; MPs from governing parties raised policy issues about European Semester decisions or recommendations (see Table 3.3, above).³⁷

³⁴ President François Hollande and Prime Minister Manuel Valls sought to ensure the survival of the government and in the light of a high number of abstentions or possible “no” votes, they refrained from greater parliamentary involvement.

³⁵ When votes take place, opposition MPs are hesitant about whether to approve or reject the motion on the European Semester. This was the case in France.

³⁶ See Appendix A, country studies on France (A.1) and Germany (A.2) with a qualitative analysis of the plenary debates in the French Assemblée nationale on 27 April 2016 and the German Bundestag on 28 April 2016.

³⁷ See also Appendix A (Appendix to Chapter 3) Scrutinising the European Semester in four national parliaments, country studies on France (A.1) and Germany (A.2).

Finally, *economic strength*, the fifth possible driving factor for parliamentary involvement in the European Semester, plays a role, too. One reason for the reluctance of the German Bundestag to engage with the European Semester might be that the surveillance procedures of the European Semester are not constraining for a country that is currently experiencing a fiscal surplus. Furthermore, many German economists and centre-right politicians have questioned the reasoning that the country's current account surplus constitutes a macroeconomic imbalance. They rather see it as a sign of economic strength. Also, the balanced-budget rule as the core fiscal rule of the new governance was an ordoliberal idea from Germany and enshrined into the Basic Law even before the TSCG required its Contracting Parties to do so. Following this reasoning, for crisis-hit countries like Portugal, parliamentary scrutiny of the European Semester can be seen their attempt to preserve national budgetary autonomy which has become severely constrained by the “ad-hoc technocratisation of economic policy-making” (Enderlein 2013).

3.4 Opportunities and constraints for scrutinising the European Semester

From a “throughput legitimacy” perspective (Schmidt 2013), loopholes of parliamentary involvement create specific (throughput) legitimacy deficits in terms of executive accountability, transparency, inclusiveness and openness of the European Semester. This chapter examined the factors that trigger national parliamentary involvement in the European Semester.

Summary of the findings

For each of the four national parliaments it was possible to identify what the influence of the five driving factors has been and how they reinforce or depend upon each other: Strong formal powers in conjunction with little real

influence in EU affairs and weak budgetary power, as in the case of the French *Assemblée nationale*, mean that European Semester scrutiny provisions can be overturned by the government. But despite strong powers in EU affairs and the annual budget procedure, a national parliament can still be largely absent from the European Semester. This is the case of the German *Bundestag*.³⁸ The Irish *Dáil*, however, shows that the existence of parliamentary powers is a precondition for meaningful involvement in the European Semester. If neither in EU affairs nor in the budgetary process significant parliamentary powers exist, a national parliament is unlikely to be substantially involved in the European Semester. But institutional reforms that strengthen the legislature, for instance in EU affairs, can have a direct positive effect on European Semester involvement. The case of the Portuguese *Assembleia* confirms this.

The following conclusions can be drawn from these findings: The existence of some parliamentary powers related to EU affairs and the annual budget procedure is a precondition for parliamentary involvement in the European Semester: Without them, there is no involvement, but such powers do not guarantee a powerful role in the European Semester. Legal enabling clauses for scrutinising the European Semester are, as the analysis has shown, optional. Unless such clauses are binding for the government, they can be overturned by government-induced political dynamics: In France, the government could successfully avoid the debate and vote on the *Stability Programme* in 2015 and it could avoid a parliamentary vote in 2016. Generally, political dynamics play an important role in the scrutiny of the European Semester and can trigger (as well as prevent) meaningful parliamentary involvement: Opposition parties try to push scrutinising the European Semester while governing parties want to limit it. The broader examination of the European Semester has shown that whether the

³⁸ Aleksandra Maatsch argues that in the *Bundestag* “parliamentary parties made very effective use of their strong formal powers in order to initiate debates on the European Semester” (2017: 208). In this respect, however, 2015 (three resolutions proposed and one of them adopted) was an exceptional year. In 2016 and 2017, only one plenary debate took place, no resolutions were tabled. The resolution tabled by the Green Party in 2014 was identical to the Green’s resolution a year later.

parliamentary procedures and control possibilities in the European Semester are being fully used often depends on the willingness of the parliamentary majority and the government (see also Rozenberg 2017: 52-53). For both governing parties and opposition parties, the European Semester provides an opportunity to raise objections of different kinds. Finally, economic strength plays a role insofar as it shapes the intrusiveness of the European Semester which creates an incentive for MPs to become active. Unsurprisingly, parliamentary involvement in the European Semester is more likely the more of these conditions are met.

Political implications: Legitimacy and control of the European Semester

But what are the political implications of these findings? Do the drivers of parliamentary involvement soften or increase concerns about legitimacy and parliamentary control of the European Semester?

Firstly, economic governance is still to a very large extent a case of “exploratory governance” (Enderlein 2015a) and the nature of the European Semester — still makes it difficult for national parliaments to claim or acquire ownership (see Kreilinger 2016; Vanheuverzwijn and Crespy 2018). Therefore, minimum standards for parliamentary involvement should be defined in the form of guidelines that national parliaments elaborate (and adopt) jointly.³⁹ Strengthening interparliamentary cooperation is also vital for better information exchanges between national parliaments (see Griglio and Lupo 2018; Kreilinger 2015b).

Secondly, related to public finances, there are possibilities for parliaments to “regain an effective voice in the budget cycle” (Schick 2002; see also Wehner 2004). Plenary debates are no longer seen as a “verbal contest between government and opposition without any real policy impact” (S. Martin et al. 2014: 13), but allow for MPs to articulate their positions on the European Semester and communicate them to the public. The issues raised in

³⁹ See Chapter 6 Conclusion (sub-section 6.3.2 National parliaments and reforming the Economic and Monetary Union), which develops the recommendation of “minimum standards” in detail.

plenary debates in France and Germany⁴⁰ are an encouraging sign for a slow politicisation of EU economic governance. Controversial assessments of the European Commission, such as the budgetary situation in France or a macroeconomic imbalance like the German current account surplus, were debated in plenary debates on the European Semester in 2015 and MPs beyond the specialists for EU affairs were involved in these debates. But fiscal rules that impose numerical limits on budget aggregates such as the fiscal balance, total revenues, total expenditures and/or debt (Lienert 2010: 6) can limit the role of parliaments and are a common feature of budgeting in the 21st century. Examples of fiscal rules in the EU are the criteria of the Stability and Growth Pact, the constitutionalisation of European budgetary constraints in the TSCG that provided for the introduction of balanced-budget rules in the national legal order (F. Fabbrini 2016a: 27-42) — and the European Semester.

Thirdly, legislative involvement in the budget procedure meets another important challenge: With respect to fiscal discipline, does, as Posner and Park (2007: 20) put it, “responsiveness to political constituents trump responsibility?” Do parliaments think about the long-term? This, again, matters for the fiscal policy coordination and surveillance under the European Semester. Wehner concludes that “[t]o some, the fiscal cost of parliamentary activism may simply be an acceptable side effect of democracy” (Wehner 2010: 141). In the 20th century, however, parliamentarians in legislatures of many countries did not trust themselves to make responsible financial decisions and “voluntarily yielded budgetary power to the executive” (Schick 2002: 16). Following this view, an annual budget process with greater legislative control will enhance democratic accountability, but at the same time, it might potentially risk eroding fiscal discipline and government efficiency (see Posner and Park 2007: 20-21). Some have suggested that in the European Semester “democracy has to be sacrificed in order to achieve compliance” (Maatsch 2017: 208), but there is no zero-sum trade-off between

⁴⁰ See Appendix A (Appendix to Chapter 3) Scrutinising the European Semester in four national parliaments.

parliamentary involvement in the European Semester and compliance with Country-specific recommendations, as the example of Denmark shows (Kreilinger 2016: 6-7, 35-36). In order to have legislatures that are powerful and fiscally responsible, fiscal institutions must force parliamentarians “to fix prudent aggregate parameters and to focus debate on allocative choices within a hard budget constraint” (Wehner 2010: 141). In the context of the European Semester, however, the coordination and surveillance of fiscal and economic policies makes it even more difficult to have influential parliaments than under normal circumstances.

Appendix A (Appendix to Chapter 3): Scrutinising the European Semester in four national parliaments¹

This Appendix presents the country studies on the scrutiny procedures and practices related to the European Semester in four member states: France (A.1), Germany (A.2), Ireland (A.3) and Portugal (A.4). These countries were selected as case studies on parliamentary scrutiny of the European Semester in order to cover large and small member states as well as different political systems and parliamentary powers.²

Each country study first examines the specific national legal provisions for national parliamentary involvement in the European Semester and assesses the actual scrutiny procedures and practices. For France (A.1) and Germany (A.2), this is complemented by a brief qualitative analysis of MPs' speeches in a plenary debate on the European Semester³ and a summary of all their parliamentary scrutiny activities related to the European Semester.

*Main stages of the European Semester cycle*⁴

The European Semester proceeds in four main stages from October to July: At its start, draft budgetary plans are elaborated by Euro area members at the national level; then the European Commission analyses the fiscal and economic situation; after that, all member states draft their Stability or Convergence Programmes and National Reform Programmes; and, finally,

¹ Sections A.1, A.2, A.3 and A.4 of this appendix have been published as supplemental material to Valentin Kreilinger, 'Scrutinising the European Semester in national parliaments: what are the drivers of parliamentary involvement?', *Journal of European Integration* 40 (3), pp. 325-340. It can be accessed here: <https://doi.org/10.1080/07036337.2018.1450402>.

² See on the case selection: Chapter 3 National parliaments in the European Semester (section 3.1 Parliamentary scrutiny in the European Semester).

³ The plenary debates under analysis are the debate on the Stability Programme 2016-19 in the French Assemblée nationale on 27 April 2016 and the debate on the National Reform Programme 2016 in the German Bundestag on 28 April 2016.

⁴ The "Main stages of the European Semester cycle" are not part of the supplemental material (Footnote 1, above).

Country-specific recommendations are issued. Before this section turns to the country studies (A.1 to A.4), those four stages (and the possibilities that they offer for national parliaments to become involved) are developed in the following.

In the first stage of the European Semester, as part of the Two-Pack⁵, the national governments of Euro area members are required to submit a *draft budgetary plan* to the European Commission before the annual budget procedure starts by 15 October. The European Commission then examines these plans and adopts an opinion about whether these plans comply with fiscal rules and pledges. It can demand from the national government to amend the draft budgetary plan. The Two-Pack also enshrined the right of national parliaments to convene a Commissioner in the context of the assessment of draft budgetary plans and the Excessive Deficit Procedure⁶, but national parliaments have been reluctant to use that possibility, although the Five Presidents' Report of June 2015 encouraged them to do so.⁷ The adoption of the European Commission's opinion on a draft budgetary plan could nevertheless be an opportunity for a national parliament to scrutinise the opinion and (eventually) to articulate its own view in the form of a report or communication.

The second stage of the European Semester consists of the *Annual Growth Survey*, the *Alert Mechanism Report* and the *Euro area recommendation*. The European Commission publishes its assessment of the economic situation (Annual Growth Survey) and the scoreboard of the Macroeconomic Imbalances Procedure (Alert Mechanism Report) in November. Since the European Semester cycle of 2017, the European Commission puts forward its

⁵ See European Union, Regulation (EU) No 473/2013 of the European Parliament and of the Council on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area.

⁶ The national parliament from any Euro area country can ask the Commission to present its opinion on the draft budgetary plan and a recommendation issued in the Excessive Deficit Procedure in case of a recommendation issued because of a risk of non-compliance with the deadline to correct an excessive deficit (Article 7(3) and Article 11(2) of Regulation 473/2013).

⁷ European Commission, *Completing Europe's Economic and Monetary Union* (Report by Jean-Claude Juncker in close cooperation with Donald Tusk, Jeroen Dijsselbloem, Mario Draghi and Martin Schulz), June 2015, p. 17.

Euro area recommendation at the same time. Several countries challenged the Commission's view that the Euro area required a positive fiscal stance. The recommendation that was ultimately adopted by the Council in 2017 was modified insofar as it (only) recommended an overall fiscal stance of the Euro area that was neutral. A critical political moment in the European Semester, as part of this second stage, is the European Council in March, when member states "claim political control over the process" (Crum 2018: 279), but the summit has generally only endorsed the economic priorities that have been put forward by the European Commission in the Annual Growth Survey: It has not been the place and the moment for debating or deciding EU-wide economic policy priorities.

In the third stage, the European Semester moves to the national level: *Stability or Convergence Programmes* and *National Reform Programmes* are the two documents that contain the national governments' plans, promises and pledges in the area of fiscal and economic policies.⁸ According to the Five Presidents' Report of June 2015, national parliaments should "[a]s a rule [...] be closely involved in the adoption of National Reform and Stability Programmes."⁹ In its communication "On steps towards Completing Economic and Monetary Union" of October 2015, the European Commission stressed that National Reform Programmes "should become an instrument for member states to respond to the Commission analysis by presenting forward-looking policy initiatives."¹⁰ Most national parliaments scrutinise *Stability or Convergence Programmes* and *National Reform Programmes* ex-ante — before their governments submit them to the European Commission (Hagelstam et al. 2018). In some countries, however, national parliaments

⁸ Euro area members draft/submit *Stability Programmes* while EU member states whose currency is not the Euro draft/submit *Convergence Programmes*.

⁹ European Commission, *Completing Europe's Economic and Monetary Union* (Report by Jean-Claude Juncker in close cooperation with Donald Tusk, Jeroen Dijsselbloem, Mario Draghi and Martin Schulz), June 2015, p. 17.

¹⁰ European Commission, *On steps towards Completing Economic and Monetary Union*, Communication from the Commission to the European Parliament, the Council and the European Central Bank, COM(2015) 600 final, 21 October 2015, p. 3.

are only able to scrutinise Stability or Convergence Programmes and National Reform Programmes ex-post — after they were sent to Brussels.¹¹

The fourth stage of the European Semester contains the “result” of the European Semester as a coordination and surveillance cycle, the *Country-specific recommendations* that provide guidance for reform. They are drafted by the European Commission, member states adopt them in the Council (the possibility to amend them by RQMV exists) and are expected to take these recommendations into account when they develop their national fiscal and economic policies. The European Commission monitors the implementation of the Country-specific recommendations, but even though it claims that the European Semester has become “an important vehicle for delivering reforms at national and EU level”¹², most member states have a low implementation record for Country-specific recommendations (Darvas and Leandro 2015; Deroose and Griesse 2014; Efstathiou and Wolff 2018; see also Verdun and Zeitlin 2018: 140). The German government claimed in 2014 that member states “hardly ever” conducted a political debate about Country-specific recommendations.¹³ The principal venue for discussing these recommendations in the national political arena would be national parliaments (Kreilinger 2016: 40). Even though most national parliaments scrutinise the Country-specific recommendations (Hallerberg et al. 2018), parliamentary involvement could be improved: The recommendations could be an agenda item in parliamentary committees or even plenary sessions and could be the subject of hearings with the national government and the European Commission. This echoes the Five Presidents’ Report which referred to Country-specific recommendations and national budgetary

¹¹ In this respect, Kreilinger (2016) uses a different classification than Hallerberg et al. (2012, 2018) whose ex-ante/ex-post classification refers to the European Semester cycle as a whole: Hallerberg et al. classify scrutiny of the Stability Programme or the National Reform Programme generally as ex-ante and scrutiny of Country-specific recommendations generally as ex-post.

¹² European Commission, On steps towards Completing Economic and Monetary Union, Communication from the Commission to the European Parliament, the Council and the European Central Bank, COM(2015) 600 final, 21 October 2015, p. 3.

¹³ German Federal Government (Federal Ministry of Finance and Federal Ministry for Economic Affairs and Energy), Letter to Mr Katainen. 20 October 2014. On file with the author.

procedures when it suggested that the European Commission “should work out model arrangements to make interaction with national parliaments more efficient.”¹⁴

In short: There is plenty of room for national parliaments to become involved. The country studies in the next four sections examine the legal provisions for parliamentary involvement in France, Germany, Ireland and Portugal — as well as how the national parliaments in these countries actually scrutinise the European Semester.

A.1 French Assemblée nationale: Adaptation without obligation

Legal provisions in France

In France, the European Semester is subject to specific procedures for parliamentary involvement (see e.g. Rittberger and Winzen 2015: 437). The French parliament has adapted to the European Semester by following the different stages of the European Semester, for instance plenary debates on the Stability Programme and information reports adopted by the European affairs committee on the Annual Growth Survey, the Country-specific recommendations or the European Commission’s opinion on the draft budgetary plan.¹⁵

The government shall transmit the draft Stability Programme to parliament two weeks before it is submitted to the European Commission.¹⁶

¹⁴ European Commission, Completing Europe’s Economic and Monetary Union (Report by Jean-Claude Juncker in close cooperation with Donald Tusk, Jeroen Dijsselbloem, Mario Draghi and Martin Schulz), June 2015, p. 17. See also Chapter 6 Conclusion (sub-section 6.3.2 National parliaments and reforming the Economic and Monetary Union), on possible model arrangements.

¹⁵ Assemblée nationale, Rapport d’information N°3195 sur le traitement des affaires européennes à l’Assemblée nationale, 3 November 2015, p. 32.

¹⁶ République française, Article 14 de la loi n°2010-1645 du 28 décembre 2010 de programmation des finances publiques pour les années 2011-2014.

The National Reform Programme, however, is regarded as an explanatory document prepared for the European Commission by government, not as a programming document, and is therefore not specifically examined or debated in parliament. In general, the parliamentary role in the drafting of both documents is “marginal”¹⁷, but Stability Programme and the National Reform Programme are discussed in a hearing with the responsible Minister(s) in the Finance committee of the Assemblée nationale. The practice of making the Stability Programme the subject of a plenary debate and vote on a declaration of the government¹⁸, however, does not give MPs the power to amend the programme:

“We demanded to have a right to vote on it, it is now subject to a vote, but to a vote without the possibility to present amendments which is quite distinctive and very formal, because generally the majority votes in favour of the Stability Programme.”¹⁹

Interestingly, the government is not even obliged to use this procedure for the parliamentary scrutiny of the Stability Programme: The European affairs committee of the Assemblée nationale concedes that the provision on the Stability Programme according to which parliament shall debate this draft and shall vote²⁰ has “no binding force since such an obligation is not enshrined in the [French] Constitution.”²¹ Thus the decision to organise such a debate and to attach a vote to it or not is entirely within the discretion of the government.²²

Scrutiny practices in France

The above-mentioned procedure was used in 2011, 2013 and 2014, but it was not used in 2015 for party-political reasons (see also Jančić 2016: 243). In

¹⁷ Interview with an EU affairs advisor in the Assemblée nationale, 7 November 2016.

¹⁸ République française, Article 14 de la loi n°2010-1645 du 28 décembre 2010 de programmation des finances publiques pour les années 2011-2014.

¹⁹ Interview with a Member of the French Assemblée nationale, PS, 7 November 2016.

²⁰ République française, Article 14 de la loi n°2010-1645 du 28 décembre 2010 de programmation des finances publiques pour les années 2011-2014.

²¹ Assemblée nationale, Rapport d'information N°3195 sur le traitement des affaires européennes à l'Assemblée nationale, 3 November 2015, p. 33.

²² Ibid., p. 30.

2016, the Assemblée nationale debated the Stability Programme, but did not vote on it. In 2012 and 2017, neither a plenary debate nor a vote took place — due to the end of the legislative term ahead of French presidential and parliamentary elections.²³

In 2014, the new French government under Prime Minister Manuel Valls faced a rebellion from the left wing of the Socialist Party. Although some left-wing MPs had expected that the government would slow down the reduction of the deficit, the Stability Programme pencilled the deficit for 2015 at exactly 3% through “a mix of fairly ambitious budget savings and improved growth forecasts.”²⁴ As a consequence, around 100 MPs raised their discontent and only few voices supported the Prime Minister.²⁵ In order to appease the concerns of many of its MPs about the welfare spending freeze announced in the Stability Programme, the government made some last-minute concessions. But in the end, there were still 41 Socialist MPs who abstained and 3 who voted against, while 242 Socialist MPs voted in favour of the government’s declaration on the Stability Programme. MPs from the UMP opposition, alongside the Greens and the Front de Gauche voted overwhelmingly against; the centrist UDI party mostly abstained. The Stability Programme passed by 265 votes to 232.²⁶

²³ By means of updating this assessment, it is important to note that, in 2018, the French Assemblée nationale debated and voted the Stability Programme on 18 April 2018: 368 MPs voted in favour and 169 MPs against.

²⁴ Squaring the Circle, *The Economist*, 23 April 2014, <https://www.economist.com/blogs/charlemagne/2014/04/french-public-finances>.

²⁵ Plan d’économies : qui votera le texte de Manuel Valls ?, *Le Monde*, 28 April 2014, http://www.lemonde.fr/les-decodeurs/article/2014/04/28/parti-par-parti-qui-votera-le-pacte-de-stabilite-presente-par-manuel-valls_4408618_4355770.html,

Caresche, Christophe (PS), “Un moment de vérité”, *Le Monde*, 25 April 2014, http://www.lemonde.fr/idees/article/2014/04/25/un-moment-de-verite_4407025_3232.html.

²⁶ Assemblée nationale, Analyse du scrutin n° 786, Première séance du 29/04/2014, Scrutin public sur la déclaration du Gouvernement sur le projet de programme de stabilité pour 2014-2017 (en application de l'article 50-1 de la Constitution), <http://www.assemblee-nationale.fr/14/scrutins/jo0786.asp>.

In 2013, only three Socialist MPs had abstained and two had voted against the Stability Programme. See Assemblée nationale, Analyse du scrutin n° 512, Deuxième séance du 23/04/2013, Scrutin public sur le programme de stabilité de la France 2013-2017 (sur la déclaration du Gouvernement en application de l'article 50-1 de la Constitution), [http://www2.assemblee-nationale.fr/scrutins/detail/\(legislature\)/14/\(num\)/512](http://www2.assemblee-nationale.fr/scrutins/detail/(legislature)/14/(num)/512).

A year later, in 2015, the government shunned away from the risk of holding a debate and a vote that would again have exposed splits within the Socialist Party about the fiscal and economic policy.²⁷ A senior Socialist MP explains: “Let’s be clear: Why was there no vote? Because the government thought that it would not have a majority. [...] So it simply abolished the examination in plenary session and the vote, using the parliamentary Easter vacations as an excuse.”²⁸

Debating the European Semester in the French Assemblée nationale ²⁹

In 2016, a plenary debate on the Stability Programme took place in the Assemblée nationale on 26 April 2016³⁰, but it was not followed by a vote. The opposition objected to the government’s approach not to initiate a debate followed by a vote:

“I begin this short intervention by regretting that the Government has not taken the initiative to hold a debate followed by a vote under Article 50, paragraph 1, of the Constitution. [...]. We multiply the votes on secondary subjects, but whenever we talk about economics and public finances, the Government seems to fear the discussion. Nevertheless, the stability program transmitted to Brussels [...] constitutes one of the most important commitments that our country can take. [...] Yes, this legislative term will have been marked by a further weakening of the role of our assembly!” (Gilles Carrez, LR, AN-ES-2016: 2837)

²⁷ In 2014, a vote on the Stability Programme took place: L’Assemblée s’apprête à voter le programme de stabilité, *Libération*, 29 April 2014, http://www.liberation.fr/france/2014/04/29/l-assemblee-vote-le-programme-de-stabilite_1006872. In 2015, the Stability Programme was not voted in parliament: Pacte de stabilité: l’UMP regrette l’absence de vote à l’Assemblée, *Le Figaro*, 7 April 2015, <http://www.lefigaro.fr/politique/le-scan/citations/2015/04/07/25002-20150407ARTFIG00255-pacte-de-stabilite-l-ump-regrette-l-absence-de-vote-a-l-assemblee.php>. See also Programme de stabilité 2015: députés et sénateurs privés de vote, malgré la loi, *Contre la Cour*, 15 April 2015, <http://www.contrelacour.fr/programme-stabilite-2015-parlement-prive-vote/>.

²⁸ Interview with a Member of the French Assemblée nationale, PS, 7 November 2016. See also “Pas de vote pour cause de vacances”, *Le Canard enchaîné*, 15 April 2015, p. 2.

²⁹ See Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.4 Three comparative studies of national parliaments and EU Economic Governance).

³⁰ Assemblée nationale, *Journal officiel*, 173e séance, Compte rendu intégral, 2e séance du mardi 26 avril 2016, 7. Débat sur le programme de stabilité 2016-2019, 2835-2853 (quoted in the following as AN-ES-2016). All quotes were translated by the author.

MPs from the governing Socialist Party criticised last year’s Council recommendation on the path for reducing the budget deficit of France — even though that decision had been taken with the participation of the French government in the Council of the EU:

“I fully endorse the Government’s choice of a reasonable balance between consolidating public finances and supporting growth and not to follow the Council recommendation.” (Valérie Rabault, PS, AN-ES-2016: 2836)

“The Council recommendation last year was to make a bigger structural adjustment [...]. The Government has, it seems to me, done well in holding on to its position against the Commission.” (Christophe Caresche, PS, AN-ES-2016: 2849)

Unsurprisingly, opposition MPs criticised the government’s fiscal policy:

“The government finds the 2015 results excellent and boasts of them, but looking at them closely, they are not so good [...]. Moreover, the 3.5% deficit in 2015 must be compared to an average deficit of the Euro area countries at 2.1%.” (Gilles Carrez, LR, AN-ES-2016: 2837)

Les Républicains’ Gilles Carrez, the chairman of the Budget committee, also called the National Reform Programme “empty of reform” and concluded that the government was lacking courage, lucidity and coherence:

“[T]he Government and its majority lack courage, lucidity and coherence. Alas, I do not think that less than a year from the end of this legislature, we will finally embark on the structural reforms that our country sorely needs.” (Gilles Carrez, LR, AN-ES-2016: 2838)

Finally, there was little criticism of fiscal and economic policy coordination processes, with the exception of Socialist MP Valérie Rabault who argued that the EU institutions did not sufficiently take into account the objectives of the “Europe 2020” strategy (AN-ES-2016: 2836).

Other scrutiny activities in the French Assemblée nationale

Between 2013 and 2017, a significant number of rapports d’information on the European Semester was drafted and adopted by the Assemblée nationale (see Table A.1). Several “Résolutions européennes” addressed the European

Semester.³¹ For instance, the Assemblée nationale “invited [...] the government to consult it at the major stages of the European Semester and the budgetary evaluation.”³²

The fact that plenary debate and vote about the Stability Programme are at the discretion of the government calls for other ways to scrutinise and to exercise influence: The “Résolution européenne sur la gouvernance de la zone euro” of 3 January 2016 insists on the necessity to have the Assemblée nationale present at all stages of the European Semester³³ and that it should be involved in the *drafting* of the Stability Programme and the National Reform Programme. It would also be essential to guarantee the right to debate and vote on these programmes in parliament, if necessary via a revision of the Constitution that obliges the government to submit the Stability Programme and the National Reform Programme to the Assemblée nationale and the Sénat at least two weeks before their transmission to the European Commission.³⁴ In 2016, the Assemblée nationale reaffirmed its willingness to be granted the power to amend these programmes.³⁵ Finally, the government’s position in the dialogue with the European Commission could be monitored through the participation of representatives of the Assemblée nationale in the process of exchanges with the European Commission that takes place before the government presents the Stability Programme and the National Reform Programme.³⁶

³¹ Assemblée nationale, Résolution sur les orientations européennes de politique économique, 15 March 2013, TA n° 95.

Assemblée nationale, Résolution sur l’avis de la Commission européenne sur les programmes de stabilité et de réforme de la France, 11 August 2013, TA n° 205.

³² Assemblée nationale, Résolution sur l’ancrage démocratique du gouvernement économique européen, 27 novembre 2012, TA n° 48, point 5.

See also Assemblée nationale, Résolution sur le renforcement de l’Union économique et monétaire, 15 January 2017, TA n° 884, point 30.

³³ Assemblée nationale, Résolution sur la gouvernance de la zone euro, 3 January 2016, TA n° 654, point 10.

³⁴ See Assemblée nationale, Rapport d’information N°3195 sur le traitement des affaires européennes à l’Assemblée nationale, 3 November 2015, pp. 45-46.

³⁵ Assemblée nationale, Résolution sur la gouvernance de la zone euro, 3 January 2016, TA n° 654, point 10.

³⁶ See Assemblée nationale, Rapport d’information N°3195 sur le traitement des affaires européennes à l’Assemblée nationale, 3 November 2015, pp. 45-46.

The European Semester or, more specifically, the Stability Programme was addressed in parliamentary questions during the XIV^e legislative term of the Assemblée nationale (2012 to 2017): A total of 77 written questions and 32 Questions au Gouvernement were asked by MPs. Over the years, the number of both types of questions decreased (see Table A.1).

Table A.1 European Semester scrutiny activities in the French Assemblée nationale (2013-2017)

	2013	2014	2015	2016	2017
Plenary debates and votes	PStab: 23 April 2013 Yes: 297 No: 220	PStab: 30 April 2014 Yes: 265 No: 232	No debate, no vote	PStab: 26 April 2016 (no vote)	No debate, no vote
Committee meetings	Finance committee 17 April 2013	Finance committee 23 April 2014	Finance committee 17 April 2015 22 April 2015	Finance committee 13 April 2016	Finance committee 12 April 2017
Reports or Resolutions	AGS: Rapport d'information 26 Feb 2013 PStab: Rapport d'information 17 April 2013 CSRs: Rapport d'information 26 June 2013	AGS: Communicatio n 26 Feb 2014 CSRs: Rapport d'information 24 June 2014	AGS+DBP: Rapport d'information 17 Dec 2014 PStab: Rapport d'information 22 April 2015 CSRs: Communicatio n 24 June 2015	AGS+DBP: Rapport d'information 16 Dec 2015 PStab: Rapport d'information 20 April 2016 CSRs: Rapport d'information 29 June 2016	(AGS+DBP): Rapport d'information 20 Dec 2016 PStab: Rapport d'information
• Questions to the government: • Written questions:	13 32	12 25	4 10	2 5	1 1
Direct engagement with the European Commission (hearing with Commissioner)	18 June 2013	14 Oct 2014	3 June 2015 25 Nov 2015	8 June 2016 5 Oct 2016	14 Dec 2016

Source: Own elaboration on the basis of parliamentary documentation³⁷.

³⁷ Committee meetings: Assemblée nationale, Rapport d'information N°4547 sur l'activité de la commission des finances au cours de la XIV^e législature, 22 February 2017, p. 44.

Reports and resolutions: Assemblée nationale, Rapport d'information N°4605 sur le bilan d'activité de la commission des Affaires européennes (XVI^e législature), 4 April 2017, pp. 34-36.

Direct engagement with the European Commission: Ibid., p. 36.

“Questions au Gouvernement” and “Questions écrites”: Own data collection “Programme de Stabilité” on www2.assemblee-nationale.fr/recherche/questions/14.

A.2 German Bundestag: Parliamentary inertia

Legal provisions in Germany

In Germany, no legal obligations or rules exist for parliamentary involvement in the European Semester beyond what is foreseen in normal EU affairs (see e.g. Rittberger and Winzen 2015: 437). The government is not obliged to specifically involve the national parliament in the European Semester. According to one interview partner, a clerk in the EU affairs directorate in the German Bundestag, “[t]he European Semester is a case where the German Bundestag could and should do more.”³⁸ Senior MPs from the governing parties in the 2013-17 legislature, CDU and SPD, agree that the European Semester “is the instrument that could be used more intensively”³⁹ and that “we still have an upward potential there.”⁴⁰

Scrutiny practices in Germany

The Bundestag receives the Stability Programme for consideration before it is submitted to the European Commission. It would have the possibility to adopt a non-binding opinion.⁴¹ The Bundestag “receives all the documents, it just does not do enough with them.”⁴² Unlike in the national parliaments of most other EU member states, the main parliamentary responsibility for the National Reform Programme is attributed to the Economic affairs committee (see Hallerberg et al. 2018: 264) which usually holds a debate before the programme is submitted to the European Commission at the end of April.⁴³ Other committees, including the European affairs and the Budget committee, also receive the document. From time to time, the European affairs and the

³⁸ Interview with a clerk in the EU affairs directorate of the German Bundestag, 2 March 2017.

³⁹ Interview with a Member of the German Bundestag (SPD), 8 March 2017.

⁴⁰ Interview with a Member of the German Bundestag (CDU), 22 March 2017.

⁴¹ European Parliament, Review of Stability and Convergence Programmes by National Parliaments within the framework of the European Semester (Spotlight on Parliaments in Europe, N°2), November 2014, pp. 2-3.

⁴² Interview with a clerk in the EU affairs directorate of the German Bundestag, 2 March 2017.

⁴³ For instance, the National Reform Programme was debated in the Economic affairs committee on 22 April 2015 and 3 April 2014; 12 June 2013 is the exception.

Economic affairs committee squabble about who is in charge. The European affairs committee therefore started to conduct *ex-ante* scrutiny of the National Reform Programme:

“When the first draft and the second draft are ready, we invite the Federal Ministry of the Economy, then the State Secretary appears and it is being discussed. Then it is an agenda item and both drafts are called in committee and there is an exchange of views [...]. This happens in March and April, before the government sends the programme to Brussels.”⁴⁴

Interview partners generally agree that the division of labour between the committees is not entirely straightforward, stems from historic reasons and means in its result that the European Semester is insufficiently accompanied by the German Bundestag.⁴⁵ The submission of the Stability Programme or the National Reform Programme to the European Commission does, in any case, not depend on parliamentary approval.

Occasionally the Bundestag holds plenary debates that are specifically dedicated to the European Semester.⁴⁶ However, in some cases during the 18th legislative term, these plenary debates did not actually take place: MPs did not deliver their speeches to the plenary, but the texts of the speeches were only added to the plenary protocol.⁴⁷

⁴⁴ Interview with a clerk in the European affairs committee of the German Bundestag, 31 August 2017.

⁴⁵ Interview with a clerk in the EU affairs directorate of the German Bundestag, 2 March 2017.

⁴⁶ By means of updating this assessment, it is important to note that, in 2018, the German Bundestag debated the National Reform Programme as part of the Questions to the Government with the Federal Minister for the Economy, Peter Altmaier, on 25 April 2018. The Minister’s introductory statement lasted for five minutes and he then replied to questions by MPs.

⁴⁷ This occurred on 13 November 2014 (Plenarprotokoll 18/66, Anlage 9), 27 March 2015 (Plenarprotokoll 18/98, Anlage 9) and 11 June 2015 (Plenarprotokoll 18/109, Anlage 4). Plenary debates took place on 3 April 2014 (Plenarprotokoll 18/26) and 28 April 2016 (Plenarprotokoll 18/167).

*Debating the European Semester in the German Bundestag*⁴⁸

The plenary debate about the National Reform Programme 2016 which was held on 28 April 2016⁴⁹ allows to highlight the conflict lines between the government and opposition. The debate suffered from weak attendance as it took place at 10pm on a Thursday evening and it lasted for only 25 minutes. No member of the government participated.

But the German current account surplus, criticised by the European Commission in the Macroeconomic Imbalances Procedure and an in-depth review⁵⁰, was one of the issues that was addressed prominently. MPs from the governing parties supported the government, as for example a CSU backbencher: “[T]he EU Commission has not been able to identify any imbalances that could jeopardise stability now or in the future. According to the Commission, there are imbalances, but not excessive imbalances.”⁵¹ Opposition MPs from Die Linke and B’90/Die Grünen challenged the government’s position on the current account surplus and its justification in the National Reform Programme:

“This foreign trade surplus has nothing, but nothing to do with a healthy economic policy. It is interesting, however, that the Federal government addresses the criticism from the European Commission in this report and tries to refute it. The government does not succeed. Here, Germany breaks EU rules.” (Michael Schlecht, DIE LINKE, BT-ES-2016: 16488B)

“You may find this uncomfortable [...], because the European Commission writes down something which you, as the Federal government, are unable to achieve. [...] What you do is a proof of these shortcomings.” (Katharina Dröge, BÜNDNIS 90/DIE GRÜNEN, BT-ES-2016: 16491A)

⁴⁸ See Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.4 Three comparative studies of national parliaments and EU Economic Governance).

⁴⁹ Deutscher Bundestag, Plenarprotokoll 18/167, Stenographischer Bericht der 167. Sitzung vom 28. April 2016, Tagesordnungspunkt 16 “Beratung der Unterrichtung durch die Bundesregierung: Nationales Reformprogramm 2016”, 16487A-16492C (quoted in the following as BT-ES-2016). All quotes were translated by the author.

⁵⁰ See European Commission, Results of in-depth reviews under Regulation (EU) No 1176/2011 on the prevention and correction of macroeconomic imbalances, COM (2014) 150 final, 5 March 2014.

⁵¹ Andreas Lenz, CSU, BT-ES-2016: 16489B.

With respect to a procedural issue, Green MP Katharina Dröge referred to her party's proposals to take the National Reform Programme seriously and let the Bundestag vote on it. She also sarcastically noted that the discussion of the National Reform Programme took place two hours earlier than in 2015:

“One last sentence on the National Reform Program. It is a success that we are discussing this at 9 pm this evening. Last time we discussed it at 11 pm. It is also a success that we do talk about it in the Bundestag before it is sent to Brussels.” (Katharina Dröge, BÜNDNIS 90/DIE GRÜNEN, BT-ES-2016: 16491C-D)

The plenary debate also provided an opportunity for the governing party CSU to criticise the conduct of fiscal and economic surveillance at the EU level:

“In order to strengthen competitiveness in the European Union, above all, structural reforms [...] are necessary. [...] Moreover, it would be better to review the Maastricht criteria more rigorously and concentrate more on those countries that have weaknesses in their competitiveness.” (Andreas Lenz, CSU, BT-ES-2016: 16489A)

Instead of a general plenary debate about the European Semester, as the one that exceptionally took place on 28 April 2016, it might be more effective to target the position of the Federal government in the Council and its position in the dialogue with the European Commission, as well as the Country-specific recommendations: “There, the German Bundestag is very reluctant compared to what could be done with the European Semester.”⁵² The European Semester plays a role in the Budget committee of the Bundestag, but, as a senior CDU MP observes:

“One must look: What are the topics? Yes, there is a proposal. Okay. Or what are the topics in which one invests oneself, undertakes an intensive dialogue [with the government] and says, ‘No, not here, but there’.”⁵³

For many MPs, the conclusion seems to be that the European Semester is not salient enough. With respect to the scrutiny of Country-specific recommendations, the study by Hallerberg et al. (2018: 258) reports that, in

⁵² Interview with a clerk in the EU affairs directorate of the German Bundestag, 2 March 2017.

⁵³ Interview with a Member of the German Bundestag (CDU), 22 March 2017.

2015, they appeared on the agenda of the Budget committee, but were not debated.

Other scrutiny activities in the German Bundestag

Between 2013 and 2017 five motions for a resolution in the German Bundestag targeted the European Semester. One of them was adopted. It was tabled in 2015 by the governing parties CDU/CSU and SPD and called for “strengthening, better implementing and further developing” the European Semester.⁵⁴ According to CDU/CSU and SPD, the European Commission should prepare its opinions on budgetary plans and National Reform Programmes and the corresponding Country-specific recommendations on the basis of “objective criteria and without political intervention by the member states”. Such a transparent procedure could help to ensure that the Commission’s comments were not understood by the member states as an intrusion into their sovereignty and, as a result, would be better implemented.⁵⁵ A competing motion for a resolution⁵⁶ tabled by the Greens was voted down by the governing parties, whereas their own motion was adopted on 11 June 2015.⁵⁷ The opposition party B’90/Die Grünen had already tabled a similar motion for a resolution on the National Reform Programme 2014. At that time it had reacted to the in-depth review of German economic imbalances (notably the current account surplus) by the European Commission which had made the following assessment:

⁵⁴ Deutscher Bundestag, Antrag “Das Europäische Semester stärken, besser umsetzen und weiterentwickeln”, Drucksache 18/4426, 24 March 2015.

⁵⁵ Ibid.

⁵⁶ Deutscher Bundestag, Antrag “Nationales Reformprogramm 2015 – Wirtschaftspolitische Steuerung in der EU ernst nehmen und Investitionen stärken”, Drucksache 18/4464, 26 March 2015.

⁵⁷ Deutscher Bundestag, Beschlussempfehlung und Bericht zu dem Antrag “Das Europäische Semester stärken, besser umsetzen und weiterentwickeln”, Drucksache 18/5071, 8 June 2015; Beschlussempfehlung und Bericht zu dem Antrag “Nationales Reformprogramm 2015 – Wirtschaftspolitische Steuerung in der EU ernst nehmen und Investitionen stärken”, Drucksache 18/4717, 23 April 2015. See Deutscher Bundestag, Plenarprotokoll 18/109 (11 June 2015).

“Germany is experiencing macroeconomic imbalances, which require monitoring and policy action. In particular, the current account has persistently recorded a very high surplus.”⁵⁸

The Greens had urged the Federal government to “take EU economic governance seriously and strengthen investment.”⁵⁹ The motion was defeated, too.⁶⁰ The Left Party had tabled a motion for a resolution related to the declaration of the Chancellor before the European Council meeting of March 2014 in which it criticised the economic policy guidelines of the European Semester’s Annual Growth Survey and the different surveillance procedures.⁶¹ In 2015, the Left Party then proposed a resolution that called for reducing the current account surplus and changing wage policy.⁶² Neither of the two attempts was successful either.⁶³

In the 18th legislative term, the European Semester was rarely specifically addressed in parliamentary questions. Even at the time of the adoption of the new EU economic governance instruments in the 2009-13 legislative term, the Six-Pack that created the European Semester was only raised in 12% of the parliamentary scrutiny activities related to the Euro crisis (see Wonka and Göbel 2016: 225-27). When the European Semester was addressed from 2013 onwards, proposals or initiatives of the Federal government for strengthening fiscal and economic coordination in the form of letters to

⁵⁸ European Commission, Results of in-depth reviews under Regulation (EU) No 1176/2011 on the prevention and correction of macroeconomic imbalances, COM (2014) 150 final, 5 March 2014, p. 13.

⁵⁹ Deutscher Bundestag, Antrag “Nationales Reformprogramm 2014 nutzen – Wirtschaftspolitische Steuerung in der EU ernst nehmen und Investitionen stärken”, Drucksache 18/978, 2 April 2014.

⁶⁰ Deutscher Bundestag, Beschlussempfehlung und Bericht zu dem Antrag “Nationales Reformprogramm 2014 nutzen – Wirtschaftspolitische Steuerung in der EU ernst nehmen und Investitionen stärken”, Drucksache 18/1675, 5 June 2014.

The recommendation of the Economic affairs committee to reject the motion by B’90 Die Grünen was approved in a plenary vote on 13 November 2014 (Plenarprotokoll 18/66).

⁶¹ Deutscher Bundestag, Entschließungsantrag zu der Abgabe einer Regierungserklärung durch die Bundeskanzlerin zum Europäischen Rat am 20./21. März 2014 in Brüssel, Drucksache 18/853, 18 March 2014.

⁶² Deutscher Bundestag, Antrag “Exportüberschüsse abbauen - Wende in der Lohnpolitik einleiten”, Drucksache 18/4837, 6 May 2015. The motion was debated on 11 June 2015 (Plenarprotokoll 18/109).

⁶³ Deutscher Bundestag, Beschlussempfehlung und Bericht zu dem Antrag “Exportüberschüsse abbauen - Wende in der Lohnpolitik einleiten”, Drucksache 18/6251, 5 October 2015; see Plenarprotokoll 18/199 (11 November 2016).

European Commissioners⁶⁴ or non-papers for the ECOFIN Council⁶⁵ usually only prompted B'90/Die Grünen to ask written questions⁶⁶ for which it then received written replies from a State Secretary in the Finance Ministry. In Germany, ministers hardly ever answer questions themselves⁶⁷: They delegate the task to parliamentary State Secretaries which indicates that the procedure is not considered as politically very significant (see Rozenberg et al. 2011: 346).

A few “Kleine Anfragen” touched upon the European Semester. They are answered in writing and are often used by opposition parties as a preparatory tool for motions and resolutions (see Ismayr 2013: 326). The Left Party, for instance, questioned the Federal government about the “Strategic Agenda for the Union in Times of Change” adopted by the European Council of June 2014 with respect to the need for structural reforms, flexibility in the Stability and Growth Pact underpinning the European Semester, economic policy convergence and social policies.⁶⁸ In August 2015, B'90/Die Grünen enquired about European intrusion into national wage-setting systems and the position of the Federal government on the issue.⁶⁹ In February 2016, the Left Party asked about the position of the Federal government on the proposal of the European Commission to create so-called Competitiveness Councils in EU member states.⁷⁰

⁶⁴ German Federal Government (Ministry of Finance and Ministry for Economic Affairs and Energy), Letter to Mr Katainen. 20 October 2014. On file with the author.

⁶⁵ German Federal Government, German deliberations on further developing the European Semester. Increasing the quality of the country-specific recommendations by improving the consultation process between the European Commission and Member States, 1 November 2016 [non-paper]. On file with the author.

⁶⁶ E.g. Manuel Sarrazin (B'90 Die Grünen), in: Deutscher Bundestag, Drucksache 18/11024 Q16, January 2017. See also Sarrazin, Manuel, Giegold, Sven and Dröge, Katharina (B'90 Die Grünen): Letter to Frans Timmermans, Jyrki Katainen, Valdis Dombrovskis and Pierre Moscovici, “Vorschläge zur Verbesserung des Europäischen Semester”, 19 December 2014. On file with the author.

⁶⁷ An exception is Federal Minister of the Economy Peter Altmaier in case of the National Reform Programme 2018.

⁶⁸ See Deutscher Bundestag, Kleine Anfrage (Die Linke), Strategische Agenda für die Europäische Union in Zeiten des Wandels, Drucksache 18/2317.

⁶⁹ See Deutscher Bundestag, Kleine Anfrage (B'90/Die Grünen), Eingriffe in nationale Tarifsysteme – Haltung der Bundesregierung, Drucksache 18/5802.

⁷⁰ See Deutscher Bundestag, Kleine Anfrage (Die Linke), Wettbewerbsausschüsse in den Euroländern, Drucksache 18/7348.

Table A.2 European Semester scrutiny activities in the German Bundestag (2014-2017)

	2014	2015	2016	2017
Plenary debates	3 April 2014: Debate about motion Drucksache 18/978	27 March 2015: Debate about motion Drucksache 18/4464 (Speeches added to the plenary protocol)	28 April 2016: Debate about report by the Federal government on the National Reform Programme 2016	-/-
	13 November 2014: Debate about recommendation and report on Drucksache 18/1675 (Speeches added to the plenary protocol)	11 June 2015: • Debate and recommendation on Drucksache 18/4426 • Debate and recommendation on Drucksache 18/4464 (Speeches added to the plenary protocol) Debate about motion Drucksache 18/4837		
Committee meetings	National Reform Programme: Committee on Economics and Energy, 3 April 2014 (responsible committee; other committees participating in the deliberations in an advisory capacity)	National Reform Programme: Committee on Economics and Energy, 22 April 2015 (responsible committee; other committees participating in the deliberations in an advisory capacity)	National Reform Programme: Committee on Economics and Energy (responsible committee; other committees participating in the deliberations in an advisory capacity)	National Reform Programme: Committee on Economics and Energy, 22 March 2017 (responsible committee; other committees participating in the deliberations in an advisory capacity)
Motions for resolutions	B'90/Die Grünen: Nationales Reformprogramm 2014 nutzen - Wirtschaftspolitische Steuerung in der EU ernst nehmen und Investitionen stärken (Drucksache 18/978)	CDU/CSU, SPD: Das Europäische Semester stärken, besser umsetzen und weiterentwickeln (Drucksache 18/4426) DIE LINKE: Exportüberschüsse abbauen – Wende in der Lohnpolitik einleiten (Drucksache 18/4837) B'90/Die Grünen: Nationales Reformprogramm 2015 - Wirtschaftspolitische Steuerung in der EU ernst nehmen und Investitionen stärken (Drucksache 18/4464)	-/-	-/-
Reports or resolutions	Recommendation and Report (Drucksache 18/1675)	Recommendation and Report of 5 October 2015 (Drucksache 18/6251) Recommendation and Report of 8 June 2015 (Drucksache 18/5071) Recommendation and Report of 23 April 2015 (Drucksache 18/4717)	-/-	-/-
Written or oral questions	Sarah Wagenknecht (Die Linke), Drucksache 18/729 Minor interpellation (Die Linke), Drucksache 18/2317 Minor interpellation (Die Linke), Drucksache 18/2404 Manuel Sarrazin (B'90/Die Grünen), Drucksache 18/3258, Q35	Minor interpellation (B'90/Die Grünen), Drucksache 18/5802	Minor interpellation (Die Linke), Drucksache 18/7348	Manuel Sarrazin (B'90/Die Grünen), Drucksache 18/11024 Q16+17

Source: Own elaboration on the basis of documents retrieved from the DIP21 search engine.

A.3 Irish Dáil: Overall weakness in the budgetary procedure

Ireland is, due to its fragile financial situation in the early 2010s, one of the countries that has been most affected by the new budgetary rules of EU economic governance (see Piedrafita 2014: 319). At the same time, Ireland's constitutional architecture means that the executive is very strong vis-à-vis the legislature:

“A fused executive-legislative in the lower house, an in-built government majority in the upper house, a budgetary process dominated by government, an especially strong whip system and a weak independent parliamentary culture has resulted in an exceptional executive dominance” (Coutts 2017: 238).

Legal provisions in Ireland

The Fiscal Responsibility Bill of 2012 incorporated the balanced budget rule into Irish law and, for instance, also foresees that in case of “significant deviation from the medium-term budgetary objective or from the agreed adjustment path towards it, the government must lay a correction plan before the Dáil within two months” (Piedrafita 2014: 330). However, according to the “Review of budgetary oversight by the Irish parliament” conducted by the OECD in 2016 (Downes and Nicol 2016), compared to other OECD countries, budget oversight is underdeveloped in Ireland: “[E]xisting procedures serve to keep the Dáil at a remove from the substance of the budget process” (Downes and Nicol 2016: 82).

Scrutiny practices in the Irish Dáil

In December 2010, the financial assistance programme for Ireland was formally agreed, the country was subject to a Memorandum of Understanding until late 2013 and therefore not part of the reporting requirements under the European Semester during that period.

In 2013, the Joint Committee on EU affairs, for the first time, held a debate on the draft National Reform Programme before it was finalised and submitted; the Joint Committee on Finance, Public Expenditure and Reform held a debate on the Stability Programme on the day it was submitted.⁷¹ This practice continued in 2014; the debate on the Stability Programme took place earlier.⁷² Generally, the European Semester is discussed only in committee (see Maatsch 2017: 206). The chairman of the Oireachtas Joint Committee on EU affairs argued in January 2014 that “[t]his process for enhanced budgetary surveillance [...] provides a valuable opportunity for Oireachtas Members [...] to feed into Irish national budgetary decisions [...] in a more meaningful way than ever before.”⁷³

Aleksandra Maatsch notes that during the 2014 European Semester cycle, “Irish parliamentarians posed a large number of written questions regarding the functioning of the European Semester” (Maatsch 2017: 206) and Gavin Barrett concludes that Ireland is adapting to the European Semester:

“As regards economic governance, Ireland [...] is transitioning from organising its budgetary policy in a way which takes into account only its own domestic standards, to adopting budgets which substantively and procedurally take into account the impact of national budgetary policies on other members of the Eurozone” (Barrett 2016: 9).

The OECD has recommended that ex-ante parliamentary hearings should be held in the Joint Committee on Finance, Public Expenditure and Reform to inform the government’s drafting of the Stability Programme and that

⁷¹ COSAC, Annex to the Twenty-first Bi-annual Report: Developments in European Union. Procedures and Practices Relevant to Parliamentary Scrutiny (Brussels: COSAC Secretariat, 19 June 2014), p. 398.

⁷² Minister for European Affairs, Paschal Donohoe: “At the start of April [2014], I had the opportunity to present the draft National Reform Programme to the Joint Committee on European Union Affairs and Minister Noonan presented the draft Stability Programme Update to the Joint Committee on Finance and Public Expenditure before Easter.” See Irish Government (Department of Foreign Affairs and Trade), Speech by the Minister for European Affairs, Paschal Donohoe at the Institute of International and European Affairs (IIEA): Ireland and the European Semester, 1 May 2014, <https://www.dfa.ie/news-and-media/speeches/speeches-archive/2014/may/ireland-in-european-semester/>.

⁷³ “The Troika may be gone, but Ireland’s social problems remain”, Dominic Hannigan (Labour) in TheJournal.ie, 27 January 2014, <http://www.thejournal.ie/readme/the-troika-may-be-gone-but-irelands-social-problems-remain-1284394-Jan2014/>.

“[t]he draft medium-term fiscal plan should then be submitted to the Dáil for approval before its presentation to the European Commission” (Downes and Nicol 2016: 68).

In 2017, a draft of the Irish Stability Programme was presented to the Dáil on 11 April and the document was submitted to the European Commission on 2 May 2017⁷⁴ — in accordance with the European Semester’s requirements, but no formal parliamentary approval took place.

A.4 Portuguese Assembleia: Using and expanding powers

Portugal was also severely hit by the financial and economic crisis and the government of Prime Minister Sócrates resigned in March 2011 after it had lost a vote on its “austerity budget”⁷⁵. The country received a bailout in May 2011, was subject to a Memorandum of Understanding from 2011 to 2014 and therefore not part of the reporting requirements under the European Semester during that period.

Most recently, at the start of the 2017 European Semester cycle (when Portugal participated again for the third time), the European Commission found that the draft budgetary plan submitted by the Portuguese government was at risk of non-compliance with the provisions of the Stability and Growth Pact. The Commission saw a significant deviation from the required adjustment path towards the Medium Term Objective and non-compliance with the debt reduction benchmark.⁷⁶ In May 2017, however, Portugal could

⁷⁴ See Irish Government (Department of Finance), Stability Programme Update, April 2017, <https://ec.europa.eu/info/sites/info/files/2017-european-semester-stability-programme-ireland-en.pdf>, p. i.

⁷⁵ Portugal in crisis after prime minister resigns over austerity measures, 23 March 2011, <https://www.theguardian.com/business/2011/mar/23/portugal-government-collapses-eu-bailout-looms>.

⁷⁶ In August 2016, the Council agreed to the European Commission’s proposal of zero fines and new deadlines for Portugal and Spain. See Council of the European Union, Press Release, 8 August 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/08/09/excessive-deficit-portugal-spain/>.

leave the Excessive Deficit Procedure and has now its lowest budget deficit since the early 1990s.⁷⁷

Legal provisions in Portugal

There is no legal obligation for Portugal's parliament to approve the Stability Programme, but the fall of the Sócrates Government in 2011 was "rooted in Parliament's rejection of the S[tability] P[rogramme]" (Jančić 2016: 243). In reaction to the new EU economic governance, the European Scrutiny Act and the Budgetary Framework Act were amended: "Portugal has completely overhauled its parliamentary scrutiny of EU affairs" (Jančić 2014: 2) and the information rights of the parliament in the annual budget procedure were also reinforced (see Fasone 2014b: 13). The government must submit the Stability Programme to parliament before sending it to the European Commission and the European Scrutiny Act provides for a plenary debate on it:

"The Assembleia da República shall monitor and assess Portugal's participation in the process of constructing the European Union, particularly by holding [...] [a] plenary debate in which the Government shall take part, on the various instruments for the economic governance of the European Union that are included in the European Semester, and particularly on the Stability and Growth Programme, in the second quarter of the year."⁷⁸

Scrutiny practices in the Portuguese Assembleia

Hallerberg et al. (2018) suggest in their discussion of the Portuguese parliament being active in the scrutiny of the Stability Programme that "weak parliaments may exploit EU procedures to gain access to issues they would not otherwise have a chance to discuss" (Hallerberg et al. 2018: 265).

⁷⁷ Portugal exits EU budget procedure six years after bailout, Financial Times, 22 May 2017, <https://www.ft.com/content/a1ab5468-3f8d-3363-8607-2a791c6cec18>.

⁷⁸ Portuguese Republic, Article 4d, Law no. 43/2006 of 25 August 2006 as amended by Law no. 21/2012 of 17 May 2012, on the Monitoring, assessment and pronouncement by the Assembleia da República within the scope of the process of constructing the European Union.

Generally speaking, in Portugal plenary debates have been increasingly used as “a powerful strategic tool for domestic politics” (Jančić 2015: 383) to provide a public forum for scrutinising and debating EU affairs. In terms of executive accountability in the European Semester, the government must provide a “reasoned explanation of any significant differences between its own macroeconomic and budgetary forecasts and those made by the European Commission” (Jančić 2016: 242-43) and include measures to correct deviations from the balanced budget rule into the Stability Programme. But “there is no mechanism for ensuring the compliance of the Government with its duty to information” (Fasone 2014b: 13) and the economic and financial crisis generally allowed for the Portuguese government to concentrate powers in its own hands and to strengthen its position compared to other domestic actors (see Moury and Standring 2017), like the national parliament.

Chapter 4:

National parliaments and the European Stability Mechanism

Compared to the European Semester in the previous chapter, the emergency regime of the European Stability Mechanism (ESM) affects the budgetary powers of national parliaments in a different way, through paid-in capital and financial guarantees. In addition, the ESM offers the possibility to examine whether and, if yes, how national parliaments are able to oversee intergovernmental bodies outside the community framework.

From a broader perspective and taking the overall structure of representative relations in the EU into account, as long as only some national parliaments are involved in the context of negotiations on a rescue package for a Euro area member in financial difficulties while other national parliaments are not involved at all, the channel of legitimacy that national parliaments provide for Euro area governance is characterised by asymmetries (especially if the recipient country simply has to acquiesce to the conditionality attached to the financial assistance).

Because this is an accurate assumption about the state of ESM affairs, the analysis turns to the following question: Under what conditions do national parliaments get a substantial say on ESM rescue packages? The chapter examines how national parliaments are involved in practice by examining the various possible drivers for substantial parliamentary involvement in the context of the negotiations on the third rescue package for Greece that serves as a single case study to analyse how exactly parliamentary procedures unfold.

Considering that only few national parliaments can rely on direct legal enabling clauses for substantial parliamentary involvement while in other national parliaments domestic political dynamics are the key explanatory factor, this chapter concludes that the high salience of the third rescue package for Greece played an important role in triggering the involvement of national parliaments. This should not be taken for granted. A more symmetric way of involving elected representatives from/in all Euro area members would have to build on some kind of joint parliamentary structure and simultaneously maintain national parliaments' current prerogatives, since parliamentary powers or agenda setting powers cannot be simply taken away in democratic political systems.

The creation of the European Stability Mechanism (ESM) has been one of the major institutional innovations in reaction to the Euro crisis. As a vehicle to grant financial assistance to Euro area members experiencing or threatened by severe financing problems, the ESM can provide loans as part of macroeconomic adjustment programmes and has other instruments at its disposal to safeguard financial stability.¹ The ESM Treaty sets the legal framework under which financial assistance can be granted after national procedures in ESM member states have been completed. Financial assistance is provided in the form of loans which are secured by financial guarantees from ESM member states.² Each ESM member country is fully liable for its share of the ESM's capital; financial assistance packages thus affect the budgetary rights of national parliaments.

On Friday, 3 July 2015, at the beginning of the last regular session of the Bundestag before the summer break, President Norbert Lammert made an allusion that the plenary might have to reconvene soon and advised his colleagues in the following way:

“Do not swim too far. Perhaps it would also be a good idea to plan short holidays in Berlin within walking distance of the Reichstag building for this year's summer break in order to be prepared for all eventualities.”³

Indeed, the German Bundestag was reconvened twice during the 2015 summer break for debates and votes in relation to the third rescue package for Greece. The widespread focus on the crucial role of the Euro area's largest

¹ The Treaty establishing the European Stability Mechanism (ESM Treaty) was signed by those EU member states whose currency is the Euro. It entered into force in 2012 and has replaced previous ad-hoc arrangements and bodies for financial assistance that were set up in 2010. The ESM has an authorised capital of about €700 bn (consisting of €80 bn paid-in capital as well as €620 bn committed callable capital) and a maximum lending capacity of €500 bn.

² Countries receiving financial assistance (against strict conditionality) benefit from the low interest rates that the ESM pays on the financial markets. In exchange for committing towards — and undertaking — economic reform and fiscal consolidation, they do not need to issue or refinance their debt on the financial markets while they are in a financial assistance programme.

³ Deutscher Bundestag, Plenarprotokoll 18/116, Stenografischer Bericht der 116. Sitzung vom 3. Juli 2015, 11283B. Translated by the author.

economy and the veto player role of its parliament in the context of the negotiations with Greece⁴, however, is only one part of the story: Seven other national parliaments were also involved in a substantial way.

The request for ESM stability support that ultimately led to the third rescue package for Greece was preceded by the end of the second financial assistance package under the EFSF on 30 June 2015. Greece was close to exiting the Euro and only just before 9am on Monday, 13 July 2015, the 19 Heads of State and Government at the Euro summit agreed on a statement which provided the basis for new financial assistance and in which the Greek authorities committed themselves “to legislate without delay a first set of measures”⁵ by Wednesday, 15 July 2015. A conference call of the Eurogroup yielded a positive assessment of these prior actions on that day. In view of a decision of the Board of Governors to start negotiations on a new ESM programme to be taken by the end of the week, relevant national procedures had to be completed by Friday, 17 July 2015. Greece also needed a “bridge financing” to meet its immediate financial needs. Importantly, the Euro summit had emphasised that “the start of negotiations does not preclude any final possible agreement on a new ESM programme”⁶. About three weeks later, the negotiations on the Memorandum of Understanding (MoU) and a financial assistance facility agreement were concluded. This, again, meant that the relevant national (parliamentary) procedures had to be completed ahead of the decision of the Board of Governors to approve the deal on 19 August 2015. A day later Greece received the first tranche of the € 86 bn financial assistance package.

⁴ See, for example, The Guardian (Angela Merkel faces tough vote as German MPs set to rebel over Greece, 17 July 2015, <https://www.theguardian.com/world/2015/jul/17/angela-merkel-vote-german-mps-rebel-greece-bailout-bundestag>) and the Financial Times (Angela Merkel wins German parliament’s backing for Greece bailout, 17 July 2015, <https://www.ft.com/content/0c909836-2c72-11e5-8613-e7aedbb7bdb7>).

⁵ Euro Summit Statement, Brussels, 12 July 2015, SN 4070/15, <http://www.consilium.europa.eu/en/press/press-releases/2015/07/pdf/20150712-eurosummit-statement-greece/>.

⁶ Ibid.

This chapter examines *under what conditions national parliaments get a substantial say on ESM rescue packages*. The third rescue package for Greece serves as a single case study to analyse how exactly parliamentary procedures unfolded. The different trajectories of parliamentary involvement that are identified in this chapter are evidence for national parliaments' asymmetric empowerment in ESM affairs. In addition, Appendix B examines the eight creditor countries with substantial involvement by the national parliament, where lawmakers *voted at least once in plenary or committee related to financial assistance for Greece in July or August 2015*, in greater detail (see, for a brief overview Kreilinger 2015a).⁷

Outline of this chapter

The next section (4.1) describes the decision-making process in the ESM. After that, section 4.2 presents the analytical framework of this chapter and proposes six possible drivers of substantial parliamentary involvement in ESM rescue packages. On this basis, the following section (4.3) explains why national parliaments were substantially involved (or not). Section 4.4 then analyses different trajectories of parliamentary involvement and examines how, when and which bodies of national parliaments were active. This chapter concludes in section 4.5 by revisiting the tangled web of the ESM and its procedures.

4.1 Decision-making on ESM rescue packages

ESM decision-making procedures are, as the Five Presidents' Report conceded, "complex and lengthy"⁸ and the ESM has often been criticised for a

⁷ The country studies can be found in Appendix B (Appendix to Chapter 4): Voting on the third rescue package for Greece in eight national parliaments.

⁸ European Commission (2015), *Completing Europe's Economic and Monetary Union* (Report by Jean-Claude Juncker in close cooperation with Donald Tusk, Jeroen Dijsselbloem, Mario Draghi and Martin Schulz), p. 18.

lack of transparency (see Ban and Seabrooke 2017; De Nes 2015) as well as for its “opacity, confidentiality and secrecy” (Simone 2017: 207). This section presents the legal provisions for granting stability support under the ESM Treaty. National parliaments are subsequently conceptualised as part of the chain of delegation behind ESM decision-making. This section finally describes the methodological framework of this chapter.

Legal provisions in the ESM Treaty

Article 13 of the ESM Treaty contains the legal provisions for granting stability support to a Euro area member in financial difficulties. Negotiations about financial assistance by the ESM are triggered by a request for stability support: “An ESM Member may address a request for stability support to the Chairperson of the Board of Governors.”⁹ After receiving that request, the Chairperson of the Board of Governors entrusts the European Commission, in liaison with the ECB, to carry out risk assessments on the financial stability of the Euro area, the sustainability of the public debt of the applicant country and its financing needs. Then, the Board of Governors may decide “to grant, in principle, stability support to the ESM Member concerned in the form of a financial assistance facility”¹⁰.

If such a decision is adopted, negotiations can start after the ESM Board of Governors has

“entrust[ed] the European Commission – in liaison with the ECB and, wherever possible, together with the IMF – with the task of negotiating, with the ESM member concerned, a MoU detailing the conditionality attached to the financial assistance facility.”¹¹

In parallel, the Managing Director of the ESM prepares the proposal for a financial assistance facility agreement. After that the Board of Governors decides to conclude the MoU and adopts the decision to grant stability support. As the last step, the MoU is signed by the European Commission on

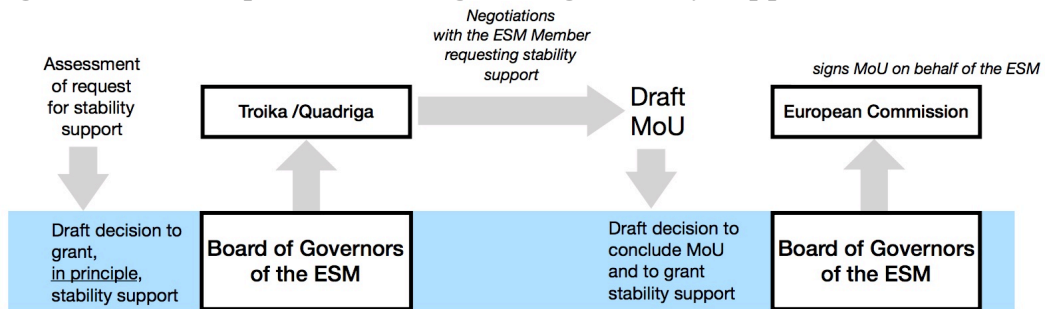
⁹ Article 13(1) ESM Treaty.

¹⁰ Article 13(2) ESM Treaty.

¹¹ Article 13(3) ESM Treaty.

behalf of the ESM, “subject to prior [...] approval by the Board of Governors”¹², while the financial assistance facility agreement shall be approved by the Board of Directors of the ESM¹³ (see Figure 4.1).

Figure 4.1 The procedure for granting stability support



Source: Own elaboration.

It is also important to note that under an emergency procedure in Article 4(4) ESM Treaty national “vetoes” from smaller Euro area members could be overturned¹⁴, but the provision has never been used until now. If it were used, it would severely damage the legitimacy of a decision to grant financial assistance.

The ESM Treaty does not contain any provisions regarding parliamentary control¹⁵, such as provisions to transmit documents, to inform or to seek the approval of rescue packages from either national parliaments or the

¹² Article 13(4) ESM Treaty.

¹³ Article 13(5) ESM Treaty.

¹⁴ Generally, decisions in the Board of Governors of the ESM are taken by mutual agreement, but Article 4(4) ESM Treaty allows to decide with a super-qualified majority of 85%. This is subject to a positive assessment by the European Commission and the ECB decide that such assistance is of systemic importance.

The voting power of national representatives in the Board of Governors of the ESM depends on their subscriptions to the authorised capital stock as set out in Annexes I and II to the ESM Treaty. Germany has a voting power of 27%; the voting power of Malta, the smallest member, is 0,1%.

¹⁵ However, the ESM’s Managing Director Klaus Regling has reported on the ESM’s activities to national parliaments of ESM member countries. He has also appeared before the ECON committee of the European Parliament for hearings and ESM representatives have spoken at the Interparliamentary Conference on Stability, Economic Coordination and Governance (for more details on this conference, see Chapter 5). Such practices could be formalised. The ESM and the European Commission, for instance, agreed a formal cooperation agreement in April 2018 (see Korhonen 2018: 72).

European Parliament. The only obligation is to make the report of the ESM's Board of Auditors "accessible" to national parliaments.¹⁶ The ESM stresses that "[u]ltimate control [...] is with national parliaments"¹⁷, because the members of its Board of Governors are, in their capacity as national Finance Ministers, accountable to national parliaments.¹⁸

The chain of delegation in ESM affairs

The ESM Treaty (e.g. Louis 2012; Pilz 2016; Tomkin 2013) and asymmetries between national parliaments in ESM affairs (Fasone 2014a; Höing 2015b; Rittberger and Winzen 2015) have been extensively examined in the literature. If one considers the consequences of non-involvement for democratic accountability and executive oversight (no accountability, no oversight), the question of the role of national parliaments in ESM decision-making is an important question with broader implications for the Economic and Monetary Union (Benz 2013; Crum 2013).

As the ESM is in no accountability relationship to any parliamentary body and national parliaments can only play a role via the oversight of national government representatives in ESM decision-making bodies, this chapter conceptualises ESM decision-making as a "chain of delegation" (Saalfeld 2000; Strøm et al. 2003a).¹⁹ National parliaments delegate decision-making powers to the national government and its representative in the Board of Governors (see Figure 4.2). Article 13(3) ESM Treaty then delegates the negotiation and monitoring of financial assistance programmes to the Troika

¹⁶ Article 30(5) ESM Treaty.

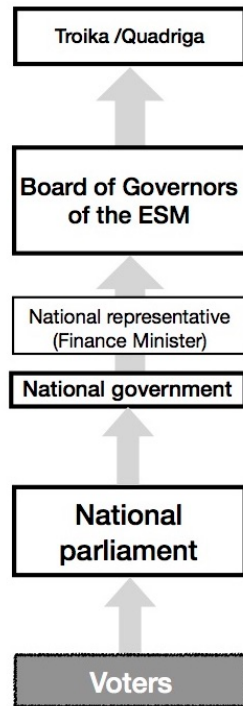
¹⁷ European Stability Mechanism (2017), *Explainer on the Transparency International report on the ESM*, Press Release, 6 March 2017, <https://www.esm.europa.eu/press-releases/explainer-transparency-international-report-esm>.

¹⁸ The composition of the ESM's Board of Governors and the Eurogroup is identical (the Finance Ministers of Euro area countries), but how the two bodies are intertwined complicates holding them accountable: the former, an informal body based on Protocol No 14 annexed to the EU Treaties is not supposed to take decisions even though it prepares ESM decisions, and the latter is totally outside the EU's legal framework.

¹⁹ See also Chapter 2 Assessing parliamentary involvement in Economic Governance (subsection 2.2.1 Executive-legislative relations, principals and agents).

which acts as the agent of national representatives in the Board of Governors (see also da Conceição-Heldt 2016).

Figure 4.2 The chain of delegation for negotiating stability support



Source: Own elaboration.

Understanding the role of national parliaments

Domestic procedures can turn national parliaments into veto players over opening and concluding the negotiations on the financial assistance package. National parliaments generally have policy influence if they act in their function as legislator via powers to delay, to veto or to amend a mandate or when they can present an opinion (see Kreppel 2014b: 117-19). Legislatures generally rely on receiving sufficient information to fulfil their control

function (Krehbiel 1992). In case of the ESM, national governments have the task to provide information about ESM activities to national parliaments.²⁰

Besides a right to be informed by their government, national parliaments can be asked to vote on motions related to the ESM that are prepared by the government (or tabled by parliamentary party groups); they can adopt opinions; they can be obliged to authorise decisions in which the national representative participates by voting a mandate that ties the hands of that representative in the Board of Governors; they can hold plenary debates about rescue packages; they can arrange committee hearings; and, finally, they can ask oral or written questions. National parliaments' main possibility to become involved is via issuing a motion related to the negotiations or via issuing a mandate for the government representative in the Board of Governors.

Previous research has shown that some national parliaments are required to vote binding mandates for the government representative in the Board of Governors of the ESM, while others only have weaker rights (Fasone 2014a: 15-23; Höing 2015b; Rittberger and Winzen 2015). This leads to asymmetries in parliamentary involvement and in the bargaining strength of national governments, because greater domestic constraints mean an advantage at the international level that allow a negotiator to say: "I'd like to accept your proposal, but I could never get it accepted at home" (Putnam 1988: 440).

This chapter seeks to advance the literature on the ESM by turning away from the analysis of parliamentary *prerogatives* (Höing 2015b; Rittberger and Winzen 2015; Winzen 2017) towards the analysis of national parliaments' actual *activities*: "[T]o gain a full picture of parliamentary strength, it is vital to take actual parliamentary behaviour into account" (Auel et al. 2015a: 65). The analysis adopts a rational-institutionalist perspective: (National)

²⁰ For instance, the German Federal Constitutional Court demanded in its judgement of 12 September 2012 that ESM Treaty provisions on professional secrecy and immunity may not prevent the Bundestag from receiving all relevant information about ESM activities. The Contracting Parties to the ESM Treaty acknowledged this in an interpretative declaration to the ESM Treaty, signed on 27 September 2012.

political actors have clear and given interests and pursue them according to the institutional constraints that they face.

Among all national parliaments in the Euro area, eight national parliaments were substantially involved in relation to the third rescue package for Greece (see Table 4.1).²¹ Parliamentary activity without a vote being taken in plenary or committee does not count as *substantial* involvement. Other national parliaments than the eight substantially involved legislatures played a smaller role²², or none at all (see Kreilinger 2015a; Moschella 2017: 10; Wendler 2017: 180). This means that ten national parliaments were not substantially involved.²³

Table 4.1 Parliamentary involvement in relation to the third rescue package for Greece (2015)

Substantially involved	Not substantially involved
Austria	Belgium
Estonia	Cyprus
Finland	Ireland
France	Italy
Germany	Lithuania
Latvia	Luxembourg
Netherlands	Malta
Spain	Portugal
	Slovakia
	Slovenia

Source: Own elaboration.

Notes: In case of bicameral systems, “national parliament” refers to the lower chamber. “Substantial parliamentary involvement” means that the national parliament voted at least once in plenary or committee related to financial assistance for Greece in July or August 2015. The recipient country (Greece) is not included.

²¹ “Substantial parliamentary involvement” means that the national parliament voted at least once in plenary or committee related to financial assistance for Greece in July or August 2015.

²² Greece, the recipient country, is not included. See also Wendler (2017: 180) who uses “votes” as defining parliamentary involvement, too. But, unlike this chapter, Wendler also includes Lithuania in that category. For Lithuania, see sub-section 4.3.3 Domestic political dynamics.

²³ An example of parliamentary activity without a vote is Ireland, where a parliamentary committee debated before the start of negotiations.

This overview of parliamentary involvement relates to earlier research on parliamentary prerogatives in ESM affairs (Höing 2015b; Rittberger and Winzen 2015: 435-37). One contribution has classified Estonia, Finland, Germany and the Netherlands as having quasi-veto powers and Austria with partial veto-powers (Höing 2015b: 221-22).²⁴ Another contribution has found that only the national parliaments in Austria, Estonia, Germany have obtained strong approval rights, while the rights of national parliaments in Luxembourg and the Netherlands related to ESM stability support are limited (Rittberger and Winzen 2015: 436). National parliaments' actual involvement in the case of the third rescue package was not fully in line with these findings: More national parliaments (eight) than those which had been assessed as holding strong parliamentary prerogatives (only Estonia and Germany in both contributions) were substantially involved in case of the third rescue package for Greece.²⁵ This is one of the issues to be examined in the next section of this chapter.

Data, method and cases

This chapter aims to identify the drivers behind parliamentary involvement in ESM affairs and pursues a systematic analysis of the two-level negotiation process on the third rescue package for Greece. Beyond prerogatives and legal provisions, it is important to know what national parliaments actually do in relation to an ESM rescue package. In order to explain parliamentary involvement, this chapter examines and compares the activities that national parliaments undertook in relation to the third rescue package for Greece in July and August 2015.

The parliamentary strength and activity in EU affairs and the budget process and the situation of the national economy in the eight countries whose national parliaments were substantially involved are compared with

²⁴ What Höing describes as “veto-powers” is a legal obligation to vote, while the notion of “substantial parliamentary involvement” in this chapter covers all votes, also those that took place without a legal obligation.

²⁵ Latvia (national parliament substantially involved) and Lithuania (not substantially involved) introduced the euro in 2014 and in 2015. Both were not covered by previous research.

the ten countries whose national parliaments were *not* substantially involved in case of the third rescue package for Greece. The explanatory variables that are examined through the most common strategy to decide whether differences between two means are statistically significant, a *t*-test, include the index of EU control rights by Winzen (2012)²⁶ and the OPAL scores on national parliaments' institutional strength and activity in EU affairs. The OPAL institutional strength score measures access to information, the quality of the scrutiny infrastructure and the level of oversight/influence in national parliaments (Auel et al. 2015a: 66-71) while the OPAL activity score covers activity in terms of mandates/resolutions, committee meetings and opinions in national parliaments from 2010 to 2012 (Auel et al. 2015a: 71-74). For budgetary strength, the indices by Wehner (2006) and Hallerberg et al. (2012) measure access to budgetary information, time available for scrutiny, the government's flexibility in implementing the budget and other items. Furthermore, a series of key macroeconomic indicators, already used by Crum (2013) and updated in this chapter, covers the GDP, unemployment, the current account and budget deficit/surplus.

In order to capture the domestic political dynamics, this chapter then analyses the agenda-setting process that launched the respective parliamentary procedures, the content of the debates and the voting results. If a national parliament was not substantially involved, media reports, press releases and other documents are taken into account to illustrate the national debate about parliamentary involvement in relation to the third rescue package for Greece.²⁷ The level of analysis is, again, the national (parliamentary) system. In addition to the previous evidence, insights from a small number of semi-structured interviews with MPs and administrators (in the two ESM member countries with the highest share of capital and

²⁶ Compared to the Winzen 2012 index, his 2017 index (Winzen 2017) only uses a different scale. The analysis in this chapter relies on Winzen 2012, because the index and its 0-2.5 scale have been used widely.

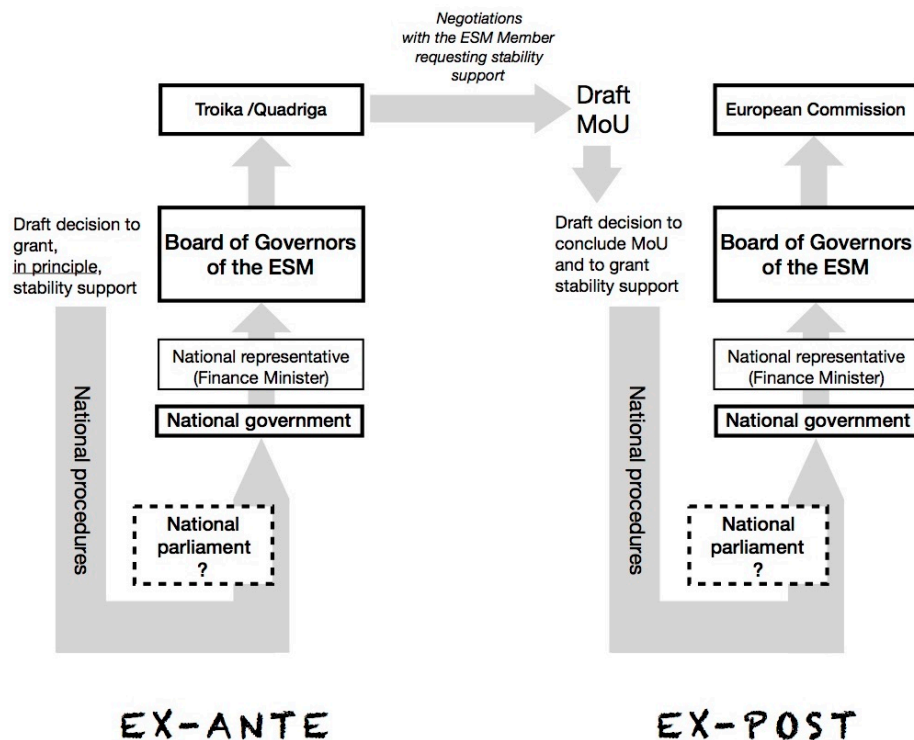
²⁷ This can be found in greater depth in Appendix B, but all sections refer to the country studies of Appendix B in a condensed form.

guarantees, Germany and France) complement and allow to triangulate some of the findings.

4.2 Driving factors for national parliaments' involvement²⁸

The overall decision-making procedure for granting stability support begins with the request of an ESM member country for stability support and concludes when the MoU is signed. In this process, not only the provisions in Article 13 ESM Treaty, but also the unfolding of national procedures and the possibility of substantial parliamentary involvement must be taken into account (see Figure 4.3).

Figure 4.3 National procedures and the procedure for granting ESM stability support



Source: Own elaboration.

²⁸ See also the general introduction to “driving factors” in Chapter 2 (section 2.3 Not just involved: Driving factors and ideal-typical models).

In order to examine the question “under what conditions do national parliaments get a substantial say on ESM rescue packages?”, this section proposes six possible drivers for substantial parliamentary involvement in the ESM. It clusters the different possible drivers along three action logics (institutional path dependency, economic strength and domestic political dynamics) and discusses them one after the other.

The literature on national parliaments and the ESM, in particular Höing (2015b) and Rittberger and Winzen (2015), identified previously strong powers of the national parliament in EU affairs or in the budget procedure and economic strength or financial leverage in the Euro area as the main explanatory factors for prerogatives of a national parliament in ESM affairs (see also Winzen 2017: 151-75). This study additionally proposes three driving factors related to domestic political dynamics.

Institutional path dependency

Historical institutionalism would assume that rights of national parliaments to grant (or withhold) a mandate for the national representative in the ESM Board of Governors come from strong EU scrutiny powers or a strong role in the budget process. The first set of possible drivers follows the assumption that when parliaments are “faced with new situations or challenges[, they] will draw on pre-existing institutions or patterns of behaviour rather than considering new ones” (Auel and Christiansen 2015: 266). But if “parliaments are already marginal [...], further loss of institutional competences to the ESM should raise little criticism from national policy-makers” (Winzen 2017: 163) and those weak parliaments are unlikely to be substantially involved in case of ESM rescue packages.²⁹ Whether parliamentary rights are used and national parliaments become actually substantially involved when a Euro

²⁹ Indeed, a national parliament may have had limited budget powers before the ESM was created: The “power of the purse” (Wehner 2006), that parliaments have, varies widely: Many legislatures do not have the institutional means or the political independence to be influential budgetary actors. For these parliaments, the approval of the national budget is, according to Wehner (2010: 141), “little more than a constitutional myth”. See also Chapter 3 National parliaments in the European Semester.

area member requests financial assistance from the ESM, is another question. Strong EU scrutiny powers and a strong role in the budget process are therefore necessary, but not sufficient conditions for substantial parliamentary involvement in ESM affairs.

The first of the six possible drivers for substantial parliamentary involvement is *strength/activity in EU affairs*, the second driver is *strength in the budget process*. In order to measure those powers, this study relies on the index of EU control rights by Winzen (2012), the OPAL scores by Auel et al. (2015a) for national parliaments' institutional strength and activities in EU affairs and on the indices by Hallerberg et al. (2012) and Wehner (2006, 2010) for budgetary affairs.³⁰

Economic strength

The third driver for substantial parliamentary involvement is *economic strength*. Creditor countries are asked to accept “ever more staggering commitments to cover the ever-increasing financial risks associated with a succession of rescue funds” (Scharpf 2012: 25). More specifically, while countries with a weak economy might need their own rescue package in the future, the national parliaments in economically strong countries could have a greater incentive to become substantially involved in ESM affairs (see Höing 2015b: 71): The redistributive effects of ESM rescue packages³¹ threaten the economic and financial situation of creditor countries. National parliaments of creditor countries could therefore use their involvement to ensure strict conditionality of stability support. This reasoning follows the observation that redistributive effects are controversial in net contributor countries to the EU budget and have led to tighter scrutiny of national

³⁰ A correlation table for the different institutional path dependency indices can be found in Appendix E. Unsurprisingly, there are some rather strong and highly statistically significant correlations between EU control rights (Winzen 2012) and the OPAL institutional strength score (Auel et al. 2015a): $r = 0.774$, $p < 0.001$; between the OPAL institutional strength and the OPAL activity score: $r = 0.682$, $p < 0.01$; and between budgetary power (Wehner 2006) and budgetary strength (Hallerberg et al. 2012): $r = 0.765$, $p < 0.01$. See Appendix E, Table E.1.

³¹ See also Chapter 1 Introduction (section 1.3 Why Economic Governance is different).

contributions to the EU budget (Rittberger and Winzen 2015: 443; Selle 2017).

In order to capture the economic strength (or weakness) of a country, this study relies on a set of key macroeconomic indicators already used by Crum (2013: 617) and updates them.³² If substantial parliamentary involvement was shaped by economic strength, this would deepen asymmetries between Northern European creditor countries and Southern European debtor countries (Benz 2013; Moschella 2017). Economic strength is a possible driver for substantial involvement, but parliamentary procedures and involvement are unlikely to be solely based on such an external factor. National parliaments could also be involved in economically weak countries for different reasons. Economic strength is thus neither necessary nor sufficient, but could nevertheless be a possible additional driver behind substantial involvement by national parliaments.

Domestic political dynamics

Besides institutional path dependency and economic strength, actual parliamentary activities could also be shaped by domestic political dynamics. The remaining three possible drivers all refer to this action logic. As there is no evidence for recent institutional reforms of national parliaments' ESM-related legal provisions, discrepancies between ESM-related prerogatives of national parliaments (Höing 2015b; Rittberger and Winzen 2015) and their actual parliamentary activities in the case of the third rescue package for Greece (Kreilinger 2015a) — more national parliaments were substantially involved than those legally required to become substantially involved — suggest that national parliaments did not undertake ESM-related institutional reforms, but that “strategic partisan exigencies” (Winzen 2017: 164) were strong enough to trigger substantial parliamentary involvement.

³² The analysis considers GDP growth, GDP per capita compared to the EU average, unemployment rate, the three-year average of the current account balance and the budget deficit/surplus of a country in 2015. See Appendix E, Table E.3 for the different indicators. For a correlation matrix, see Table E.4. Only the unemployment rate and the budget deficit/surplus are strongly negatively and statistically significantly correlated: $r = -0.715$, $p < 0.001$.

In countries where substantial parliamentary involvement takes place despite the absence of a legal enabling clause for it, governing parties and opposition parties can resort to votes in order to exploit a rescue package domestically. On the one hand, substantial involvement could be in line with the preferences of the government. In that case, it is the political will of the government to have a motion supporting the government's policy approved by the national parliament. This kind of legitimation is merely pro-forma (see Enderlein 2013: 732). Furthermore, if a coalition partner tries to monitor the rest of the government (L. W. Martin and Vanberg 2004), one would, in the case of an ESM rescue package, expect the coalition partner from Party A to trigger a procedure in which a parliamentary mandate is issued for the Finance Minister from Party B. On the other hand, a motion could also be tabled by the opposition or a vote takes place based on a different parliamentary procedure and this provides the basis for the legislature to become substantially involved in relation to an ESM rescue package.

These considerations lead to three other possible drivers for substantial parliamentary involvement: *(Symbolic) government interests* to involve parliament (fourth driver), monitoring by a *(junior) coalition partner* (fifth driver) and *effective opposition mobilisation* (sixth driver). In all of these three cases of domestic political dynamics, a vote must take place in relation to the financial assistance package in order for the activity to count as substantial ESM-related parliamentary involvement.

In short, this section argued that six drivers determine the parliamentary agenda in favour or against substantial involvement. The framework that has been put forward suggests *institutional path dependency*, *economic strength* and *domestic political dynamics* as the three action logics that shape the parliamentary agenda.

4.3 Explaining the involvement of national parliaments

This section examines the possible drivers for parliamentary involvement in ESM affairs. It reviews the explanatory power of each of the respective drivers for substantial parliamentary involvement under the three action logics (*institutional path dependency*, *economic strength* and *domestic political dynamics*) in turn. The aim is to systematically identify the factors that trigger substantial involvement and to assess how, for instance, a legal obligation for parliamentary involvement or the strategic calculations of domestic political actors mattered. The underlying question is whether, for instance, national parliaments that were substantially involved in the ESM rescue package are associated with a higher parliamentary strength in EU affairs than those national parliaments that were not substantially involved.

4.3.1 Institutional path dependency

The first step in order to explain parliamentary involvement with respect to the action logic of *institutional path dependency* is a series of statistical difference-of-means comparisons (*t*-tests). The question is whether it reveals that the differences of the means (between those national parliaments that were substantially involved and those that were not) are statistically significant or whether they are not statistically significant.

Parliamentary strength and activity in EU affairs

The differences (between those national parliaments that were substantially involved and those that were not) are not statistically significant, except for the OPAL score on institutional strength (Auel et al. 2015a) which is statistically significant at the 0.05 level (see Table 4.2).

Table 4.2 National parliaments' scores in EU affairs (*t*-tests)

	t	df	p
Control rights EU (Winzen 2012)	1.03	16.0	0.316
OPAL institutional strength (Auel et al. 2015a)	2.39	16.0	0.030
OPAL activity (Auel et al. 2015a)	1.82	16.0	0.088

Source: Own elaboration with jamovi 0.9.1 on Ubuntu 18.04.

The group of substantially involved national parliaments ($N = 8$) is associated with an OPAL institutional strength score $M = 0.618$ ($SD = 0.147$). By comparison, the group of not substantially involved national parliaments ($N = 10$) is associated with a numerically smaller OPAL score for institutional strength $M = 0.454$ ($SD = 0.142$) (see Table 4.3). Substantively, this is an important difference: On a 0-to-1 scale, the OPAL institutional strength score ranges from 0.16 (Belgian Senate, weakest chamber) to 0.84 (Finnish Eduskunta, strongest chamber). 0.618 corresponds to the strength of the German Bundesrat, the 8th strongest chamber in the ranking of 40 parliamentary chambers, while a value of 0.454 is slightly below the average and is the equivalent of the OPAL institutional strength scores for the Irish Dáil or the Portuguese Assembleia (see Auel et al. 2015a: 79).

Table 4.3 OPAL score institutional strength in EU affairs (group descriptives)

	Group	N	Mean	Median	SD	SE
OPAL institutional strength	Substantially involved	8	0.618	0.605	0.147	0.0520
	Not substantially involved	10	0.454	0.460	0.142	0.0450

Source: Own elaboration with jamovi 0.9.1 on Ubuntu 18.04.

This independent samples *t*-test examined the hypothesis that the substantially involved national parliaments and the not substantially involved national parliaments were associated with statistically significantly

different institutional strengths in EU affairs. The two groups were sufficiently normal for the purpose of conducting a *t*-test (Shapiro-Wilk $W = 0.965$, $p = 0.696$). The assumption of homogeneity of variances was also tested and satisfied according to Levene's *F* test, $F(1) = 0.342$, $p = 0.567$ (see Table 4.4). As described, the *t*-test was associated with a statistically significant effect at the 0.05 level: $t(16) = 2.39$, $p = 0.030$. Substantially involved national parliaments are therefore associated with a statistically significantly larger mean institutional strength in EU affairs than not substantially involved national parliaments.

Table 4.4 OPAL score institutional strength in EU affairs (assumptions)

Independent Samples <i>t</i> -test				
	t	df	p	Cohen's d
OPAL institutional	2.39	16.0	0.030	1.13

Test of Normality (Shapiro-Wilk)		
	W	p
OPAL institutional	0.965	0.696

Note: A low p-value suggests a violation of the assumption of normality.

Test of Equality of Variances (Levene's)			
	F	df	p
OPAL institutional	0.342	1	0.567

Note: A low p-value suggests a violation of the assumption of equal variances.

Source: Own elaboration with jamovi 0.9.1 on Ubuntu 18.04.

This shows that one of the two indices that measures the strength of national parliaments in EU affairs (the OPAL score on institutional strength in EU affairs, Auel et al. 2015a), is able to explain whether national parliaments were substantially involved or not.³³ The OPAL activity score is

³³ For the other index on institutional strength in EU affairs (Winzen 2012), this is not the case: $p = 0.316$ (see Table 4.2).

not able to predict substantial parliamentary involvement in ESM affairs either. Beyond the statistical analysis, however, it is also important to examine the differences qualitatively.

On the one hand, the Finnish Eduskunta has the highest OPAL scores for institutional strength (0.84) and activity (0.60) as well as the second-highest score in Winzen's 2012 ranking. The national parliaments of Estonia, Germany and the Netherlands have strong EU scrutiny rights (Winzen 2012) and, according to the OPAL scores by Auel et al. (2015a), their institutional strength in EU affairs and their overall EU-related activity are also high. Latvia's Saeima is at the average in terms of institutional strength, its OPAL activity score is below the average; Winzen (2012) sees its parliament as rather strong. The Austrian Nationalrat, also considered relatively strong and active³⁴, is above the Euro area average for each of the three EU affairs variables (see Table E.2 in Appendix E).

On the other hand, the national parliaments of France and Spain have control rights in EU affairs, institutional strength and activity (as measured by the OPAL scores) and budgetary strength that are generally near or below the average. Among the ten national parliaments that were not substantially involved in case of the third rescue package for Greece, only the Lithuanian Saeima and the Slovenian Chamber also have a high OPAL score for institutional strength (see Table E.2 in Appendix E).

National parliaments' budgetary strength

Factors such as parliamentary access to budgetary information, time available for scrutiny and the government's flexibility in implementing the budget, covered by the Wehner (2006) and Hallerberg et al. (2012) indices, could also matter for substantial parliamentary involvement in case of an ESM rescue package. But the differences between those national parliaments

³⁴ Austria has for a long time been considered as the typical case of strong powers on paper and little activity in practice. This claim is supported by the activity score of 0.22 (Euro area average 0.23).

that were substantially involved and those that were not substantially involved are not statistically significant (see Table 4.5).

Table 4.5 National parliaments' budgetary strength (*t*-tests)

	t	df	p
Budgetary power (Wehner 2006)	1.54	10.0	0.155
Budgetary strength (Hallerberg et al. 2012)	1.11	16.0	0.282

Source: Own elaboration with jamovi 0.9.1 on Ubuntu 18.04.

On Hallerberg et al.'s (2012) 0-to-6 scale for parliamentary strength in the budget process, the Austrian Nationalrat (5), the Finnish Eduskunta (5), the German Bundestag (4), the Latvian Saeima (4) and the Dutch Tweede Kamer (4) are strong parliaments in the budget process while the Estonian Riigikogu only achieves a score of 1. Wehner (2006) has similar results for Germany and Austria and puts them in the upper quartile of his index of legislative budget institutions (52.8 and 55.6 on a 0-to-100 scale). The score of the Dutch Tweede Kamer is 59.7, the Finnish parliament is at the median (see Table E. 2 in Appendix E).³⁵

Among the ten national parliaments that were not substantially involved in case of the third rescue package for Greece, the budgetary powers of the legislature in Belgium have also been assessed as quite strong (Hallerberg et al. 2012: 70; Wehner 2006: 777).

These initial findings suggest that (only) the presence of one of the first two drivers proposed as explanatory factors under the action logic of institutional path dependency, *parliamentary strength in EU affairs* (measured through the OPAL institutional score), is a necessary but not a sufficient condition for substantial parliamentary involvement.

³⁵ Wehner's index has Finland at 38.9, at the median. Latvia is not included.

4.3.2 Economic strength

The second action logic is *economic strength*. As suggested under the third driver for substantial parliamentary involvement in the ESM affairs, indicators such as GDP growth, GDP per capita compared to the EU average, the unemployment rate, the three-year average of the current account balance and the budget deficit/surplus of a country could also shape parliamentary involvement (see Crum 2013: 617; see Table E.3 in Appendix E).

The economic strength of Euro area members in terms of these factors varies. Even though differences are sometimes numerically impressive (see Table E.5 in Appendix E), in the series of independent samples *t*-tests of the different economic indicators, the means often were numerically similar, once even violated the assumption of equal variances and none of the variables revealed a statistically significant difference between the group of substantially involved national parliaments ($N = 8$) and the group of not substantially involved national parliaments ($N = 10$) (see Table 4.6).

Table 4.6 Macroeconomic situation of Euro area members (*t*-tests)

	t	df	p
GDP growth	-1.286 ^a	16.0	0.217
GDP (relative)	-0.481	16.0	0.637
Unemployment	-0.272	16.0	0.789
Current account balance	0.107	16.0	0.916
Budget deficit/surplus	-0.109	16.0	0.914
^a Levene's test is significant ($p < .05$), suggesting a violation of the assumption of equal variances			

Source: Own elaboration with jamovi 0.9.1 on Ubuntu 18.04.

Note: Ireland's GDP growth of 25% was caused by changes to economic statistics in 2015.

4.3.3 Domestic political dynamics

Besides drivers under the action logics of *institutional path dependency* and *economic strength*, three possible further drivers (symbolic government interests, junior coalition partners and effective opposition mobilisation), summarised under the action logic of *domestic political dynamics*, might also be able to explain why some national parliaments were substantially involved while others were not.

Symbolic government interests

In France and Spain, parliamentary involvement was driven by the government itself and rather symbolic in character, as suggested under the fourth driver for substantial parliamentary involvement.³⁶ Nobody would have considered the idea credible that these parliaments constituted an obstacle to granting financial assistance in the sense of the two-level game (see Moschella 2017). Indeed, these national parliaments stood firmly behind the third rescue package for Greece.³⁷ Their involvement was part of political calculations by the government.

In France, Article 50(1) of the Constitution provided the basis for involving parliament at the discretion of the government:

“The Government may, before either House, upon its own initiative [...] make a declaration on a given subject, which leads to a debate and, if it so desires, gives rise to a vote, without making it an issue of confidence.”³⁸

Parliamentary involvement was not constraining, but a purely political move.³⁹ A leading member of the governing party in the French *Assemblée nationale* confirmed in an interview that the government exploited the issue:

³⁶ See country studies in Appendix B (B.4 French *Assemblée nationale*: If it suits the government and B.8 Spanish *Congreso*: Surprise involvement).

³⁷ See the voting results: Table 4.9 in section 4.4.2 (What kind of parliamentary involvement?).

³⁸ République française, Constitution of 4 October 1958, <http://www2.assemblee-nationale.fr/langues/welcome-to-the-english-website-of-the-french-national-assembly#Title5>.

³⁹ Interview with an EU affairs advisor in the French *Assemblée nationale*, 7 November 2016.

“What this means is that in reality the procedures in France depend on the political configuration. This is pretty funny. [...] If it suits the government, we do it; if it does not fit, we do not do it.”⁴⁰

One should, however, not forget that the French executive was also under considerable pressure to involve the national parliament (see Rozenberg 2018a: 75). In addition to this debate and vote, the opposition demanded an ex-post vote on the final deal, but Prime Minister Manuel Valls insisted that parliamentary involvement remained at the discretion of the government:

Christian Jacob, LR: “We solemnly ask you, Prime Minister, to undertake to submit to us the final plan which will set the European agreement in motion. [...] We also demand to set up a monitoring group for this agreement between the Government and the Finance committee of our Assembly.”⁴¹

Manuel Valls, PS: “At each stage, when the Government deems it useful and necessary, Parliament will be informed, consulted and eventually called to vote. But there is no imperative mandate.”⁴²

Both chambers of the French parliament debated and voted on 15 July 2015, without any major risks for the government⁴³: “The President knew that by doing this he would have a consensus.”⁴⁴ With these votes, the French centre-left government also managed to split the centre-right opposition⁴⁵ which was internally divided (Rozenberg 2018a: 75) and, in addition, France could send a signal to Germany two days before the vote in the Bundestag.⁴⁶

In Spain, Prime Minister Rajoy had promised the parliamentary vote

⁴⁰ Interview with a Member of the French Assemblée nationale, PS, 7 November 2016.

⁴¹ Assemblée nationale, Journal officiel, Session extraordinaire de 2014-2015, XIV^e législature, Compte rendu intégral, 1^{re} séance du mardi 15 juillet 2015, 2. Déclaration du Gouvernement sur l'accord européen relatif à la Grèce, 6720. Translated by the author.

⁴² Ibid., 6724. Translated by the author.

⁴³ En France, un vote sans enjeux sur l'accord grec, Le Monde, 14 July 2015, http://www.lemonde.fr/europe/article/2015/07/14/au-parlement-un-vote-sans-enjeux_4682477_3214.html.

⁴⁴ Interview with a Member of the French Assemblée nationale, PS, 7 November 2016.

⁴⁵ Les Republicains, the major opposition party, were internally divided: 93 votes in favour, 41 against, 35 abstentions.

⁴⁶ Given the vulnerabilities of their own public finances, the French President and, in a similar way, the Spanish Prime Minister (see below) might have wanted to send the implicit signal to the German Chancellor and the Bundestag that their parliaments acted responsibly by supporting financial solidarity with Greece.

during a plenary debate on the results of the July 2015 European Council.⁴⁷ An overwhelming majority of MPs supported the rescue package on 18 August 2015.⁴⁸ The centre-right majority was able to force the Socialist PSOE to rally behind the government, a few months before national elections and, according to *El País*, made “a last-minute attempt to exploit the issue for its election campaign.”⁴⁹

Junior coalition partners

A different type of domestic political dynamics was, for example, at play in Lithuania, where the political council of the ruling coalition, an informal political body, met to discuss the issue (Šaltinytė 2015). This happened at the request of a junior coalition partner, Labour Party (Darbo Partija) leader Valentinas Mazuronis. Lithuania’s European affairs committee also discussed the Greek bailout ex-ante on 15 July 2015, but without voting.⁵⁰ The government ultimately approved the rescue package for Greece on 17 August 2015. Domestic political dynamics were clearly at play in Lithuanian politics, but did not lead to *substantial* parliamentary involvement.

Finland is the only country in which the emergency procedure of Article 4(4) ESM Treaty was publicly discussed in the context of the third rescue package for Greece in July/August 2015. Foreign Minister Timo Soini from the Eurosceptic Finns justified his party’s approval of the rescue package with the possibility that the ESM and Finland’s partners could resort to the emergency procedure: “If we vote against a deal, it goes to the emergency

⁴⁷ Spain to put Greek deal to parliament vote, 15 July 2015, <http://www.ekathimerini.com/199544/article/ekathimerini/news/spain-to-put-greek-deal-to-parliament-vote>

⁴⁸ 297 MPs voted in favour, 20 against and 5 abstained.

⁴⁹ Eurotopics.net, The next hurdle in the Greek bailout, <http://www.eurotopics.net/en/151008/the-next-hurdle-in-the-greek-bailout?zitat=151014#zitat151014> (referring to an editorial in *El País*: Excesivo electoralismo, Los que debaten sobre Grecia en España deben abstenerse de simplismos, 17 July 2015, https://elpais.com/elpais/2015/07/16/opinion/1437071586_185447.html).

⁵⁰ Lithuanian parliamentary committee to discuss Greek bailout on Wednesday, DELFI by the Lithuania Tribune, 13 July 2015, <https://www.lrt.lt/en/news-in-english/29/108058/lithuanian-parliamentary-committee-to-discuss-greek-bailout-on-wednesday>.

procedure, and a package is implemented regardless of us.”⁵¹ The vote in the Finnish Eduskunta’s Grand Committee is an example where the Eurosceptic Finns Party — as a junior coalition partner that wanted to “police the bargain” (L. W. Martin and Vanberg 2004) through mandates for the national Finance Minister at Eurogroup meetings — was forced to be “responsible” and support the rescue package. Furthermore, the party had to explain the shift in its position towards financial assistance for Greece to the public.

Contrary to the two previous cases, there is no evidence for specific “policing the bargain”-behaviour (L. W. Martin and Vanberg 2004) in the German Bundestag. Undoubtedly the strongest national parliament in ESM affairs, parliamentarians of the junior coalition partner SPD felt well-informed:

“Q: Do you see anywhere that the Bundestag or the SPD as the junior partner in a Grand Coalition were not informed comprehensively and in good time by the relevant political actors, Chancellor and Federal Minister of Finance, who acted at the European level?

A: There is no reason for any formal complaint. If one has the impression that one needs more information, each member of parliament is able to satisfy this curiosity. So this depends on the initiative of individual political groups. And it also is a task of the opposition to pay attention on this issue. In the circles of the governing parties, we naturally expect that we are informed as completely and as timely as possible.”⁵²

Effective opposition mobilisation

Finally, the sixth driver behind substantial parliamentary involvement is clearly visible and successfully employed in the Netherlands, where it was the largest opposition party (PVV) that triggered political dynamics when it

⁵¹ See the country study on Finland in Appendix B (B.3 Finnish Eduskunta: Mandates for the Minister).

See also Finland could stay out of new Greek bailout – foreign minister, Reuters, 8 August 2015, <http://uk.reuters.com/article/uk-eurozone-greece-finland/finland-could-stay-out-of-new-greek-bailout-foreign-minister-idUKKCN0QD0IM20150808>.

⁵² Interview with a Member of the German Bundestag (SPD), 8 March 2017.

put a no-confidence vote against the government on the agenda.⁵³ This served the purpose of putting the government on the spot: Geert Wilders wanted to embarrass the government with his motion of no-confidence and exploit Prime Minister Mark Rutte's broken electoral promise not to give any additional money to Greece.⁵⁴

The results suggest that substantial parliamentary involvement in relation to the third rescue package for Greece was driven by parliamentary strength in EU affairs and domestic political dynamics triggered by the government or the opposition. *Parliamentary strength in EU affairs* is a necessary condition, while *domestic political dynamics* of either type are a sufficient condition for substantial parliamentary involvement. However, each of the two drivers could also work in conjunction with another of the six drivers or could be reinforced by one of them. The next section aims at further disentangling the linkages between the drivers behind substantially parliamentary involvement.

4.4 Law and politics of national parliaments' substantial involvement

Based on the findings of the previous section (i.e., substantial parliamentary involvement is driven by parliamentary strength in EU affairs and domestic political dynamics), this section examines how exactly substantial parliamentary involvement unfolds in relation to an ESM rescue package. The analysis proceeds as follows: Sub-section 4.4.1 distinguishes four trajectories of substantial parliamentary involvement and specifies which national parliament followed which trajectory in case of the third rescue package for Greece. After that, sub-section 4.4.2 classifies the substantial

⁵³ See Appendix B (B.7 Dutch Tweede Kamer: Opposition mobilisation).

⁵⁴ Ruling parties, opposition to back Greek bailout deal, 19 August 2015, <https://nl-times.nl/2015/08/19/report-ruling-parties-opposition-back-greek-bailout-deal>.

involvement of national parliaments in that context according to the timing and the parliamentary bodies in which a vote was held.

4.4.1 Trajectories of substantial parliamentary involvement

Looking at the various procedural steps that can be taken at the national level, the findings of the previous section and the country studies in Appendix B allow to distinguish four trajectories behind substantial parliamentary involvement at the national level. The first trajectory refers to *direct legal enabling clauses* that involve the national parliament in a substantial way; under the second trajectory such provisions relate to the ESM *indirectly*. Under the third and fourth trajectory, substantial parliamentary involvement is triggered by *domestic political dynamics*. Each of the four trajectories of substantial parliamentary involvement has broader implications for the role of a national parliament in the process of granting financial assistance in form of an ESM rescue package.

Legal enabling clauses

The first trajectory is based on a *direct legal enabling clause* related to the ESM or financial assistance packages and requires from the national parliament to issue a mandate for the national representative in the Board of Governors or from the government to ask parliament for such a mandate. An ESM-related institutional reform codified such a provision in national law and thereby created the obligation to vote on this mandate. One can expect that substantial parliamentary involvement under this trajectory takes place, because the government would break the law, if it tried to circumvent such a provision. *Direct legal enabling clauses* for substantial parliamentary involvement in ESM affairs can follow from a constitutional court ruling in favour of parliamentary involvement. Estonia and Germany enacted direct legal enabling clauses after their national constitutional courts had ruled that the national representative in the ESM Board of Governors was not

allowed to vote in favour of a financial assistance package without prior parliamentary approval.⁵⁵

In the ex-ante plenary debate on the third rescue package for Greece in the German Bundestag⁵⁶ on 17 July 2015, the Chancellor framed the debate and vote in the following way:

Angela Merkel: “The question is: Can I ask the German Bundestag to give the Federal government a mandate to start negotiations on an ESM programme for Greece on the basis of all that I have presented to you? So, therefore, do the advantages of Monday’s result outweigh the disadvantages?”⁵⁷

In Austria and Estonia substantial parliamentary involvement is a legal requirement, too.⁵⁸ *Direct legal enabling clauses* (to vote on a mandate for the national representative in the ESM Board of Governors) constitute, on their own, a sufficient condition for triggering substantial parliamentary involvement. They are a logic extension of strong parliamentary competences in EU affairs. Among all national parliaments in the Euro area, the only countries whose national parliaments act on the basis of a *direct legal enabling clause* are Austria, Estonia and Germany. In none of the other five substantially involved parliaments such a clause exists: The Finnish Eduskunta, the French Assemblée nationale, the Latvian Saeima, the Dutch Tweede Kamer and the Spanish Congreso voted in the context of the third rescue package and were substantially involved without a *direct legal enabling clause*.

⁵⁵ See the country studies in Appendix B (B.2 Estonian Riigikogu: Involved as usual and B.4 German Bundestag: Same procedure as every time).

⁵⁶ In Germany, parliamentary involvement takes place on the basis of the ESM Financing Act, adopted on 13 September 2012 [Gesetz zur finanziellen Beteiligung am Europäischen Stabilitätsmechanismus (ESMFinG)].

⁵⁷ Deutscher Bundestag, Plenarprotokoll 18/117, Stenografischer Bericht der 117. Sitzung vom 17. Juli 2015, Tagesordnungspunkt 1 “Antrag des Bundesministeriums der Finanzen: Stabilitätshilfe zugunsten Griechenlands”, 11354B-C. Translated by the author.

⁵⁸ In Austria, parliamentary involvement takes place on the basis of Article 50b of the Constitution and the Rules of Procedure of the Nationalrat. In Estonia, on the basis of the Act on Ratification and Implementation of Treaty Establishing European Stability Mechanism, passed on 30 August 2012. See Appendix B.

Substantial parliamentary involvement under the second trajectory is based on an *indirect legal enabling clause* that allows to grant a mandate for the national Finance Minister prior to Eurogroup meetings. Substantial parliamentary involvement that relies on this type of enabling clause creates an *indirect* link to the decision-making on financial assistance by the ESM as it is not directly related to the ESM Board of Governors: Parliaments vote on a mandate for the national Finance Minister prior to meetings of the Eurogroup. But as the Eurogroup and the ESM Board of Governors are intertwined, this clause provides a sufficient basis for substantial parliamentary involvement in relation to an ESM rescue package. Such an *indirect legal enabling clause*, again, follows from strong parliamentary competences in EU affairs.

In Finland and Latvia⁵⁹, where no *direct legal enabling clauses* exist, parliamentary involvement in relation to an ESM rescue package relies on such indirect legal enabling clauses related to the Eurogroup (i.e., to the institutional architecture of the EMU). Besides the statistical analysis of the previous section, it is noteworthy is that all five member states, in which parliaments could rely on either type of *legal enabling clause* for their substantial parliamentary involvement (Austria, Estonia, Finland, Germany, Latvia), national economy and financial leverage are seen as rather strong.

Domestic political dynamics

A higher number of national parliaments was substantially involved than those that are could rely on a direct or an indirect legal enabling clause in relation to an ESM rescue package. Just like in general EU affairs, where

“institutional provisions [...] play an important role in facilitating or constraining parliamentary activity [...], they cannot be *equated* with parliamentary involvement.” (Auel et al. 2015a: 65)

⁵⁹ See the country studies in Appendix B (B.3 Finnish Eduskunta: Mandates for the Minister and B.6 Latvian Saeima: A new role).

In three Euro area members (France, Netherlands and Spain), national parliaments were substantially involved in the context of the negotiations on the third rescue package, although parliamentary involvement was not based on direct or indirect legal enabling clauses. Thus, there were situations in which parliaments got involved, even though they lack legal enabling clauses to that effect. This type of substantial parliamentary involvement is initiated by the government or it is forced upon the government by the opposition and happens by invoking certain general procedures in a national parliament.⁶⁰

If it is only the political will of the national government to involve parliament (*third trajectory*), appropriate parliamentary procedures are triggered by the government or its majority in parliament. Parliamentary involvement can thus solely depend on the political willingness of the national government. This has been the case in France and Spain. Debating and voting in relation to a rescue package nevertheless creates an opportunity for all MPs to articulate their views and voice their concerns or objections. The plenary debates on the third rescue package in France and Germany⁶¹ show that MPs used their possibilities to criticise *policy* (especially in the German Bundestag) and *procedure* (especially in the French Assemblée nationale) and that despite differing legal provisions and political dynamics both chambers served as a “public forum” (Rozenberg and Hefftlér 2015: 33) for discussing the third rescue package.

Finally, under a *fourth trajectory*, there is no direct or indirect legal enabling clause either and the government is opposed to substantial parliamentary involvement. Here, the key to a vote on a rescue package is an effective mobilisation of the opposition. In the Netherlands, the government is (only) obliged to inform parliament in a plenary debate about a new

⁶⁰ Examples are the provision of Article 50 (1) of the French Constitution and the motion of no-confidence put upon the Dutch government by the opposition party PVV. Most national parliaments would be able to activate such procedures in one way or another, if domestic political dynamics invited political actors to do so.

⁶¹ See Appendix B, debating the third rescue package in plenary (B.4 French Assemblée nationale: If it suits the government; B.5 German Bundestag: Same procedure as every time).

financial assistance package⁶² and Prime Minister Mark Rutte had explicitly rejected the very idea that parliamentary consent was needed for the approval of the financial assistance package⁶³, but a motion of no-confidence put on the agenda by the Eurosceptic PVV and another opposition motion against the bailout led to substantial parliamentary involvement in relation to the third rescue package for Greece.⁶⁴

The last two trajectories (no legal enabling clause, see Table 4.7) exemplify that substantial parliamentary involvement can also solely depend on *domestic political dynamics*. In such cases, parliamentary votes follow a party-political self-interest. These drivers have until now not been sufficiently taken into account in research on national parliaments and the ESM.

Table 4.7 Trajectories of parliamentary involvement into the third rescue package for Greece (2015)

Direct legal enabling clause	<i>to vote on a mandate for the representative in the ESM Board of Governors</i>	Austria (Nationalrat) Estonia (Riigikogu) Germany (Bundestag)
Indirect legal enabling clause	<i>to vote on a mandate for the national Finance Minister in meetings of the Eurogroup</i>	Finland (Eduskunta) Latvia (Saeima)
No legal enabling clause	<i>but the political will of the government to have a motion voted by parliament</i>	France (Assemblée nationale & Sénat) Spain (Congreso)
	<i>but a vote in relation to a rescue package on a motion tabled by the opposition</i>	Netherlands (Tweede Kamer)

Source: Own elaboration.

⁶² Tweede Kamer, Brief van de Minister van Financiën (Kamerstuk 21501-07, Nr. 942), 13 September 2012, <https://zoek.officielebekendmakingen.nl/kst-21501-07-942.html>.

⁶³ It is “up to the cabinet to make policy, and parliamentary approval [...] not required”, see: Dutch parliament endorses Greece bailout after grilling PM, Reuters, 19 August 2015, <http://www.reuters.com/article/us-eurozone-greece-dutch-idUSKCN0Q00Z820150819>.

⁶⁴ See Appendix B (B.7 Dutch Tweede Kamer: Opposition mobilisation).

Four trajectories and one rescue package

Parliamentary activities related to an ESM rescue package can be considered exceptional: They take place under pressure to act fast in case of an economic or financial emergency affecting a Euro area member. In addition, more than half of the national parliaments in the Euro area were, as the previous section has shown, *not* substantially involved in the context of the negotiations on the third rescue package for Greece in 2015. The four trajectories (see Table 4.7) can nevertheless contribute to a better understanding of the role of national parliaments in relation to ESM rescue packages.

Domestic political discussions about the third rescue package for Greece emerged in the entire Euro area. Only in three countries (France, the Netherlands and Spain) genuine political dynamics were, on their own, sufficient to trigger substantial parliamentary involvement with respect to the third rescue package for Greece. This suggests that *domestic political dynamics* gave legislatures a substantial role in the context of the third rescue package for Greece. It remains to be seen whether national parliaments that were involved under one of these two trajectories will also be substantially involved in case of future ESM financial assistance packages.

In Finland and Lithuania, domestic political dynamics were triggered by junior coalition partners. The substantial involvement of the Finnish Eduskunta on the basis of an indirect legal enabling clause was reinforced through this kind of political dynamics and possibly led to higher public visibility of substantial parliamentary involvement. In other countries, the rescue package was debated in the governing coalition (Lithuania), but the national parliament did not become substantially involved. If the rescue package reached parliament (as in Ireland), parliamentary involvement did not become substantial.

4.4.2 What kind of parliamentary involvement?

Previous research has shown that in eight national parliaments votes took place in committee and/or in plenary (Kreiling 2015a), before the start of the actual negotiations on the third rescue package for Greece (ex-ante) and/or after their conclusion (ex-post). The involvement of national parliaments can be classified along two dimensions: *timing* and *setting*. On the one hand, with respect to the *timing*, ex-ante involvement and ex-post involvement must be distinguished⁶⁵; on the other hand, plenary or committee are the alternative *settings* for parliamentary involvement. Five national parliaments (Austria, Estonia, Finland, France and Germany) voted ex-ante, before the start of negotiations with Greece. After the negotiations, when the negotiators had reached an agreement, seven national parliaments (Austria, Estonia, Finland, Germany, Latvia, the Netherlands and Spain) held a vote in relation to the result of the negotiations (ex-post). Only the German Bundestag voted on the launch and on the result of negotiations with Greece in plenary sessions (see Table 4.8).

Among those eight national parliaments that were substantially involved, the relative level of parliamentary involvement varies greatly in terms of when (ex-ante or ex-post), which bodies (plenary and/or committee) and how exactly national parliaments are involved.⁶⁶ Generally, the national parliaments, in which substantial parliamentary involvement is based on a direct legal obligation and in which these powers are embedded in a high degree of strength in EU scrutiny, are those with the highest relative level of involvement (usually ex-ante and ex-post).

⁶⁵ National parliaments can be involved before the start of the actual negotiations on stability support (ex-ante) and/or after the conclusion of these negotiations (ex-post).

⁶⁶ See Appendix B for the in-depth country studies which examine in detail which parliamentary bodies were involved on these occasions, the timing and different frames for parliamentary participation as well as the preferences that were expressed by individual political actors, struggles over parliamentary procedures and the voting results.

Table 4.8 Substantial parliamentary involvement in the third rescue package for Greece (2015)

<i>Substantial involvement by the respective national parliament</i>		Ex-post		
		None	Committee	Plenary
Ex-ante	None	Belgium, Cyprus, Ireland, Italy, Lithuania, Luxembourg, Malta, Portugal, Slovakia, Slovenia (10)	Latvia	Netherlands, Spain
	Committee	—	Finland	Estonia
	Plenary	France	Austria	Germany

Source: Kreilinger (2015b), slightly adapted.

Notes: In case of bicameral systems, “national parliament” refers to the lower chamber. “Substantial parliamentary involvement” means that the national parliament voted at least once in plenary or committee related to financial assistance for Greece in July or August 2015. The recipient country (Greece) is not included.

In terms of the parliamentary bodies involved, votes in meetings of European affairs committees and other committees were approximately as common as votes in plenary sessions in the case of the third rescue package for Greece: Committee meetings took place in five national parliaments and plenary sessions in seven national parliaments (see Table 4.8). The latter, however, commonly receive more public attention, because plenary debates respond to legislatures’ function of communicating policies to the public (Auel and Raunio 2014: 4). If the plenary of a national parliament is involved, it debates and approves new rescue packages, but does not oversee the details of a financial assistance programme.⁶⁷ In a number of national parliaments, committees play an important role with respect to the normal oversight of the ESM’s financial operations, as the following explanation about the division of labour in the German Bundestag by one interviewee shows:

⁶⁷ This suggests that there is a trade-off between public visibility and scrutiny detail/expertise. See Chapter 2 Assessing parliamentary involvement in Economic Governance (sub-section 2.3.3 Cross-cutting issues of parliamentary involvement).

“The Budget committee has the whole responsibility for accompanying the operations and controlling the activities of the ESM, not related to the question of whether to grant stability support, but how to do it. This task is being actively undertaken by the Budget committee in the context of regular briefings of the Federal government on the subject and in specific cases where the Federal government approaches the Budget committee for approving tranches within a programme and where the committee has the right to issue a motion.”⁶⁸

To sum up, one must distinguish different levels of relative parliamentary involvement in relation to the ESM: A high level of parliamentary involvement exists in Austria, Estonia, Finland and Germany where national parliaments voted twice. In these countries, substantial ex-ante and substantial ex-post involvement represents a double-lock. The prominent role of the German Bundestag (with two plenary votes) is the result of judgements of the Federal Constitutional Court which “responded to the quest for solidarity on the part of the member states in difficulty by making the signing of the memoranda contingent upon the approval of the Bundestag” (Joerges 2016: 326). It is no exaggeration when one senior MP from Germany claimed “we were always sitting as a shadow somewhere at the negotiation table”⁶⁹ and argued that every colleague, who wanted, had been informed about every detail.⁷⁰ In Estonia, Finland and Austria, national parliaments also voted twice, but deliberation and voting were partly or entirely restricted to committees. The relative level of parliamentary involvement was lower in France, Latvia⁷¹, the Netherlands and Spain, where national parliaments voted only once: either ex-ante or ex-post.

Table 4.9 summarises *when* parliamentary votes took place, in *which* body and what the *exact result of the vote* was. Besides the deep asymmetry between the national parliament of the recipient country (Greece) and the substantially involved legislatures of creditor countries, actual involvement also varied inside the group of eight substantially involved national

⁶⁸ Interview with a clerk in the EU affairs directorate of the German Bundestag, 2 March 2017.

⁶⁹ Interview with a Member of the German Bundestag (CDU), 22 March 2017.

⁷⁰ Ibid.

⁷¹ In Latvia this happened on the basis of an indirect legal provision related to the Eurogroup.

parliaments and has led to additional asymmetries with respect to timing, setting and the factors driving the parliamentary vote.

Table 4.9 Parliamentary votes in relation to the third rescue package for Greece (2015)

	Date	National Parliament	Body	Result of the vote (Yes / No / Abstentions)
E X - A N T E	15 July 2015	France (Assemblée nationale)	Plenary	412 / 69 / 49
	15 July 2015	France (Sénat)	Plenary	260 / 23 / —
	16 July 2015	Austria (Nationalrat)	Standing sub-committee on ESM matters	approval
	16 July 2015	Finland (Eduskunta)	Grand Committee	16 / 4 / 5
	17 July 2015	Austria (Nationalrat)	Plenary	approval
	17 July 2015	Estonia (Riigikogu)	European affairs committee	approval
	17 July 2015	Germany (Bundestag)	Plenary	439 / 119 / 40
E X - P O S T	13 August 2015	Finland (Eduskunta)	Grand Committee	18 / 4 / 0
	17 August 2015	Latvia (Saeima)	European affairs committee	9 / 3 / 1
	18 August 2015	Austria (Nationalrat)	Standing sub-committee on ESM matters	approval
	18 August 2015	Estonia (Riigikogu)	Plenary	50 / 37 / 0
	18 August 2015	Spain (Congreso)	Plenary	297 / 20 / 5
	19 August 2015	Germany (Bundestag)	Plenary	453 / 113 / 18
	19 August 2015	Netherlands (Tweede Kamer)*	Plenary	81 / 52 / —

If “approval” is reported as the voting result, detailed results are not available.

* The vote in the Tweede Kamer (Netherlands) rejected a motion against financial assistance for Greece by 81 to 52.

Source: Own elaboration.

4.5 Conclusion: The tangled web of the ESM

Some drivers of substantial parliamentary involvement are, as section 4.3 has shown, more relevant than others. It is not necessary for a national parliament to meet all conditions in order to become substantially involved. Debates and votes on a salient issue like ESM financial assistance already take place if there is a legal enabling clause to trigger them and if it would be illegal or costly to avoid substantial parliamentary involvement. The previous institutional strength of a national parliament in EU affairs and the specific motivation of political actors to exploit the issue domestically are the drivers that this study has identified as explaining substantial parliamentary involvement in the case of the third rescue package for Greece.

The magnitude of parliamentary involvement in case of the third rescue package for Greece in 2015 (with more than 2000 MPs⁷² in eight countries being substantially involved and voting in relation to the rescue package), however, cannot not be taken for granted. This concluding section argues that a more symmetric way of involving elected representatives from/in all Euro area members would have to build on some kind of joint parliamentary structure, but simultaneously maintain national parliaments' current prerogatives, since parliamentary powers or agenda setting powers cannot be simply taken away in democratic political systems.

Towards less asymmetries, but how?

Besides the four trajectories for substantial parliamentary involvement, there is also the possibility that a country lacks relevant legal provisions for a substantial involvement of the national parliament *and* that no political actor with sufficient influence to trigger substantial parliamentary involvement has seen the need to do so or the incentive has not been strong enough. This

⁷² Own calculation based on Table 4.9 in sub-section 4.4.2 (What kind of parliamentary involvement?).

means that the national representative in the Board of Governors decides on an ESM financial assistance package without parliamentary instructions.

Substantial involvement and the existence of parliamentary debates on the third rescue package for Greece must be considered positive from a normative democratic theory point-of-view. To some extent, parliamentary involvement follows the ideal-typical models for EU affairs (Rozenberg and Hefftlar 2015): There is ex-ante involvement and plenary involvement, some national parliaments are thus able to act as “policy shaper” and “public forum”. Major trends in general EU affairs also apply to ESM rescue packages.⁷³ For an intergovernmental and non-legislative economic governance domain like the ESM this is already noteworthy in itself.

Discrepancies in parliamentary involvement between the ten national parliaments that were not involved at all (or not substantially involved) and the eight national parliaments that were substantially involved, but whose relative level of involvement also varies significantly (the German Bundestag is the only national parliament in which every MP is substantially involved before the start and after the conclusion of negotiations on an ESM rescue package⁷⁴), reinforce concerns about asymmetric parliamentary powers in the Euro area, especially when considering that the national parliament of the recipient country, Greece, must acquiesce to the conditionality of the MoU. The channel of legitimacy that national parliaments provide for Euro area governance is thus not as viable as it could be.

In order to remedy asymmetries in parliamentary involvement, the previous chapter suggested minimum standards for parliamentary involvement in the European Semester.⁷⁵ While this might also seem like an attractive solution for the ESM, involving each national parliament in Euro area rescue packages would make ESM decision-making (even more)

⁷³ See Chapter 2 Assessing parliamentary involvement in Economic Governance (sub-section 2.3.3 Cross-cutting issues of parliamentary involvement).

⁷⁴ National parliaments’ relative level of substantial involvement is examined in greater depth in the country studies of Appendix B.

⁷⁵ See Chapter 3 National parliaments in the European Semester (section 3.4 Opportunities and constraints for scrutinising the European Semester).

cumbersome. Therefore, proposals for a sub-committee of the European Parliament or for a specific Eurozone Parliament have (amongst other EMU issues) always had decision-making and the accountability of the ESM in mind. A more symmetric way of involving elected representatives from/in all Euro area members, in any case, would have to build on some kind of joint parliamentary structure and simultaneously maintain national parliaments' current prerogatives, since parliamentary powers or agenda setting powers cannot be simply taken away from legislatures in democratic political systems. As a consequence, the tangled web of parliamentary procedures related to rescue packages of the ESM is likely to remain a prominent feature of the ESM governance⁷⁶ and of any future negotiations on a rescue package.

⁷⁶ See Chapter 6 Conclusion (sub-section 6.3.2 National parliaments and reforming the Economic and Monetary Union), on what a European Monetary Fund would change.

Appendix B (Appendix to Chapter 4): Voting on the third rescue package for Greece in eight national parliaments

This dissertation now turns to the individual national paths of parliamentary approval in national parliaments that voted in relation to the third rescue package: The Appendix provides eight country studies related to the ESM. It examines the unfolding of parliamentary involvement in each of those eight national parliaments that Chapter 4 identified as “substantially involved”, because they voted at least once in relation to the third rescue package for Greece (see also Kreiling 2015a).

Each country study (B.1 to B.8) examines the specific national legal provisions for ESM-related parliamentary involvement and then turns to the parliamentary vote(s) in relation to the third rescue package for Greece. The empirical chapter on the ESM already contained numerous references to these in-depth analyses on Austria, Estonia, Finland, France, Germany, Latvia, the Netherlands and Spain.

For France (B.4) and Germany (B.5), the country studies also contain a brief qualitative analysis of MPs’ speeches in the ex-ante plenary debate, because in these two countries, the “in principle”-agreement to start negotiations with Greece on a new financial assistance programme at the Euro summit on 13 July 2015 led to two plenary debates and votes¹ — in the French Assemblée nationale on a declaration of the government that was neither binding nor mandatory and in the German Bundestag on a motion that was binding and required by the law.² In both countries, MPs from all

¹ Assemblée nationale, Journal officiel, Session extraordinaire de 2014-2015, XIVe législature, Compte rendu intégral, 1re séance du mardi 15 juillet 2015, 2. Déclaration du Gouvernement sur l'accord européen relatif à la Grèce.

Deutscher Bundestag, Plenarprotokoll 18/117, Stenografischer Bericht der 117. Sitzung vom 17. Juli 2015, Tagesordnungspunkt 1 “Antrag des Bundesministeriums der Finanzen: Stabilitätshilfe zugunsten Griechenlands”.

² Parliamentary involvement in Germany is based on §4 ESMFinG.

parliamentary party groups took the floor and members of the government also participated actively.³ The debate in the Assemblée nationale lasted for one hour and 45 minutes on a Wednesday afternoon; the Bundestag debated for nearly three-and-a-half hours on a Friday morning.⁴

In the following, the variation in the parliamentary procedures among the eight legislatures is examined in depth.

B.1 Austrian Nationalrat: Following the Constitution

Legal provisions in Austria

In Austria, a constitutional provision and the Rules of Procedure of the Nationalrat ensure the involvement of parliament. Article 50b of the Constitution⁵ stipulates that the Austrian representative in the ESM may only to agree or abstain from voting a proposal to grant stability support to a member state in principle, if the Nationalrat has authorised the representative to do so on the basis of a proposal of the Federal government (via an ex-ante plenary vote). Two sub-committees of the Finance committee were set up for preliminary deliberation about the ESM: the Standing sub-committee on ESM matters and the Standing sub-committee on ESM secondary market matters (see Miklin 2015: 393-94). According to Article 50d of the Constitution, the Rules of Procedures of the Nationalrat may provide for additional ESM-related competences. The legal provision for an ex-post vote is contained there:

³ Besides the two directions for further research on interparliamentary cooperation in Europe's post-crisis economic governance, outlined in the concluding section of Chapter 5, another possible direction is a cross-cutting Franco-German comparison of parliamentary involvement in the European Semester and the ESM.

⁴ In comparison, see Appendix A (A.1 French Assemblée nationale: Adaptation without obligation) and A.2 German Bundestag: Parliamentary inertia) for the analysis of plenary debates on the European Semester in 2016.

⁵ Austrian Federal Constitutional Law (Bundes-Verfassungsgesetz), modified by ESM-Begleitnovelle, BGBl. I - 25. Juli 2012 - Nr. 65.

“The Standing sub-committee on ESM matters may authorise the Austrian representative in the ESM to agree to [...] the adoption of a financial assistance facility agreement [...] and a corresponding Memorandum of Understanding under Art. 13 (4) ESM Treaty [...] or to abstain from voting. In the absence of such authorisation, the Austrian representative shall vote against the proposal for a decision.”⁶

Voting in relation to the rescue package

The Standing sub-committee on ESM matters of the Austrian Nationalrat approved the start of negotiations on 16 July 2015 and the plenary voted in favour on 17 July 2015.⁷ In both cases, the majority in favour was constituted by the governing parties SPÖ and ÖVP; all opposition parties voted against.⁸ On 18 August 2015, the Standing sub-committee on ESM matters approved the terms of the bailout.⁹

The Austrian parliament has often been regarded as an example of a parliament with a scrutiny system that is strong on paper. The provisions related to ESM rescue packages were established in order to obtain opposition support for the constitutional amendments that had to be adopted (Miklin 2015: 401; Puntcher Riekmann and Wydra 2013: 579). Austria is among those countries with *direct legal enabling clauses* for ESM-related substantial parliamentary involvement that demand from the government to obtain a parliamentary mandate for its representative in the ESM’s Board of Governors who cannot approve a rescue package without a prior mandate from the national parliament. Previously, Austria did not have such provisions related to the EFSF; the provisions for parliamentary involvement

⁶ §32h of the Austrian Federal Law on the Rules of Procedure of the National Council.

⁷ Koalition beschließt Griechenland-Hilfspaket ohne Opposition, Kurier, 17 July 2015, <https://kurier.at/politik/ausland/schlagabtausch-ueber-hilfspaket-im-nationalrat-gruenes-licht-fuer-griechen-hilfe/141.941.194>

⁸ Austrian Nationalrat, Nationalrat gibt Finanzminister Schelling Verhandlungsmandat für Griechenland-Hilfspaket, Press Release, 17 July 2015, https://www.parlament.gv.at/PAKT/ AKT/SCHLTHEM/SCHLAG/J2015/2015_07_17_Sondersitzung_Griechenland.shtml

⁹ Griechenland-Hilfspaket in Österreich abgesegnet, Kurier, 18 August 2015, <https://kurier.at/politik/ausland/griechenland-hilfspaket-in-oesterreich-abgesegnet/147.740.404>

by the German Bundestag may have served as the blueprint for substantial parliamentary involvement by the Austrian Nationalrat.

B.2 Estonian Riigikogu: Involved as usual

Legal provisions in Estonia

Estonia became a member of the Euro area on 1 January 2011. The procedures for parliamentary involvement of the Estonian Riigikogu in ESM affairs are laid down in the Act on Ratification and Implementation of the ESM Treaty.¹⁰ They provide for “special fast-track procedures for adopting Riigikogu resolutions in situations where the financial stability of the Eurozone or its member states is at stake” (Ehin 2015: 515). The procedures stipulate an ex-ante vote in the European affairs committee after the government submits a draft decision on the basis of Article 13(2) ESM Treaty (on granting in principle financial assistance) to the European affairs committee for an opinion. The Estonian representative is required to adhere to the opinion of the committee when voting in the Board of Governors (§4). The committee *may* decide that a resolution of the Riigikogu is required (§4(3)). In addition (§5(1)), a Resolution of the Riigikogu (ex-post plenary vote) is required to authorise the Estonian representative to participate in a vote and to vote in favour of a draft memorandum in the Board of Governors of the ESM (see also Laatsit 2014).

Voting in relation to the rescue package

The ex-ante vote in the European affairs committee of the Riigikogu took place on 17 July 2015. In parliament there was a clear split between government and opposition: While the opposition questioned the economic logic and the approach of the new bailout, Finance Minister Sven Sester stressed that Estonia would not have to make new payments to the ESM;

¹⁰ Estonian Act on Ratification and Implementation of Treaty Establishing European Stability Mechanism, passed 30.08.2012, <https://www.riigiteataja.ee/en/eli/530102013029/consolide>.

other members of the ruling coalition emphasised that aid should only be given under the strictest conditions and that the financial risks from Greece leaving the Eurozone would make them prefer an agreement.¹¹ After the conclusion of the negotiations, the Estonian parliament approved the agreement in plenary on 18 August 2015 (with 50 MPs in favour and 37 against) in its ex-post vote.¹²

Despite the ex-post involvement of the plenary, the centrality of the European affairs committee in issues related to the ESM has been criticised at the time of the adoption of the Act on Ratification and Implementation of the ESM Treaty: If the committee issues binding opinions in EU affairs on behalf of the entire parliament, the role of MPs not belonging to the European affairs committee is reduced (see Ehin 2015: 526).¹³ Estonia is nevertheless clearly among those countries where *direct legal provisions* prescribe substantial parliamentary involvement.

B.3 Finnish Eduskunta: Mandates for the Minister

Legal provisions in Finland

Parliamentary involvement of the Finnish Eduskunta in ESM matters is based on the requirement concerning its participation in national decision-making according to Sections 96 and 97 of the Finnish Constitution related to EU affairs (see Leino-Sandberg and Salminen 2014). There were no institutional reforms in response to the ESM treaty (Winzen 2017: 168), but ESM decisions that relate to granting stability support are deemed to be

“so significant that they require the provision of relevant information by the responsible Cabinet minister prior to decision-making within

¹¹ Estonian opposition parties against new Greek bailout, 15 July 2015, <http://news.err.ee/116304/estonian-opposition-parties-against-new-greek-bailout>.

¹² Riigikogu shines green light on rescue package for Greeks, 19 August 2015, <http://news.postimees.ee/3298927/riigikogu-shines-green-light-on-rescue-package-for-greeks>.

¹³ Members of a committee are agents of the entire parliament which acts as their principal. See Chapter 2 Assessing parliamentary involvement in Economic Governance (sub-section 2.2.1 Executive-legislative relations, principals and agents).

the ESM in order to safeguard the prerogatives of the [Finnish] parliament” (Leino and Salminen 2013: 468).

The Eduskunta has pointed out to the government that “it should be kept fully informed regardless of the status of EU-level meetings, as the Prime Ministers and Finance Ministers of the Euro area meet in various combinations” (Raunio 2015: 415). The committee-based ESM involvement of the Eduskunta follows the practice in a “working parliament” that emphasises the scrutiny of the government and mandating ministers for negotiations in Brussels (see Raunio 2015: 409). In Finland, substantial parliamentary involvement in ESM affairs relies on *indirect legal enabling clauses*.¹⁴ But these practices would be difficult to overturn.

Voting in relation to the rescue package

In its ex-ante vote on 16 July 2015¹⁵, the Grand Committee of the Eduskunta approved the government’s position in favour of opening ESM negotiations with Greece (16 votes for, 4 against and 5 abstentions¹⁶). The second vote in the Grand Committee took place on 13 August 2015, before a meeting of the Eurogroup on 14 August 2015. Committee members accepted (by 18 votes to 4) the terms of the agreement that had been reached. Only the SDP and Christian Democrat committee members voted against.¹⁷ Finland’s Finance Minister Alexander Stubb received what he called a “strong and steady negotiating mandate”¹⁸ with a first instalment for Greece and a bridging loan as the two options that were acceptable to Finland.

¹⁴ See Chapter 4 National parliaments and the European Stability Mechanism.

¹⁵ Finnish parliament approves new Greek bailout talks, Reuters, 16 July 2015, <http://www.reuters.com/article/us-eurozone-greece-finland-idUSKCN0PQ0W420150716>.

¹⁶ Finnish Eduskunta, Grand Committee Approved Government’s Position on Greece negotiations, Press Release of the Finnish Parliament, https://www.eduskunta.fi/EN/tiedotteet/Pages/GrandCommittee_16.7.2015.aspx.

¹⁷ Soini defends U-turn as Finland accepts third bailout for Greece, 13 August 2015, https://yle.fi/uutiset/osasto/news/soini_defends_u-turn_as_finland_accepts_third_bailout_for_greece/8226493.

¹⁸ Ibid.

Contrary to an electoral pledge that they would oppose any new bailout, the members of the Eurosceptic Finns Party — part of the governing coalition since May 2015 — voted in favour of the rescue package. The leader of the Eurosceptic Finns Party, Foreign Minister Timo Soini explained that if his party had voted against the deal, it would have had to leave the government and would have no longer been able to work for change from within. Another reason was that his party's opposition to the bailout "would not have been enough to stop it going through."¹⁹ In addition to that, the chairman of the Finns' parliamentary party group referred to the ESM emergency procedure and declared that "[i]rrespective of Finnish support[,] it could have been pushed through with emergency powers."²⁰

B.4 French Assemblée nationale: If it suits the government

Legal provisions in France

No specific provisions exist for substantial involvement of the French parliament in ESM affairs (Gadbled and Fromage 2014). In relation to the third rescue package for Greece, Article 50-1 of the French Constitution provided the basis for involving parliament, at the discretion of the government:

"The Government may, before either House, upon its own initiative or upon the request of a Parliamentary group, as set down in article 51-1, make a declaration on a given subject, which leads to a debate and, if it so desires, gives rise to a vote, without making it an issue of confidence."²¹

¹⁹ Soini defends U-turn as Finland accepts third bailout for Greece, 13 August 2015, https://yle.fi/uutiset/osasto/news/soini_defends_u-turn_as_finland_accepts_third_bailout_for_greece/8226493.

²⁰ Ibid.

²¹ République française, Constitution of 4 October 1958, <http://www2.assemblee-nationale.fr/langues/welcome-to-the-english-website-of-the-french-national-assembly#Title5>.

France is therefore an example where the aim of parliamentary involvement was to showcase support for the government. This is in line with the persisting weakness of the French parliament in the political system (Thomas and Tacea 2015: 171-73). Parliamentary involvement was not constraining, but a purely political move.²² On 8 July 2015 Prime Minister Manuel Valls had made a first indication that a parliamentary debate should be held if an agreement with Greece was reached. Both chambers debated and voted on 15 July 2015, but without any major risks²³: “The President knew that by doing this he would have a consensus.”²⁴

*Debating the third rescue package for Greece in plenary*²⁵

In the debate in the Assemblée nationale on 15 July 2015, the main governing party (Parti socialiste) fully supported the government and the leader of the Socialist’s parliamentary group expressed his hope that the French parliament manifested the largest possible support for the agreement:

“We will vote for this agreement which allows Greece not to sink into bankruptcy. We will vote for this agreement which allows the European Union to be faithful to what it is and to envisage the future.” (Bruno Le Roux, PS, AN-ESM-2015: 6718)

Opposition MPs were in a more difficult position as to whether they should vote for or against the declaration (or abstain) and how they could criticize the government. The leader of the main opposition group Les Républicains said that he would vote in favour of the government’s declaration, but criticised the conduct of the negotiations by President François Hollande (“he was isolated”) and claimed that the government’s decision to hold a debate

²² Interview with an EU affairs advisor in the French Assemblée nationale, 7 November 2016.

²³ En France, un vote sans enjeux sur l’accord grec, Le Monde, 14 July 2015, http://www.lemonde.fr/europe/article/2015/07/14/au-parlement-un-vote-sans-enjeux_4682477_3214.html

²⁴ Interview with a Member of the French Assemblée nationale, PS, 7 November 2016.

²⁵ Assemblée nationale, Journal officiel, Session extraordinaire de 2014-2015, XIVe législature, Compte rendu intégral, 1re séance du mardi 15 juillet 2015, 2. Déclaration du Gouvernement sur l’accord européen relatif à la Grèce, 6709-6725 (quoted in the following as AN-ESM-2015). All quotes were translated by the author.

followed by a vote according to Article 50-1 of the Constitution was insufficient:

“We solemnly ask you, Prime Minister, to undertake to submit to us the final plan which will set the European agreement in motion. [...] We also demand to set up a monitoring group for this agreement between the Government and the Finance committee of our Assembly.” (Christian Jacob, Les Républicains, AN-ESM-2015: 6720)

Regarding the role of the French Parliament in the process, Prime Minister Manuel Valls defended the government’s decision not to hold an earlier vote. He promised that, when the government would see it as necessary and useful, parliament would be informed, consulted and eventually called to vote, and thus rejected criticisms about how the domestic scrutiny had been conducted:

“As regards the vote on a declaration by the Government, you know that I am extremely attached to the institutions of the Fifth Republic. [...] Therefore, we are voting today in the Assembly and in the Senate [...]. At each stage, when the Government deems it useful and necessary, Parliament will be informed, consulted and eventually called to vote. But there is no imperative mandate. That’s why there could not be a vote last week.” (Manuel Valls, Prime Minister, AN-ESM-2015: 6724)

In addition to that, the Prime Minister and speakers from different political groups articulated a soft criticism of European procedures²⁶ when they referred to the EU’s democratic deficit, proposed to establish a “Eurozone parliament” or to move forward with governance reforms of the Eurozone:

“It is our duty to strengthen the democratic legitimacy of the euro area. This concerns Europe, of course, because today the European Parliament is not sufficiently involved [...] we should invite it to organize itself so that the specific subjects of the euro area are taken more into account as such. This is not the case, and this is the meaning of yesterday’s speech of the President of the Republic to set up a Parliament of the Euro area. It must also involve national parliaments.” (Manuel Valls, Prime Minister, AN-ESM-2015: 6713)

²⁶ See, for the distinction between objections against policy or procedural issues at the national level or the EU level, Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.4 Three comparative studies of national parliaments in the post-crisis economic governance).

“Only democratic institutions and political steering of the Eurozone will help to avoid the errors of recent weeks and to fill the democratic deficit from which we are suffering now.” (Bruno Le Roux, PS, AN-ESM-2015: 6718)

Interestingly, these views were shared by opposition parties:

“We should go much further in the governance of the Eurozone, and you have not proposed anything in this area.” (Christian Jacob, Les Républicains, AN-ESM-2015: 6720)

“We support [...] a Parliament of the Euro to deal specifically with issues relating to the budgets, debts and deficits of European states, under conditions of democracy, transparency and co-responsibility, commensurate with Europe’s ambitions.” (François de Rugy, EELV, AN-ESM-2015: 6722)

Voting in relation to the rescue package

The motions that supported the government’s policy received large majorities in the Assemblée nationale (412 in favour, 69 against, 49 abstentions²⁷) and the Sénat (260 in favour, 23 against²⁸). The two votes were neither legally binding nor mandatory, but their political value was not negligible (see Fromage 2015). Les Republicains, the major opposition party, were internally divided (93 votes in favour, 41 against, 35 abstentions in the Assemblée nationale). The parliamentary involvement offered support to the French government in the international bargaining, where the President François Hollande used all his political weight to obtain that Greece could stay in the Euro area (see Rozenberg 2018a: 75), against those countries which were more reluctant towards the rescue package. Possibly the government wanted to encourage German MPs to smoothly approve the start of negotiations as well: “It was a [...] decision aimed at demonstrating that France stands to its responsibility and a way of putting pressure on Germany and the Bundestag

²⁷ Assemblée nationale, Analyse du scrutin n° 1155, Première séance du 15/07/2015, Scrutin public sur la déclaration du Gouvernement sur l'accord européen relatif à la Grèce (en application de l'article 50-1 de la Constitution), [http://www2.assemblee-nationale.fr/scrutins/detail/\(legislature\)/14/\(num\)/1155](http://www2.assemblee-nationale.fr/scrutins/detail/(legislature)/14/(num)/1155).

²⁸ Sénat français, Scrutin n° 226 - séance du 15 juillet 2015, sur la déclaration du Gouvernement sur l'accord européen relatif à la Grèce, <https://www.senat.fr/scrutin-public/2014/scr2014-226.html>.

to do the same.”²⁹ In France, these political dynamics triggered substantial parliamentary involvement.

B.5 German Bundestag: Same procedure as every time

Legal provisions in Germany

In Germany, a request for stability support in the form of a financial assistance facility specified in the ESM Treaty as well as the adoption of such an agreement and an MoU are defined as affecting the overall parliamentary budgetary responsibility and, according to the Act on Financial Participation in the ESM, require the approval of the entire chamber:

“[T]he Federal government may, through its representative, approve a proposal for a decision in matters concerning the European Stability Mechanism or abstain from voting on such a proposal only after the plenary has taken an affirmative decision to that effect. In the absence of such a plenary decision, the German representative must reject the proposal for a decision.”³⁰

The German representative in the ESM Board of Governors is thus only allowed to agree to the start of negotiations and to a new rescue package if the plenary has adopted decisions supporting this. The Bundestag is the only national parliament of the Euro area in which the plenary is required to vote both ex-ante and ex-post.³¹ This is the effect of several judgements of the German Federal Constitutional Court that enhanced the role of the Bundestag in European affairs (see Höing 2015a).

²⁹ Interview with a Member of the French Assemblée nationale, PS, 7 November 2016.

³⁰ ESM Financing Act of 13 September 2012 [Gesetz zur finanziellen Beteiligung am Europäischen Stabilitätsmechanismus (ESMFinG)], Federal Law Gazette I, p. 1918. Working translation provided by the Language Service of the Federal Ministry of Finance.

³¹ See Chapter 4 National parliaments and the ESM (sub-section 4.4.2 What kind of parliamentary involvement?), Table 4.8.

*Debating the third rescue package for Greece in plenary*³²

An ex-ante debate and vote in plenary took place on 17 July 2015. In the debate, many speakers, including Chancellor Angela Merkel, weighed the pros and cons of the deal and whether the result fulfilled the requirements to grant a mandate for negotiations with Greece on a third rescue package. The following extract from Chancellor's speech exemplifies this:

“The question is: can I ask the German Bundestag to give the Federal government a mandate to start negotiations on an ESM programme for Greece on the basis of all that I have presented to you? So, therefore, do the advantages of Monday's result outweigh the disadvantages? My answer is, out of full conviction: Yes.” (Angela Merkel, Federal Chancellor, BT-ESM-2015: 11354B-C)

The two governing parties' positions diverged on whether the previous rescue packages had failed: While Sigmar Gabriel, party leader of the SPD and Vice Chancellor, claimed that they had not led to success (BT-ESM-2015: 11359C), Finance Minister Wolfgang Schäuble (CDU) insisted that the two previous rescue packages had not failed (BT-ESM-2015: 11366C). Naturally, the opposition challenged government policy on the third rescue package for Greece. The Left Party accused the Finance Minister of “destroying the European idea” (BT-ESM-2015: 11355B) and the Green Party praised the Chancellor's counterparts Hollande and Renzi:

“I am relieved that Mr Hollande and Mr Renzi took over responsibility in Brussels. [...] [I am] glad that the Europeans stopped the German way.” (Katrin Göring-Eckhardt, BÜNDNIS 90/DIE GRÜNEN, BT-ESM-2015: 11363C)

The debate also allowed softly criticising EU integration³³, confirming that there is a possibility to depart from the narrow focus on the ESM package, as

³² Deutscher Bundestag, Plenarprotokoll 18/117, Stenografischer Bericht der 117. Sitzung vom 17. Juli 2015, Tagesordnungspunkt 1 “Antrag des Bundesministeriums der Finanzen: Stabilitätshilfe zugunsten Griechenlands”, 11352A-11396D (quoted as BT-ESM-2015). All following quotes were translated by the author.

³³ See, for the distinction between objections against policy or procedural issues at the national level or the EU level, Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.4 Three comparative studies of national parliaments in the post-crisis economic governance).

the examples of two leading MPs from the governing parties show:

“The Eurozone needs a stable institutional foundation, as the current debate shows. Economic and monetary union must be made weather-proof. [...] I am pleased that [...] we are now actively discussing the need for a parliamentary representation for the Eurozone, the need for a separate budget to finance investments and to balance fluctuations in the Eurozone.” (Thomas Oppermann, SPD, BT-ESM-2015: 11371C)

“[W]e should not only discuss Greece but also how the European Union's constitutional order should look in the future. Simply to say that the only solution is even more integration, an even faster integration and even more institutions: I think that goes too short.” (Ralph Brinkhaus, CDU, BT-ESM-2015: 11386D)

Finally, the leader of the opposition in the German Bundestag raised more fundamental concerns about parliamentary democracy in Greece and the role of the Troika:

“This is the de facto abolition of the parliamentary democracy that you organized there [in Greece]. [...] The decisive power is with three democratically not legitimated institutions — the European Central Bank, the International Monetary Fund and the European Commission[.]” (Gregor Gysi, DIE LINKE, BT-ESM-2015: 11356B-C)

Voting in relation to the rescue package

In the ex-ante vote, 439 MPs voted in favour, 119 against and 40 MPs abstained.³⁴ Subsequently, the result of the negotiations was debated and voted ex-post on 19 August 2015³⁵: 453 MPs approved it, 113 voted against and 18 MPs abstained.³⁶ The centre-left overwhelmingly supported the rescue package in the two plenary votes. Only the Left Party rejected the agreement between the (radical) left Syriza government and the rest of the Euro area. A senior MP from the SPD recalls that “[i]n its result, in my political group, the

³⁴ Deutscher Bundestag, Bundestag stimmt für Griechenland-Hilfspaket [Bundestag in favour of rescue package for Greece], Press Release, 17 July 2015, https://www.bundestag.de/dokumente/textarchiv/2015/kw29_de_griechenlandhilfe/383332.

³⁵ Deutscher Bundestag, Plenarprotokoll 18/118, Stenografischer Bericht der 118. Sitzung vom 19. August 2015, 11455B-11489D.

³⁶ Deutscher Bundestag, Bundestag befürwortet weitere Griechenlandhilfe [Bundestag approves further aid to Greece], Press Release, 19 August 2015, https://www.bundestag.de/dokumente/textarchiv/2015/kw34_de_griechenland/385532.

rescue package was not controversial at all. The disputes mainly took place in the conservative camp.”³⁷ Indeed more than 60 CDU/CSU MPs defected from the line of party leader and Chancellor Angela Merkel for the ex-ante vote and for the ex-post vote. The overall majority in favour of starting negotiations and agreeing the deal, however, was never in question (see Table B.1).

The position of the German government in the negotiations on the third rescue package for Greece can be considered strong (see Moschella 2017) and advantageous from a two-level game perspective (Benz 2013; Putnam 1988) , because the German Finance Minister had little room for manoeuvre due to growing resistance within his own parliamentary party group, as a senior CDU/CSU lawmaker acknowledges:

“Q: How did the participation of the Bundestag specifically influence the negotiations on the third rescue package for Greece?

A: Quite simply, the Finance Minister always keeps at the back of his mind that one must organise a majority here in the German Bundestag, especially in the CDU/CSU group, and this is, of course, guiding the negotiations. So I mean, you can once come along and say ‘I have agreed this in Brussels and you must now back it!’ [...] It has become more difficult, of course, from package to package [to organise a majority]. And accordingly, the minister has less leeway in the negotiations.”³⁸

³⁷ Interview with a Member of the German Bundestag (SPD), 8 March 2017.

³⁸ Interview with a Member of the German Bundestag (CDU), 22 March 2017.

Table B.1 Voting results in the German Bundestag by political groups

	Total	Ex-ante vote 17 July 2015			Ex-post vote 19 August 2015		
		Yes	No	Abstain	Yes	No	Abstain
All MPs	631	439	119	40	453	113	18
CDU/CSU	311	241	60	5	228	63	3
SPD	193	175	4	0	173	4	0
Die Linke	64	0	53	2	0	45	7
B'90 Die Grünen	63	23	2	33	52	1	8

Source: Own elaboration, Data: abgeordnetenwatch.de, bundestag.de.

Defections from the line of a political group are highlighted in grey.

B.6 Latvian Saeima: A new role

Legal provisions in Latvia

The third rescue package for Greece was the first rescue package in which Latvia participated after becoming a member of the Euro area (and the ESM) on 1 January 2015. Parliamentary involvement is not a legal requirement in Latvia (Höing 2015b: 52), but “nothing prevents the government from turning to parliament.”³⁹ The procedure to approve the governmental position for Eurogroup meetings provides an opportunity for parliamentary involvement.⁴⁰ Despite earlier promises of the government, the plenary of the Saeima was not involved. The decision of whether or not to hold a plenary debate or vote remains fully at the discretion of the government. The approval of the terms of an ESM rescue package by the European affairs

³⁹ PM: the Saeima should approve the decision in regard to bailout deal for Greece, Baltic News Network, 15 July 2015, <http://bnn-news.com/pm-saeima-approve-decision-regard-assistance-greece-130849>.

⁴⁰ See the Latvian response to Höing’s questionnaire: Oliver Höing, 'Asymmetric Influence: National Parliaments in the European Stability Mechanism', PhD thesis (Universität zu Köln, 2015b) at p. 258 (Table 39).

committee of the Saeima is considered “a politically important formality; [...] not binding on the government” (Rasnača 2015).

Voting in relation to the rescue package

On 15 July 2015, before the start of negotiations, members of the European affairs committee discussed the latest developments in Greece and the Euro area, but did not vote.⁴¹ Outcomes of any kind of negotiations at the EU level are often “discussed only informally by the more motivated [...] members” (Ikstens 2015: 555). The European affairs committee was involved again ex-post: It debated the third rescue package at its meeting on 14 August 2015, but the quorum of 9 out of 17 committee members present for a vote on the government’s position in the Eurogroup⁴² was not reached after MPs from the National Alliance (governing party) and Unity (opposition party) had left the room (see Rasnača 2015). The session continued on 17 August 2015 and the committee was finally able to vote on the government’s position supporting the deal: 9 MPs were in favour and 3 against while one member of the ruling coalition abstained. Lolita Čigāne, the chairperson of European affairs committee, described the session as “quite dramatic”.⁴³ The final position of the Latvian government on the Greek bailout plan included amendments proposed by the European affairs committee, because the committee notably insisted to include that no Latvian money could be used to write off Greek debt and added an obligation to veto any such measure unless Latvia was fully compensated.⁴⁴

⁴¹ Latvian Saeima, European affairs committee: Greece bailout deal will not affect Latvian tax payers, Press Release, 16 July 2015, <http://saeima.lv/en/news/saeima-news/23669-european-affairs-committee-greece-bailout-deal-will-not-affect-latvian-tax-payers>.

⁴² Latvia goes along with Greek bailout - for now, 15 August 2015, <http://eng.lsm.lv/article/politics/politics/latvia-goes-along-with-greek-bailout-for-now.a141641/>.

⁴³ Latvia approves third Greek bailout but keeps veto in reserve, 17 August 2015, <http://eng.lsm.lv/article/politics/politics/latvia-approves-third-greek-bailout-but-keeps-veto-in-reserve.a141843/>.

⁴⁴ Ibid., and Government approves Latvia’s final position on Greek bailout plan, Baltic News Network, 18 August 2015, <http://bnn-news.com/government-approves-latvias-final-position-greek-bailout-plan-131998>.

Despite the confusion during the committee proceedings, the involvement of the Latvian Saeima's European affairs committee in ESM negotiations corresponds to its role with respect to the Council or European Council (see Ikstens 2015: 560) and might become a “political practice from which it is difficult to deviate in the future” (Höing 2015b: 53). Substantial parliamentary involvement in approving the government's position is not binding and remains at the discretion of the government; the European affairs committee relies on a procedure to mandate government's position in the Eurogroup (*indirect legal enabling clause*).

B.7 Dutch Tweede Kamer: Opposition mobilisation

Legal provisions in the Netherlands

According to an agreement between the Dutch government and parliament, laid down in an information protocol that has a “weak judicial status” (Poppelaars 2018: 5), the position of the government is debated in parliament before decisions in the ESM Board of Governors, but no binding vote is taken.⁴⁵ The agreement itself Only proposals to grant financial assistance beyond the amount of capital already pledged to the ESM require a binding vote in the Tweede Kamer (see Mulder 2014). This was not the case for the third rescue package for Greece which was debated without a vote in plenary on 16 July 2015, before the start of negotiations with Greece.

Voting in relation to the rescue package

On 19 August 2015, the result of the negotiations was debated in plenary again. This ex-post plenary debate provided the basis for *substantial* parliamentary involvement on a legal basis unrelated to the ESM: The leader of the Eurosceptic PVV, Geert Wilders, had put forward a motion of no-

⁴⁵ Tweede Kamer, Brief van de Minister van Financiën (Kamerstuk 21501-07, Nr. 942), 13 September 2012, <https://zoek.officielebekendmakingen.nl/kst-21501-07-942.html>.

confidence on the government.⁴⁶ Prime Minister Mark Rutte survived the no-confidence vote and parliament rejected a motion against the rescue package for Greece by 81 votes to 52.⁴⁷ This motion was tabled by the CDA (opposition party), but a motion by another opposition party, the liberal D-66, supporting the bailout, did not find a majority in parliament either⁴⁸, because, according to the Prime Minister, “it was up to the cabinet to make policy, and parliamentary approval [of the bailout] was not required.”⁴⁹

In the Netherlands, plenary debates took place ex-ante and ex-post, but neither of them would have counted as substantial parliamentary involvement. Only political dynamics, triggered by the opposition, led to votes in relation to the third rescue package for Greece after the negotiations had been concluded.

B.8 Spanish Congreso: Surprise involvement

Legal provisions in Spain

The Spanish government does not need parliamentary approval before making ESM-related decisions (Winzen 2017: 155-56). The Spanish parliament is generally considered rather weak in EU affairs and “not an essential element in formulating Spain’s position [...] in Brussels” (Kölling and Molina 2015: 349). Nevertheless, in August 2015, the Congreso de los Diputados held a debate and vote on a financial assistance package for the first time (Höing 2015b: 53).

⁴⁶ Tweede Kamer, Stemmingen over de moties ingediend bij het debat over het leningenprogramma voor Griekenland, Plenaire vergadering 19 August 2015, <https://www.tweedekamer.nl/kamerstukken/stemmingsuitslagen/detail?id=2015P12236>.

⁴⁷ Eurozone approves first round of Greece bailout, Deutsche Welle, 19 August 2015, <http://www.dw.com/en/eurozone-approves-first-round-of-greece-bailout/a-18658799>.

⁴⁸ Tweede Kamer, Stemmingen over de moties ingediend bij het debat over het leningenprogramma voor Griekenland, Plenaire vergadering 19 August 2015, <https://www.tweedekamer.nl/kamerstukken/stemmingsuitslagen/detail?id=2015P12236>.

⁴⁹ Dutch parliament endorses Greece bailout after grilling PM, Reuters, 19 August 2015, <http://www.reuters.com/article/us-eurozone-greece-dutch-idUSKCN0QO0Z820150819>.

Voting in relation to the rescue package

Prime Minister Mariano Rajoy had promised the parliamentary vote during a plenary debate on the results of the July 2015 European Council.⁵⁰ Thus the new rescue package for Greece was debated and an ex-post vote took place during a plenary session on 18 August 2015. It was put on the agenda at the initiative of the government. 297 MPs voted in favour, 20 against and 5 abstained. Only the United Left (opposition party) voted against the programme.⁵¹ The centre-right government was criticised for trying to exploit the issue in the context of the upcoming parliamentary elections. The centre-left newspaper *El País*, for instance, wrote:

“There is no obligation to ask the MPs, nor was the parliament consulted about saving the Spanish banks in 2012 when the same head of government was in office with the same majority. The opportunism is evident in this change of opinion about the parliament’s functions. ... The government is making a last-minute attempt to exploit the issue for its election campaign. Also lamentable is the insinuation that Podemos is ‘Tsipras’s party’ and the attempt to tar the socialist candidate Pedro Sánchez with the same brush.”⁵²

Parliamentary involvement allowed the government to obtain broad support and to divide the opposition composed of PSOE, United Left and Podemos. Initiating Spain’s first parliamentary vote on a financial assistance package in the run-up to parliamentary elections on 20 December 2015 can therefore be considered a purely political move by the centre-right government. In line with this observation the argument has been made that “[t]he salience of the EU has grown during the crisis and both the government and the opposition have begun using plenary debates

⁵⁰ Spain to put Greek deal to parliament vote, 15 July 2015, <http://www.ekathimerini.com/199544/article/ekathimerini/news/spain-to-put-greek-deal-to-parliament-vote>.

⁵¹ Spanien, Österreich und Estland stimmen für Hilfspaket, 18 August 2015, <http://www.zeit.de/politik/ausland/2015-08/griechenland-hilfspaket-parlament-spanien-estland-oesterreich>.

⁵² Eurotopics.net, The next hurdle in the Greek bailout, <http://www.eurotopics.net/en/151008/the-next-hurdle-in-the-greek-bailout?zitat=151014#zitat151014> (referring to an editorial in *El País*: Excesivo electoralismo, Los que debaten sobre Grecia en España deben abstenerse de simplismos, 17 July 2015, https://elpais.com/elpais/2015/07/16/opinion/1437071586_185447.html).

strategically” (Kölling and Molina 2015: 361). This echoes the findings for France, where the government was also the driving force behind substantial parliamentary involvement.

Chapter 5:

The Interparliamentary Conference on Stability, Economic Coordination and Governance¹

The previous two empirical chapters argued that parliamentary control of the European Semester and the European Stability Mechanism could benefit from interparliamentary cooperation. Besides the individual scrutiny of economic governance by national parliaments (and the European Parliament), cooperation would allow for exchanging information and best practices and possibly even for conducting joint scrutiny. In fact, the Treaty on Stability, Coordination and Governance (TSCG) asked national parliaments and the European Parliament to set up an interparliamentary conference.

The specific challenge in the context of agreeing on the institutional design of the new body, however, were differences between the European Parliament and national parliaments as well as among national parliaments. The provision of Article 13 TSCG was the starting point for long discussions after which they eventually reached a compromise. This chapter examines the different phases of interparliamentary negotiations from 2012 to 2015 and is particularly interested in how and into what direction the legal basis, preferences, rules and practices have shaped the functioning of the new Conference.

Among competing models for interparliamentary cooperation, two models (EP-led scrutiny and creating a collective parliamentary counterweight) did not prevail: Parliaments agreed that the Interparliamentary Conference on Stability, Economic Coordination and Governance (SECG) would follow the “standard” COSAC model. Even though it falls short of being a venue for joint scrutiny, national parliaments see an added value in the SECG Conference. In terms of their actual participation, attendance records are stable over time and participating MPs are still twice as likely to be members of Budget or Finance committees than to be members of European affairs committees.

¹ This chapter has been published as an article in *Perspectives on Federalism*: Valentin Kreilinger (2018), ‘From procedural disagreement to joint scrutiny? The Interparliamentary Conference on Stability, Economic Coordination and Governance’, *Perspectives on Federalism*, 10 (3), pp. 155-184, <https://doi.org/10.2478/pof-2018-0035>.

In Europe's post-crisis economic governance, interparliamentary cooperation between national parliaments and the European Parliament takes place in an interparliamentary conference which was established on the basis of Article 13 TSCG in 2013. Interparliamentary cooperation is a possible remedy against shortcomings in the parliamentary control of EU economic governance. During the negotiations about the TSCG the provision to establish an interparliamentary conference was included after the French Parliament, in particular, had demanded to put such a provision into the treaty. As a consequence, the TSCG did not only strengthen the coordination and surveillance of fiscal and economic policies, but also provided for the creation of an interparliamentary conference in order to "discuss budgetary policies and other issues covered by this treaty."²

Composed of representatives of the relevant committees of the European Parliament and national parliaments, the Conference has met twice a year since October 2013 and was named the "Interparliamentary Conference on Stability, Economic Coordination and Governance" (SECG) in 2015. Executive dominance in fiscal and economic policies might motivate national parliaments and the European Parliament to work together and "exert countervailing power, both individually and collectively" (Curtin 2014: 30), but in the early years of its existence the Conference has not been able to meet expectations. Due to disagreements between national parliaments and the European Parliament, the Conference was busy negotiating its Rules of Procedure for more than two years instead of addressing the fiscal and economic challenges of the EU. The challenges are similar to those encountered in other policy areas: The general relationship between the two parliamentary levels has been characterised by conflict and rivalry, rather than cooperation (see Martucci 2017; Neunreither 2005).

The Rules of Procedure eventually adopted by the SECG Conference in November 2015 reflect a lowest common denominator compromise about the role that this Conference should play. It allows to accommodate very different

² Article 13 TSCG.

parliamentary preferences about what functions and tasks the conference should fulfil. The SECG Conference could still become a venue for the joint scrutiny of EU economic governance, as the participation records and conduct of its meetings show. In EU affairs, joint scrutiny basically means that MPs and MEPs meet, exchange, and cooperate in order to address the information asymmetries that they have vis-à-vis other EU institutions as well as national governments, and to engage in a collective dialogue with representatives of this executive branch.

Methodologically, this chapter pursues a qualitative examination of the negotiations about the institutional design of the SECG Conference on the basis of a variety of written sources and participating observation (Schöne 2005) at several meetings of the Conference. In addition to that, it analyses attendance records of the Conference from 2013 to 2018.³

After briefly examining the history of Article 13 TSCG (section 5.1), this chapter puts forward three competing models for interparliamentary cooperation as the analytical framework for studying the emergence of the SECG Conference (section 5.2). It asks *how and in what direction the legal basis, rules and practices shape the functioning of the SECG Conference* and examines the parliamentary preferences and negotiations concerning the institutional design of this arena of interparliamentary cooperation. The Rules of Procedure of the SECG Conference, adopted in Luxembourg on 10 November 2015, are, for now, the basis for the functioning of the Conference (section 5.3). The model that has prevailed is a COSAC-style venue (section 5.4) whose attendance is stable, but unequal, and which attracts both members of Budget or Finance committees and European affairs committees (section 5.5). The chapter concludes in section 5.6 with a summary of the findings and highlights two possible directions for further research.

³ See Chapter 2 Assessing parliamentary involvement in Economic Governance (section 2.4 Three comparative studies of parliamentary involvement in the post-crisis economic governance) for more details on the methods used in this chapter.

5.1 The creation of an Interparliamentary Conference under Article 13 TSCG

The theoretical rationale behind resorting to interparliamentary cooperation in EU economic governance can be found in the need to respond to the use of intergovernmentalism in that area: “[T]he European Council needs to be balanced with an equally strong voice of parliamentary representation” (Neyer 2014: 135) and “the intergovernmental logic brings with it an interparliamentary balancing” (S. Fabbrini 2013: 12). Article 13 TSCG is the product of *intergovernmental* negotiations in December 2011 and January 2012 and has undergone significant changes during the negotiating process, revealing difficulties of member states in reaching an agreement on this point (Kreilinger 2013: 8-10). The original objective of the provision was that national MPs meet regularly and that this would happen in close association with the European Parliament. During the negotiations, Article 13 TSCG was completely revised twice and only the later drafts of the TSCG made an explicit link to the existing interparliamentary formats and Protocol No 1 (Kreilinger 2013: 10). Article 13 TSCG was finally agreed by the Contracting Parties as follows:

“As provided for in Title II of Protocol (No 1) on the role of national Parliaments in the European Union annexed to the European Union Treaties, the European Parliament and the national Parliaments of the Contracting Parties will together determine the organisation and promotion of a conference of representatives of the relevant committees of the European Parliament and representatives of the relevant committees of national Parliaments in order to discuss budgetary policies and other issues covered by this Treaty.”⁴

The treaty article explicitly entrusted national parliaments and the European Parliament to “determine the organisation and promotion” of the Conference.

⁴ Article 13 TSCG.

The broader legal basis for interparliamentary cooperation in the EU can be found in Protocol No 1, Title II on Interparliamentary Cooperation. The prevailing legal interpretation sees an equal involvement of the European Parliament and national parliaments on the basis of Article 9 Protocol No 1⁵, taking decisions by consensus. Sector-specific conferences “on specific topics” (as provided for in Article 10 Protocol No 1) would then be set up on the basis of principles that were agreed by the Speakers’ Conference by consensus (and not by COSAC which could theoretically decide by a majority of three-quarters). Some national parliaments, in particular a group of chairpersons of European affairs committees led by the Danish Folketing (see section 5.3, below), however, argued that Article 10 Protocol No 1 would empower COSAC to establish sector-specific interparliamentary conferences and did not see the Speakers’ Conference in such a role (see Esposito 2016: 326-27).

There is a “small but growing body of research on inter-parliamentary cooperation between the EU’s national legislatures (and the European Parliament)” (Raunio 2014b: 554) which has a long tradition in the EU and evolved over time with the emergence of policy-specific formats such as the SECG Conference (Hefftlar and Gattermann 2015: 95-101). From early studies on interparliamentary cooperation (Bengtson 2007; Costa and Latek 2001; Larhant 2005; Neunreither 1994, 2005), the literature has specialised into more detailed analyses of interparliamentary conferences and the “line of argument on conflict and cooperation [between the national parliaments and the EP] has been extended” (Rozenberg and Hefftlar 2015: 21), when two new policy-specific interparliamentary conferences (on CFSP/CSDP and economic governance) were created in 2012/2013. Setting them up “has been all but smooth” (Fasone and Lupo 2016b: 345).

⁵ “[T]he organisation and promotion of effective and regular interparliamentary cooperation within the Union shall be determined by the European Parliament and National Parliaments” (Article 9 Protocol No 1).

5.2 Competing models for the relationship between national parliaments and the European Parliament in EU Economic Governance

One of the main political reasons behind promoting (inter)parliamentary involvement in EU economic governance is the perceived lack of national ownership of national (economic) reforms. Even though in the European Semester most national governments submit the annual National Reform Programme to their parliament before transmitting it to the European Commission (Hallerberg et al. 2018; Raimla 2016), national parliamentarians often see economic reforms as being “imposed” by Brussels. At the same time, it is also true that they (and their governments) sometimes lose control of the different multilevel coordination and surveillance processes.

As explained below, different models for a better parliamentary input in EU economic governance have been debated. This chapter agrees that greater interaction between the national level and the EU level via an interparliamentary conference could, for instance, help create better national ownership of the European Semester through a greater dialogue between parliamentarians and the different economic governance actors and bodies.⁶ The added value of this Conference cannot be found in decision-making powers, but in deliberation that informs and potentially legitimises the overall process (Jančić 2016: 245). Interweaving the levels of governance would also generally facilitate the coordination of economic and budgetary policies: If national parliaments were aware of indicators such as the aggregate fiscal stance of the Euro area, if they debated them at the EU level and then had the task to transpose these orientations into national fiscal and economic policies, one could hope for stronger coordination and convergence (Kreilinger and Larhant 2016: 7). If diverse political views are represented in

⁶ See Chapter 3 National parliaments in the European Semester (section 3.4 Opportunities and constraints for scrutinising the European Semester).

an interparliamentary conference, this could also lead to greater politicisation of these topics (Hix 2014). But as long as fiscal and economic policy decisions are seen as numeric rules (such as the obligation of the balanced budget rule of the Fiscal Compact) and not as political choices, their acceptance in national political arenas will remain greatly reduced (Schmidt 2015). In an interparliamentary setting (some of) these problems could be tackled. The implementation of the legal provision of Article 13 TSCG was, however, complicated by the existence of several competing institutional designs that relevant political actors had in mind for the Conference.

The views of the European Parliament and of national parliaments

The European Parliament has traditionally been sceptical about enhancing the role of national parliaments, fearing that this could undermine its position (Crum 2013: 255). Already back in 2012 it had described the possibility of creating a mixed parliamentary body as “both ineffective and illegitimate” and insisted that only itself, “as parliamentary body at the Union level for a reinforced and democratic EMU governance”⁷, had full democratic legitimacy to exercise control in that area. For the European Parliament, nobody else is able “to stress the points of convergence and the shared interests amongst the parliamentarians and citizens of different Member States” (Fasone 2012: 18). But since the European Parliament only has very limited powers in EU economic governance (Crum 2018: 277; Fromage 2018) and national parliaments have kept prerogatives such as the adoption of national budgets, economic reforms and holding national governments accountable, it is difficult to see how the European Parliament could be solely responsible for scrutinising the aggregate fiscal stance of the Euro area (Kreilinger and Larhant 2016: 9) or for decision-making in the ESM (respectively in a European Monetary Fund), whose resources come

⁷ European Parliament, European Parliament resolution of 20 November 2012 with recommendations to the Commission on the report of the Presidents of the European Council, the European Commission, the European Central Bank and the Eurogroup ‘Towards a genuine Economic and Monetary Union’, point EE./13. (P7_TA(2012)0430).

from national sources in the form of initial capital and guarantees.⁸ Unsurprisingly, the European Parliament does not subscribe to arguments in favour of strong interparliamentary cooperation in EU economic governance.

Many national parliaments are, in return, suspicious of giving a greater role to the European Parliament (Winzen et al. 2015; Winzen 2017: 121-75) and/or of including it in interparliamentary cooperation beyond the absolute minimum. Some of them could ultimately even imagine pursuing cooperation among national parliaments in economic governance without the European Parliament (Kreilinger 2014: 67), but over time national parliaments' involvement has not developed into a direct EU role (see Winzen 2017).

The Lisbon Treaty stipulates that national parliaments “contribute actively to the good functioning of the Union [...] by taking part in the interparliamentary cooperation between national Parliaments and with the European Parliament.”⁹ The legal provisions do not prescribe a particular institutional design for the interparliamentary cooperation. This helped to agree on the wording of Article 13 TSCG in early 2012, but Protocol No 1, Title II on Interparliamentary Cooperation allows for two different interpretations with respect to the role of the EU Speakers' Conference and COSAC (see section 5.1).

Three models for organising interparliamentary relations

The fundamental preferences of national parliaments and the European Parliament (about how the parliamentary scrutiny of economic governance should be organised) have not fully converged. This confirms earlier research under the lenses of the conceptual frameworks of the “Multilevel Parliamentary Field” (Crum and Fossum 2009) and the “Euro-national parliamentary system” (Lupo and Fasone 2016). As they tried to attribute tasks and competences to an interparliamentary conference in economic

⁸ See Chapter 4 National parliaments and the European Stability Mechanism.

⁹ Article 12 TEU; the crisis and the TSCG thus only accelerated a process that was already foreseen in the Lisbon Treaty.

governance, national parliaments, the European Parliament and other actors¹⁰ stucked to *three competing models* which are developed in the following. These models provide the framework against which this chapter assesses the debates and negotiations about setting up the SECG Conference.

According to the *first model* for the relationship between national parliaments and the European Parliament in EU economic governance, scrutiny in the area of economic governance should take place under the sole and unique leadership of the European Parliament (see Fasone 2012: 18). The European Parliament would occasionally invite national parliaments to join MEPs in Interparliamentary Committee Meetings of the ECON committee or other relevant committees and during the European Parliamentary Week as part of the European Semester. National parliaments are supposed to scrutinise their national government in EU economic governance without playing a particular role at the EU level or intervening collectively. The provision of Article 13 TSCG would mostly be fulfilled through an expansion of the existing Interparliamentary Committee Meetings.

Under the *second model* for the relationship between national parliaments and the European Parliament in EU economic governance, the Interparliamentary Conference is a COSAC-style venue for the exchange of information and best practices (see Kreilinger 2013). Proponents of this model wanted to build upon the example of COSAC and, like in the case of the Interparliamentary Conference on CFSP/CSDP, they created a policy-specific Conference for economic governance. Parliamentary scrutiny would still be conducted by each national parliament at the national level and by the European Parliament at the EU level, but the Interparliamentary Conference would allow them to discuss budgetary issues and parliaments would possibly have better information for their individual scrutiny activities.

In the *third model* (collective parliamentary counterweight), Article 13 TSCG would provide the basis for creating a powerful interparliamentary

¹⁰ Examples for preferences by other actors can be found in the Four Presidents' Report of 2012 and the Five Presidents' Report of 2015.

body that could effectively scrutinise and act as a counterweight to executive decision-making in the area of economic governance (Curtin 2014: 30). After all, besides Article 13 TSCG, the TSCG and the ESM Treaty do “little or nothing to anchor new regulatory functions for the Union in democratic institutions” (Dawson and de Witte 2013: 834). Establishing a collective parliamentary counterweight would possibly also require a more exclusive component for the Euro area, in which the national parliaments of member states whose currency is the Euro would coordinate their activities and exercise parliamentary control at the level of the Euro area.¹¹ Under this model, parliamentary scrutiny would be pooled and shared, based on Article 13 TSCG. But Ben Crum and John E. Fossum already stressed in 2013 that

“[i]nterparliamentary coordination suffers from the major limitation that it remains inherently fragmented. However much parliaments coordinate, they are unlikely to add up to a single coherent voice that can control the actual decisions adopted by the collective of governments that they scrutinise” (Crum and Fossum 2013b: 3).

Many of the actors involved in the negotiations on the procedural arrangements for the SECG Conference, in particular the Rules of Procedure, have aligned with the key characteristics of one model, for instance in letters, reports or working papers. Their preferences for organising interparliamentary cooperation can therefore, in most cases, be classified as close to either EP-led relations, to a COSAC-inspired conference or to creating a collective parliamentary counterweight.

Some contributions have pointed out that parliamentary preferences would align along only two models: Winzen (2017: 163-64) distinguishes support for and opposition against a broad mandate of the Conference while others classified parliamentary preferences as centralised versus joint scrutiny (Cooper 2016; Kreilinger 2015b). But far-reaching proposals, such as by the French *Assemblée nationale*, that go beyond the lowest common denominator compromise underline the value of having three distinct models

¹¹ This would be less far-reaching than a “Eurozone Parliament” (see Kreilinger and Larhant, 2016).

(with the collective parliamentary counterweight model as the strongest interparliamentary option).

5.3 Negotiations about the functioning of the Conference in 2012/13 and 2015

This section tracks the negotiations between national parliaments and the European Parliament about how the Interparliamentary Conference should function. Negotiations proceeded as follows: The first discussions took place from November 2012 onwards in sub-groups of national parliaments (see sub-section 5.3.1). The Speakers' Conference then agreed general organisational principles in April 2013 and, after little progress had been made in adopting Rules of Procedure, re-considered the issue and agreed “principles for transposition into Rules of Procedure”¹² in April 2015 (see sub-section 5.3.2). The final round of negotiations about the Rules of Procedure took place at the meeting of the SECG Conference in November 2015 (see sub-section 5.3.3).

5.3.1 First discussions in sub-groups of national parliaments

The Danish Folketing and the French Assemblée nationale have been particularly vocal actors in the ex-ante coordination of national parliaments' positions on their preferred institutional design of the Interparliamentary Conference of Article 13 TSCG which later became the SECG Conference (see Kreilinger 2015b). These ad-hoc meetings in sub-groups among Speakers and committee chairpersons of national parliaments from November 2012 to April 2013 as well as the preparatory work at these meetings were crucial for

¹² EU Speakers' Conference, Presidency Conclusions, April 2015, <http://www.ipex.eu/IPEXL-WEB/dossier/files/download/082dbcc54ce35cd0014ce64535e5028a.do>, pp. 5-6.

advancing the discussion of fundamental issues concerning the arrangements of the Conference (Fromage 2016a; Griglio and Lupo 2018; Kreilinger 2015b).

On the one hand, the Danish Folketing and the chairperson of its European affairs committee, Eva Kjer Hansen, invited to two meetings on the subject in November 2012 and March 2013 (see Table 5.1). At their second meeting, the chairpersons of European affairs committees from 15 member states declared their preference for “establishing a small effective conference focused on substantial issues – to be held in the margins of the biannual COSAC-meetings.”¹³ The Conference on the basis of Article 13 TSCG would not be a separate body, but an appendage to COSAC. The 15 chairpersons stated that they had “no desire to build new inter-parliamentary bodies. [...] [E]xisting structures and resources should be exploited to their full potential.”¹⁴

On the other hand, the French Assemblée nationale argued that it was “necessary to implement this Conference as soon as possible, by taking the initiative to make specific proposals that engage in constructive negotiations with our European partners”¹⁵ and proposed to follow the model for CFSP and CSDP with 6 MPs per national parliament and 16 MEPs in order to accompany and control the European Semester. Inside the Conference, a specific Euro area “component” should be established. While the entire Conference would follow the COSAC model, the French plans for the Euro area amount to creating a collective parliamentary counterweight (*third model*). In January 2013, at a meeting that took place in Luxembourg, the Speakers of the national parliaments from the other five founding member

¹³ Danish Folketing, Joint letter of 15 Chairpersons of European Affairs Committees to the Speakers’ Conference, 8 April 2013, <http://www.ipex.eu/IPEXL-WEB/dossier/files/download/082dbcc53dbcb6ed013e07d2d31930a6.do>

¹⁴ Ibid.

¹⁵ Assemblée nationale, Rapport d’information N°202 sur le projet de loi de ratification du Traité sur la stabilité, la coordination et la gouvernance au sein de l’Union économique et monétaire, 25 September 2012, p. 65.

states¹⁶ endorsed the proposals to implement the provision of Article 13 TSCG in that way (see Table 5.1).¹⁷

Table 5.1 Preferences about interparliamentary cooperation under Article 13 TSCG

DATE	AUTHOR(S)	KEY STATEMENT(S)
NOV. 2012	Chairpersons of European affairs committees of 11 national parliaments, incl. Danish Folketing	“worrying lack of proposals as to how the role of national parliaments can be strengthened more concretely”
	European Parliament	“the creation of a new mixed parliamentary body [...] would be both ineffective and illegitimate on a democratic and constitutional point of view”
JAN. 2013	Speakers of six national parliaments, incl. French Assemblée nationale	“consider that [...] a conference [...] must be set up. [...] [T]his conference would discuss topical issues of Economic and Monetary Union, including agreements in the framework of the European Semester, in order to reinforce dialogue between the national Parliaments and with the European Parliament”
MARCH 2013	Chairpersons of European affairs committees of 15 national parliaments, incl. Danish Folketing	“[w]e [...] have no desire to build new inter-parliamentary bodies. Instead, we believe that existing structures and resources should be exploited to their full potential”

Source: Own elaboration. For references to the quotes, see sub-section 5.3.1.

¹⁶ Belgium, France, Germany, Italy, Luxembourg and the Netherlands.

¹⁷ National parliaments, Working Paper of the meeting of the Speakers of Parliament of the Founding Member States of the European Union and the European Parliament in Luxembourg on January 11th, 2013. Note that the Chamber of Deputies of the Republic of Italy did not participate in the meeting and did not endorse the document.

5.3.2 Two years of discussions and little progress

In April 2013, the Speakers' Conference agreed on the general organisational principles for the Interparliamentary Conference of Article 13 TSCG¹⁸ (which, as noted, later became known as the SECG Conference), but the discussions between national parliaments and the European Parliament about the Rules of Procedure for the Conference lasted for another two years. Interestingly, the German Bundestag did not articulate an institutional position about the functioning of the Conference (Deubner 2013: 48), although its President took part in the meeting in Luxembourg in January 2013 and endorsed the resulting working paper. Only at a very late stage, in the run-up to the first meeting of the Conference in Vilnius in October 2013, the German position was made clear in a letter by the Bundestag's Head of Delegation, Norbert Barthle (CDU). According to him, it would be "premature" to seek the adoption of Rules of Procedure at that point, but he welcomed the idea to discuss the aims and functions of the Conference.¹⁹

The constituent meeting of the Conference in October 2013 failed to agree on Rules of Procedures: The draft Rules of Procedure²⁰, prepared by the Lithuanian Presidency Parliament, were not endorsed by the Conference. The Speakers' Conclusions of April 2013 therefore provided the procedural basis for the meetings of the Conference from October 2013 onwards.

In order to overcome the stalemate, the following Presidency Parliament (Greece) asked all parliaments for input. The internal organisation of the Conference was again an item on the agenda of the September 2014 meeting (organised by the Italian parliament), but no agreement was reached either and further discussions were postponed to 2015.

¹⁸ EU Speakers' Conference, Presidency Conclusions, April 2013, <http://www.ipex.eu/IPEXL-WEB/dossier/files/download/082dbcc53dbcb6ed013e3b68418b5327.do>, pp. 4-6.

¹⁹ Deutscher Bundestag (2013), Letter by the Head of the German delegation, Norbert Barthle, http://renginiai.lrs.lt/renginiai/EventDocument/0f6147e3-6125-40b9-93d8-edc7c31e085f/Barthle_Lithuanian%20Presidency_EN_courtesy%20translation.pdf.

²⁰ Interparliamentary Conference on Economic and Financial Governance, Draft Rules of Procedure, prepared by the Lithuanian Seimas, October 2013. On file with the author.

When the Speakers' Conference re-examined the issue of the Rules of Procedure of the Conference in Rome in April 2015, parliaments had already discussed for two years what the Conference should do and how it should be organised. The Speakers' Conclusions changed its provisional name from "Interparliamentary Conference on Economic and Financial Governance" into "Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union" (see Table 5.2). This made the link to the TSCG (more) obvious. In addition to that, the Speakers agreed principles "[to] be transposed into detailed Rules of Procedure"²¹ at the next SECG Conference in Luxembourg in November 2015. These guidelines arguably left "very little discretion" (Cooper 2017: 241) to the SECG Conference as the Speakers' Conference "essentially dictated the terms" (Cooper 2017: 241) of the Rules of Procedure.

Even though many of the Speakers' principles did not go beyond the common ground of previous agreements (see Table 5.2), two of them are noteworthy. First, the purpose of the Conference was defined more clearly: It

"should provide a framework for debate and exchange of information and best practices in implementing the provisions of the Treaty in order to strengthen cooperation between national Parliaments and the European Parliament and contribute to ensuring democratic accountability in the area of economic governance and budgetary policy in the EU, particularly in the EMU, taking into account the social dimension and without prejudice to the competences of EU Parliaments."²²

Second, the Speakers referred to the timing of the Conference, a long-standing issue, and stated that meetings "should be convened before the presentation of the Annual Growth Survey and the adoption of the National Reform Programmes"²³. The timing of the SECG Conference is of particular importance to make the voice of parliaments heard in the European Semester (see section 5.4, below). The provisions regarding the composition of

²¹ EU Speakers' Conference, Presidency Conclusions, April 2015, <http://www.ipex.eu/IPEXL-WEB/dossier/files/download/082dbcc54ce35cd0014ce64535e5028a.do>, p. 5.

²² *Ibid.*, p. 5.

²³ *Ibid.*, p. 6.

delegations and meetings of the Conference remained unchanged (see Table 5.2).

Table 5.2 Evolution of the Speakers' principles related to the SECG Conference

	EU SPEAKERS CONFERENCE APRIL 2013 (NICOSIA)	INTERMEDIATE STEPS	EU SPEAKERS CONFERENCE APRIL 2015 (ROME)
NAME OF THE CONFERENCE	not defined / Conference of Article 13 TSCG	Interparliamentary Conference on Economic and Financial Governance	Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union
PURPOSE	discuss budgetary policies and other issues covered by the TSCG (Article 13 TSCG)	<i>[no consensus on the propose of the Conference]</i>	- framework for debate and exchange of information and best practices - contribute to ensuring democratic accountability in the area of economic governance and budgetary policy
COMPOSITION	Composition and size of delegations shall be determined by each Parliament.		
MEETINGS	Twice a year; first semester: in Brussels; second semester: capital of the Parliament of the member state holding the rotating Council Presidency		
TIMING	not defined	not defined	Conferences should be convened before the presentation of the Annual Growth Survey and before the adoption of the National Reform Programmes

Source: Own elaboration.

5.3.3 Final negotiations on the Rules of Procedure

The adoption of the Rules of Procedure at the fifth meeting of the Conference in Luxembourg on 10 November 2015 was supposed to be a mere formality: A

draft of the Rules of Procedure had been prepared by the Presidency Parliament (Luxembourg) and circulated to all other parliaments before the meeting. The final discussion of the draft of the Rules of Procedure should take place in a short session among the Heads of delegations at the end of the Conference.

But at that session, several of the provisions in the Rules of Procedure had been modified without prior notice and without making these changes visible. To the surprise of many delegations, the European Parliament was at the origin of these changes. The dispute grew sharply when the Head of the delegation of the European Parliament, Roberto Gualtieri²⁴, made it clear that the adoption of the Rules of Procedure would fail unless the amendments of the European Parliament were accepted. The Heads of many national delegations urged the representative of the European Parliament to pave the way for the unanimous adoption of the Rules of Procedure by dropping the amendments that had quietly found their way into the document. One technical change only clarified the term “Presidency Parliament”, but the provision on possible amendments to the Rules of Procedures in §7.2, stating that these “shall be subject to a decision by consensus by the Interparliamentary Conference on SECG”²⁵, was adjusted by adding another phrase that these “must be in accordance with the framework set by the Conference of Speakers of the EU Parliaments”²⁶. It is clear that the European Parliament tried to consolidate and advance its legal interpretation of a SECG Conference that operates under the auspices of the Speakers’ Conference.

After the session had been suspended for 15 minutes to allow Mr Gualtieri to call his officials in Brussels (the President of the European Parliament was on an airplane to an EU summit in Valletta and could not be reached), the intensive mediation efforts succeeded in obtaining the necessary approval

²⁴ Chairman of the ECON Committee of the European Parliament.

²⁵ SECG Conference, Initial draft Rules of Procedure, circulated ahead of the session among Heads of delegations on 10 November 2015, §7.2. On file with the author.

²⁶ SECG Conference, Draft Rules of Procedure, version tabled at the session among Heads of delegations on 10 November 2015, §7.2 (EP). On file with the author.

from the Head of delegation of the European Parliament on the Rules of Procedure. To that end, the request of the European Parliament to include a reference to the agreement on the framework for the SECG Conference reached by the Speakers' Conference in Rome in April 2015 was added in §7.2. The Rules of Procedure were then adopted unanimously. The final version of §7.2 reads as follows:

“Any amendments shall be subject to a decision by consensus by the Interparliamentary Conference on SECG, and must be in accordance with the framework set by the Conference of Speakers of the EU Parliaments.”²⁷

5.4 And the winner is...?

Based on the tracking of interparliamentary negotiations in the previous section, this section evaluates the compromise on the Rules of Procedure as the outcome of an interparliamentary struggle that lasted from 2012 to 2015. Although an interparliamentary compromise, it is nevertheless possible to identify how the final provisions of the Rules of Procedure align with the three competing models for interparliamentary relations.²⁸

Profound disagreements, like the ones described in the previous section, are a common phenomenon in interparliamentary cooperation (see Fasone and Lupo 2016b: 345-46). In the case of Article 13 TSCG, they concerned “general questions of legitimacy, basic issues such as the formal weight to be given to the two parliamentary levels, and [...] the competences and objectives of such a conference” (Kreiling 2014: 58). The underlying diverging preferences about the institutional design of a conference involved in the parliamentary scrutiny of EU economic governance prevented a smooth implementation of Article 13 TSCG: While the European Parliament

²⁷ SECG Conference, Rules of Procedure of the Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union, as adopted on 10 November 2015, <http://www.ipex.eu/IPEXL-WEB/dossier/files/download/082dbcc552572ef9015259413ba101a0.do>.

²⁸ See above, section 5.2, on the three competing models.

clearly favoured an institutional design in which it would lead the scrutiny (*first model*), the national parliaments were split between the *second model* of a COSAC-style conference and the *third model* of a collective parliamentary counterweight. Simon Sutour, the chairman of the European affairs committee in the French Sénat, described in 2013 that the European Parliament was putting “pressure on other EU institutions to convince them that parliamentary oversight of the new governance is primarily ensured by itself.”²⁹

The first-hand evidence from participating observation in the final round of negotiations about the Rules of Procedure (see sub-section 5.3.3) indicates how interparliamentary relations were still characterised by conflict and rivalry rather than cooperation (see Martucci 2017; Neunreither 2005). Some have argued that, just like for the CFSP/CSDP Interparliamentary Conference, “overlapping authority claims” (Herranz-Surrallés 2014) between the European Parliament and national parliaments can explain disagreements in economic governance to a great extent (e.g. Kreilinger 2015b). According to Herranz Surralles’ assessment of “overlapping authority claims” (2014), the underlying explanation of the profound disagreements between national parliaments and the European Parliament is a mismatch between the daily EU policy making and formal treaty powers: an incremental and informal empowerment of the European Parliament clashes with national parliaments and their constitutional role linked to intergovernmental treaties and their domestic role in controlling national governments.

In the end, the SECG Conference has become a COSAC-style venue (*second model*), although with some institutional peculiarities. The linkage to the European Parliamentary Week at the first annual meeting of the Conference and the absence of a provision regarding the size of delegations in the Rules of Procedure of the SECG Conference (which remain at the discretion of each parliament) are the most important ones. As a

²⁹ Sénat français (2013), Compte rendu de la Commission des affaires européennes, 31 January 2013, <http://www.senat.fr/compte-rendu-commissions/20130128/europ.html>.

consequence, the *second model* did not fully prevail, but has been followed to a great extent. The SECG Conference certainly did not become a collective parliamentary counterweight against executive dominance in EU economic governance (*third model*).

The final version of the Rules of Procedure essentially confirmed previously existing practices (Rozenberg 2017: 47), but in terms of their actual content, organisational arrangements in Rules of Procedure are important for assessing interparliamentary cooperation (see Hefftlar and Gattermann 2015: 107-12). The Conference, for instance, has a rotating (and not a permanent) secretariat. This means that it lacks dedicated resources of its own and is dependent on the respective Presidency Parliaments and the administration of the European Parliament (see Cooper 2017). In addition, a “troika” of the current, preceding and upcoming Presidency Parliaments and the European Parliament plays a coordinating role through informal meetings which take place at the margins of the Conference (§3.3, §3.4). In these respects, the Conference settled on a design similar to the cases of COSAC and the Interparliamentary Conference on CFSP/CSDP (Winzen 2017: 26). As previously pointed out with respect to the Speakers’ principles of April 2013, the new Conference

“largely follows the characteristics of the ‘standard’ interparliamentary conference. The Speakers’ decision did not have the ambition to be innovative, but rather to duplicate a model that worked in the past.” (Kreilinger 2013: 19)

The size of delegations to the SECG Conference is, as noted above, not fixed (§4.1 of the Rules of Procedure, see also section 5.5, below).

Furthermore, the significance of the European Parliament’s last-minute amendment to §7 of the Rules of Procedure, as also explained by Ian Cooper (2017: 242), is that the SECG Conference may amend its Rules of Procedure, but must (always) adhere to the framework established by the Speakers’ Conference. This strengthens the role of the Speakers’ Conference which has, although it is not explicitly recognised by the EU Treaties, moved into an

overall coordinating function for interparliamentary cooperation (Fasone 2016).

The real impact of the European Parliament's amendment remains to be seen: The current Rules of Procedure do not differ from the framework set by the Speakers' Conference in April 2015. If better working methods of the Conference (as for instance proposed by Griglio and Lupo 2018; Rozenberg 2017) can be applied without codification in the Rules of Procedure, the amendment will have no effect. But far-reaching changes to the Rules of Procedure, as for instance proposed by Kreilinger and Larhant (2016), become more difficult to implement. In terms of decision-making, §7.2 of the Rules of Procedure represents a double-lock, because any changes to the Rules of Procedure must be adopted by consensus in the SECG Conference and, at the same time, conform with the guidelines by the Speakers' Conference that were also adopted by consensus. Whether the European Parliament's insistence on this double-lock was necessary (or whether it has, on the contrary, led to a deterioration of interparliamentary relations) is another open question.

Regarding the timing and organisation of the meetings, in the first semester of each year, the Conference convenes in Brussels, co-hosted and co-chaired by the Presidency Parliament and the European Parliament (§3.1, Rules of Procedure). In the second semester of each year, it is held in the member state holding the EU Presidency and presided over by the Presidency Parliament (§3.1). The first of the two annual meetings of the SECG Conference is embedded into the so-called European Parliamentary Week. The creation of the European Parliamentary Week predates Article 13 TSCG and, in particular, contains a set of parallel interparliamentary sessions organised by different committees of the European Parliament and to a certain extent aligns with the *model* of EP-led scrutiny. The first meeting of the SECG Conference is therefore dominated by the European Parliament, although formally the Presidency Parliament co-chairs all sessions (§3.1, Rules of Procedure). Related to the overall timing of the Conference's two meetings per year, the Rules of Procedure state that they "should be

convened before the presentation of the Annual Growth Survey and the adoption of the National Reform Programmes” (§3.2). Here, the provisions in the Rules of Procedure also fully adhere to the Speakers’ principles of April 2015 (see Table 5.2, above). The relevant stages of the European Semester are programmed for April (national governments must submit their Stability or Convergence Programme and National Reform Programme, in which they put forward their fiscal and economic policy, by the end of April) and November (the European Commission usually presents the Annual Growth Survey, which sets the overall economic priorities for the EU, by the end of November).³⁰

If one looks at the issues that are put on the agenda of the SECG Conference, they have moved beyond budgetary policies and other issues covered by the TSCG, narrowly defined. In this respect, the Danish Folketing and its allies (see sub-section 5.3.1) did not get their way. In February 2017, for instance, structural reforms, conditionality and ESM programmes were addressed in one session; economic policy, social affairs, growth and jobs were covered at other meetings. Many centre-left parties, like the French Socialists (initially opposed to tighter budgetary surveillance), had supported the TSCG back in 2012 in exchange for a symbolic “Pact for Growth and Jobs” that did not alter the fiscal rules (Rozenberg 2015: 7) and subsequently wanted to use the provision for creating the Interparliamentary Conference as a vehicle to counterbalance the dominant pro-austerity discourse in EU economic governance. This hope has not been fulfilled, but is still the reasoning behind some ideas to create a Parliamentary Assembly of the Euro area, e.g. in Thomas Piketty et al.’s “Pour un traité de démocratisation de l’Europe” (Hennette et al. 2017).

Finally, according to the Rules of Procedure, “[t]he Presidency Parliament may present non-binding conclusions on the outcome of the meeting [...]. In

³⁰ On the different stages of the European Semester, see Appendix A (Scrutinising the European Semester in four national parliaments).

The SECG Conference could also be linked to different stages of the European Semester by taking place “in November or December after the Annual Growth Survey is presented and in June after country-specific recommendations are issued” (Rozenberg 2017: 47-48).

the first semester of each year the latter may be presented together with the European Parliament” (§6.1). The respective Presidency Parliaments have usually only presented a “Presidency Summary” after the second meeting of the SECG Conference recapitulating the issues discussed in the different sessions. No conclusions have been issued after the meetings co-chaired by the European Parliament. This means that the SECG Conference is not producing the same amount and the same type of written documentation as other interparliamentary conferences (e.g. COSAC and CFSP/CSDP).

The Conference thus suffers from some organisational and functional weaknesses that must be taken into account in order to understand how the SECG Conference works on the basis of the status-quo in terms of its organisation. The institutional design of the Conference mostly corresponds to the *second model* of a COSAC-style venue. The interparliamentary compromise of November 2015 did not assign a direct European role to national parliaments (Winzen 2017: 121-75), but provides a possibility for undertaking joint scrutiny that is examined in the following section on the basis of attendance records at the Conference.

5.5 An assessment of the SECG Conference on the basis of attendance records

The SECG Conference has, by now, met ten times in total. Since the adoption of the compromise on the Rules of Procedure of the SECG Conference in November 2015, five meetings of the SECG Conference have taken place (from February 2016 to February 2018). This allows taking stock of how the Interparliamentary Conference has worked in practice so far. On the basis of the previous findings, it is clear that the COSAC-inspired institutional design (*second model*) prevailed, but attendance patterns can shed additional light on its development. After all, neither the size of national delegations, nor the affiliation of participants to certain parliamentary committees have been fixed; they remain the responsibility of each parliament. Furthermore, Article

13 TSCG, the Conclusions of the Speakers' Conference and §4.1 of the Rules of Procedure only mention representatives of "relevant committees":

"The Interparliamentary Conference on SECG shall be composed of delegations from the relevant committees of the national Parliaments of EU Members States and the European Parliament. The composition and size of delegations shall be determined by each Parliament."³¹

In the early years of its existence, the Conference was not able to meet the far-reaching expectations by some actors and thus confirmed the difficulties encountered by all interparliamentary initiatives since 1989 (see Larhant 2005). But if assessed by the objective set in §2.1 of its Rules of Procedure, according to which the Conference "shall provide a framework for debate and exchange of information and best practices" and "contribute to ensuring democratic accountability in the area of economic governance and budgetary policy in the EU, particularly in the EMU" (§2.1, Rules of Procedure), the Conference actually does what it is supposed to do. After the procedural disagreements were solved, national parliaments and the European Parliament would still be able to embark on jointly scrutinising the executive decision-makers of EU economic governance.³²

Meeting with colleagues from other EU member states is a firmly established part of the work of parliamentarians (see Wagner 2013: 195). In the following, this section examines variation in attendance at the SECG Conference over time (sub-section 5.5.1), across member states (sub-section 5.5.2) and across committees (sub-section 5.5.3). For the three dimensions, the attendance records from 2013 to 2018 are examined.³³

³¹ §4.1, Rules of Procedure of the SECG Conference.

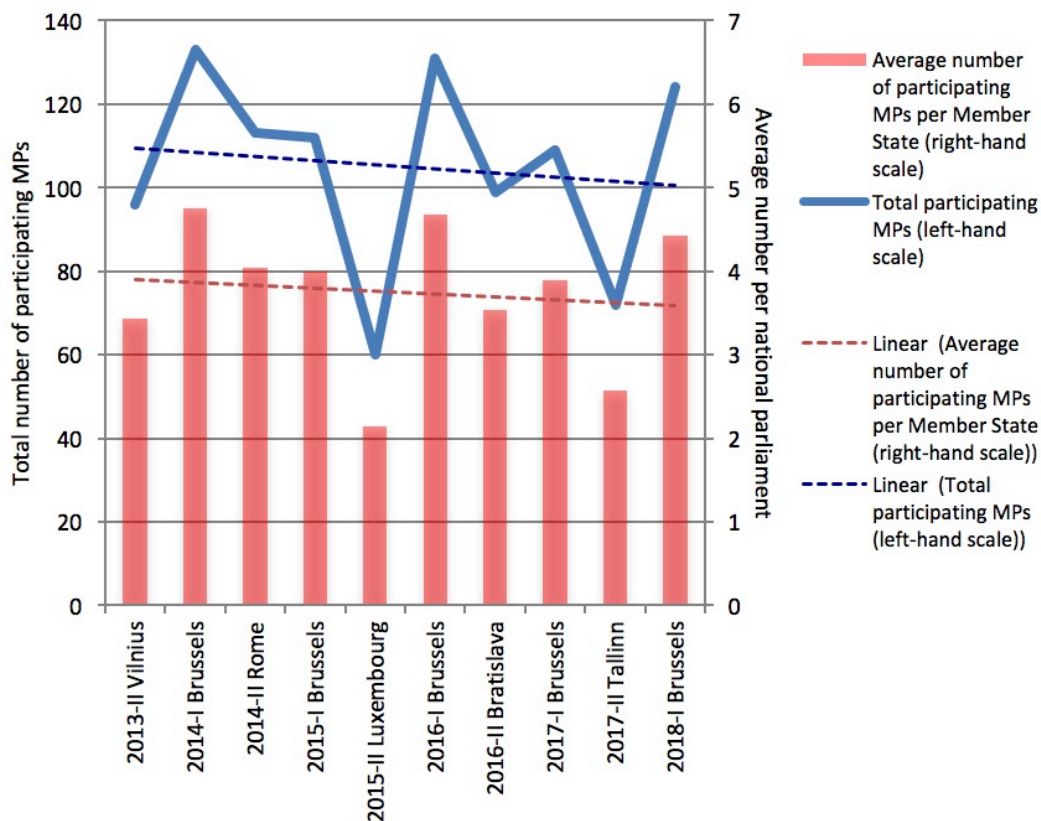
³² Joint scrutiny essentially means that national parliaments and the European Parliament cooperate in order to remedy the information asymmetries that they have vis-à-vis the executives.

³³ The data have been extracted from the lists of participants, available on IPEX.

5.5.1 Variation over time

SECG Conferences are usually attended by around 120 MPs when they take place in Brussels (as it is the case for the first meeting in connection with the European Parliamentary Week) and by around 90 MPs when they take place in the national capital of the Presidency Parliament (as it is the case for the second meeting).³⁴ From 2013 to 2018 a total of ten meetings of the Conference took place. Over the years, there has been a slight decrease in the total numbers of participating MPs to 105 and in the average number of participants per national parliament to 3.7 (see Figure 5.1).

Figure 5.1 Overall attendance at the SECG Conference



Source: Own elaboration.

Data: Fromage (2016a) for 2013(II)-2015(I); own data collection for 2015(II)-2018(I).

³⁴ Own calculation on the basis of lists of participants.

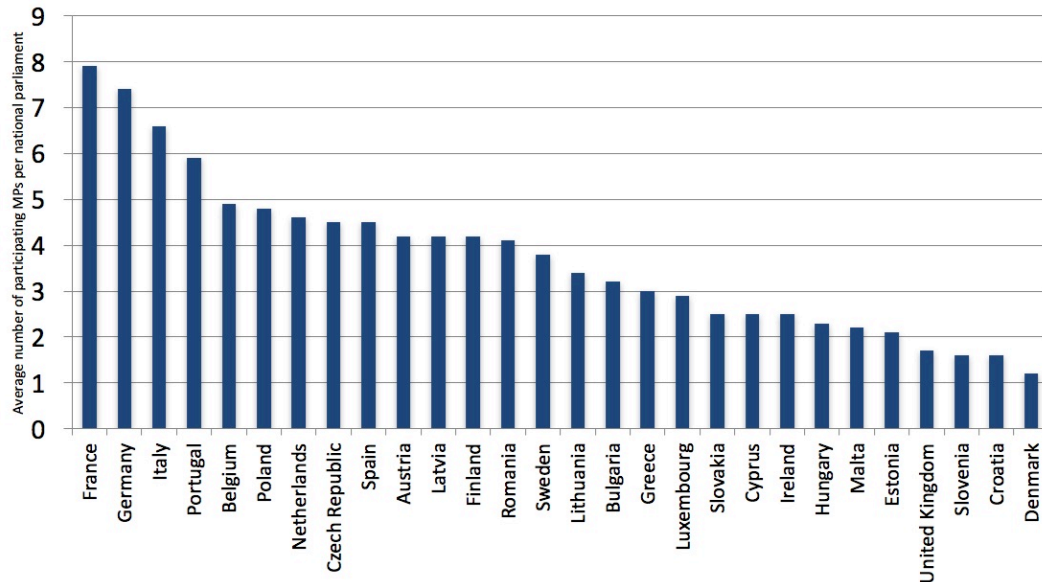
In general, however, the attendance can be considered stable. After an all-time low at the meeting in Luxembourg in November 2015 (60 MPs), the number of participants has recovered at the following meetings (see Figure 5.1). This means that despite struggles about the Rules of Procedure, attendance has not declined. Parliamentarians thus remain attached to the Conference that corresponds to the *second model*. They dedicate time and resources to it.

5.5.2 Variation across member states

The data also confirm that over the years interparliamentary relations between national parliaments have “not develop[ed] into a balanced multilateral interplay including parliaments from all member states on the same footing” (Benz 2011: 11). Similar to the case of COSAC (Kreilinger 2013: 4), national parliaments’ participation in the early years of the SECG Conference was unequal (Fromage 2016a) and the great variation in the number of MPs attending the SECG Conference has persisted (see Figure 5.2). If the average participation is below two MPs (as for Denmark, Croatia, Slovenia and the United Kingdom), the delegation of a national parliament does not allow for representation of governing parties and opposition parties — not to mention representation of both chambers in case of bicameral systems. At the same time, it is clear that MPs have limited time and resources for the SECG Conference. They may also already feel well-informed. Since the creation of the Conference in 2013, only 13 out of 28 national parliaments have had average delegation sizes of four or more MPs. Four MPs is generally considered the ideal number of MPs in order to have a “solid foundation for a genuine network of high flyer specialists” (Rozenberg 2017: 50), where the chair and deputy chair of the Budget or Finance committee, belonging to different political camps (and assemblies in case of bicameral systems), would be represented. Unsurprisingly, the national parliaments of the biggest Euro area members (France, Germany and Italy)

have, on average, sent large delegations of six or more MPs to the SECG Conference (see Figure 5.2).

Figure 5.2 Attendance per national parliament at the SECG Conference



Source: Own elaboration based on data collection from lists of participants from 2013 to 2018.

Delegation sizes also vary in other interparliamentary settings, for example COSAC (Kreilinger 2013: 4). As long as the SECG Conference is not asked to take binding decisions, such a variation is not a problem. If, at some point, the SECG Conference evolved into this direction, different delegation sizes (or voting powers) might be necessary in order to ensure an equal representation of citizens from EU member states.

5.5.3 Variation across committees

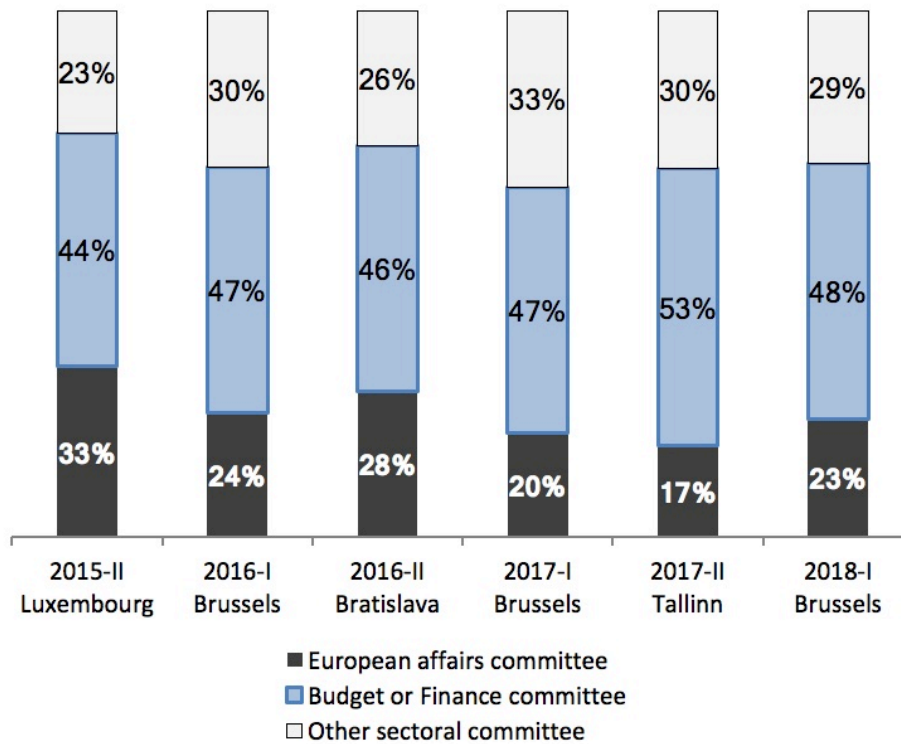
Finally, one interparliamentary struggle during the early negotiations about the institutional design of the Conference concerned the role of European affairs committees. The institutional self-interest of European affairs

committees had been to keep control over economic governance and possibly avoid an empowerment of their fellow MPs who are most likely to come from Budget or Finance committees. They did not succeed, although in 2012/2013, the Danish Folketing was able to build a large coalition among the chairpersons of European affairs committees.³⁵

The lists of participants allow examining the committee affiliation of participating MPs and whether MPs affiliated to sectoral committees (e.g. Budget or Finance committees) or to European affairs committees attend the Conference. This has evolved over time (see Figure 5.3): At the constituent meeting of the Conference in Vilnius in October 2013, roughly 50% of the participating MPs belonged to the Budget or Finance committees of their national parliament, 28% were affiliated to the European affairs committee and the remaining participants (over 20%) were members of other sectoral committees such as Economic or Social affairs.³⁶ In November 2015, about 33% (+5 percentage points compared to the constituent meeting in 2013) of the MPs attending the Conference were members of European affairs committees, 44% (-6) were members of Budget or Finance committees and 23% (+3) of participating MPs did not belong to either of these two committees (Kreilinger 2016: 49). More recently, at the meeting in Tallinn in October 2017, only 17% of participating MPs belonged to the European affairs committee of their national parliament (-16 compared to the meeting in Luxembourg, two years earlier); 83% of them were affiliated to other sectoral committees (among them 53% to Budget or Finance committees). This proportion of European affairs committee members has recovered slightly to 23% at the most recent meeting in Brussels in February 2018 (see Figure 5.3).

³⁵ See sub-section 5.3.1 (First discussions in sub-groups of national parliaments): Chairpersons from 15 national parliaments/chambers (Czech Republic, Denmark, Estonia, Ireland, Hungary, Latvia, Lithuania, Luxembourg, Slovakia, Slovenia, Sweden, the UK House of Lords, the Belgian Senate and the Romanian Senate signed a letter in April 2013 arguing that the Article 13 Conference should meet at the margins of COSAC (see also Table 5.1).

³⁶ Own calculation on the basis of the list of participants.

Figure 5.3 Committee-affiliation of MPs at the SECG Conference

Source: Own elaboration based on data collection from lists of participants from 2015 to 2018.

This suggests that the Euro crisis has not only affected the power balance within national parliaments (Fasone 2018b), but also interparliamentary cooperation and a “mainstreaming” of EU affairs (see Gattermann et al. 2016) has taken place at the SECG Conference through a greater involvement of MPs from sectoral committees (Fromage 2016b; Rozenberg 2017: 48): If MPs who cover budget or finance issues become involved in interparliamentary cooperation, the domestic experts on the topic become active at the EU level (and not primarily MPs from European affairs committees who are already quite Europeanised). This strengthens what has been called “interparliamentarism by committee” (Fasone and Lupu 2016b: 355) and exposes MPs from sectoral committees to the positions and views of parliamentarians from other EU countries.

5.6 Theory and practice of interparliamentary cooperation

This chapter examined the difficulties in making interparliamentary cooperation work. The Rules of Procedure of the SECG Conference represent a lowest common denominator compromise about the role that this new body should play in EU economic governance. In that respect, the findings are in line with previous theoretical assumptions about and practical examples for challenges in interparliamentary cooperation (Crum and Fossum 2013a; Lupo and Fasone 2016).

National parliaments and the European Parliaments agreed that the institutional design of the SECG Conference would follow the model of COSAC, although with two institutional peculiarities: The linkage to the European Parliamentary Week at the first annual meeting gives the European Parliament some additional leverage and there is no provision regarding the size of delegations. Thus, the *second model* did not fully prevail, but it has been followed to a great extent. The SECG Conference certainly did not become a collective parliamentary counterweight to executive dominance in economic governance. Despite this, the number of participants is stable over time, the size of national delegations continues to vary and participating MPs are still twice as likely to be members of Budget or Finance committees than to be members of European affairs committees.

After two years of procedural disagreements, the Rules of Procedure are the current basis on which the Conference works and interparliamentary cooperation in the post-crisis economic governance is now characterised by a high degree of stability. The SECG Conference could still become a genuine venue for joint scrutiny in EU economic governance in which national parliaments and the European Parliament cooperate in order to remedy the information asymmetries that they have vis-à-vis the executives. MPs and MEPs would then engage in a real dialogue with representatives of the EU's executive and jointly scrutinise those actors and bodies who carry

responsibility in the post-crisis economic governance. But despite proposals for creating some kind of joint parliamentary body³⁷, there is currently little momentum in that direction.

*Directions for further research*³⁸

The analysis of this chapter provides an opportune starting point for further research on interparliamentary cooperation in EU economic governance — first, in relation to the notion of “joint scrutiny” and, second, with respect to transmission to the national parliamentary arena. Each of these two directions is now developed briefly.

On the one hand, the concept of “joint scrutiny” could be developed much more. After all, scrutiny is more than interparliamentary debate as it assumes an object that is being scrutinised. This begs the question what can jointly be done by national parliaments and the European Parliament in EU economic governance and what would distinguish “joint scrutiny” from “non-joint scrutiny”. In this respect, it would be tempting to develop thinking about a “new *inter-parliamentarism*” at a theoretical and operational level.

On the other hand, a mechanism like the SECG Conference that connects the European level and the national level can only work properly if there are transmission channels and if SECG Conference delegation members that are agents of their entire assembly report back to committee(s) and parliament. The SECG Conference delegation of the German Bundestag, for instance, drafts a written report (“Unterrichtung”) after each conference³⁹, but the

³⁷ See Chapter 6 Conclusion (sub-section 6.3.2 National parliaments and reforming the Economic and Monetary Union) on whether a distinct parliamentary body for the Euro area is necessary.

³⁸ The following paragraphs are not included in the article ‘From procedural disagreement to joint scrutiny? The Interparliamentary Conference on Stability, Economic Coordination and Governance’, *Perspectives on Federalism*, 10 (3), pp. 155-184.

³⁹ For example, Deutscher Bundestag, Unterrichtung durch die Delegation des Deutschen Bundestages in der Interparlamentarischen Konferenz gemäß Artikel 13 des Vertrags über Stabilität, Koordinierung und Steuerung in der Wirtschafts- und Währungsunion (Fiskalvertrag). Tagung der Interparlamentarischen Konferenz über Stabilität, wirtschaftspolitische Koordinierung und Steuerung in der Europäischen Union vom 9. und 10. November 2015 in Luxemburg, Drucksache 18/7400, 11 February 2016.

initial evidence available suggests that nothing else happens in committee or plenary. In the French *Assemblée nationale*, however, there have only been a few written reports of that kind, whereas short oral reports in the European affairs committee about meetings of interparliamentary conferences have been more common. Analysing the actual impact of the SECG Conference and whether national parliaments' individual scrutiny of the national government or the European Commission is able to benefit from information received at SECG Conference would be the next step under this direction for further research.

Chapter 6:

Conclusion

The concluding chapter of this dissertation connects the findings of Chapters 3, 4 and 5 in the context of the overall framework for assessing parliamentary involvement in EU economic governance that was developed in Chapter 2. This chapter proceeds in four steps: First, the assessment of national parliaments in this dissertation is summarised (section 6.1). In light of these findings, the following sections evaluate the theoretical implications (section 6.2) and the practical implications (section 6.3). After that, this chapter draws some lessons for the role of national parliaments in turbulent times (section 6.4).

6.1 The assessment of national parliaments in this dissertation

The findings of the three comparative studies in this dissertation (Chapters 3, 4 and 5 on the European Semester, the European Stability Mechanism and the SECG Conference) challenge the persisting view that the Euro crisis has only reduced the powers of national parliaments.¹ The assessment of national parliaments' actual involvement in Europe's post-crisis economic governance combined a political and institutional analysis of the role of national parliaments with comparative qualitative and quantitative examinations (see also Auel et al. 2015a). The three comparative studies provide ample evidence that many national parliaments were able to "fight back" (Raunio and Hix 2000) and have responded to the Euro crisis. But this happened in an asymmetric way. The uneven involvement of national parliaments threatens

¹ See also the discussion of the de-parliamentarisation thesis in Chapter 1 Introduction (section 1.2 National parliaments in the European Union).

the possible contribution that this source of democratic representation and legitimacy can make to Europe's overall post-crisis economic governance.

Chapter 3 on the European Semester

More specifically, Chapter 3 provided a fine-grained analysis of how the European Semester is scrutinised and asked what factors have driven parliamentary activities in the French *Assemblée nationale*, the German Bundestag, the Irish *Dáil* and the Portuguese *Assembleia* between 2012 and 2017. Although the European Semester possibly has a far-reaching impact on national parliaments' "power of the purse" (Wehner 2006), national parliaments are only to some extent willing and able to participate in the multilevel coordination and surveillance process of the European Semester.

Legal provisions for a parliamentary debate and vote on the Stability Programme have sometimes been ignored in France and the German Bundestag is much less active in the European Semester than in general EU affairs or in the budget process. Moreover, the weakness of Ireland's parliament in the annual budget procedure affects its role in the European Semester. Viewed from the ideal-typical models for parliamentary scrutiny in EU affairs (Rozenberg and Hefftlar 2015), only the Portuguese *Assembleia* has been able to play an active role in the European Semester as a "public forum" (and to some extent also as "watchdog" and "European player").²

The four case studies on the European Semester thus confirm that national parliaments "find themselves on the losing side of a reinforced two-level game" (Crum 2018: 270). Compared to reports that cover all 28 national parliaments (Hagelstam et al. 2018; Hallerberg et al. 2018; Raimla 2016), Chapter 3 has provided additional insights about the relevance of domestic political dynamics as a possible driving factor. Finally, the findings suggest that the role of national parliaments could be fostered through the definition of minimum standards for their involvement in the European Semester. The

² These ideal-typical models were developed by Olivier Rozenberg and Claudia Hefftlar for EU affairs (Rozenberg and Hefftlar 2015). Chapter 2 applied them to EU economic governance and Chapter 3 to the European Semester.

deliberation on creating these standards could be assigned to a working group of national parliaments convened in the context of the SECG Conference.³

Chapter 4 on the European Stability Mechanism

When a national parliament votes in relation to an ESM rescue package, it participates in the Economic and Monetary Union. Chapter 4 examined this complex interplay between national procedures and European procedures as part of a long chain of delegation. Eight national parliaments were substantially involved in the case of the third rescue package for Greece while ten national parliaments were not. Some national parliaments, for example the German Bundestag, are able to preserve their budgetary autonomy when it comes to rescue packages, but only “at the cost of those who experience the constraints of ‘conditionality’” (Joerges 2016: 326-27).

For some other national parliaments substantial involvement in ESM affairs did not follow the expectations derived from earlier research on parliamentary prerogatives (Höing 2015b; Rittberger and Winzen 2015). The analysis in Chapter 4 did not find significant differences in terms of economic strength between those countries with substantial parliamentary involvement and those without: Voting in national parliaments in relation to the negotiations on the third rescue package for Greece was often rooted in a path dependency logic (previous institutional strength of a national parliament in EU affairs), but additional votes were triggered by the government or by opposition parties. Domestic political dynamics have also shaped parliamentary participation in the Economic and Monetary Union. They stand for two trajectories of parliamentary involvement in the third rescue package for Greece that were followed by the French Assemblée nationale, the Dutch Tweede Kamer and the Spanish Congreso. Two other national parliaments followed the trajectory of indirect legal enabling clauses (Finnish Eduskunta and Latvian Saeima) while three national parliaments

³ See below, sub-section 6.3.2 (National parliaments and reforming the Economic and Monetary Union).

voted on the basis of direct legal enabling clauses (Austrian Nationalrat, Estonian Riigikogu and German Bundestag).⁴

Chapter 5 on Interparliamentary Cooperation

EU economic governance also requires collective engagement from national parliaments (see Chapter 5). Together with the European Parliament they agreed that the new Interparliamentary Conference on Stability, Economic Coordination and Governance (SECG) would follow the “standard” interparliamentary conference (called the *COSAC model* in Chapter 5). Two other competing models for the institutional design of the Conference did not prevail. In terms of national parliaments’ actual participation, attendance records are stable over time, the size of national delegations continues to vary and participating MPs are still twice as likely to be members of Budget or Finance committees than to be members of European affairs committees.

This suggests that interparliamentary struggles and an outcome under which national parliaments “once again failed to be collective actors at the EU level” (Kreilinger 2013: 17) did not have a negative impact on participation. The Conference does not entrust national parliaments with a direct European role (see Winzen 2017: 173-75) and has not become a venue for “joint scrutiny” yet, but, as the participation records and conduct of its meetings show, it might still become such a venue.

Overall assessment

In the 1990s, a major development in national parliaments was the creation of European affairs committees (Raunio and Hix 2000). This also meant that EU affairs became somehow encapsulated among a few specialists (Fromage 2016b; Gattermann et al. 2016). As pointed out by Crum (2017: 830),

“[o]ne trend that gives some credence to the claim that national parliaments become ever more an integral part of the EU

⁴ See Chapter 4 National parliaments and the European Stability Mechanism (sub-section 4.4.1 Trajectories of substantial parliamentary involvement), in particular Table 4.7.

constitutional system is the recurring observation that European Affairs Committees are losing their central role in the involvement of national parliaments in EU affairs.”

In EU economic governance, this mainstreaming of EU affairs (Gattermann et al. 2016) makes sectoral committees considerably more active and implies a shift from European affairs committees to Budget and Finance committees (Fasone 2018b). This is most evident at the SECG Conference where about one in two participating MPs is a member of the Budget or Finance committee while only 20% belong to European affairs committees.⁵ In case of the third rescue package for Greece, however, substantial involvement of parliamentary committees mostly took place in European affairs committees.⁶

With respect to the “aggregate level of parliamentary participation” (Lord 2013: 248) in Europe’s post-crisis economic governance, the findings of this dissertation require making a differentiated assessment of the activities of national parliaments. On the one hand, national parliaments do not achieve the level of parliamentary involvement that would be needed in the European Semester (see Crum 2018; Lord 2017; Rozenberg 2017). The French Assemblée nationale is the prime example of a national parliament that has not always met the legal obligations for a parliamentary debate and vote on the Stability Programme.⁷ On the other hand, with respect to the ESM and the third rescue package for Greece, Chapter 4 found that national parliaments’ substantial parliamentary involvement exceeded what was required (and expected) according to national legal provisions (see Höing 2015b; Rittberger and Winzen 2015). This is a noteworthy finding, because

⁵ See Chapter 5 The Interparliamentary Conference on Stability, Economic Coordination and Governance (section 5.5 An assessment on the basis of attendance records).

⁶ See Chapter 4 National parliaments and the European Stability Mechanism: European affairs committees were substantially involved in Estonia, Finland and Latvia. In Austria, the “Standing sub-committee on ESM matters” is responsible.

⁷ See Chapter 3 National parliaments in the European Semester (sub-section 3.3.1 To scrutinise or not to scrutinise) and Appendix A (A.1 French Assemblée nationale: Adaptation without obligation): A debate and vote on the Stability Programme took place in 2011, 2013, 2014 and 2018. In 2016 there was a debate without a vote. In 2015 the Assemblée nationale did not debate and did not vote on the Stability Programme. This was also the case in 2012 and 2017, but in both cases due to the end of the legislative term.

national parliaments very often do not exploit their possibilities for parliamentary involvement. Finally, the contribution of the SECG Conference to the aggregate level of parliamentary participation is limited, but it is a useful place for exchanges and discussions between national parliaments and the European Parliament.

6.2 Theoretical implications for studying national parliaments

This section highlights four major theoretical implications that the findings of this dissertation have for studying national parliaments and suggests that some theoretical considerations for analysing the involvement of national parliaments in the post-crisis economic governance, outlined in Chapter 2, might have to be developed further.

First of all, research on parliaments should indeed focus on what they actually do. Second, when it comes to the EU's democratic deficit, national parliaments are part of the problem and part of the solution: Asymmetries between them affect the channel of legitimacy that they provide for the EMU, but redistributive effects of the EMU and its new elements (in particular the European Semester and the ESM) make an equal involvement of national parliaments more necessary. Third, research under the lens of the "new parliamentarism" contributes to a better understanding of contemporary developments in the EU. The findings of this dissertation, fourth, suggest that the exceptionality of EU affairs in national legislatures might come to an end.

What do national parliaments actually do?

The first theoretical implication is that the move from analysing prerogatives to analysing activities and actual involvement (see also Auel et al. 2015a) is without any doubt a step into the right direction for studying national parliaments in the EU.⁸ Both the empirical chapters on the European Semester and the ESM, for instance, reported that existing rules were sufficient for the Finnish Eduskunta to control the government. If research solely focuses on parliamentary reforms in reaction to the new economic governance, the Finnish case of reliance on existing prerogatives might be easily missed.

In addition, as outlined in Chapter 2, national parliaments are “not just involved” in the post-crisis economic governance, but the complex interplay between prerogatives and activities could be driven by three different action logics. The two action logics of *institutional path dependency* and *economic strength* are able to explain parliamentary prerogatives and institutional capacities, but they cannot account for the whole picture of parliamentary involvement. The previous institutional strength of a national parliament in EU affairs and *domestic political dynamics* triggered by the government or by the opposition are the drivers that Chapter 4 has identified as explaining substantial parliamentary involvement in the case of the third rescue package for Greece.

The financial crisis has led to an “ad-hoc technocratisation of economic policy-making” (Enderlein 2013: 732). An important question has been whether national parliaments have, once again, been able to “fight back” (Raunio and Hix 2000), this time against the “ad-hoc technocratisation” of the economic and financial crisis. The reply is a cautious “yes, but...”.

Another question is how national parliaments fill their ideal-typical scrutiny roles⁹ with life. These roles are not mutually exclusive (Rozenberg

⁸ See Chapter 1 Introduction (section 1.2 National parliaments in the European Union).

⁹ See Chapter 2 Assessing parliamentary involvement in Economic Governance (sub-section 2.3.2 Models of parliamentary scrutiny of EU affairs).

and Heffttler 2015: 28), national parliaments can play more than one role and shifts between ideal typical scrutiny roles have taken place. The existence of plenary sessions that deal with Europe's post-crisis economic governance means that in several national parliaments not only major constitutional moments of European integration, such as the ratification of EU Treaties (see Thomas 2016; Wendler 2016), but also ESM rescue packages, Stability Programmes or National Reform Programmes are treated and debated in plenary. EU economic governance is no longer a purely technocratic and committee-based affair. In that respect, this dissertation also examined parliamentary life and what kind of objections were raised by MPs in plenary debates (procedural or policy objections) and to whom these objections were directed (to the government or to the EU). One of the broader trends regarding national parliaments' involvement in EU economic governance (outlined in Chapter 2, sub-section 2.3.3), becoming a "public forum", if the time pressure allows, is thus confirmed.

Philip Norton has pointed out that "what is remarkable about [...] legislatures is not their power to say no to government but rather their reluctance to employ that power" (Norton 1998: 192). Besides the move towards analysing actual parliamentary involvement, it is therefore equally important to note that even an active response and actual involvement by national parliaments are "no guarantee for them effectively taking back control" (Crum 2017: 822) and that they could still be "trapped in a rescue discourse" (Puntscher Riekmann and Wydra 2013).

Asymmetries, Channels of legitimacy and the EU's democratic deficit

A second theoretical implication is linked to the asymmetries between national parliaments in the different domains of Europe's post-crisis economic governance. They have reached a level that creates "new forms of inequality and domination" (Fossum 2016: 5). The findings of this dissertation also affect the two channels of legitimacy and the common understanding of the democratic deficit in the EU.

The EU is no longer a limited-purpose organisation that restricts its activities to non-redistributive and regulatory issues, because the EMU as a whole, the European Semester and the ESM have created far-reaching redistributive effects.¹⁰ With respect to the democratic deficit, the analysis of the post-crisis economic governance in this dissertation shows that national parliaments are part of the problem and part of the solution: Redistribution at the European level “requires the involvement of national parliaments since the European Parliament alone is unlikely to have sufficient democratic legitimacy” (Börzel 2016: 26), but asymmetries between national parliaments make the channel of legitimacy that national parliaments are supposed to provide for Euro area governance measures not as viable and symmetric as it could be. Furthermore, Chapter 5 confirmed that on issues with redistributive implications, “national parliaments may prefer to operate on their own or in coalitions that involve smaller subsets of the parliaments in the system” (Crum 2016: 15). Parliamentary actors followed the two options for parliamentary counterbalancing strategies that were put forward in Chapter 2: In order to limit *intergovernmental tendencies* they have proposed or enacted stronger oversight by national parliaments at the domestic level (Patzelt 2014: 90-93), new interparliamentary bodies or empowering the European Parliament as a counterweight to intergovernmental institutions at the EU level. Against *supranational tendencies*, scrutiny by the European Parliament to which the European Commission is accountable (Patzelt 2014: 87-88) or EP-led scrutiny in interparliamentary committee meetings have been seen as effective measures.

Regarding national parliaments that are not involved at all, it is important to note that these national parliaments delegated powers to the national government and the ESM in a legitimate way, when they ratified the ESM Treaty in 2012: Why would these parliaments see a need to acquire new competences? The possibility that some national parliaments are genuinely uninterested must also be taken into consideration. The tangled web of parliamentary procedures related to the ESM is therefore unlikely to change,

¹⁰ See Chapter 1 Introduction (section 1.3 Why Economic Governance is different).

because the competences of powerful national parliaments cannot be simply taken away from them either. A more symmetric way of parliamentary involvement that includes all members of the Euro area (via some kind of joint parliamentary structure) would have to keep the current prerogatives of national parliaments intact.

Research under the lens of the “new parliamentarism”

The third theoretical implication is related to the “new parliamentarism”. This dissertation asked a more specific question than the “who gained power?”-question of the two main protagonists in contemporary theoretical debates about European integration, the “new intergovernmentalism” and the “new supranationalism” (Crum 2018: 273; Schmidt 2016). Although they remain mostly silent about how they see the role of national parliaments, scrutiny activities that are directed to the European Council or the European Stability Mechanism matter for the “new intergovernmentalism”, while the “new supranationalism” would have to consider the role of the European Parliament and interparliamentary cooperation in EU economic governance under the model of EP-led scrutiny¹¹ and take into account that the European Parliament has preserved its ultimate weapon: to censor the European Commission (Lord 2017: 686). As suggested in Chapter 2, the emergence of the “new parliamentarism” might be helpful in this regard.

The analysis of national parliaments in EU economic governance in this dissertation contributes to the “new parliamentarism” with a broad comparative perspective on parliamentary practices in Europe’s post-crisis economic governance. The “new parliamentarism” (Schmidt 2016) puts, as previously explained,

“continuous parallel process[es] in which parliaments at different levels (national and European) and in different configurations are

¹¹ See Chapter 5 The Interparliamentary Conference on Stability, Economic Coordination and Governance (section 5.2 Competing models for the relationship between national parliaments and the European Parliament in EU Economic Governance).

involved to make [...] EU executive decisions visible and to hold those who take them to account” (Crum 2017: 835)

at the centre of attention in its research. Parliamentary power (or weakness) should indeed not be considered “in relation to individual parliaments or single-system representative structures, but with a view to the overall system of representative relations” (Fossum 2015a: 56).

When national parliaments have adapted their scrutiny activities to the new realities of the post-crisis economic governance, such developments should receive special attention by disciples of the “new parliamentarism”. But cases of non-adaptation, such as the ten national parliaments which were not substantially involved in relation to the third rescue package for Greece, can also provide important insights.¹²

It is also worth considering what the findings of this dissertations might imply for the understanding of the Multilevel Parliamentary Field (Crum and Fossum 2009, 2013a). Above all, with respect to the question of whether interparliamentary relations are more akin to a “field” or a “system” (see Crum 2017; Lupo 2018; Patzelt 2014), this dissertation confirms the “field character” of interactions in the European Semester, in relation to the ESM and in interparliamentary cooperation: Whatever parliamentary institutions do in the post-crisis economic governance, the empirical chapters find no evidence that the “field” would be so dense and structured that one could speak of a “system”.

With respect to broader trends regarding national parliaments’ involvement in EU economic governance, the creation of the SECG Conference seems to have prompted many national parliaments to put a greater emphasis on their role as “European players”. The findings in Chapter 5 are mostly in line with previous theoretical assumptions about and practical examples for challenges in interparliamentary cooperation (Crum and Fossum 2013a; Lupo and Fasone 2016). National parliaments and the European Parliament interact with each other, but there is “no automatic

¹² See Chapter 4 National parliaments and the European Stability Mechanism.

way in which their voices cohere or can be aggregated” (Crum 2016: 9). Interparliamentary cooperation therefore faces difficulties to act as a “democratic coping mechanism” (Fossum 2015b) for the post-crisis economic governance. Chapter 5 also outlined a few directions for further research, in order to contribute to the emerging “new parliamentarism” and create an interparliamentary research component that could focus on the notion of “joint scrutiny” and channels of transmission from interparliamentary conferences to the national parliamentary arena.¹³

The “new normal” for budgetary and EU issues in legislatures

In addition to the previous theoretical implications, the fourth implication is that the common understanding of the role of EU affairs *inside* national parliaments might have to be developed further. Chapter 1 referred to a mismatch between existing classifications of national parliaments in general EU affairs and the adaptation of national parliaments to EU economic governance and subsequently also noted that EU economic governance differs from normal EU affairs with respect to the legal framework, the procedures under which the instruments operate, the “inability to rely on existing mechanisms of parliamentary involvement” (Fromage and van den Brink 2018: 241), depoliticised rules and redistributive effects. Another of the three broader trends regarding national parliaments’ involvement in EU economic governance, outlined in Chapter 2 (sub-section 2.3.3), stronger involvement of Budget and Finance committees, was confirmed, for instance with respect to the composition of delegations to the SECG Conference.¹⁴

Ultimately, some of the findings may also have implications for researching legislatures in the budget process (e.g. Wehner 2014). The budgetary role of legislatures of EU member states and Euro area members cannot be properly understood without taking into account the supranational

¹³ See Chapter 5 The Interparliamentary Conference on Stability, Economic Coordination and Governance (section 5.6 Theory and practice of interparliamentary cooperation).

¹⁴ See Chapter 5 The Interparliamentary Conference on Stability, Economic Coordination and Governance (section 5.5 An assessment on the basis of attendance records).

fiscal norms to which they have subscribed (the European Semester and the TSCG) and considering the financial guarantees which are also situated beyond the nation-state (the EFSF and ESM). The responsibility of national governments to these norms and institutions has created a situation that complicates their responsiveness to citizens (see Mair 2009; Rose 2014). Parliamentary involvement could be a remedy. In this regard, two aspects must be taken into consideration: First, recurring involvement by national parliaments when these norms and measures are executed could enhance the credibility of national commitments in the context of the European Semester or in the ESM (Bellamy and Weale 2015; Lord 2017). This should not just be a pro-forma involvement as during the crisis (Enderlein 2013: 732), but take place on the basis of well-defined standards and in a symmetric way.¹⁵ EU economic governance does not necessarily suffer from a zero-sum trade-off between parliamentary involvement in the European Semester and compliance with Country-specific recommendations, as the example of Denmark shows (Kreiling 2016: 6-7, 35-36). Parliamentary involvement can enhance the stability of fiscal norms, commitments and institutions in Europe's post-crisis economic governance, if fiscal institutions push national parliaments "to fix prudent aggregate parameters and to focus debate on allocative choices within a hard budget constraint" (Wehner 2010: 141).

6.3 Practical implications for parliamentary involvement

The findings of this dissertation also have practical implications for national parliaments. As economic governance generally implies a shift from EU legislation to executive action (Crum 2017: 835), it became clear in this dissertation that many national parliaments must still find an appropriate

¹⁵ See sub-section 6.3.2 National parliaments and reforming the Economic and Monetary Union.

response to this.¹⁶ The empirical chapters of this dissertation have clarified the different roles that national parliaments play in Europe's post-crisis economic governance and the functions that they fulfil. These roles correspond but are not congruent to the ideal types of parliamentary scrutiny in general EU affairs (Rozenberg and Hefftlar 2015).

6.3.1 Old tools for new challenges?

The conditions for national parliaments' involvement in the European Semester (identified in Chapter 3) and in the context of an ESM rescue package (identified in Chapter 4) have important practical implications, too. These conditions are more similar than one would expect considering the differences between the European Semester and the ESM.¹⁷ The four national parliaments studied in the chapter on the European Semester showed that sustainable parliamentary involvement faces big hurdles even if a legislature is powerful in the budget process or formally has strong prerogatives in EU affairs. In the case of the third rescue package for Greece, the question whether the ESM should provide stability support had a high salience. The conditions for substantial parliamentary involvement identified in Chapter 4 are parliamentary strength in EU affairs and domestic political dynamics.

As strength in EU affairs matters, one conclusion that can be drawn from the findings is that, instead of focusing on the toolbox of the Lisbon Treaty with the Early Warning Mechanism and other procedures, the "good old task of governmental scrutiny" (Crum 2017: 835) needs to receive more attention from national parliaments and the traditional means of legislatures to control the government must be used for EU affairs in a precisely targeted manner (Patzelt 2014: 92-93).

¹⁶ The legislative productivity in the EU has decreased. From 2010 to 2016, the European Commission proposed an average of 127 texts, compared to 271 texts from 2004 to 2009 (Rozenberg 2017: 26).

¹⁷ See Chapter 1 Introduction (section 1.3 Why Economic Governance is different).

In terms of counterbalancing to “maintain the vitality of the democratic process” (Dahl 1994: 33), Pieter de Wilde and Tapio Raunio have advised national parliaments to redirect their priorities towards non-legislative business like the European Semester or the European Council (see de Wilde and Raunio 2018). They have argued that “networking and constituting a collective actor in EU affairs are not among the core functions of national parliaments” (de Wilde and Raunio 2018: 315). Chapter 5 of this dissertation examined these functions (networking and constituting a collective actor) which manifest themselves in the SECG Conference and, contrary to de Wilde and Raunio, came to a positive assessment.

Another practical implication of the findings is that they support calls to “find ways for re-synchronising the rhythms of political cycles and decision-making” (Lupo 2018: 207; Rozenberg 2017). Here it is important to distinguish that the European Semester and the SECG Conference are normal EU economic governance activities, while an ESM rescue package is an emergency measure. The European Semester cycle provides possibilities for structured interaction between the different levels and actors and for an appropriate timing of parliamentary involvement which have not been exploited sufficiently.

6.3.2 National parliaments and reforming the Economic and Monetary Union

National parliaments are objects and actors in the ongoing debate about reforming the Economic and Monetary Union. The different reports by the European Council and the European Commission in 2012 and 2015 only contained general references to the role of national parliaments (see Crum 2018: 268-69; Kreiling 2013: 10-12) and mostly saw them as objects which should ensure legitimacy and accountability at the national level. In late 2017, the European Commission proposed to bring the ESM and the TSCG

back under the umbrella of the EU's institutional framework.¹⁸ These proposals were made under the Community method. It is not surprising, but still worth noting, that national parliaments scrutinised them as part of the Early Warning Mechanism for subsidiarity concerns. This is one example where national parliaments have already become actors in the debate about reforming the Economic and Monetary Union.¹⁹

This sub-section considers linkages from the findings of this dissertation to the debate on reforming the Economic and Monetary Union. It deals with three major questions in the debate about enhancing the role of parliaments in EU economic governance: First, is there an ideal model of parliamentary involvement in the European Semester? Second, what would a European Monetary Fund change? And, third, is a distinct parliamentary body for the Euro area necessary? On the basis of the findings and proposals in Chapters 3, 4 and 5, each of these three questions is now discussed in turn.

An ideal model of parliamentary involvement in the European Semester?

As national parliaments follow quite different roles and functions in general EU affairs (Rozenberg and Heffler 2015), the question of whether there could or should be an ideal model of EU scrutiny has been raised occasionally (Crum 2017: 824-26). This is the first major question for which the findings of this dissertation have practical implications.

¹⁸ European Commission, Proposal for a Council Regulation on the establishment of a European Monetary Fund, COM(2017) 827 final, 6 December 2017; European Commission (2017), Proposal for a Council Directive laying down provisions for strengthening fiscal responsibility and the medium-term budgetary orientation in the Member States, COM(2017) 824 final, 6 December 2017.

¹⁹ In the German Bundestag, the opposition parties FDP, Die Linke and AfD criticised the EMF proposal and formulated proposals, i.a. to adopt reasoned opinions. See Deutscher Bundestag: Antrag der Fraktion Die Linke, Drucksache 19/579, 30 January 2018; Antrag der FDP-Fraktion, Drucksache 19/582, 30 January 2018; Antrag der FDP-Fraktion, Drucksache 19/583, 30 January 2018; Antrag der AfD-Fraktion, Drucksache 19/593, 31 January 2018. In April 2018 the CDU/CSU parliamentary group considered to table a motion under Article 23 GG. See Reformeifer abrupt erlahmt, *Süddeutsche Zeitung*, 13 April 2018, <http://www.sueddeutsche.de/politik/europaeische-union-reformeifer-abrupt-erlahmt-1.3943218>

In October 2015, the European Commission announced its intention to put forward “model arrangements” for the interaction between national parliaments and itself in the European Semester.²⁰ No such “arrangements” or reflections on how they could look like have been issued or published since then.²¹ Although an ideal model might be useful for the reflection about parliamentary involvement in the European Semester, it might interfere with the principle of national constitutional self-organisation.

One national parliament whose scrutiny of the European Semester, despite having an opt-out from the Euro, has often been considered exemplary is the Danish Folketing (Kreilinger 2016: 35-36). The European affairs committee and the Finance committee scrutinise the Annual Growth Survey, the National Reform Programme and the Convergence Programme and the draft Country-specific recommendations of the European Commission in three joint sessions.²² When these provisions were adopted in 2013, the Danish People’s Party, the Red-Green Alliance and Liberal Alliance criticised this level of parliamentary involvement with respect to the National Reform Programme and the Convergence Programme as insufficient, because “the Government will merely need to discuss its general ideas regarding the economic situation with the Danish Parliament on a non-binding basis.”²³ This means that even the Danish Folketing faces problems in fully scrutinising the European Semester (Buskjaer Rasmussen 2018: 348-53; Kreilinger 2016: 35-36).

Instead of singling out one national parliament or a set of best practices which might be contradictory if they are followed simultaneously and ill-

²⁰ European Commission, On steps towards Completing Economic and Monetary Union, Communication from the Commission to the European Parliament, the Council and the European Central Bank, COM(2015) 600 final, 21 October 2015, p. 15.

²¹ The European Commission’s 2017 Reflection paper on the deepening of the Economic and Monetary Union floats the idea of an “agreement on the democratic accountability of the Euro area” (2017: 28), but remains mostly silent about national parliaments.

²² Danish Folketing, Report on Consideration of the European Semester by the Danish Parliament, issued by the European Affairs Committee and the Finance Committee on 21 June 2013, Report No. 5 – 2012-13, <http://www.ipex.eu/IPEXL-WEB/dossier/files/download/082dbcc53eea9b80013f759affec56d0.do>, p. 2.

²³ Ibid., p. 3.

suites for established national patterns of interaction between national parliaments and their government, Chapter 3 suggested to develop *minimum standards for parliamentary involvement in the European Semester*.²⁴ This would also help to address the uneven involvement of national parliaments in the European Semester. Christopher Lord has also put forward the “difficult and controversial thought” that “maybe minimum standards of parliamentary oversight are needed” (Lord 2017: 688) and points out that the Committee of Regions suggests a code of conduct for the involvement of local and regional assemblies in the European Semester.²⁵ The European Parliament has supported the Committee of Regions on this matter and, in addition, reminded the national governments that it was their responsibility “to ensure a proper democratic scrutiny of their National Reform Programmes in their respective national parliaments.”²⁶

Chapter 3 of this dissertation pointed out that minimum standards could define basic principles of when and how national parliaments should be involved in the European Semester. The elaboration of these principles should be put in the hands of a working group composed of members of national parliaments.²⁷ The working group could specify procedural aspects of the interaction between national governments and national parliaments on the one hand, as well as between national parliaments and the European Commission on the other hand. It could also address substantive aspects of scrutinising the European Semester in order to provide a basis for a common understanding about the role of national parliaments in the European Semester.

²⁴ See Chapter 3 “National parliaments in the European Semester” (section 3.4 “Opportunities and constraints for scrutinising the European Semester”).

²⁵ European Committee of the Regions, Opinion on “Improving the governance of the European Semester: a Code of Conduct for the involvement of local and regional authorities”, Official Journal of the European Union, 2017, C 306/24.

²⁶ European Parliament, European Parliament resolution of 26 October 2016 on the European Semester for economic policy coordination: implementation of 2016 priorities (P8_TA(2016)0416), para 6.

²⁷ COSAC has occasionally convened working groups to deepen the interparliamentary reflection on specific topics. The SECG Conference could follow this example.

National governments currently “appear to retain full control over the national phase of the Semester” (Vanheuverzwijn and Crespy 2018: 290). Minimum standards for parliamentary involvement could contribute to better national ownership of the process and, possibly, increase the compliance with Country-specific recommendations (Kreilinger 2016), but contestation of European Semester *policies* in national parliamentary arenas²⁸ might also decrease compliance and would then be “the price to pay for the longer-term legitimacy of the European Semester as a process” (Crum 2018: 282).

In the reflection on minimum standards, an emphasis should be put on information flows: the information about the European Semester that national parliaments receive as well as when and how they are able to process this information. With respect to the National Stability and Reform Programmes, it would be the task of the governments to give national parliaments an opportunity to discuss the drafts of these programmes before the government transmits them to the European Commission by 30 April. During the following stage of the European Semester, national parliaments currently receive the draft Country-specific recommendations and other documents from the European Commission under the normal procedures for transmitting documents to them.²⁹ This would already enable them to discuss the Country-specific recommendations with their national government before the Council adopts them by reversed qualified majority. However, only few national parliaments do so (Hallerberg et al. 2018; Kreilinger 2016).

Interactions between national *governments* and the European Commission before the European Commission issues the draft Country-specific recommendations are not visible to parliaments or the public. This could explain the decline in amendments to these drafts in the Council (Baerg and Hallerberg 2016). In order to tackle this element of in-transparency in the European Semester, the French *Assemblée nationale* has asked the government to be included in these discussions between the government and

²⁸ For examples, see Chapter 3 National parliaments in the European Semester (sub-section 3.3.2 Raising objections against the European Semester).

²⁹ Article 1, Protocol N°1 annexed to the Treaty of Lisbon.

the European Commission.³⁰ Ideas like this one could be discussed in a working group in the framework of the SECG Conference, whose task (as described above) would be to elaborate minimum standards for parliamentary involvement in the European Semester.

What would a European Monetary Fund change?

The second major question in the debate about enhancing the role of parliaments in EU economic governance is what a European Monetary Fund (EMF) would change. Several proposals for reforming the EMU envisage the creation of an EMF which would “upgrade” the ESM and entrust the new institution with additional competences. While one can only speculate about the concrete institutional design of a future EMF, it could either be set up by changing the ESM Treaty (and remain intergovernmental) or the ESM-then-EMF could be brought closer to the community framework, as envisaged in the European Commission’s proposal for a Council regulation.³¹ This proposal would make the operating mode of the new institution slightly more supranational, while the operating mode of an intergovernmental EMF would mostly correspond to the status-quo. Adjustments to the ESM’s current institutional design could alter the involvement of national parliaments and threaten the powers that they have acquired and exercised since 2012³², but the effects of such adjustments on national parliaments will depend on the concrete changes to the current institutional design.

With respect to parliamentary involvement, the name of the new institution matters: On the one hand, *if the ESM is not renamed into EMF*,

³⁰ See Appendix A (A.1 French Assemblée nationale: Adaptation without obligation) and Assemblée nationale, Rapport d’information N°3195 sur le traitement des affaires européennes à l’Assemblée nationale, 3 November 2015, pp. 45-46.

³¹ European Commission, Proposal for a Council Regulation on the establishment of a European Monetary Fund, COM(2017) 827 final, 6 December 2017

³² For instance in case of the third rescue package for Greece in 2015, see Chapter 4.

but the name of the upgraded institution remains unchanged³³, existing provisions for national parliaments' involvement will not be affected: National parliaments might only need new prerogatives for controlling additional competences that are assigned to the ESM. On the other hand, *if the name of the ESM is changed*, direct legal enabling clauses for parliamentary involvement³⁴ could become obsolete and need modification. But as long as an EMF relies on capital and guarantees from Euro area members, national parliaments that have veto power will insist on keeping it, Any changes to the ESM Treaty also require ratification by national parliaments.

Under the proposal of the European Commission for establishing an EMF, the name of the ESM would be changed and the new institution would become subject to the scrutiny of the European Parliament.³⁵ With respect to national parliaments, the European Commission calls democratic accountability “fragmented and unevenly implemented”, national procedures “cumbersome [...] and [...] often difficult to reconcile with the speed needed for an effective crisis management”³⁶, but the Commission promises that the current role of national parliaments would remain “fully preserved”.

Parliamentary prerogatives are indeed not a zero-sum game. In the long term, the involvement of national parliaments and the European Parliament might develop into “Multilevel Parliamentarism” (Benz 2013) as a specific constellation of the Multilevel Parliamentary Field under which both parliamentary levels, national parliaments and the European Parliament,

³³ See German Federal Government (Press and Information Office), Meseberg Declaration, Renewing Europe's promises of security and prosperity, 19 June 2018, <https://www.bundesregierung.de/Content/EN/Pressemitteilungen/BPA/2018/2018-06-19-meseberg-declaration.html> : “The ESM *could* be renamed” (author's emphasis).

³⁴ See Chapter 4 National parliaments and the European Stability Mechanism (sub-section 4.4.1 Trajectories of parliamentary involvement).

³⁵ Article 5 (1) of the Proposal for a Council Regulation on the establishment of a European Monetary Fund (COM(2017) 827 final): “The EMF shall be accountable to the European Parliament and the Council for the execution of its tasks.”

³⁶ All quotes from the Explanatory Memorandum to the Proposal for a Council regulation on the establishment of a European Monetary Fund (COM(2017) 827 final), p. 3. It also states that the Regulation “provides for a more explicit scrutiny role of national parliaments in comparison to the state of play in the ESM Treaty” (p. 14). See Article 6.

are strong and cooperate in order to hold the EMF accountable. But until a modification to the ESM's institutional design enters into force, the tangled web of parliamentary procedures related to ESM affairs that Chapter 4 analysed in detail³⁷ will remain a key feature of Europe's post-crisis economic governance and shape the two-level game of negotiations on future rescue packages as well as the Multilevel Parliamentary Field of the EU. In the end, it remains to be seen if a possible EMF with a fundamentally different institutional design is able to change the role of national parliaments or not.

Is a distinct parliamentary body for the Euro area necessary and feasible?

Whether a distinct parliamentary body for the Euro area (or Eurozone parliament) is necessary has also been an important issue in the debate on reforming the Economic and Monetary Union. This is the third of the three major questions for which the findings of this dissertations have practical implications.

Proposals to set up a distinct parliamentary body for the Euro area (or Eurozone parliament) have been put forward regularly and would ensure that the legitimacy structures of the EMU also “fulfil the requirements of a true multilevel governance system” (Enderlein 2016). “Some sort of interparliamentary cooperation seems indispensable” (Crum 2017: 835), but the analysis of the negotiations on the SECG Conference in Chapter 5 has shown that establishing a Eurozone parliament would be difficult in the short- and medium-term. The difficulties of agreeing on the functioning of the SECG Conference advise against undertaking the adventure of embarking on

³⁷ According to the European Commission, “the coexistence of the Union institutions and of a permanent intergovernmental mechanism such as the ESM generates a complex landscape where judicial protection, respect of fundamental rights and democratic accountability are fragmented and unevenly implemented. Furthermore, the decision-making process under an intergovernmental method usually requires cumbersome national procedures and is therefore often difficult to reconcile with the speed needed for ensuring an effective crisis management”. (COM(2017) 827 final, p. 3)

negotiations for setting up such a new body, however necessary it might be to address the shortcomings of parliamentary control in the Euro area.

The three competing models for the relationship between national parliaments and the European Parliament in EU economic governance³⁸ also guide the debate about a distinct parliamentary body for the Euro area: The *first model* is EP-led scrutiny, the *second model* a COSAC-like conference, and the *third model* a collective parliamentary counterweight.

Following the *first model* and putting the European Parliament at the heart of parliamentary scrutiny of the Euro area, Wolfgang Schäuble, at that time Germany's Finance Minister, said in an interview with the Italian newspaper *La Repubblica* in May 2017 that he was open to a Eurozone chamber in the European Parliament.³⁹ Such a chamber could have an advisory status and information rights vis-à-vis the ESM.⁴⁰ In this proposal for a Eurozone chamber, national parliaments are not included. Other, similar proposals have been raised in the debate and are in line with the thinking in the European Parliament⁴¹ and the European Commission: Jean-Claude Juncker stressed in his State of the Union speech in September 2017 that he was “not fond of the idea of having a separate euro area parliament. The Parliament of the euro area is this European Parliament.”⁴²

Linked to the *second model* (the current SECG Conference is a “COSAC-style” conference) is a proposal with limited change compared to the status-quo. It would improve the functioning of the SECG Conference, following an

³⁸ See Chapter 5 The Interparliamentary Conference on Stability, Economic Coordination and Governance (section 5.2 Competing models for the relationship between national parliaments and the European Parliament in EU Economic Governance).

³⁹ Schäuble: Così Francia e Germania cambieranno la Ue, *La Repubblica*, 11 May 2017, http://www.repubblica.it/economia/2017/05/11/news/scha_uble_cosi_francia_e_germania_cambieranno_la_ue-165144892/.

⁴⁰ Differentiation inside the European Parliament could also happen via the creation of a sub-committee for Euro area matters.

⁴¹ See e.g. European Parliament, European Parliament resolution of 20 November 2012 with recommendations to the Commission on the report of the Presidents of the European Council, the European Commission, the European Central Bank and the Eurogroup “Towards a genuine Economic and Monetary Union”, point EE./13. (P7_TA(2012)0430).

⁴² European Commission, President Jean-Claude Juncker's State of the Union Address 2017, 13 September 2017, SPEECH/17/3165

idea that was first articulated in the working paper adopted by the Speakers of the national parliaments from the six founding member states in January 2013⁴³: create a sub-group within the Conference and make that sub-group specifically responsible for Euro area matters. Similar to the functioning of Eurogroup and ECOFIN, the sub-group could meet the day before the SECG Conference (Fromage 2016a: 14). The Rules of Procedure of the SECG Conference would have to be amended and they could, where appropriate, be improved, for example by providing for the possibility to convene emergency meetings (Kreilinger and Larhant 2016: 9-10).

Interestingly, the European Parliament’s resolution on a “budgetary capacity for the Eurozone” of February 2017 points out that

“[t]he European Parliament and national parliaments should exercise a strengthened role in the renewed economic governance framework in order to reinforce democratic accountability. This includes [...] a reform of the interparliamentary conference provided for in Article 13 of the Fiscal Compact to give it more substance, in order to develop a stronger parliamentary and public opinion”.⁴⁴

This resolution of the European Parliament suggests that a modest strengthening of the joint parliamentary control of EU economic governance might be possible. One of the practical implications of the findings in this dissertation is that in view of the difficulties in agreeing on the institutional design of the SECG Conference, establishing a genuine Eurozone parliament is difficult in the short- and medium-term.

Finally, relating to the *third model* of an effective parliamentary counterweight to executive dominance, there have been various calls for ambitious institutional reforms of the Economic and Monetary Union (e.g. Enderlein and Letta 2016). The proposal “Pour un traité de démocratisation de l’Europe” (Hennette et al. 2017) of a group of scientists around Nobel laureate Thomas Piketty envisages, inter alia, a Parliamentary Assembly for

⁴³ See Chapter 5 The Interparliamentary Conference on Stability, Economic Coordination and Governance (sub-section 5.3.1 First discussions in sub-groups of national parliaments).

⁴⁴ European Parliament, European Parliament resolution of 16 February 2017 on budgetary capacity for the euro area, point 1./iii (P8_TA(2017)0050).

the Euro Area.⁴⁵ French President Emmanuel Macron had also supported a “Parlement de la zone euro” when he had been Minister of Economic Affairs (see Kreilinger and Larhant 2016). A smaller, committee-like body (Enderlein and Letta 2016) or a directly elected separate Eurozone Parliament (Lionello 2017: 192) might be other options. All options have in common that they are more difficult to implement than the two previous models and likely to meet fierce resistance from the European Parliament and even some national parliaments.

These considerations seem to explain why, in its 2016 report on strengthening the Economic and Monetary Union, even the French *Assemblée nationale* refrained from insisting on the creation of a parliamentary assembly for the Euro area, but instead proposed that a “card mechanism” (similar to the Early Warning Mechanism) would give to national parliaments a veto right on certain EMU issues if they met a pre-defined threshold.⁴⁶

6.4 National parliaments’ involvement in turbulent times

Ultimately, the findings of the empirical chapters have allowed to point to some broader theoretical and practical implications. In order to conclude the dissertation, the final section of this chapter, in a first step, recalls how national parliaments were involved in turbulent times. In a second step, this section looks at the possible future development of national parliaments’ broader involvement in the EU’s institutional system.

⁴⁵ For an in-depth discussion of T-DEM, see a special section of *European Papers - A journal on law and integration* 3 (1), 2018: “Democratising the Euro area through a treaty?”, edited by Ségolène Barbou des Places.

⁴⁶ *Assemblée nationale, Rapport d’information N°4257 sur le renforcement de l’Union économique et monétaire*, 29 November 2016, p. 101.

Chapter 4 has provided examples for ex-ante activities by national parliaments which do not merely rubber-stamp mandates for the government representative in the ESM Board of Governors or ratify decisions only ex-post. These parliamentary debates and votes in relation to ESM rescue packages did not ease the life of the national governments of creditor countries, but they strengthened the governments' positions in the two-level game (Putnam 1988). Whether national constitutional courts imposed legal obligations on governments to ask the national parliaments for mandates for the national representative in the ESM Board of Governors, whether a few national parliaments have been able to exploit indirect legal enabling clauses for ESM-related substantial parliamentary involvement, whether junior coalition partners have been "policing the bargain" (L. W. Martin and Vanberg 2004) by insisting on the adoption of mandates, or whether opposition parties have occasionally been able to trigger votes in relation to ESM rescue packages, many backbenchers did fight back (see Raunio and Hix 2000) and were able to build on previous prerogatives when they became substantially involved in relation to ESM rescue packages.

Nothing illustrates many of these developments better than the case of Germany which arguably dictated the terms to Greece: The Bundestag's powers were the result of judgements of the Federal Constitutional Court and the fact that one in five of her own party's MPs did not back German Chancellor Angela Merkel in parliamentary votes related to the third rescue package for Greece⁴⁷ actually constitutes a backbencher rebellion.

The future of national parliaments' involvement

Jean-Claude Juncker declared in his State of the Union speech in September 2017 that "the wind is back in Europe's sails"⁴⁸. But a reconfiguration of the

⁴⁷ See Appendix B (B.5 German Bundestag: Same procedure as every time), Table B.1 Voting results in the German Bundestag by political groups. In the ex-ante vote, 241 CDU/CSU MPs voted in favour, 60 against and 5 abstained. In the ex-post vote, 228 CDU/CSU MPs voted in favour, 63 against and 3 abstained.

⁴⁸ European Commission, President Jean-Claude Juncker's State of the Union Address 2017, 13 September 2017, SPEECH/17/3165

political cleavages that shape legislatures in European integration is underway. This affects the future of national parliaments' involvement which, in economic governance, still depends on forward-looking decisions regarding the completion of the Economic and Monetary Union.

National parliaments are often not split along left-right lines on EU economic governance issues, but into a pro-EU and an anti-EU camp. Governing parties have acted “responsibly” and supported anti-crisis measures in national parliaments while opposition parties have tended to be divided and Eurosceptic opposition parties rejected anti-crisis measures (Maatsch 2016). National parliaments' adaptation to European integration in terms of parliamentary reforms has also been explained through a cleavage between constitutional preferences for a federalist or an intergovernmentalist EU polity shaping the EU and national political parties (Winzen 2017). Electoral victories like by M5S and Lega in Italy suggest that EU polity preferences might no longer be shaped by the federalist-intergovernmentalist cleavage, but that these two types of “polity ideas” (Jachtenfuchs et al. 1998) are superseded by an existential pro-EU vs. anti-EU cleavage. The rise of the pro-EU vs. anti-EU cleavage has also been visible in the 2014-19 term of the European Parliament, during which that cleavage dominated over the left-right cleavage in many policy areas (see Hix et al. 2018). All this also has an effect on the future role of national parliaments' in Europe's post-crisis economic governance and beyond.

Eurosceptic movements have become increasingly prominent in many parliaments (Crum 2017: 834), but even though the ultimate objective of many anti-EU parties seems to be to destroy the EU from within, it is important to ensure that national parliaments' delegations to interparliamentary conferences are pluralistic: “Given the multiple crises that Europe is facing today, it seems that EU decision-makers can no longer afford the luxury of closing their doors to people who do not share their [...] views” (Rozenberg 2017: 53). Involving anti-EU parties in interparliamentary cooperation would integrate them into EU politics and make their proposals and EU polity ideas (some of them advocating the disintegration of the EU)

visible, but also offer them the possibility to give input to the agenda-setting of EU institutions (see also Fasone 2018a: 274).

The immediate crisis has faded and Greece completed its third rescue package in July 2018. It is therefore possible to assess Europe's current economic governance structure as "post-crisis", but the rise of Eurosceptic parties and the new cleavage confirm that the EU is facing turbulent times. The roof of the EMU is also far from weather-proof and in need of a general overhaul (see Enderlein 2016).

According to Jacques Delors, "[e]n Europe, il faut le pompier mais aussi l'architecte."⁴⁹ He has also argued that the Council of Ministers should have made it its business to police the economies of the Euro area and ensure that member states were following the criteria of economic convergence.⁵⁰ The post-crisis governance still needs *policemen* (acting through the different European Semester surveillance procedures) and *firefighters* (in the form of possibilities to provide ESM stability support in case of a need for emergency liquidity), but it also requires *architects* who pay attention to democratic legitimacy and accountability.⁵¹ National parliaments will then, for their part, be called upon undertaking police-patrol and fire-alarm oversight (see McCubbins and Schwartz 1984) of executive action in Europe's post crisis economic governance.

⁴⁹ Europe needs the firefighter, but also the architect. Jacques Delors : "En Europe, il faut le pompier mais aussi l'architecte", La Croix, 14 October 2012, https://www.la-croix.com/Actualite/Europe/Jacques-Delors-En-Europe-il-faut-le-pompier-mais-aussi-l-architecte-EP_-2012-10-14-864491

⁵⁰ See Jacques Delors interview: "Euro would still be strong if it had been built to my plan", Daily Telegraph, 2 December 2011, <https://www.telegraph.co.uk/finance/financialcrisis/8932640/Jacques-Delors-interview-Euro-would-still-be-strong-if-it-had-been-built-to-my-plan.html>

⁵¹ See also Valentin Kreilinger, Fire-Fighters, Policemen and Architects for European Integration (Synthesis: Notre Europe, 2012a).

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Appendix C: List of Interviews¹

	Function	Anonymity granted	Recorded	Date of interview	
1	Clerk in the EU Directorate, Deutscher Bundestag	Yes	No	26/07/2016	DE
2	Clerk in the EU Directorate, Deutscher Bundestag	Yes	No	26/07/2016	DE
3	Clerk in the European affairs committee, Deutscher Bundestag	Yes	No	31/08/2016	DE
4	Advisor in charge of European affairs, Groupe socialiste, Assemblée nationale	Yes	Yes	07/11/2016	FR
5	Member of Parliament (PS), Member of the European affairs committee, Assemblée nationale	No	Yes	07/11/2016	FR
6	Clerk in the Finance committee, Assemblée nationale	Yes	Yes	08/11/2016	FR
7	Member of Parliament (EELV), Member of the European affairs committee, Assemblée nationale	No	Yes	08/11/2016	FR
8	Clerk in the European affairs committee, Assemblée nationale	Yes	Yes	08/11/2016	FR
9	Clerk in the EU Directorate, Deutscher Bundestag	Yes	Yes	02/03/2017	DE
10	Member of Parliament (SPD), Member of the European affairs committee, Deutscher Bundestag	Yes	Yes	08/03/2017	DE
11	Member of Parliament (CDU), Deutscher Bundestag	Yes	Yes	22/03/2017	DE

¹ All quotes are anonymised and French MPs treated in the same way as German MPs.

Appendix D: Interview Guide

(English version, interviews were conducted in German or French)

My doctoral thesis deals with the role of national parliaments in fiscal and economic coordination and surveillance in the European Union and analyses the European Semester, the European Stability Mechanism, and the Interparliamentary Conference on the basis of Article 13 of the Fiscal Treaty.

I have prepared a series of questions for this expert interview. [...]

1. Did the Euro crisis result in a fundamental weakening or strengthening of parliament in EU economic governance or was there no real change?

The European Semester provides a framework for the coordination and surveillance of fiscal and economic policies.

2. How involved is parliament in the European Semester? Can it actually influence the drafting of the National Reform Programme and/or the Stability Programme within the European Semester?

2.1 Which parliamentary actors are significantly involved in the parliamentary scrutiny?

2.2 How are the parliamentary participation rights implemented in practice?

2.3 Are there practical difficulties in using the formal participation rights? Are there any gaps?

2.4 What informal and not legally enshrined participation opportunities are there? How are they used?

The European Stability Mechanism (ESM) has given “stability support” to Eurozone members, most recently with the third Greek rescue package of August 2015.

3. Which influence does parliament have related to the day-to-day decision-making of the ESM? Was parliament able to influence the negotiations on the Memorandum of Understanding of the third rescue package for Greece?

3.1 Which parliamentary actors are significantly involved in the parliamentary scrutiny?

3.2 How are the parliamentary participation rights implemented in practice?

3.3 Are there practical difficulties in using the formal participation rights? Are there any gaps?

3.4 What informal and not legally enshrined participation opportunities are there? How are they used?

From a broader perspective...

4. In how far is the handling of EU economic governance issues different from the scrutiny of ordinary EU legislation? How well do different parliamentary committees cooperate on EU economic governance issues?

5. What has been the impact of the crisis on cooperation with other national parliaments and the European Parliament in EU economic governance? Are there greater incentives to exchange information and to cooperate?

Appendix E: Statistical appendix to Chapter 4

Table E.1 Correlation table between scores and indices related to institutional path dependency

	OPAL institutional strength (Auel et al. 2015a)	OPAL activity (Auel et al. 2015a)	Budgetary power (Wehner 2006)	Budgetary strength (Hallerberg et al. 2012)
Control rights EU (Winzen 2012)	0.774 ***	0.495 *	0.076	0.136
OPAL institutional (Auel et al. 2015a)	1	0.682 **	0.197	0.273
OPAL activity (Auel et al. 2015a)	—	1	0.207	0.302
Budgetary power (Wehner 2006)	—	—	1	0.765 **

Note: Correlations based on Pearson's r, n = 18, * p < .05, ** p < .01, *** p < .001 (two tailed).

Source: Own elaboration with jamovi 0.9.1 on Ubuntu 18.04.

Table E.2 National parliaments' scores in EU affairs and budgetary strength

	Parliamentary control rights in EU affairs (Winzen 2012)	OPAL score institutional strength (Auel, Rozenberg and Tacea 2015a)	OPAL activity score (Auel, Rozenberg and Tacea 2015a)	Index of Legislative Budget Institutions (Wehner 2006)	Formal strength of parliament in budget process (Hallerberg et al. 2012)
Euro area (19 national parliaments)*	1.59	0.51	0.23	37.5	2.60
Austria Nationalrat	2.17	0.51	0.22	55.6	5.0
Belgium Chamber	0.67	0.24	0.18	47.2	4.0
Cyprus	0.33	0.27	0.10	n/a	3.0
Estonia	2.17	0.67	0.30	n/a	1.0
Finland	2.50	0.84	0.60	38.9	5.0
France Assemblée nationale	1.17	0.55	0.21	19.4	1.0
Germany Bundestag	1.83	0.78	0.34	52.8	4.0
Ireland Dáil	1.50	0.46	0.19	16.7	1.0
Italy Camera	1.67	0.46	0.29	33.3	1.0
Latvia	2.00	0.53	0.15	n/a	4.0
Lithuania	2.50	0.73	0.26	n/a	4.0
Luxembourg	0.67	0.40	0.16	n/a	4.0
Malta	1.50	0.46	0.07	n/a	1.0
Netherlands Tweede Kamer	1.83	0.66	0.30	59.7	4.0
Portugal	1.50	0.43	0.34	38.9	2.0
Slovakia	2.50	0.49	0.21	27.8	1.0
Slovenia Chamber	2.00	0.60	0.19	36.1	2.0
Spain	0.83	0.40	0.23	41.7	1.0

Source: Own elaboration.

Note: Grey background colour used for substantially involved national parliaments.

Table E.3 Indicators for the macroeconomic situation of Euro area members

Name of variable (ESM chapter)	GDP growth rate, 2014-15 (%)	GDP per capita relative to EU28, 2015	Unemployment (% , 2015)	Current account balance, 3-year average (% of GDP, 2013-15)	Government deficit/surplus (% of GDP, 2015)
Name of variable (Eurostat)	Real GDP growth rate - percentage change on previous year	GDP per capita in PPS - Index (EU28 = 100)	Unemployment rate - annual data	Current account balance - 3 year average	Government deficit/surplus, debt and associated data
Code	[tec00115]	[tec00114]	[tipsun20]	[tipsbp10]	[gov_10dd_ed pt1]

Source: Own elaboration.

Table E.4 Correlation table between indicators for the macroeconomic situation of Euro area members

	Unemployment	Current account balance	Budget deficit/surplus	GDP (relative)
GDP growth	-0.009	0.293	0.025	0.326
Unemployment	1	-0.481 *	-0.715 ***	-0.306
Current account balance	—	1	0.314	0.468
Budget deficit/surplus	—	—	1	0.423 **

Note: Correlations based on Pearson's r, n = 18, * p < .05, ** p < .01, *** p < .001 (two tailed).

Source: Own elaboration with jamovi 0.9.1 on Ubuntu 18.04.

Table E.5 Macroeconomic situation of Euro area members

	GDP growth rate, 2014-15 (%)	GDP per capita relative to EU28, 2015	Unemployment (% , 2015)	Current account balance, 3-year average (% of GDP, 2013-15)	Government deficit/surplus (% of GDP, 2015)
Euro area	2,1	106	n/a	n/a	-2,0
Austria	1,1	130,0	5,7	2,1	-1,0
Belgium	1,4	118,0	8,5	-0,4	-2,5
Cyprus	2,0	82,0	15,0	-3,6	-1,3
Estonia	1,7	75,0	6,2	0,9	0,1
Finland	0,1	109,0	9,4	-1,6	-2,8
France	1,1	105,0	10,4	-0,9	-3,6
Germany	1,7	124,0	4,6	7,7	0,8
Ireland	25,6*	181,0	10,0	4,9	-1,9
Italy	1,0	95,0	11,9	1,5	-2,6
Latvia	3,0	64,0	9,9	-1,6	-1,4
Lithuania	2,0	75,0	9,1	0,4	-0,2
Luxembourg	2,9	267,0	6,5	5,2	1,4
Malta	9,6	93,0	5,4	5,3	-1,1
Netherlands	2,0	129,0	6,9	9,0	-2,1
Portugal	1,8	77,0	12,6	0,6	-4,4
Slovakia	3,9	77,0	11,5	0,4	-2,7
Slovenia	2,3	82,0	9,0	4,9	-2,9
Spain	3,4	91,0	22,1	1,2	-5,3

Source: Eurostat, own elaboration, selection of variables based on Crum (2013: 617). See also Table E.2.

* GDP growth in Ireland was at 25% due to statistical reasons.

Note: Grey background colour used for countries with substantially involved national parliaments.

Table E.6 Indicators for the macroeconomic situation of Euro area members: Group descriptives

	Group	N	Mean	Median	SD	SE
GDP growth	Substantial	8	1.76	1.70	1.06	0.376
	Not substantial	10	5.25	2.15	7.56	2.392
GDP (relative)	Substantial	8	103.38	107.00	24.88	8.797
	Not substantial	10	114.70	87.50	62.38	19.725
Unemployment	Substantial	8	9.40	8.15	5.55	1.963
	Not substantial	10	9.95	9.55	2.89	0.913
Current account balance	Substantial	8	2.10	1.05	4.10	1.449
	Not substantial	10	1.92	1.05	3.02	0.956
Budget deficit/surplus	Substantial	8	-1.91	-1.75	1.99	0.703
	Not substantial	10	-1.82	-2.20	1.61	0.511

Source: Own elaboration with jamovi 0.9.1 on Ubuntu 18.04.

Appendix F: List of pre-publications

This dissertation is composed of an envelope

Chapter 1: Introduction

Chapter 2: Assessing parliamentary involvement in Economic Governance

Chapter 6: Conclusion

and three self-standing research papers (Chapter 3, Chapter 4, Chapter 5).

All chapters/papers are single-authored.

Chapter 3: National parliaments in the European Semester

This chapter has been published in the *Journal of European Integration*:

Valentin Kreilinger (2018), 'Scrutinising the European Semester in national parliaments: what are the drivers of parliamentary involvement?', *Journal of European Integration*, 40 (3), pp. 325-340.¹

Chapter 4: National parliaments and the European Stability Mechanism

This chapter has not been published yet.

Chapter 5: The Interparliamentary Conference on Stability, Economic Coordination and Governance

This chapter has been published in *Perspectives on Federalism*:

Valentin Kreilinger (2018), 'From procedural disagreement to joint scrutiny? The Interparliamentary Conference on Stability, Economic Coordination and Governance', *Perspectives on Federalism*, 10 (3), pp. 155-184.

¹ Appendix A (Scrutinising the European Semester in four national parliaments): Sections A.1, A.2, A.3 and A.4 have been published as supplemental material to Valentin Kreilinger, 'Scrutinising the European Semester in national parliaments: what are the drivers of parliamentary involvement?', *Journal of European Integration* 40 (3), pp. 325-340.