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## **The ‘European Integration Paradox’**

*Comparing EU Practice and Discourse on the Role of Parliaments in  
the EU in the Assemblée nationale and the Bundestag Across Time*

Volume 2

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## **CHAPTER V The *European Integration Paradox*: The ‘domestication of Europe’ and its consequences for MPs’ discursive practices on the role of parliaments in the EU**

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The preceding chapters showed that EU affairs are increasingly institutionalised in the Assemblée nationale and the Bundestag as an ‘ordered practice’ during the Lisbon period (Adler and Pouliot 2011). EU affairs have been ‘domesticated’ by the MPs trying to reproduce the roles that they play in such affairs on the domestic level. This evolution is the consequence of the experience of ‘incompetence’ with practices on the domestic level and increasing knowledge about how parliamentary participation works from day to day. As a result, the Assemblée’s and the Bundestag’s action patterns are more distinct from each other. This supports *Hypothesis 1*, which expected such an evolution after the important increase of the ‘stock’ of EU legislation from the mid-90s onwards.

In the following, this study investigates the consequences of this observation for the discursive practices of MPs regarding the role of parliaments in the EU. *Hypothesis 2* expected that with an increasingly ordered practice of EU affairs, the ideas that MPs convey about this role would depend on domestic role models more instead of less. This hypothesis draws on Max Weber’s idea that *motives of action* change in the course of an institutionalisation process. With a low level of institutionalisation, actors may act on the basis of a variety of motives (sanction, material or ideological interest, rightfulness...). With an increasing level of institutionalisation of a practice, social structures are created and ideas clarified. This background that actors share is itself the *motive for action*.

The institutionalisation of ‘doing EU’ should thus have an impact on the way in which MPs talk about the role of parliaments in the EU. This chapter compares the prerogatives to which MPs give priority when discussing the role of parliaments in the debates on the Treaties of Maastricht and Lisbon. Each debate is exemplary for the two periods examined in this study.

*Motives of action* are traced by analysing the cleavages of the debates. Cleavages along groups holding the same ideas about the future scope of European integration indicate *ideological motives for action* for discursive practice. Cleavages separating the ideas of MPs from the government majorities from those of the opposition indicate *motives for action* based on the *material interest* of seeking votes or offices. Finally, cleavages running between the chambers indicate *motives for action* stemming from the domestic practice of EU affairs.

For the analysis, three potential roles for parliaments have been identified whose importance for MPs has been traced across time (see page 101): national parliaments as *Domestic Control Bodies* (individual indirect participation of national parliaments carried out on the domestic level); national parliaments as *Third Chambers* (collective direct participation on the European level); and national parliaments as *Sublevel Parliaments* (national parliament as a sublevel parliament in multi-level parliamentarism with the EP). As a fourth model, the role of the *European Parliament* has been added as a transnational European representative institution. Each of these models corresponds to distinctive features of parliamentary participation in the EU multi-level system (for the coding scheme please refer to APPENDIX 2). Floor time spent on each of the roles is used as an indicator for the latter's importance. Floor time is a precious good for MPs. Speakers in plenary debates only have a limited time to make their contributions. They therefore prioritise their statements according to what is most important to 'put through'.

The results are presented in several steps. The first sub-chapter compares the overall attention to parliaments and the importance of each of the role models on the aggregated level of the chambers (A). Thereafter, a more fine-grained comparison on the level of the parliamentary party groups within the chambers explains the astonishing features of the aggregate comparison. Sub-chapter B then presents the results for the Maastricht debates. Finally, sub-chapter C presents the results for the Lisbon debates. The results are arranged according to the dominant cleavages.

The results of the analysis support *Hypothesis 2* and illustrate what this thesis proposes to call the *European Integration Paradox*: with increasing institutionalisation of European

affairs in the chambers, MPs indeed increasingly adopt a discourse on the role of parliaments in the EU that is linked to domestic practice, instead of doing so with decreasing frequency. With a low institutionalisation, MPs' discourse depends on other factors.

In the Maastricht debates, the ideas are cleaved *ideologically*, i.e. the major cleavage runs along parliamentary party groups holding the same ideas about the future scope of European integration. This cleavage runs across the chambers, and opposes the French 'Centrists' and the MPs who are members of the established parliamentary party groups in the Bundestag of freshly reunited Germany to all other parliamentary party groups. This group is distinct in particular because of the MPs' strong emphasis on the importance of the EP for representative democracy in the EU. Speakers in both chambers chiefly convey the idea that national parliaments should participate in EU decision-making both through the domestic control of the government and in cooperation with the EP. The more federalist 'visions' for the architecture of the EU seem to be an important factor for the ideas that MPs convey on the role of parliaments. MPs from other parliamentary party groups in both chambers either focus exclusively on the control of the government on the domestic level (Assemblée nationale) or on the EP's capacity to provide legitimacy to EU decision-making (Bundestag).

In the Lisbon debates, the discourses are cleaved between the two chambers. This supports *Hypothesis 2*. The ideas that MPs convey about the role of parliaments in the EU correspond to domestic practices of 'doing EU' in the national parliament. MPs in the Bundestag focus on all of those prerogatives that provide them with a stronger role as a *Domestic Control Body*. To an equal extent, MPs in the Assemblée discuss all of those features of the treaties that confer national parliaments a role as a *Third Chamber* and those that strengthen the *European Parliament*. The analysis on the level of the parliamentary party groups confirms homogenous changes for all moderate groups in both chambers. A further observation supports *Hypothesis 2*: priorities 'swap' between the Assemblée nationale and the Bundestag from Maastricht to Lisbon. While in the Assemblée nationale the EP's prerogatives receive considerable attention, the MPs in the Bundestag focus on their individual prerogatives instead. In the Maastricht debate, the opposite was the case. This evolution is coherent with the

changed action patterns in EU affairs of both chambers observed during the Lisbon period (see Chapter IV).

### ***A - More similar debates, diverging treatment of parliaments***

The first sub-chapter compares the attention that MPs across chambers paid to parliaments in general and to different parliamentary roles in particular in both treaty debates. It presents the results of the comparison of the debates on an aggregate level to first draw conclusions about the broader similarities and differences of the debates between the chambers.

The first sub-section shows that despite speakers' more homogeneous attention to the role of parliaments, the importance given to parliamentary prerogatives in terms of floor time in the Lisbon debates is not higher than it was in the Maastricht debates in both chambers. This is an astonishing result given the debate about the parliamentarisation of the EU that preceded the Lisbon treaty. Floor time is the same in the Bundestag and is even reduced in the Assemblée in comparison to the Maastricht debates. The comparison over time within each parliament even shows surprising differences that can be linked to the results regarding the chambers' interaction patterns with transnational actors in Chapter IV. MPs in the Assemblée attribute more floor time to the EP's enhanced prerogatives than they did in the Maastricht debate. In the Bundestag, the situation is the reverse.

The second sub-section shows that the discussed roles of parliaments are also more different between the chambers in the Lisbon debates. In the Maastricht debate, MPs in both parliaments discuss their prerogatives as *Domestic Control Body* of the government with the highest priority. In the Bundestag, the EP's role in representative democracy in the EU and parliamentary cooperation with the EP are both highly important. In the Lisbon debates, MPs in the Assemblée focus most on those prerogatives that provide them a collective direct role in EU decision-making. The EP's prerogatives are equally important in the debates. In contrast to this, MPs in the Bundestag focus by far the most on their strengthened individual prerogatives for government control.

## 1) Attention to the role of parliaments

The first sub-section compares the attention that individual MPs pay to parliaments and the floor time they attribute to them to provide an overview of the results of the comparison of the debates on an aggregate level for each chamber.

Overall, the debates on the Treaty of Maastricht in the Assemblée nationale are highly different from those in the Bundestag.<sup>147</sup> This is somewhat surprising, as in both countries the debates deal not only with the revision of the domestic Constitution (or the Basic Law in the Bundestag's case), but also more generally with the features of the treaty and the scope of European integration.<sup>148</sup>

In the Assemblée nationale, the right to vote and to stand for vote for citizens of the EU in local elections foreseen in the treaties becomes one of the dominating issues in the debate. The topic induces heated discussions around the notion of citizenship and the rights granted to the latter in the domestic arena. Vivid debates also arise on the necessity of a fundamental limitation of European integration to intergovernmental cooperation. The EMU, which foresees an important transfer of competences as well as innovations in terms of a common visa policy, does not receive the same attention, however. The focus of the debates is surprising for observers at the time (see La Serre and Lequesne 1993, 315). With reference to the domestic level, the chambers debate the introduction of further rights for the parliament and the role of the Sénat in the implementation of the rights granted to EU citizens residing in France.

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<sup>147</sup> There is one similarity between the debates: there is little attention to actors and their points of view on the European level or to the debates in other member states of the EC/EU in both debates. In the Bundestag there is some attention to the French referendum that took place before the parliamentary proceedings in Germany started.

<sup>148</sup> Even if *eventually* the ratification instrument was adopted through referendum, the MPs in the Assemblée nationale also discuss the ratification. During the first reading of the constitutional amendment in the Assemblée nationale, president François Mitterrand does not yet announce the modalities of ratification, and the referendum is only conducted in September 1992, while parliamentary proceedings on the constitutional revision are terminated in June 1992.

In the Bundestag, MPs are more concerned about details regarding provisions for EC/EU institutions. They discuss the efficiency of these institutions, the competences of the EP, the subsidiarity principle, the potential elaboration of a European Constitution, and procedural provisions concerning the EMU. With reference to the domestic institutional balance, the most important debated issue is already the reformulation of article 23 of the German Basic Law, as well as the method of ratification.<sup>149</sup>

In contrast, the subjects discussed in the parliamentary debates on the Treaty of Lisbon are much more similar in the Bundestag and the Assemblée nationale. MPs in both parliaments focus on the same features of the treaty. This is somewhat surprising, as the domestic context conditions on the parliamentary ratification are different. In France a referendum on the Constitutional Treaty fails in 2005 and those who favour a no-vote at the time accuse the government of trying with the Treaty of Lisbon to adopt the text that was already rejected through parliamentary vote.

In Germany, the ratification of the Treaty of Lisbon is not put into question much in public debate. The mandate for the intergovernmental conference on the Treaty of Lisbon is negotiated under German presidency in 2007. The debates on the adoption of the ratification instrument take place ahead of the actions before the German Constitutional Court, and as a consequence ahead of the Karlsruhe judgement, which obliges the Bundestag to revise the accompanying legislation.

In both chambers, MPs discuss the historical dimension of European integration and the process that led from the failed Constitutional Treaty to the Treaty of Lisbon. They focus primarily on the institutional innovations of the Treaty of Lisbon in light of their efficiency and capacity of action as well as their democratic quality. In both parliaments, MPs pay attention to actors on the European level and discuss aspects of debates in other member states.

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<sup>149</sup> There are calls for a referendum, even if the German Basic Law does not allow this.

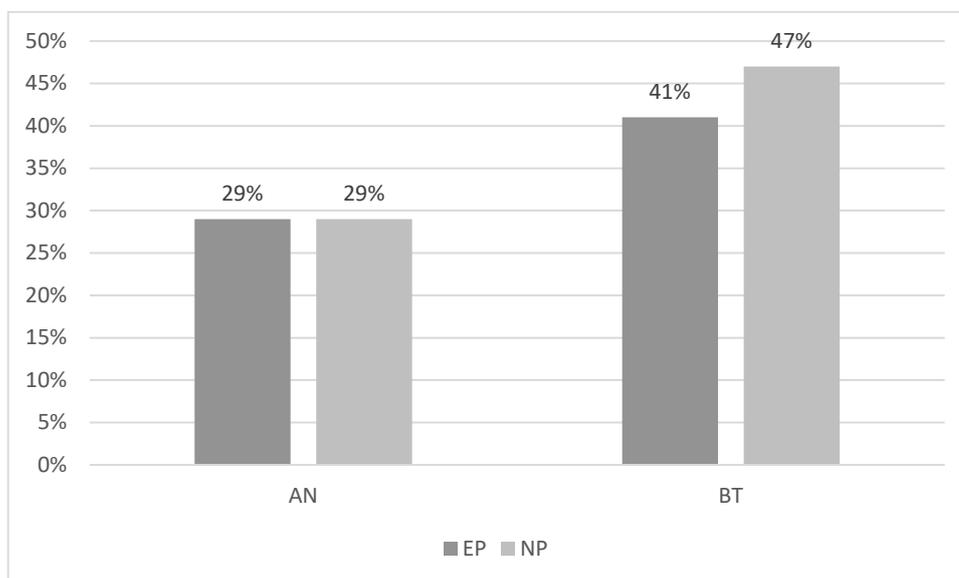
### a) More similar attention by individual speakers in the Lisbon debates

Turning to the way the role of parliaments is discussed in the two debates, the increasing similarity of the debates is confirmed when examining only the single mention of parliaments in the EU by speaker.

During the Maastricht debates, substantially more individual speakers in the Bundestag mention the role of parliaments in the EU than is the case in the Assemblée nationale (see figure 7): 41% mention national parliaments (21 out of 51 MPs) and 47% the EP (24 out of 51 MPs) in the Bundestag. This is in line with the fact that the debates in the Bundestag focus more on EC/EU institutions overall.

In the Assemblée, on the other hand, national parliaments as well as the EP are each mentioned in only 29% of contributions (15 out of 51 MPs).

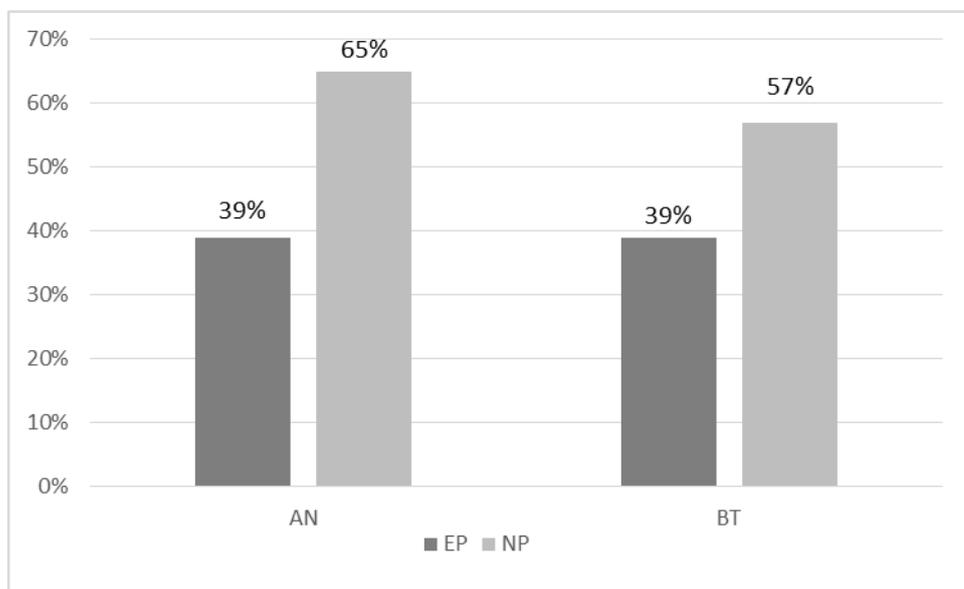
Figure 7: Single mention of EP or national parliaments in contributions (Maastricht)



Note: Percentage of contributions mentioning national parliaments in the general debate. The basis for the count is the contribution to the general debate. If the same speaker appears twice in two different readings, his contribution is counted twice.

MPs in the Assemblée nationale and the Bundestag pay similar amounts of attention to national parliaments and the EP in the Lisbon debates (see figure 8): 39% of contributions mention the EP in both houses (12 out of 31 MPs in the Assemblée and 9 out of 23 MPs in the Bundestag). Moreover, 65% of contributions in the Assemblée (20 out of 31 MPs) and 57% of contributions in the Bundestag (13 out of 23 MPs) mention national parliaments.

*Figure 8: Single mention of EP or national parliaments in contributions (Lisbon)*



Note: Percentage of contributions mentioning national parliaments in the general debate.

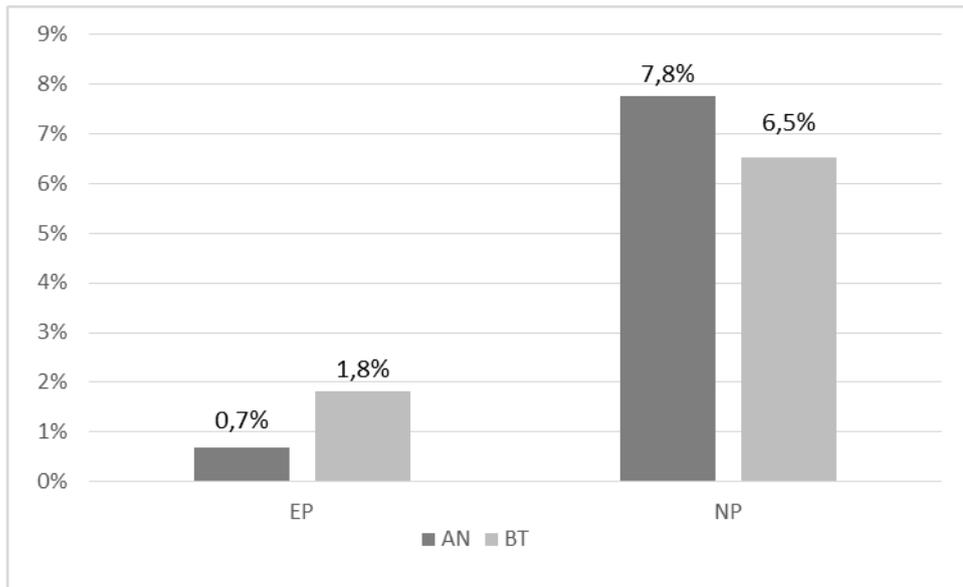
#### **b) Not more attention in terms of floor time in the Lisbon debates**

However, there is not more floor time attributed to the role of parliaments in the Lisbon debates than was the case in the Maastricht debates.

When discussing the Treaty of Maastricht, overall more floor time deals with national parliaments in the Assemblée nationale than in the Bundestag, despite a lower share of individual MPs talking about parliaments (see figure 7). This is due to the fact that the issue of

national parliaments is dealt with in length by only a few ‘Centrist’ MPs who discuss the issue intensely.

Figure 9: Floor time dedicated to the EP or national parliaments (Maastricht)



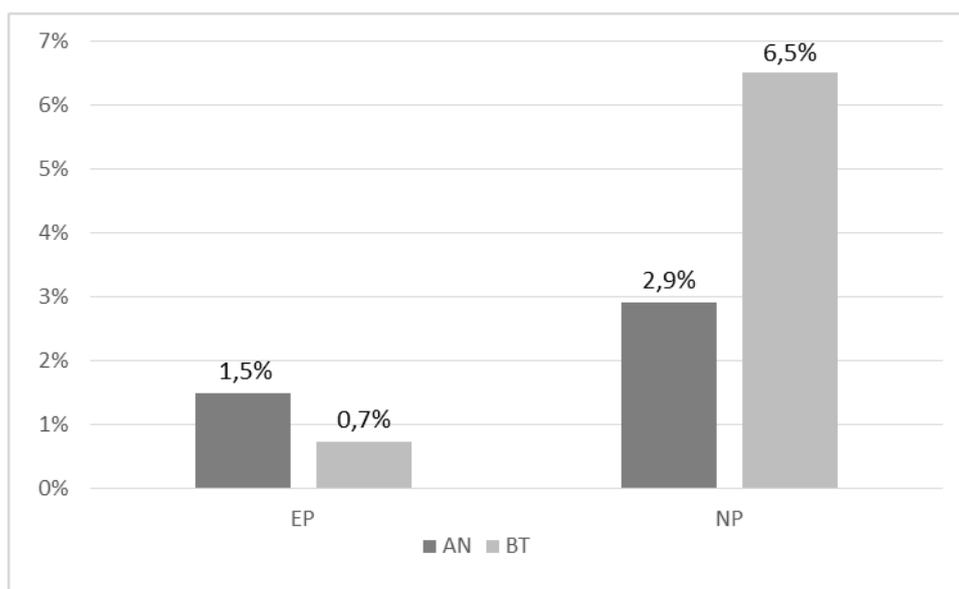
Note: Percentage of length of general debate in standardised rows.

In the Lisbon debates, MPs in both chambers do not attribute *more* floor time to the role of parliamentary institutions in the EU than they do in the Maastricht debates. In France there is even a steep decrease in this floor time. This is interesting given the fact that the role of national parliaments becomes steadily more important in European discourse from the Laeken declaration onwards, but is probably due to the exceptional role of the Centrist MPs in the Maastricht debates discussed above.

An important difference between the chambers appears in the Lisbon debates, which will be important in further analysis (see figure 10). In the Assemblée nationale, the difference between the floor time spent on national parliaments and on the EP diminishes. MPs spend much more floor time discussing the role of the EP than in the Maastricht debates – and in turn spend much less time on national parliaments.

In the Bundestag, in contrast, MPs spend less floor time on the EP than in the Maastricht debates, while the floor time dedicated to national parliaments is stable.

Figure 10: Floor time dedicated to the EP or national parliaments (Lisbon)



Note: Percentage of length of general debate in standardised rows.

The following sub-section analyses the attention that MPs pay to different potential roles for parliaments in the EU in the treaty debates.

## 2) More different priorities for role models in the Lisbon debates

The second sub-section compares the role models under discussion in the chambers on an aggregate level. In accordance with the expectation formulated in *Hypothesis 2*, ideas about the role of parliaments in the EU conveyed in the Lisbon debates are not more similar between the two chambers. On the contrary, they are more different than they were in the Maastricht debates.

The systematic text analysis (see page 101) assigns different prerogatives for parliaments in the EU under discussion to the roles parliaments can potentially play in the EU. The roles have been identified in a first explorative deductive-inductive process, based on the literature on democracy in the EU and an explorative pre-analysis of the parliamentary debates.

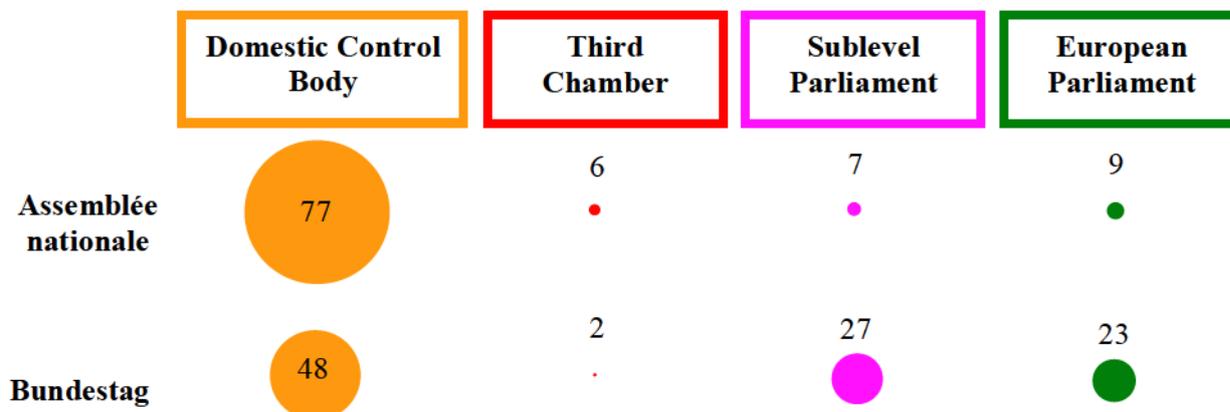
The roles identified for parliaments in the debates in Maastricht and Lisbon can be subsumed under four categories: national parliaments as *Domestic Control Bodies*, focused on the control of the government's action in EU affairs; national parliaments as *Third Chambers* that act collectively and directly in EU decision-making processes; national parliaments as *Sublevel Chambers* to the EP; and finally the role of the *European Parliament* for EU decision-making processes (see table 3).

**a) Maastricht: the *Domestic Control Body* is strongest in both chambers**

In the Maastricht debates, the most important role model to which MPs in the *Assemblée nationale* and the *Bundestag* pay attention is the same: MPs discuss their national parliament's faculty to control their government's action on the EU level (*Domestic Control Body*). In both chambers, prerogatives allowing national parliaments to control the action of their government in EU affairs on the domestic level take most of the time allocated to discuss the role of parliaments in EU affairs.

In the *Assemblée*, 77% of the time used by MPs to discuss parliamentary prerogatives is spent discussing, for instance, the information rights of the parliament towards the government, the internal parliamentary reforms necessary to meet the European legislative schedule, or potential rights for national parliaments to mandate their governments for the negotiations in the Council. In the *Bundestag*, almost half of the time (48%, see figure 11) dedicated to discussing the prerogatives of parliaments in the EU focuses on this type of prerogatives.

Figure 11: Roles models according to chambers (Maastricht)



Note: Percentage of floor time dedicated to the role of parliaments in the EU.

As the figure shows, in the *Assemblée nationale* propositions linked to national parliaments' role as *Domestic Control Bodies* are most important during the Maastricht debates, while the *Sublevel* frame is the least important. In the *Bundestag*, propositions on the role of the national parliament as a *Domestic Control Body* are also the most important, but as many propositions insist either on the role and prerogatives of the *European Parliament* or on the role of the national parliament in a European multi-level parliamentarism (*Sublevel Parliament*).

Considerable attention is not given to a collective role for national parliaments on the European level (*Third Chamber*) in either chamber. This means that there is no discussion on the already existing interparliamentary fora such as COSAC, the idea of a Senate of national parliaments on the European level, or more other channels for collective direct participation of national parliaments in EU decision-making. MPs in France mention the direct representation of national parliaments on the European level more often than their German counterparts do (6% of the floor time used to discuss the role of parliaments in the EU for the *Assemblée*, and only 2% of floor time for the *Bundestag*).

The substantial difference between the debates is therefore the attention that MPs pay to parliamentarism beyond the border of the nation-state (*Sublevel Parliament* and *European Parliament*). The EP and the role of the national parliament as a sublevel parliament in a multi-level parliamentary system in the EU are highly important for MPs in the Bundestag, whereas they are only marginally discussed by MPs in the Assemblée nationale.

In the Bundestag, the strengthening of national parliaments is often depicted as *conditional* to the strengthening of the EP: ‘It would be wrong to pretend that we can strengthen the European Parliament only in 40 years, and [decide to] rely only on the national parliaments until then’ (Süssmuth, CDU/CSU, BT 19921202).

At times the strengthening of national parliaments is even described as a transitory measure. MPs should not abandon themselves to the ‘illusion’ that the strengthening of national parliaments is a measure ‘to get back what we have already transferred. A solution to this can only be that the European Parliament becomes a fully fledged parliament in the long run’ (Irmer, FDP, BT 19921202).

In the Bundestag, the *European Parliament* and *Sublevel Parliament* represent together 50% of the time that parliamentarians use to debate the role of parliaments in the EU (27% of floor time for *Sublevel Parliament* and 23% for the debate of the functions of the *European Parliament*). This means that MPs in the Bundestag spend even longer discussing the prerogatives of the EP and their chamber’s role in relationship to the EP than the Bundestag’s prerogatives for government control on the domestic level. In the Assemblée nationale, these roles represent only 16% of the overall floor time dedicated to parliaments in the EU.

The prerogatives for parliaments discussed in the Assemblée nationale and the Bundestag during the debates on the Treaty of Maastricht are thus similar as far as concerning an important level of attention on the reform of parliaments’ powers on the domestic level in EU affairs. However, they are substantially different concerning the attention to the prerogatives of the EP and its relationship with the national chambers.

The following section compares the attention given to roles in the Lisbon debates.

## **b) Lisbon: entirely different role models**

In contrast to what one could expect given the important political debate about the role that national parliaments should play in EU integration since the Laeken declaration and the increasing ‘Europeanisation’ of both chambers, the way in which MPs discuss the role of national parliaments is more different between the chambers in the Lisbon debates.

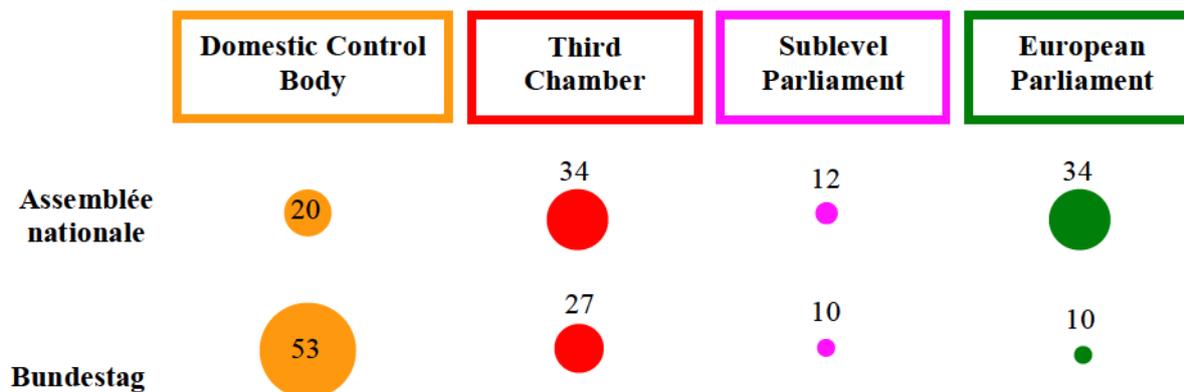
The most notable point is that the attention to the EP and the national parliament’s cooperation with the EP is inverted between chambers in comparison to the Maastricht debates. These topics are of interest for MPs in the Assemblée nationale, but much less for MPs in the Bundestag. MPs in the Bundestag pay overall much less attention to the EP and its competences than is the case in the Maastricht debates. MPs in the Assemblée nationale use much of their floor time to discuss in particular the EP’s important increase in power in the Treaty of Lisbon and potentials for cooperation with the French MPs of the EP.

MPs in the Assemblée nationale discuss their power relationship with the government in EU affairs and the prerogatives for control much less than they do in the Maastricht debates. They are not particularly interested in the new individual rights conferred to them through the Treaty of Lisbon either.<sup>150</sup> In the Bundestag, conversely, MPs discuss their role as a *Domestic Control Body* with more intensity than in the Maastricht debates. MPs in the Bundestag pay much attention to the new individual rights conferred to them by the Treaty of Lisbon, and in particular the individual right of each parliament to ask a national government to retrospectively notify a judicial review of an act with reference to the subsidiarity principle.

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<sup>150</sup> If they are, they discuss the individual rights conferred to them in the case of use of the passerelle clauses and simplified treaty revision procedures.

Figure 12: Role models according to chambers (Lisbon)



Note: Percentage of floor time dedicated to the role of parliaments in the EU.

In summary, the importance given to the two ‘intergovernmental’ parliamentary roles (*Domestic Control Body* and *Third Chamber*) and the two ‘supranational’ roles for which the EP is important (*Sublevel Parliament* and *European Parliament*) is inverted between Maastricht and Lisbon: in the Maastricht debates 84% of propositions are for intergovernmental and 16% for supranational roles in the Assemblée, while 50% are for the intergovernmental and 50% for supranational roles in the Bundestag; on the other hand, in the Lisbon debates 54% are for the intergovernmental and 46% for the supranational roles in the Assemblée, while 80% are for the intergovernmental and 20% for the supranational roles in the Bundestag.

Both chambers discuss the prerogatives for national parliaments that could potentially lead to their taking part directly in EU decision-making processes (*Third Chamber*) to the same extent. They are more important for the MPs in the Assemblée nationale (34% of floor time), but they play a certain role for the MPs in the Bundestag as well (27%). This might not seem surprising. For the first time, the Treaty of Lisbon endowed national parliaments with the right to control the conformity to the subsidiarity principle of a draft legal act by the European Commission. Given the fact that MPs tend to select features of the treaty that they consider to be important for their contribution to the debate, the fact is still notable. This result can be

interpreted as a similar reaction to a common European debate. However, as will be shown later, in the Bundestag there is an ideological cleavage regarding the *Third Chamber* role. Only the MPs from the centre-right and the Liberals are interested in this type of parliamentary participation in EU decision-making.

The preceding section showed that on an aggregate level, the roles of parliaments in the EU are more different between the two chambers in the Lisbon debates than they are in the Maastricht debates. This is a first piece of evidence to support *Hypothesis 2*. The following section changes the unit of analysis from chambers to parliamentary party groups to detect potential cleavages across chambers.

### ***B - The Maastricht debates: ‘ideological’ cleavages***

The chambers served as the unit of analysis in the overview in section A. Using aggregated data does not allow the distinction between ‘institutional’ factors linked to the institutionalised practice of EU affairs of the parliament in the political system and more ideological factors linked to dominating ‘visions’ about European integration in the national public space or other factors. Thus, the hypotheses of the model cannot be checked or falsified.

The following fine-grained analysis investigates cleavages between agents of specific discourses within and across chambers, and shows that in the Maastricht debates an important cleavage runs across the chambers, while in the Lisbon debates cleavages are more diffuse and run dominantly between the chambers.

The analysis emphasises the parliamentary party groups as the unit of analysis. With much caution, parliamentary party groups can be seen as groups of MPs with similar programmatic agendas and ideological core convictions. MPs forming a parliamentary party group are often members of a political party of the same name and ideological orientation. This is usually the case in the Bundestag. In the *Assemblée nationale*, the situation is slightly more complicated (they may regroup MPs from several parties), but it can still be considered that the

parliamentary party groups constitute groups of MPs with a similar core of programmatic views. It goes without saying that the cohesion of parliamentary party groups on issues of European integration is even more fragile than on domestic political issues, and that those groups may change their name and composition, especially in the French case. Therefore, every single case has been scrutinised carefully.

Parliamentary party groups are highly useful as a unit of analysis because they allow a certain stability for the comparison over time. Furthermore, even if their programmatic orientation has to be scrutinised carefully, they allow assumptions not only regarding a shared political core of ideas, but also regarding shared experience of government responsibility and offices in parliament. The latter indicate experience in dealing with EU affairs inscribed in the institutional memories of the parliamentary party groups. As a consequence, to use parliamentary party groups as unit of analysis allows conclusions to be drawn on the importance of both ideological motives for evaluation and institutional motives for evaluation.

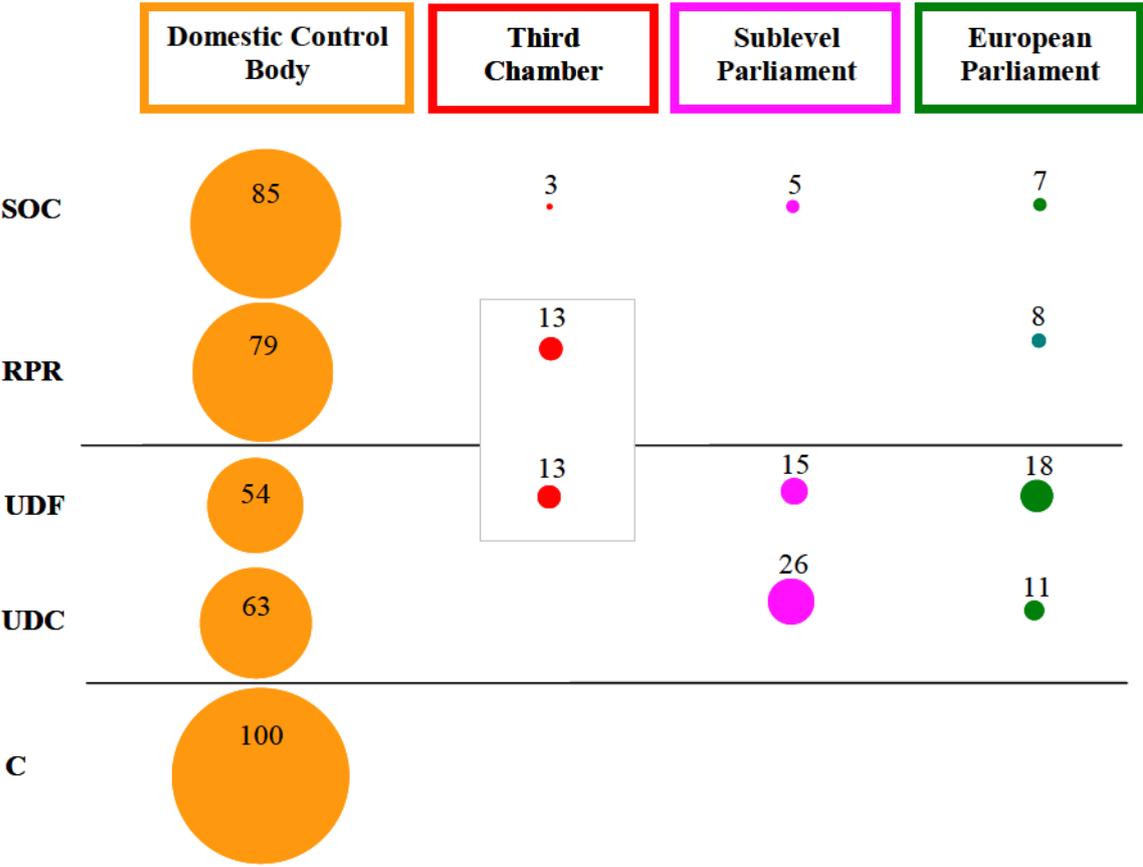
However, in light of what has been discussed above, the analysis pays attention to every single MP and his or her ‘parliamentary and political biography’ and prior statements on European integration, as well as the type of contribution he or she makes. The analysis method and tool make it possible to always access aggregated data and the quotations on which these are based in parallel (see APPENDIX 2).

In the Maastricht debates, one finds a cleavage cutting across the *Assemblée nationale* and the *Bundestag* between those MPs who stem from parliamentary party groups that have a majoritarily supranational vision of the scope and nature of future European integration on the one hand, and those parliamentary party groups that have a more intergovernmental or Eurosceptic vision on the other.

In the Maastricht debates, the French Centrists focus on the same functions for parliaments in the EU as the established parties in the *Bundestag* do. The control of the government in EU affairs (*Domestic Control Body*) receives between half and two-thirds of the attention by speakers from UDC and UDF groups (54% and 63%), while a third of the floor time is occupied by reflections about parliamentary roles that transcend the nation-state (33%

and 37% for *Sublevel Parliament* and *European Parliament*, respectively). The similarity with the discourse in the Bundestag is thus in particular due to the attention paid to the EP in the French Centrists' discourse.<sup>151</sup>

Figure 13: *Assemblée nationale*: Role models according to parliamentary party groups (Maastricht)



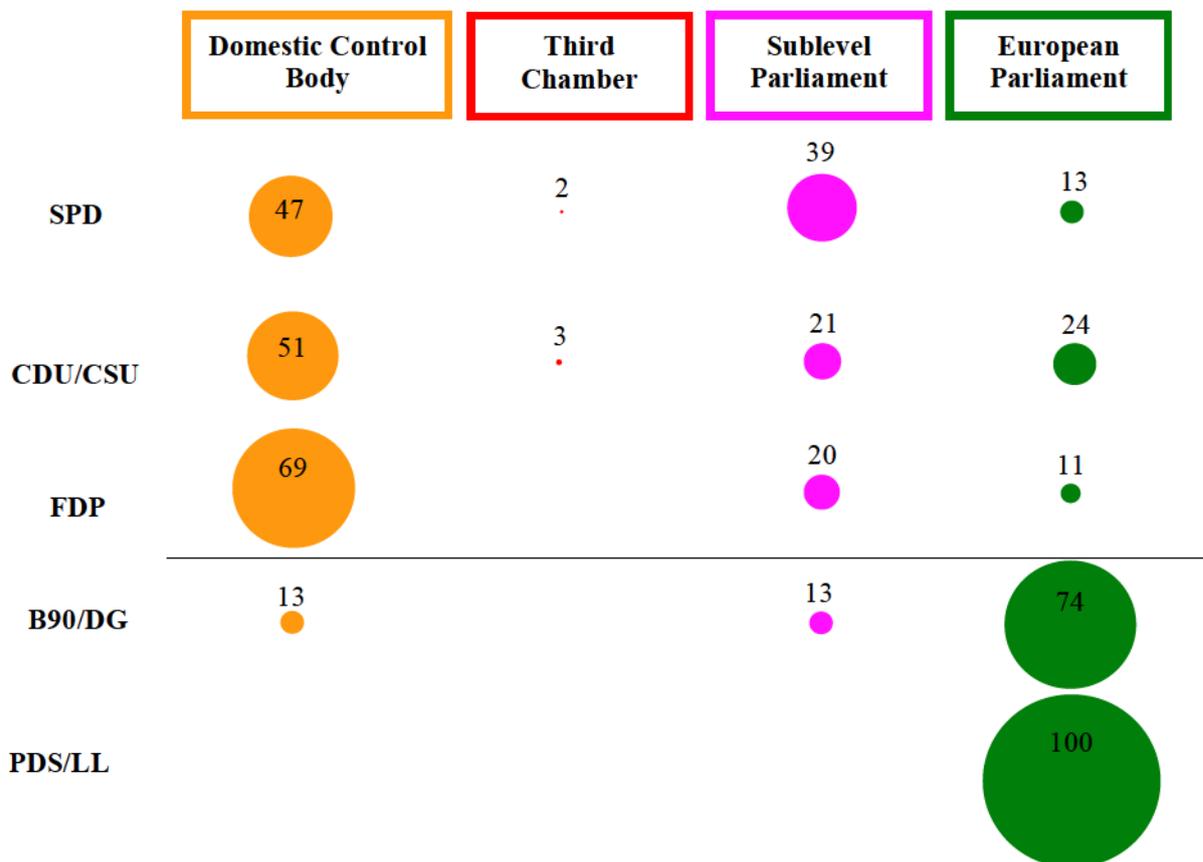
Note: Percentage of floor time dedicated to the role of parliaments in the EU.

<sup>151</sup> In the *Assemblée nationale*, the members of UDF and UDC account for 68% of the overall floor time used to discuss the relationship of the *Assemblée nationale* with the EP, and for 44% of the time used to talk exclusively about the EP, even if only 19 out of 51 speakers (37% of speakers on the speakers list) are affiliated to these parliamentary party groups.

In the Bundestag, all established parliamentary party groups follow a similar pattern. MPs from the CDU/CSU parliamentary group almost equally divide the time spent between the discussion of the control of the government in the national arena (51%) and the features of parliamentarism beyond the nation-state in close cooperation with the EP (45%). MPs from the SPD spend even more time discussing the latter (52%) than the control of the government on the national level (47%). The French Centrists' pattern is closest to the pattern of contributions by MPs of the FDP parliamentary party group (69% for *Domestic Control Body* and 31% for *Sublevel Parliament* and the *European Parliament*).

The Socialist and RPR MPs in the Assemblée nationale dedicate their floor time primarily to the control of the government on the national level (*Domestic Control Body*). The role of their chamber in a multi-level parliamentary system and the EP's competences play only a marginal role in their discourse (PS, *Groupe Communiste (C)*) or are rejected as options to democratically legitimate the EC and the EU (RPR).

Figure 14: Bundestag: Role models according to parliamentary party groups (Maastricht)



Note: Percentage of floor time dedicated to the role of parliaments in the EU.

It is interesting to note that in both chambers the political party groups that could be qualified as ‘Eurosceptic’ (in the sense that they are sceptical towards the EC/EU in the current form) concentrate almost exclusively on one form of parliamentary representation in the EU. In the Bundestag, both *Bündnis 90/Die Grünen* and *PDS/Linke Liste* concentrate almost exclusively on the EP for the provision of legitimacy to European decision-making processes. In the *Assemblée nationale*, in contrast, Communist MPs only focus on the national parliament but in principle reject the European institutions as they are. As a consequence, they do not see any possibility to provide legitimacy to EU decision-making processes through parliaments.

Neither in the Assemblée nationale nor in the Bundestag is there a discernible cleavage between the parliamentary majority and the opposition.

The following sub-sections are organised along the dominating cleavages in the Maastricht debates and present the roles for parliaments in the EU discussed by the different groups sharing ideological core convictions on European integration.

### **1) French Centrists, German CDU/CSU, SPD and FDP**

The discourse of MPs from the French Centrists and from the established parliamentary party groups in the Bundestag is similar and can be distinguished from the discourse of all other parliamentary party groups (except the German extreme left) with reference to the important role given to the EP. The floor time that these MPs use to discuss parliaments in the EU is equally divided between prerogatives for their chamber on the national level (*Domestic Control Body*) and the role that their parliaments play in coordination with the EP (*Sublevel Parliament* and *European Parliament*). A collective role for national parliaments does not feature much in their discourse (except UDF).

#### **a) Multi-level parliamentarism**

With few exceptions, most MPs affiliated to the UDF, UDC, CDU/CSU, SPD, and FDP parliamentary party groups consider the strengthening of the EP as the prime solution for the enhancement of democracy in the EU in their discourse. Furthermore, the strengthening of national parliaments is often combined with reflections about the relationship between the national parliament and the EP. MPs even convey the idea that the strengthening of the national parliament is only an intermediary measure necessary until the EP is a fully-fledged parliament.

## *UDF and UDC*

In the Assemblée nationale, MPs from the Centrist parliamentary party groups are in favour of a strengthening of the EP (*European Parliament*) and attribute a considerable amount of floor time to the EU's only direct representative institution. They see in the EP the solution for the EU's democratic deficit:

'The great weakness of the Treaty of Maastricht is not to have bridged the "democratic deficit" that EU institutions have suffered from for years.'<sup>152</sup> (Gantier, UDF, AN 3 19920506: 979)

Gilbert Gantier regrets the fact that the governments have not strengthened the EP further. In his opinion, the EP should enjoy rights according to the parliamentary control rights in the nation-state. He cites in particular the control of the community budget.

'This [the failure to strengthen the EP, author] is all the more serious given that national parliaments are neither involved in the drawing up of the EU budget nor in that of the European directives. Given the increased powers of the Community, they are transformed into simple recording rooms.'<sup>153</sup> (Gantier, UDF, AN 3 19920506: 979)

Most MPs of UDC and UDF consider that the EP's elective function must be strengthened to alleviate the EU's democratic deficit. Jacques Blanc considers that the Treaty of Maastricht is an improvement, as the EP has a stronger say in the nomination of the European Commission:

'We must also recognise that Europe suffers from a democratic deficit. In this respect, Maastricht does not provide a quick fix, but it constitutes a small step forward, one step à la Jean Monnet. In the field of action against the democratic deficit, for example, I take

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<sup>152</sup> 'La grande faiblesse du traité de Maastricht c'est de ne pas avoir comblé le "déficit démocratique" dont souffrent depuis des années les institutions européennes.'

<sup>153</sup> 'Cela apparaît d'autant plus grave que les parlements nationaux ne sont associés ni à l'élaboration du budget européen ni à celle des directives européennes. Compte tenu de l'accroissement des compétences de la Communauté, ces derniers sont transformés en simples chambres d'enregistrement.'

notice of amendments regarding appointments to the Commission, which will be more controlled by the European Parliament.’<sup>154</sup> (Blanc, UDF, AN 1 19920506: 906)

Furthermore, according to Centrist MPs, the EP should have more say in the legislative decision-making:

‘The co-decision system is admittedly not perfect in its presentation, but it can be a first step towards the recognition of the European Parliament.’<sup>155</sup> (Blanc, UDF, AN 1 19920506: 906).

Centrist MPs accuse their colleagues in the *Assemblée nationale* of having the wrong idea about the functioning of the EU and the ways to democratise EU decision-making. Alain Lamassoure considers the EU’s ‘intergovernmental vision’, which is dominant among French MPs, as out-dated. In his opinion this point of view does not correspond to the realities of the EC/EU:

‘We continue to live in the fiction that European texts are trade agreements, that the European Council of Ministers gathers nice diplomats and that national room for manoeuvre will be saved as long as the European Parliament has only a consultative power.’<sup>156</sup> (Lamassoure, UDF, AN 2 19920506: 926)

However, a number of MPs from UDF and UDC consider that the electoral rules for the EP need to be improved and that the EP itself lacks democratic legitimacy.

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<sup>154</sup> ‘Nous devons par ailleurs reconnaître que l’Europe souffre d’un déficit démocratique. De ce point de vue, Maastricht n’apporte pas la solution miracle, mais il traduit un petit pas, un pas à la Jean Monnet. Dans le domaine des mesures contre le déficit démocratique, par exemple, je note des modifications en ce qui concerne les nominations à la Commission, qui seront plus contrôlées par le Parlement européen.’

<sup>155</sup> ‘Le système des codécisions, certes, n’est pas parfait dans sa présentation, mais peut être un premier pas dans la reconnaissance du Parlement européen.’

<sup>156</sup> ‘Nous continuons à vivre dans la fiction selon laquelle les textes européens seraient des accords de commerce, le Conseil des ministres européen rassemblerait de gentils diplomates et la marge de manoeuvre nationale serait sauvegardée aussi longtemps que le Parlement européen ne disposerait que d’un pouvoir consultative.’

‘It is also by way of the European Parliament that a citizen will be able to directly invoke the accountability of policy makers, provided that MEPs enjoy an unquestionable democratic legitimacy.’<sup>157</sup> (Lamassoure, UDF, AN 2 19920506: 927)

Adrien Zeller pleads for a new voting mechanism for the EP in France to be closer to the citizens. He favours the establishment of regional circumscriptions instead of a national list of candidates:

‘A country that appoints its representatives to the European Parliament with a national list of candidates elected with a fully proportional system for 81 names, most of which are unknown to voters, obviously does not give itself a representation that is truly identified by the people it represents. The system should most likely be regionalised and brought closer to citizens.’<sup>158</sup> (Zeller, UDC, AN 3 19920506: 958)

Like the majority of MPs in the Bundestag, MPs from both Centrist parliamentary party groups put their claims for a strengthening of the Assemblée nationale in EU affairs in relation to the (still too weak) EP (*Sublevel Parliament*).

Edmond Alphandéry, the future minister of the economy of the Balladur government, asks for a strengthening of the rights of the Assemblée because of the remaining weaknesses of the EP, especially in questions concerning the EMU.

‘In the economic and monetary union system, the coordination of economic policies, the implementation of fiscal discipline mechanisms, will essentially fall within the remit of non-elected bodies: the European Council, the Council of Ministers, the Commission. The European Parliament will not even be consulted; at most it will be informed of the decisions made. National parliaments, in our case the French Parliament, will endeavour

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<sup>157</sup> ‘C'est aussi à travers le Parlement européen que le citoyen pourra directement faire jouer la responsabilité des décideurs. Encore faut-il que les députés européens jouissent d'une légitimité démocratique irréprochable.’

<sup>158</sup> ‘Un pays qui désigne ses représentants au Parlement européen avec un système de listes politiques nationales désignées à la proportionnelle intégrale pour 81 noms, dont la plupart sont inconnus des électeurs, ne se dote pas, à l'évidence, d'une représentation qui soit réellement identifiée par les populations qu'elle représente. Il faut sûrement régionaliser le système et le rapprocher des citoyens.’

to overcome this lack of democratic debate procedures.’<sup>159</sup> (Alphandéry, UDC, AN 1 19920505: 852)

Jean-Marie Daillet and Alain Lamassoure are of the opinion that both the EP and national parliaments must have control rights in the EU, because both are concerned by decisions in the EU’s policy cycle:

‘Another example, European aid to a third country, say, so as not to hurt the feelings of anyone, to Poldévie. When one decides the measure in an EU regulation, it is the European legislator, in this case the Minister of Foreign Affairs, Mr. Dumas, who has the last word. When it comes to financing it, it is the European Parliament, it is myself as an MEP. But when the funding is to be found, it is you, my dear colleagues, as national parliamentarians.’<sup>160</sup> (Lamassoure, UDF, AN 2 19920506: 927)

Lamassoure therefore calls for a reinforced control of the negotiations of the Council of Ministers by the Assemblée through the right to vote an opinion on each draft act considered as ‘law’ by the French Constitution. Article 34 of the French Constitution enumerates the areas that are to be defined by law; all other areas are considered to be regulatory and can be enacted directly through the government via decree<sup>161</sup>. In the same direction is Jean-Marie Daillet’s argument for both a stronger EP and stronger national parliaments in order to remedy the democratic deficit of the EU (Daillet, UDC, AN 1 19920506: 905).

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<sup>159</sup> ‘Dans le dispositif de l’union économique et monétaire, la coordination des politiques économiques, la mise en œuvre des mécanismes de discipline budgétaire, vont relever essentiellement d’organes non élus: le Conseil européen, le Conseil des ministres, la Commission. Le Parlement européen ne sera même pas consulté; il sera tout au plus informé des décisions prises. Les parlements nationaux, dont, pour ce qui nous concerne, le Parlement français, devront s’efforcer de pallier cette absence de procédures de discussion démocratiques.’

<sup>160</sup> ‘Autre exemple, l’aide européenne à un pays tiers, disons, pour ne blesser personne, à la Poldévie. Quand on en arrête le dispositif dans une réglementation européenne, c’est le législateur européen, en l’espèce M. le ministre des affaires étrangères, M. Dumas, qui a le dernier mot. Quand il s’agit de financer, c’est le Parlement européen, c’est moi-même en tant que député européen. Mais lorsqu’il faut trouver l’argent pour ce financement, c’est vous, mes chers collègues, en tant que parlementaires nationaux.’

<sup>161</sup> La Constitution du 4 octobre en vigueur, <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/la-constitution/la-constitution-du-4-octobre-1958/la-constitution-du-4-octobre-1958.5071.html>, downloaded 13.02.2013.

Only for one speaker of the two centrist groups present in parliament, the strengthening of the EP is not the solution to the EC's democratic deficit. For Maurice Ligot, more pressing than reinforcing the EP is to re-establish the influence of national parliaments:

'The second issue concerns what is commonly called the "democratic deficit". We immediately think of the inadequacy of the European Parliament's powers. In fact, what seems to me much more serious is the virtual absence of the role of national parliaments in the decision-making process of the Community and tomorrow of the Union. In this regard, there are only a few lines in an annex of the treaty, which is totally inadequate.'<sup>162</sup> (Ligot, UDF, AN 3 19920506: 962)

The discourse conveyed by most MPs from the established parliamentary party groups in the Bundestag in the Maastricht is similar to these patterns, thereby showing an even stronger support for the EP.

### *CDU/CSU*

As for the French Centrists, for most MPs in the Bundestag the EP is a primary source of democratic legitimacy for the EU. Most MPs from established parliamentary party groups in the Bundestag consider that the national parliaments cannot substitute the EP. They think that only the EP will be able to control the Council of Ministers. For a number of them, an enhancement of national parliaments is only an intermediary measure necessary until the EP is a fully fledged parliament.

The EP (24% of floor time on parliaments in the EU) and the Bundestag's role in multi-level parliamentary democracy in the EU (21% of floor time) takes almost half of the floor time used by *CDU/CSU*. When MPs speak about the EU's democratic deficit, they usually mean the EP's weak competences.

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<sup>162</sup> 'La deuxième question concerne ce que l'on appelle communément le "déficit démocratique". On pense tout de suite à l'insuffisance des pouvoirs du Parlement européen. En fait, ce qui me paraît beaucoup plus grave, c'est la quasi-inexistence du rôle des parlements nationaux dans le processus de décision de la Communauté et, demain, de l'Union. A ce sujet, il n'existe que quelques lignes dans une annexe du traité, ce qui est tout à fait insuffisant.'

‘In this speech I would like to say something that should have been self-evident for years. It may be that since 1957 and in the course of lengthy treaty negotiations we have gotten used to a Europe of governments. But this time is over. It is evident that we stand up assiduously and determined on all levels for the democratic Europe.’<sup>163</sup> (Süssmuth, CDU/CSU, BT 19921008: 9332)

For most speakers of the CDU/CSU, the strengthening of the EP is the primary goal of the reform of European institutions.<sup>164</sup> For Rita Süssmuth, national parliaments will not be able to substitute the EP to control the decision-making on the European level:

‘It would be wrong to now answer: we will strengthen the European Parliament in 40 years, and until then we will have only the national parliaments. The national parliaments need close cooperation with the European Parliament.’<sup>165</sup> (Süssmuth, CDU/CSU, BT 19921008: 9331)

The CDU/CSU MPs (in the government majority) defend the accomplishments of the Treaty of Maastricht for the EP. Michael Stübgen welcomes the introduction of the co-decision procedure in the treaty, even if he considers that its application is still too narrow. He appeals to the government to continue to push for an equal footing of the EP and the Council against the opposition of other member states (BT 19921008: 9372).

MPs from the CDU/CSU parliamentary group defend their government’s achievements for the EP and convey the idea that German actors on all levels are the decisive driver for the strengthening of the EP against the resistance of some notable European partners:

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<sup>163</sup> ‘Ich möchte im Rahmen meiner Rede noch einmal etwas sagen, was seit Jahren selbstverständlich sein müsste. Wir mögen uns seit 1957 und im Rahmen langwieriger Vertragsverhandlungen an das Europa der Regierungen gewöhnt haben. Aber diese Zeit ist vorüber. Es ist ganz deutlich, dass wir uns unverdrossen und unbeirrt für auf allen Ebenen für das demokratische Europa einsetzen.’

<sup>164</sup> As a parliamentary party group supporting the government, CDU/CSU speakers often emphasise the fact that the German government campaigned for stronger competences for the EP than are agreed upon in the Treaty of Maastricht.

<sup>165</sup> ‘Falsch wäre es, nun zu antworten: Das Europäische Parlament stärken wir in 40 Jahren, und bis dahin haben wir nur die nationalen Parlamente. Die nationalen Parlamente brauchen eine enge Zusammenarbeit mit dem Europäischen Parlament.’

‘The British foreign minister told me some time ago that the English Parliament had to fight for its rights for a hundred years, the European Parliament would have approximately the same time.’<sup>166</sup>(Süssmuth, CDU/CSU, BT 19921008: 10874)

Like their counterparts in the French Centrist parliamentary party groups, the members of the CDU/CSU parliamentary party group are concerned about a reform of the voting rules for the EP to provide it with further legitimacy (Süssmuth, Stübgen, Hellwig). In contrast to the French Centrists, they plead for uniform European electoral rules. Other European governments would still not have ‘to a sufficient extent the awareness about the right election rules for the European Parliament – they should not be decided on the domestic level, but at European level [...]’<sup>167</sup> (BT 19921202: 10874).

Renate Helwig and Michael Stübgen point to the fact that the EP still has a problem of acceptance – among politicians on the European level (Hellwig, CDU/CSU, BT 19921202: 10874), but also among citizens.

Michael Stübgen considers that the low level of voter turnout in European elections is due to the still too-weak powers of the EP.

‘Our most urgent task – this crystallised as well just now – is consequently to render EU policy and politics transparent for the citizens, because it concerns the life of each of them, to give them the option of participation. One substantial possibility of actively shaping EU policy is the participation in the elections to the national legislatures and the European Parliament. I have to say that considering a voter turnout of 60 to 70%, for example, for the European Parliament, the citizens do not sufficiently use their rights. But one has to point also to something else, which cannot be blamed on the citizens – rather it is our responsibility: We have to secure sufficient influence and control prerogatives for the democratically elected parliaments.’<sup>168</sup> (Stübgen, CDU/CSU, BT 19921008: 9372)

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<sup>166</sup> ‘Der britische Außenminister sagte mir vor einiger Zeit, das englische Parlament habe hundert Jahre um seine Rechte kämpfen müssen, das Europäische Parlament habe annähernd so viel Zeit’.

<sup>167</sup> ‘in ausreichendem Maße das Bewusstsein für [...] die richtigen Wahlformeln – nicht national, sondern europäisch geregelt - des Europäischen Parlamentes [...]’.

<sup>168</sup> ‘Es ist also – das hat sich eben auch gezeigt – unsere vordringliche Aufgabe, Europapolitik, die schließlich die Lebensgestaltung eines jeden einzelnen Bürgers betrifft, für diesen durchschaubar zu machen, um ihm die Möglichkeit der Mitgestaltung zu eröffnen. Eine solche wesentliche

Even the most critical speaker from CDU/CSU agrees with his colleagues that the democracy in the EU has been strengthened by the new rights for the EP in the Treaty of Maastricht. He even asks for the right of initiative for the EP and for the Council of Ministers to launch legislative initiatives on the European level, and to be able efficiently revise the legislation in place after the completion of the internal market.

‘I do not say that this is enough. A lot has to be added: the European Parliament must get an unrestricted right of initiative.’<sup>169</sup> (Mayer, CDU/CSU, BT 19921008: 9379)

However, he is not in favour of claiming more rights for the EP.

‘I think we have to reflect very carefully – I also precisely address the SPD – about whether we should only ask for more rights for the European parliaments. The Council and European parliament have different functions. This is why they cannot be treated completely equally.’<sup>170</sup> (Mayer, CDU/CSU, BT 19921008: 9379)

He addresses this statement especially to the SPD opposition, which accuses the government of not having pushed sufficiently for the strengthening of the EP.

Most MPs of the CDU/CSU parliamentary party group put the enhancement of control rights of the Bundestag in perspective with the EP’s prerogatives. They see the Bundestag as a sort of sublevel parliament of the EP (*Sublevel Parliament*).

Rita Süßmuth asks that the national parliaments not be pitted against the EP. In her opinion, the national parliaments need the EP to be able to influence their governments. She

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Mitgestaltungsmöglichkeit ist die Beteiligung an den Wahlen zu den nationalen Parlamenten und zum Europaparlament. Hier muss ich feststellen, dass natürlich bei einer Wahlbeteiligung zwischen 60 und 70% z. B. für das Europaparlament der Bürger ihre Mitgestaltungsmöglichkeiten nicht ausreichend wahrnehmen. Es muss aber auch auf etwas anderes hingewiesen werden, woran nicht die Bürger schuld sind – vielmehr sind wir dafür zuständig - : Es muss sichergestellt werden, dass diese demokratisch gewählten Parlamente genügend Einfluss und Kontrollbefugnisse haben.’

<sup>169</sup> ‘Ich sage nicht, dass das genug ist. Es kommt noch einiges dazu: Das Europäische Parlament muss ein uneingeschränktes Initiativrecht bekommen.’

<sup>170</sup> ‘Ich meine, wir müssen auch sehr gründlich darüber nachdenken - ich sage das gerade auch an die Adresse der SPD -, ob wir immer nur mehr Rechte für das Europäische Parlament fordern sollten. Rat und Europäisches Parlament haben unterschiedliche Aufgaben. Deshalb können sie auch nicht völlig gleichartig behandelt werden.’

asks for their close cooperation (Süssmuth, CDU/CSU, BT 19921008: 9332). In her view, an increased activity of German MPs on EU issues is more important than strengthened formal control rights.

For MPs from the CDU/CSU parliamentary group, the reinforcement of the EP and a better parliamentary control on the national level are important to alleviate the EC/EU's democratic deficit. Even if their public claims are more modestly formulated and more defensive of the government's achievements, members of the group share the same analysis as the opposition regarding the adequate way to resolve this deficit. Even though they are in the government majority, they denounce a 'Europe of executives'.

### *SPD*

Even more than for the CDU/CSU MPs, for the members of the SPD parliamentary group a strong and representative EP is absolutely indispensable for democracy in the EU (*European Parliament*).

With the exception of one speaker, all agree that a fully fledged EP is the necessary precondition to put an end to the democratic deficit of the EU, which is characterised by the executives' excessive domination. Speakers of the SPD often refer to their party's long-term parliamentary tradition and its commitment to European integration.

For the speakers of the SPD opposition, the EP needs to have exactly the same decision-making rights as the Council of Ministers. Heidemarie Wieczorek-Zeul, the SPD parliamentary group's spokeswoman for European policy, identifies the lacking power of the EP for legislative decision-making as one of the main failures of the Treaty of Maastricht, and asks for an early conference for the revision of the treaty.

'The envisaged conference, which is supposed to review the treaty in 1996, should in our view take place two years earlier in 1994. Then an equal decision-making right on European legislation for the European Parliament. Our wish is that, in these issue areas,

the European Parliament can really take decisions on European legislation.’<sup>171</sup> (Wieczorek-Zeul, SPD, BT 19921008: 9329)

In the view of most of the speakers, with the Council of Ministers’s increase in legislative competences, the EP should have gained the powers that national parliaments lost. The MPs consider that the rights of the EP were only modestly increased in the Treaty of Maastricht.

‘But the reality is that indeed, on the one hand, the rights of the European Parliament have been strengthened slightly, but, on the other hand, an enormous increase in competences of the Council of Ministers has taken place. Instead of a further democratisation, the result is a loss in substance of democracy. This is the opposite of what is in principle demanded and necessary.’<sup>172</sup> (Scheer, SPD, BT 19921202: 10868)

For most of the members of the SPD parliamentary group, the democratisation of the EU is tantamount to the full participation of the EP in the decision-making on the European level.

‘For years we have called on the democratisation of the EC. Already with the increase of legislative decision-making competences of the Council of Ministers on the basis of the Single European Act, which came into force five years ago, there was a compelling necessity to give the European Parliament, which has been directly elected since 1979, those decision-making competences that the national parliaments have had to hand in.’<sup>173</sup> (Scheer, SPD, BT 19921202: 10868)

The EP’s role and competences are often directly discussed from a multi-level perspective together with those of the Bundestag (*Sublevel Parliament*). Being in the opposition

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<sup>171</sup> ‘Die vorgesehene Konferenz, die den Vertrag 1996 überprüfen soll, soll aus unserer Sicht um zwei Jahre auf 1994 vorgezogen werden. Dabei muß dann endlich erreicht werden, dass das Europäische Parlament künftig ein dem Ministerrat gleichberechtigtes Mitentscheidungsrecht bei der europäischen Gesetzgebung erhält. Wir wollen, dass in diesen Fragen das Europäische Parlament in der Tat auch die Entscheidungen über die europäische Gesetzgebung treffen kann.’

<sup>172</sup> ‘Aber die Realität ist, dass zwar die Rechte des Europäischen Parlaments geringfügig verstärkt werden, demgegenüber aber ein enormer Kompetenzzuwachs des Ministerrats steht. Statt weiterer Demokratisierung ist das Ergebnis deshalb ein Substanzverlust an Demokratie, also das Gegenteil des prinzipiell Geforderten und Erforderlichen.’

<sup>173</sup> ‘Seit Jahren wird die Demokratisierung der Europäischen Gemeinschaft gefordert. Schon mit der Zunahme der gesetzgeberischen Entscheidungskompetenz des Ministerrats auf der Basis der Einheitlichen Europäischen Akte, die vor fünf Jahren in Kraft trat, war die zwingende Notwendigkeit gegeben, dem seit 1979 direkt gewählten Europaparlament diejenige Entscheidungskompetenz zu geben, die die nationalen Parlamente abgehen müssen.’

and given the negotiations that preceded the parliamentary debate (see page 157), the role of the national parliament is more important than it is in the contributions of the members of the CDU/CSU.

However, when MPs of the SPD welcome the strengthened parliamentary rights on the domestic level through the constitutional revision, they almost always also mention the necessity of increasing the powers of the EP – as if speakers fear that they will appear Eurosceptic by making this claim. A strong EP is unanimously praised as a prime solution for the democratic deficit.

For Heidemarie Wieczorek-Zeul, the new two-thirds majority in both the Bundestag and Bundesrat foreseen in article 23 for the transferral of competences to the European level will end the ‘undemocratic’ practice of transferring competences to the European level without an adequate strengthening of parliamentary control and decision-making power for the EP.

‘This means that the – I say – undemocratic practice is put to an end to transfer central competences to the EC on the basis of Article 24 and with a simple majority, without having secured sufficient parliamentary control and decision-making for the European Parliament. In this way the European Community has developed a democratic deficit.’<sup>174</sup> (Wieczorek-Zeul, SPD, BT 19921202: 10815)

One should note the fact that she does not criticise the competence transfer to the European level on the basis of a simple parliamentary majority, i.e. lower than the one required for a constitutional amendment, but the fact that the EP is still too weak to fulfil powers comparable to those of the Bundestag. This means that the Bundestag is not seen as a guardian of its own or of the nation’s competences, but of the democratic quality of the building-up of the EC/EU.

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<sup>174</sup> ‘Damit ist der bisherigen - ich sage - undemokratischen Praxis ein Ende gesetzt, mit der nach dem Art. 24 und mit einfacher Mehrheit zentrale Kompetenzen auf die EG übertragen wurden, ohne dass dort gleichzeitig ausreichend parlamentarische Kontrolle und Entscheidung beim Europäischen Parlament vorhanden gewesen wären. Auf diese Art und Weise ist ein Demokratiedefizit in der Europäischen Gemeinschaft entstanden.’

This point of view is also well illustrated in the contribution by Karsten Voigt, who is in principle in favour of a common European defence policy but for whom the limit of this policy is the EP's missing participation in this area. His contribution notes that, for Germany, having a 'parliamentary' army was a difficult consensus adopted in the 50s. For him, the German Bundestag cannot accept less at the European level (Voigt, SPD, BT 19921202: 10839).

Again, the strengthening of national parliaments is necessary insofar as there is still not enough control through the EP. In contrast to the contributions of many of the members of the CDU parliamentary group who see the responsibility for democratic control in the EU for both national parliaments and the EP, many of the speakers from the SPD see the strengthening of the prerogatives of the Bundestag only as a necessary intermediate step before the EP is a fully fledged parliament on the European level.

Günter Verheugen, the chair of the Europe Committee that was established to prepare the ratification of the Treaty of Maastricht, speaks about a 'conscious and voluntary loss of competences' for the Bundestag, but one that it would have been able to tolerate if the EP had at the same time received the necessary rights (Verheugen, SPD, BT 19921008: 9351). For Ludwig Stiegler, the national parliaments must be strengthened 'at least until the status of the EP has been enhanced' (Stiegler, SPD, BT 19921202: 10871), and Hartmut Soell goes even further by stating that parliamentarians should not believe in the illusion that it would 'help the democracy in the EU to transfer competences back to the national parliaments'. In his view, the only solution to the dilemma of the democratic deficit is the strengthening of the EP.

'We should not abandon ourselves to the illusion that we could change this through the attempt to get back as national parliaments what we have already abandoned. The solution can only be that in the long run the European Parliament is transformed into a fully fledged parliament.'<sup>175</sup> (Soell, SPD, BT 19921008: 9389)

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<sup>175</sup> 'Wir sollten uns auch nicht der Illusion hingeben, daß wir das durch den Versuch ändern könnten, als nationale Parlamente das wiederzuholen, was wir schon einmal aufgegeben haben. Die Lösung kann nur dann liegen, daß das Europäische Parlament auf die Dauer zu einem Vollparlament ausgebaut wird.'

Soell even thinks that the Bundesrat's new participation rights are exaggerated, and in his opinion the Bundestag could abandon them in case the Bundesrat agreed to do the same.

'I propose a compromise: I agree gladly that we renounce to a substantial participation of the German Bundestag, if you can bring yourself to do the same in the case of the Bundesrat.'<sup>176</sup> (Soell, SPD, BT 19921008: 9389)

### *FDP*

The patterns of the speakers of the FDP parliamentary group's discourse are closest to those of the French Centrists. Eleven per cent of the floor time is dedicated exclusively to the EP (*European Parliament*), and 20% of the floor time is used to discuss the relationship between the national parliaments and the EP (*Sublevel Parliament*).

In the discourse of the members of the FDP parliamentary party group, only a fully fledged EP can guarantee a fully operational parliamentary control in the EU in the long run (*European Parliament*).

'The solution can only be that the European Parliament is transformed into a fully fledged parliament in the long run. However, I do not accept at all that until then, the Bundesrat gets excessive participation rights, while we keep silent about our rights.'<sup>177</sup> (Irmer, FDP, BT 19921202: 10818)

For Irmer, the EP is the central democratic parliamentary institution in the EU that is capable of democratising EU decision-making. The Treaty of Maastricht does not sufficiently empower it.

'You all agree with me that the democratisation of the Union has to be enhanced. What Maastricht includes on the European Parliament, is still insufficient. In the mean time,

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<sup>176</sup> 'Ich biete da einen Kompromiß an: Ich bin gerne damit einverstanden, daß wir auf eine maßgebliche Mitwirkung des Deutschen Bundestages verzichten, wenn Sie sich dazu durchringen können, im Falle des Bundesrates nicht anders zu verfahren.'

<sup>177</sup> 'Die Lösung kann nur dann liegen, daß das Europäische Parlament auf die Dauer zu einem Vollparlament ausgebaut wird. Ich sehe aber überhaupt nicht ein, daß wir bis das der Fall sein wird, dem Bundesrat exzessive Mitwirkungsmöglichkeiten im Grundgesetz einräumen, selber aber über unsere Rechte stillschweigen.'

we need to strengthen the participation rights of the Bundestag and the Bundesrat.’<sup>178</sup> (Irmer, FDP, BT 19921202: 10818)

However, in his view this will only be an intermediary solution. The strengthening of national parliaments cannot replace a strong EP.

‘This happens despite the fact that it must be clear to every one of us that this can of course not substitute the rights of the European Parliament.’<sup>179</sup> (Irmer, FDP, BT 19921202: 10818)

For Otto Graf Lambsdorff, both the EP and the national parliaments must be strengthened in order to reduce the democratic deficit of the EU (*Sublevel Parliament*). He considers that the rights of the EP have only marginally been strengthened with the Treaty of Maastricht.

‘To realise unity in diversity and individuality, we will also fix this principle in article 23 of our Constitution. We have to take care of more transparent decision-making processes of all organs of the Community and that the Community reduces its democratic deficit. To reach this, the European Parliament must be strengthened. Its rights were only marginally enhanced in the Treaty of Maastricht. Furthermore, the rights of the German Bundestag must be strengthened to participate in decisions in Europe.’<sup>180</sup> (Lambsdorff, FDP, BT 19921008: 9338)

The EP itself and the role that national parliaments play in close cooperation with the EP are important points in the discussion about ways to alleviate the EU’s democratic deficit in the discourse of French Centrists and the majority of the members of the German Bundestag. This distinguishes them from most other parliamentary party groups. However, the role of

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<sup>178</sup> ‘Sie sind mit mir alle einig, daß die Demokratisierung der Union weitergetrieben werden muß. Was Maastricht zum Europäischen Parlament sagt, ist noch unbefriedigend. Inzwischen müssen wir Mitwirkungsrechte und Kontrollrechte von Bundestag und auch von Bundesrat verstärken.’

<sup>179</sup> ‘Dies geschieht, obwohl wir uns darüber klar sein müssen, daß all dies natürlich die Ausweitung der Rechte des Europäischen Parlaments nicht ersetzen kann.’

<sup>180</sup> ‘Um die Einheit in Vielfalt und Individualität zu verwirklichen, werden wir dieses Prinzip auch in Art. 23 unserer Verfassung verankern. Wir müssen dafür Sorge tragen, daß die Entscheidungsprozesse aller Gemeinschaftsorgane transparenter werden und daß die Gemeinschaft ihr Demokratiedefizit abbaut. Dafür muß zum einen das Europäische Parlament, dessen Rechte im Maastrichter Vertrag nur marginal ausgebaut wurden, gestärkt werden. Dafür müssen zum anderen auch die Rechte des Deutschen Bundestages an Entscheidungen in Europa mitzuwirken, gestärkt werden.’

Assemblée and Bundestag as *Domestic Control Bodies* is highly important in their discourse about the role of parliaments in the EU as well. The main points will be presented in the following.

### **b) Domestic Control Body**

Even if multi-level parliamentarism plays an important role, domestic control rights (*Domestic Control Body*) are also important for the French Centrists and the established parties in the German Bundestag – MPs from UDF, UDC and FDP even consecrate most of their floor time to this frame. For MPs from all of these parliamentary party groups, EC affairs are no longer ‘purely’ international relations. Therefore, national parliaments need to have a strengthened control of EU decision-making.

### *UDF and UDC*

As do their German counterparts, the French Centrist MPs particularly criticise the strengthening of the executives through European integration. They plead both for more control competences for the Assemblée nationale towards the government and for internal reforms of the proceedings of the Assemblée nationale in order to better cope with European affairs.

For Gilbert Gantier, the fact that the EC/EU’s competences have been extended results in the national parliament slowly becoming only ‘recording chambers’<sup>181</sup> (Gantier, UDF, AN 3 19920506: 979).

For Alain Lamassoure, it would be a first sign of progress for the democratic quality of the EC/EU if the parliament regained real control of the action of its government in the Council of Ministers. For him, there should be a preliminary vote in the Assemblée nationale or in the

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<sup>181</sup> ‘chambres d’enregistrement’

Sénat before the negotiations in the Council. Furthermore, he asks for a ratification of the Community budget through the national parliaments (Lamassoure, UDF, AN 2 19920506: 927).

For Adrien Zeller, conversely, national parliaments themselves have to reform. For him, a part of the problem of the deficiency of democratic processes in the EU originates in France. He accuses the Assemblée nationale of working five months and a half per year and of never using its permanent committees to deal with European affairs to analyse directives and regulations (Zeller, UDC, AN 3 19920506: 958). Moreover, he asks the Assemblée to quickly change its working methods in order to be able to question and orient French ministers in Brussels.

Only former prime minister Raymond Barre has reservations concerning a strengthening of the national parliament's control competences. In his view, parliament should not go so far as to tie the hands of the government in Council negotiations. In principle he supports a full association of the parliament to the execution of the treaties, its information, and the possibility for the parliament to give its opinion to the government's EU policy. However, for him farther-reaching competences to control the government would not be in the spirit of the Vth Republic and would mean a return to a parliamentarian system in which parliament dominates the government (Barre, UDC affiliated, AN 2 19920506: 937).

### *CDU/CSU*

As their Centrist colleagues, MPs from CDU/CSU, SPD and FDP also use an important share of their floor time to discuss the control competences towards the government that detains the domestic chamber. CDU/CSU and SPD MPs focus equally on the EP and multi-level parliamentarism and on the strengthening of their capacity to be a *Domestic Control Body*.

MPs from the CDU/CSU, SPD, and FDP parliamentary party groups consider that an enhancement of the Bundestag's competences is necessary even if in the long run the enhancement of the competences of the EP will be at least as important.

MPs from the CDU/CSU parliamentary party group argue in favour of an enhancement of the control competences of the Bundestag towards the German government, but without concretely mentioning prerogatives.

The chairwoman of the EC committee, Renate Hellwig, considers that it is necessary for the German government not only to give the Bundesrat the right to participate in EU decision-making, but also for it to consult the opinion of the members of the Bundestag as well before making decisions.

‘I am also very much in favour of the federal government realising that it is not only interesting and important to give the Bundesrat more participation rights to determine its attitude at the table of the Council of Ministers, but that it is as important to take feedback here in the national parliament as well.’<sup>182</sup> (Hellwig, CDU/CSU, BT 19921008: 9346)

Usually, the argument is that the Bundestag cannot have fewer rights than the Bundesrat. This is coherent with the views expressed in interviews with parliamentary actors during the Maastricht ratification. Speakers state that the Bundestag would probably not have battled for substantially more participation rights if there had not been the claims by the German Länder at the same time (interview 39; interview 38).

‘We expect that when rights and competences of the Länder are settled, the same is true for the rights of the Bundestag. Because only a parliament that is dedicated to European issues is able to participate committedly and actively.’<sup>183</sup> (Süssmuth, CDU/CSU, 19921008: 9332)

An idea that is often mentioned is that the newly gained rights will incite MPs to become interested in EU affairs. The rationale here is less one of control and more one of activation of the Bundestag’s interest in EU matters.

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<sup>182</sup> ‘Auch ich bin sehr dafür, und ich hoffe, dass die Bundesregierung ein Einsehen hat, daß es nicht nur interessant und wichtig ist, dem Bundesrat bei ihrem Verhalten am Ministerratstisch mehr Mitwirkungsmöglichkeiten zu geben, sondern dass es genauso wichtig ist, die Rückkoppelung auch hier im nationalen Parlament zu nehmen.’

<sup>183</sup> ‘Wir erwarten, wenn es um die Rechte und Zuständigkeiten der Länder geht, daß auch die Rechte des Deutschen Bundestages klar geregelt werden. Denn nur ein in Europafragen engagiertes Parlament kann auch engagiert und aktiv mitwirken.’

Michael Stübgen elaborates on the reform of the Bundestag's internal working procedures. At the time of the discussion about the ratification, Stübgen was already member of the newly created EU Special Committee that was supposed to more closely examine the Treaty of Maastricht and the EMU. His point of view focuses predominantly on the internal organisation and power relations in EU affairs in the Bundestag.

In his view, the Bundestag is late in its internal organisation in EU matters. He cites Great Britain and Denmark as countries where there were Committees for European Affairs much earlier. In his view, the Bundestag needs a 'Union Committee' to head and coordinate the treatment and control of European affairs in the Bundestag. This committee should then receive the support of the standing committees for its work. It should be established through the amendment of articles 23 and 45 of the Constitution, because he thinks that it is necessary to give the committee a constitutional status.

'The competences and possibilities for deliberation of the sectoral committees for EC acts would not be diminished in their issue area. On the contrary, they would be supported politically and coordinated by the Union Committee. The Union Committee would consequently be a sort of clearing post of the Parliament in European affairs.'<sup>184</sup> (Stübgen, CDU/CSU, 19921008: 9373)

In his view, there should be a permanent dialogue and cooperation between standing committees and the Union Committee. The committee should be responsible before the parliament as a whole and would have to report to it. Furthermore, the committee should have the possibility to issue 'mandates' that the government would need to follow in the negotiations in the Council. It should only be possible for the government to divert from these positions for a highly important reason in the domain of foreign policy or of integration policy.

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<sup>184</sup> 'Die Zuständigkeiten und Arbeitsmöglichkeiten der Fachausschüsse für EG-Vorlagen würden auf ihren Gebieten nicht geschmälert. Im Gegenteil: Sie würden vom Unions-Ausschuß politisch gestützt und koordiniert. Der Unions-Ausschuß wäre demnach eine Art Clearing-Stelle des Parlaments für Europaangelegenheiten.'

## *SPD*

For the members of the SPD parliamentary party group, such as the MPs from CDU/CSU and FDP, a strengthened participation of national parliaments in EU decision-making is important to counter the privileged position of the governments in these processes. Heidemarie Wieczorek-Zeul, the SPD parliamentary party group's speaker on European affairs, states that the Bundestag's control rights must be strengthened to avoid the government playing multi-level games.

'Together, we adopt a law today for the Bundestag with which the German Bundestag attempts to bind the federal government in the future to a specific line before relevant negotiations in the Council of Ministers. Then it will for example no longer happen that the government agrees in the EC Council of Ministers to an increase of the Value Added Tax to 15% and later on pretends at home that overriding EC legislation is at the origin. In reality it was the government itself that took this line.'<sup>185</sup> (Wieczorek-Zeul, SPD, BT 19921202: 10814)

For the chairman of the EU Committee that was put into place to prepare the ratification of the Treaty of Maastricht, the strengthening of the rights of the German Bundesrat aims to maintain the federal balance of the state of Germany. The motive of evaluation for the Bundestag is thus the German Basic Law.

'To date the design of the integration process has substantially and enduringly disturbed the constitutional balance between the Bundestag, the Bundesrat, and the federal government. The Bundestag and Länder are concerned. They transfer competences. Even the legislative competence is carried out by the executive on the European level. In parallel, the federal structure of the state is eroded because competences of the Länder

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<sup>185</sup> 'Wir verabschieden heute gemeinsam ein Rechtsstellungsgesetz für den Bundestag, mit dem der Deutsche Bundestag die Bundesregierung künftig vor entsprechenden Festlegungen im Ministerrat auf eine bestimmte Linie verpflichten will. Dann kann es z.B. nicht mehr passieren, dass die Bundesregierung im EG-Ministerrat der Mehrwertsteuererhöhung auf 15 % zustimmt und anschließend nach Hause kommt und behauptet, ursächlich dafür sei das vorrangige EG-Recht, während sie in Wirklichkeit selber diese Linie vertreten hat.'

are transferred to Europe without being compensated.’<sup>186</sup> (Verheugen, SPD, BT 19921202: 10834)

For the members of the SPD parliamentary party group, the entry into the third phase of the EMU must be subject to a parliamentary vote.

‘Our demand to introduce a parliamentary reserve for the passage to the third step of the Economic and Monetary Union was successful. We have said since the beginning that there cannot be an automatic passage from the second to the third step of the European Monetary Union. With this parliamentary reserve – I said it in the first reading on 8 October – we wanted to put up a barrier with the help of which there would be a weakening of the strong D-Mark.’<sup>187</sup> (Verheugen, SPD, BT 19921202: 10834)

SPD MPs draw a parallel between the problems for democracy on the European level and democracy in the EU in a federal system: the slow strengthening of the executives and the weakening of sublevel parliaments. They draw a parallel with the German *Landtage*.

‘We must acknowledge that European integration puts a heavy strain on the internal statics of the Basic Law. One could even say that it has brought it into tilt. The Länder have transferred competences, likewise the Bundestag and the federal government have as well. The issue here is not only the meetings of the Council of Ministers who take care of current affairs. It is important that article 23 again emphasises the parliamentary responsibility and the responsibility of the Länder.’<sup>188</sup> (Stiegler, SPD, BT 19921202: 10871)

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<sup>186</sup> ‘Die bisherige innerstaatliche Gestaltung des Integrationsprozesses hat die nach dem Grundgesetz ausgewogene Balance zwischen den Verfassungsorganen Bundestag, Bundesrat und Bundesregierung empfindlich und nachhaltig gestört. Betroffen sind der Bundestag und die Länder. Sie geben Kompetenzen ab. Selbst die Gesetzgebungskompetenz wird dann auf europäischer Ebene von der Exekutive, der Bundesregierung, wahrgenommen. Gleichzeitig wird so der föderative Staatsaufbau ausgehöhlt, weil Länderrechte ohne durch Mitwirkungsrechte kompensiert zu werden nach Europa wandern.’

<sup>187</sup> ‘Unser Drängen nach der Verankerung eines Parlamentsvorbehalts beim Übergang in die dritte Stufe zu Wirtschafts- und Währungsunion hat Erfolg gehabt. Wir haben immer gesagt, es darf keinen Automatismus beim Übergang von der zweiten Stufe zur dritten Stufe der Europäischen Währungsunion geben. Mit diesem Parlamentsvorbehalt -ich habe es in der ersten Lesung am 8. Oktober gesagt - wollten wir eine Sperre setzen, mit der die Aufweichung der harten D-Mark verhindert werden kann.’

<sup>188</sup> ‘Wir müssen zur Kenntnis nehmen, daß die europäische Integration die interne Statik des Grundgesetzes schwer belastet, um nicht zu sagen: in eine Schiefelage gebracht hat. Die Länder haben Kompetenzen abgegeben, ebenso der Bundestag an die Bundesregierung. Wir hatten im Grunde nur

The norms that MPs from the SPD mainly evoke to justify the strengthened control rights thus stem from the German Basic Law and the federal state structure.

### *FDP*

The MPs from the FDP parliamentary party group ask for more control of the government's actions in EU affairs despite being in the government coalition. Otto Graf Lambsdorff asks for an early and more complete participation of the Bundestag in EU affairs. He asks the German government to base its negotiations on the opinion of the Bundestag.

‘We want the government to consult the Bundestag earlier and with more complete information regarding decision-making. We want the federal government to base its negotiation positions on the opinion of the Bundestag. The participation rights of the Bundestag in European affairs shall be fixed in the Basic Law, as will be those of the Bundesrat.’<sup>189</sup> (Lambsdorff, FDP, BT 19921008: 9338)

As for the members of the UDF/UDC parliamentary party group, European affairs are now more than external or foreign affairs, and therefore a stronger participation of the Bundestag does not interfere with the exclusive competences of the executive.

‘This has nothing to do with the executive competences of the government, because we are in the area of European legislation. This is why nobody should say that it is a

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noch einen Gesetzgeber, nämlich die Bundesregierung. Hier geht es nicht immer nur um die Ministerräte, sondern oft sind es die Ministerialräte, die die täglichen Geschäfte betreiben. Es ist wichtig, daß der neue Art. 23 die parlamentarische Verantwortung und die Verantwortung der Länder wieder betont.’

<sup>189</sup> ‘Wir möchten, daß die Bundesregierung den Deutschen Bundestag früher und umfassender als bisher an Entscheidungen beteiligt [...] Wir möchten, daß die Bundesregierung die Auffassung des Bundestages ihren Verhandlungen zugrunde legt. Die Mitwirkungsrechte des Bundestages in europäischen Angelegenheiten sollen, wie gleichzeitig auch die Rechte des Bundesrates, im Grundgesetz festgeschrieben und institutionell verankert werden.’

constraint for the executive competences if we say as a parliament that we wish to have a substantial say.’<sup>190</sup> (Irmer, FDP, 19921008: 9389)

For the members of the FDP parliamentary party group, as for the MPs from the SPD, the entry into the EMU should depend on a parliamentary vote.

‘As far as concerning the participation of us parliamentarians in the entry into the third step, it is completely clear: without our favourable vote, nothing will be possible. A government that said that it would agree, despite a negative parliamentary vote, would be crazy.’<sup>191</sup> (Haussmann, FDP, BT 19921202: 10847)

However, the evaluation of the importance of a strengthening of national parliaments is not uncontested. Ulrich Irmer is of the opinion that the Bundestag could abandon new participation rights if the Bundesrat does not receive any either.

‘This is why this draft has to be amended in the committee. The Bundestag must have the same participation rights. This may be uncomfortable for the government. I propose a compromise. It is my pleasure to agree to renounce to a substantial participation of the German Bundestag, if you can agree to do the same for the Bundesrat.’<sup>192</sup> (Irmer, FDP, 19921008: 9389)

In the Maastricht debates, arguments for a strengthening of the Bundestag’s prerogatives for government control are grounded both in the (still) weak powers of the EP and an important executive dominance in the EU, and in the case of the German MPs in the necessity to preserve the balance of the German Basic Law. A collective role for national parliaments does not play

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<sup>190</sup> ‘Das hat nichts mit der Exekutivbefugnis der Bundesregierung zu tun, weil wir uns hier im Bereich der europäischen Gesetzgebung bewegen. Deshalb soll niemand sagen, das sei eine Einschränkung der Exekutivbefugnis, wenn wir als Parlament sagen: Wir wollen da entscheidend mitreden.’

<sup>191</sup> ‘Was die Mitwirkung von uns Parlamentariern beim Eintritt in die dritte Stufe angeht, so ist völlig klar: Ohne unser Ja läuft dies nicht. Jede Regierung wäre verrückt, wenn sie sagte, trotz des negativen Votums stimmen wir dem zu.’

<sup>192</sup> ‘Deshalb muß dieser Entwurf in den Ausschlußberatungen dahingehend geändert werden, daß der Deutsche Bundestag in gleicher Weise mitwirken kann. Dieses mag der Bundesregierung unbequem sein. Ich biete da einen Kompromiß an: Ich bin gerne damit einverstanden, daß wir auf eine maßgebliche Mitwirkung des Deutschen Bundestages verzichten, wenn Sie sich dazu durchringen können. im Falle des Bundesrates nicht anders zu verfahren.’

much of a role in the discourse of the French Centrists and the established parties in the Bundestag at that time.

### **c) Third Chamber**

A collective role for national parliaments is not important in the discourse of members of the French Centrist parliamentary party groups, and the idea is not taken seriously in the discourse of the German MPs.

### *UDF and UDC*

Of the UDF and UDC MPs, only Maurice Ligot mentions the idea of a European Senate that could control the good application of the principle of subsidiarity. As was shown above, Ligot has a more traditional Gaullist point of view and also represents an exception regarding his point of view on the potential role of the EP.

As one of the main roles for national parliaments, Maurice Ligot sees the control of the good application of the principle of subsidiarity, either individually or collectively in a sort of European Senate of national parliaments, especially paying attention to ‘the proper interpretation of the terms’<sup>193</sup> (Ligot, UDF, AN 3 19920506: 962).

His point of view is a softer version of the Gaullist point of view held by Jean de Lipkowski on the role of parliaments in the EU, which will be presented later. He thinks that the enhancement of the role of national parliaments is more important than the strengthening of the EP. National parliaments in his view can be strengthened through a direct and collective role in European decision-making processes.

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<sup>193</sup> ‘la bonne interprétation des termes’

## *SPD*

In the Bundestag, only one MP from the SPD mentions the importance of interparliamentary cooperation between national parliaments and a direct link to the European level.

‘We have to reorient our political decision-making procedures in the parties and in parliament. We need to shift from an exclusively national perspective to a European perspective. The cooperation with colleagues from other national parliaments and from our Länder parliaments is also important. It is more than ever important not only to complain but to work on the draft acts.’<sup>194</sup> (Stiegler, SPD, BT 19921202: 10871)

Ludwig Stiegler (SPD) underlines the necessity of changing from a national to a European perspective and calls upon his fellow MPs to foster parliamentary cooperation with other parliaments. However, he does this without even mentioning the interparliamentary conference foreseen in the Treaty of Maastricht or another institutionalised solution for the cooperation of national parliaments.

In summary, MPs from the Centrist parliamentary party groups in the *Assemblée nationale* and MPs of CDU/CSU, SPD, and FDP in the Bundestag consider that the EP can alleviate the democratic deficit of the EU on the EU level and a strengthened control of the government in EU affairs on the domestic level, at least as long as the EP is not a fully fledged parliament on the European level.

This distinguishes these groups’ discourse from that of the other parliamentary party groups in both chambers. In the Maastricht debates, the majority of MPs in the *Assemblée nationale* focus on the domestic control of the government’s negotiations in the Council of

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<sup>194</sup> ‘Wir müssen unsere politische Willensbildung, ob in den Parteien oder im Parlament, insgesamt umorientieren. und zwar weg vom reinen nationalen Blickwinkel hin zum europäischen Blickwinkel. Dazu gehören auch die Kooperation und die Zusammenarbeit mit den Kolleginnen und Kollegen anderer nationaler Parlamente, aber auch mit unseren Landesparlamenten. Wir sind mehr als bisher gefordert. nicht nur zu klagen, sondern an den Vorlagen auch zu arbeiten.’

Ministers to enhance the democratic legitimacy of the EU. The EP does not play much of a role (PS) or is even rejected (RPR) as a means to democratise the EU.

## **2) French Socialists and RPR**

For Socialists and Gaullists, the role of national parliaments as control bodies of the government in the national arena is by far the dominating feature of parliamentarism in the EU that is discussed.

### **a) Domestic Control Body**

Both the MPs from the Socialist parliamentary party group and the MPs from the RPR parliamentary party group speak almost exclusively about the Assemblée nationale's control rights (*Domestic Control Body*).

The Socialist parliamentary party group dedicates 85% of the floor time on parliaments to the competences of the national parliamentary chambers to control the government in EU affairs. Only a minor fraction of the floor time is used to discuss a collective role of national parliaments in the EU (*Third Chamber*, 3%), the role of the national parliament in a multi-level parliamentary set-up with the EP (*Sublevel Parliament*, 5%), or the EP's role (*European Parliament*, 7%). In contrast to the Gaullist MPs, the Socialist speakers mostly welcome the enhancement of the prerogatives of the EP – when they mention it.

The same pattern is true for the MPs from the RPR parliamentary group. Speakers from this group use 79% of the floor time dedicated to parliaments in the EU to discuss the control rights in the domestic arena. Gaullist speakers pay slightly more attention than the Socialists do to a potential collective role for national parliaments in the EU (*Third Chamber*, 13%). They do not mention the idea of their parliament being a sublevel parliament in a multi-level parliamentary system (*Sublevel Parliament*), however, and when they talk about the EP they

are not enthusiastic about the idea of the EP as a legitimate parliamentary body to alleviate the democratic deficit of the EU.

## *SOC*

Members of the Socialist parliamentary party group are mostly interested in the extension of the *Assemblée nationale*'s control rights on the national level.

All speakers from the Socialist parliamentary party group elaborate on the relationship between the government and the parliament. Even if they are part of the parliamentary majority, three speakers point to the executive dominance in the decision-making processes, reducing the national chambers to the role of 'copyist monks of eleventh hour compromises reached in the secrecy of Brussels offices'<sup>195</sup> (Pezet, SOC, AN 2 19920505: 861).

The main point of concern is parliamentary information about EU draft legislative acts. All proposals are centred around instruments that would guarantee better information about EU legislative acts, such as more exhaustive information through the government on submitted acts, the type of documents submitted, the rights of parliament, and the body for European Affairs issuing opinions.

As the Centrists MPs (and despite being in the government), the Socialist speakers consider that EU affairs are no longer purely intergovernmental affairs, and therefore a new way must be found of guaranteeing parliamentary participation in legislative matters.

The debate focuses mainly on EU draft acts that fall under the 'law domain' of the French Constitution. The MPs do not ask for the submission of other types of draft acts, even if they may be draft legislative acts on the EU level.

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<sup>195</sup> 'moine copiste des compromis de la vingt-cinquième heure élaborés dans le secret des bureaux bruxellois'

Gérard Gouzes, chairman of the Law Committee and rapporteur on the constitutional amendment, rejects the possibility of having a mandating system such as some of the other parliaments. He considers that this would go against general principles ‘that define the powers of the parliament and government in the 1958 Constitution’<sup>196</sup> (Gouzes, SOC, AN 1 19920505: 848). He defines systems of parliamentary control such as the ones in Denmark or Great Britain as not being adapted to the French Constitutional balance.

There is a debate on the timing of the submission. Gérard Gouzes, who is the president of the Law Committee and the rapporteur on the constitutional amendment, puts into question that a draft act can be submitted to the parliament before it has been formalised in the EC decision-making process, i.e. before the formal submittal of the draft act to the Council (Gouzes, SOC, AN 1 19920505: 848).

Speakers stemming from the Economic and Finances Committee are particularly concerned with the parliamentary participation linked to the EMU and the parallel intensified coordination of economic policies in the national arena.

Defending the independence of the European Central Bank by stating that there is a certain political control through the European Council, Gaston Rimareix, member of the ‘Committee for the Production and the Exchanges’, the name of the Committee for Economic Affairs at that time, is in particular concerned with the question of democratic control of the politics of the central bank. What is necessary in his view is a bigger ‘association of the national parliament and its committees, including concerning the broad economic guidelines and the conditions of the transition to the various stages towards the single currency’<sup>197</sup> (Rimareix, SOC, AN 3 19920506: 976) in the national arena.

Along the same vein, the president of the Finances Committee, Jean Le Garrec, indicates that with the EMU, the national parliament has the responsibility of controlling the government

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<sup>196</sup> ‘qui définissent les pouvoirs du Parlement et du Gouvernement dans la Constitution de 1958’

<sup>197</sup> ‘association du Parlement national et de ses commissions, notamment sur les grandes orientations économiques et sur les conditions de passage aux différentes étapes vers la monnaie unique’

in budgetary and fiscal matters and of reducing the executive and technocratic dominance in this central field of parliamentary competence. He proposes that parliament has to take care of debating the broad economic guidelines and to hear the ministers regularly and before Council meetings in joint meetings of the two Finance Committees.

He even proposes a special consultation procedure with the Finances Committees before the Council of ministers. He thus proposes a central role of the Finances Committee for the EMU.

However, all of his proposals remain in the framework of the parliament-government relationship. For him, in matters of monetary and fiscal affairs, it is the ‘Minister of Finance of each country who will be the privileged interlocutor of the national parliaments’<sup>198</sup> (Le Garrec, SOC, AN 2 19920505: 860). There is no mention of the weak powers of the EP in this area.

## *RPR*

Interestingly, only two speakers of the RPR parliamentary group mention the rights of the national parliaments during the general debate on the constitutional amendment. This means that there is a certain proximity between their discourse and that of the French Communists. Within the RPR parliamentary party group, there is an important faction of MPs who favour an evolution of the governance in the EU towards more intergovernmentalism. One of the most ardent campaigners for the no-vote to the Treaty of Maastricht was the RPR Senator Philippe Séguin.

Even if overall the pattern of the RPR’s discourse is close to that of the Socialists, the important difference is that Gaullist speakers are not necessarily interested in detailed parliamentary prerogatives. The speaker with the most of the floor time defends a position of principle in which the national chamber is the only legitimate warrant of democracy. As a

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<sup>198</sup> ‘ministre des finances de chacun des pays concernés qui sera, en la domaine, l’interlocuteur privilégié des Parlements nationaux’

consequence, the EU must remain an intergovernmental union. Supranational integration would be anti-democratic.

Jean de Lipkowski, a French MP since 1968, ex-state secretary to the minister of Foreign Affairs and minister for the development, and former MEP, explicitly denounces the dominance of the executive. He decries the ‘regulation frenzy’<sup>199</sup> not only of the European Commission (thus evaluating negatively the technocratic legitimacy of the EU), but also of the national governments, as well as the fact that ‘the assemblies receive texts so "tied" in their very details that it becomes difficult to modify a line’<sup>200</sup> (Lipkowski, RPR, AN 3 19920506: 980). In this missing parliamentary control, he sees the cause of the public dissatisfaction with the EU and of the creation of Eurosceptic parties.

However, his contribution quickly shows that the real focus of his speech is not the concrete promotion of parliamentary rights in the current system, but rather a general critique of the EU as it stands.

He does not propose changes to the prerogatives of the national parliaments or further control and information rights. Instead, he calls for a reshuffling of the EU in a truly intergovernmental sense. He criticises the ambiguities of the current system, and accuses the European institutions of imposing more laws on their constituting entities than federal states (he cites the United States) would usually do (Lipkowski, RPR, AN 3 19920506: 981):

‘We are in the presence of a confederation that dares not speak its name and is sometimes more restrictive than a federation, with a bureaucracy out of political control and an institutional framework distant from Montesquieu’s principles.’<sup>201</sup> (Lipkowski, RPR, AN 3 19920506: 981)

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<sup>199</sup> ‘frénésie de réglementation’

<sup>200</sup> ‘les assemblées reçoivent des textes si “ficelés” jusque dans leurs derniers détails qu'il devient difficile d'en modifier une ligne.’

<sup>201</sup> ‘Nous sommes donc en présence d'une confédération qui n'ose pas dire son nom et qui est parfois plus contraignante qu'une fédération, avec une bureaucratie sans contrôle politique et un échafaudage institutionnel éloigné des principes de Montesquieu.’

He denounces not only the mixed supranational and intergovernmental features of the union, but also its deviation from the traditional separation of executive, legislature, and judiciary.

In a more similar vein as the Socialists and UDF and UDC speakers, Alain Juppé concentrates on the prerogatives that national parliaments should have to be able again to control the executive's action in EU decision-making. For Juppé as well, the necessary way to more democracy in the EU is the strengthening of national parliaments and not the much-discussed empowerment of the EP.

He puts the strengthening of the EP and the national parliaments on an equal footing, but for him the most important feature of parliamentary control is the scrutiny of the negotiations in the Council through national parliaments:

‘More than the triviality of the notion of a dialogue between national parliaments and the European Parliament – a sort of alliance of the blind and the lame in the current context – it is the parliamentary monitoring of positions developed by national governments in the Council that matters.’<sup>202</sup> (Juppé, RPR, AN 2 19920506: 934)

Therefore, he thoroughly elaborates on the amendment presented by the parliamentary groups UDC, UDF, and RPR, aiming for the submittal of all draft regulations and directives subject to the law definition of the French Constitution to the two assemblies before they are submitted to the Council of the EU (Juppé, RPR, AN 2 19920506: 934).

He also claims that an ‘integration’ (Juppé, RPR, AN 2 19920506: 934) of the national parliament into the decision-making structures in the field of budgetary, economic, and monetary policy on the EU level is highly important.

‘It would be inconceivable to us that the transition to the final phase could take place without the Assemblée nationale and the Sénat having discussed it beforehand. Do not answer us that such a debate would contradict the provisions of the Treaty of Maastricht.

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<sup>202</sup> ‘Bien plus que la tarte à la crème de la concertation entre parlements nationaux et Parlement européen – sorte d’alliance de l’aveugle et du paralytique en l’état actuel – c’est le suivi parlementaire des positions développées par les gouvernements nationaux au sein du Conseil qui importe.’

Why could the German chancellor promise what would be forbidden to the French prime minister?’<sup>203</sup> (Juppé, RPR, AN 2 19920506: 934)

The silence of many RPR MPs on the role of national parliaments despite their submittal of an amendment strengthening the Assemblée’s role in EU affairs can be interpreted as a position in principle on the trajectory of European integration. This becomes even clearer when one examines the Gaullist positions on the EP in comparison to the Socialists’ point of view.

### **b) Multi-level parliamentarism**

Proportionally to their floor time on national parliaments, neither the Socialist nor the RPR MPs pay much attention to the Assemblée nationale’s relationship with the EP or the features of the EP in the Treaty of Lisbon.

There is a difference between the parliamentary party groups concerning the potential of the EP to provide legitimacy to the EU (*European Parliament*). The few MPs of the Socialist parliamentary party group who discuss the EP consider this as possible in principle and mildly welcome the strengthening of the EP in the treaty. On the other hand, the majority of members of the RPR parliamentary party group instead consider that the EP is unable to replace national parliaments and to provide legitimacy to the EU.

No MP affiliated with the RPR frames the role of national parliaments as *Sublevel Parliaments* and only 18% of this group’s floor time on parliaments is dedicated to the EP. One former MEP of the RPR group denies in principle that the EP can provide democratic legitimacy to the EU.

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<sup>203</sup> ‘Il serait inconcevable à nos yeux que le passage à la phase finale puisse intervenir sans que l'Assemblée nationale et le Sénat en aient au préalable débattu. Ne nous répondez pas qu'un tel débat serait en contradiction avec les dispositions du traité de Maastricht. Pourquoi le chancelier d'Allemagne pourrait-il promettre ce qui serait interdit au Premier ministre français?’

## *SOC*

MPs from the Socialist parliamentary party group do not discuss the role of the Assemblée nationale in connection with the EP in a multi-level parliamentary set-up (*Sublevel Parliament*). In their discourse, the Assemblée nationale is not conceived of as a sublevel body in a parliamentary system with different layers.

The Socialist MPs appreciate the strengthening of the EP in the Treaty of Lisbon, but not with much enthusiasm. Altogether, they consider the state of the EP to be disastrous, but they see an improvement in the new rules fixed in the Treaty of Maastricht. There is only little debate about the concrete competences of the EP.

For Gérard Gouzes, the chairman of the Law Committee, the legislative acts of the EU are decided upon by ‘Eurocrats’ whom the EP cannot control because it does not have sufficient power.

‘Regulations and directives seem taken by unknown people whom we call Eurocrats and the European Parliament itself seems very deprived of power.’<sup>204</sup> (Gouzes, SOC, AN 1 19920505: 846)

Gouzes welcomes the new co-decision procedure, the participation of the EP and the procedure for the designation of the European Commission. For him, these steps mean an increase in democracy in the EU.

‘Thanks to its legislative co-decision power with the Council of Ministers, the European Parliament now has real possibilities of censure, particularly with respect to the right of movement and residence of European citizens. It will even intervene in the appointment of the president and members of the Commission. The College of Commissioners will be appointed after a vote of approval. In short, my dear colleagues, it will undoubtedly mean more democracy’<sup>205</sup> (Gouzes, SOC, AN 1 19920505: 848).

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<sup>204</sup> ‘Les règlements et les directives semblent pris par des inconnus que nous appelons eurocrates et le Parlement européen lui-même paraît bien démuné de pouvoirs.’

<sup>205</sup> ‘Grace à un pouvoir de codécision législatif avec le conseil des ministres, le Parlement européen se voit désormais doté de véritables possibilités de censure, notamment en matière de droit de circulation et de séjour des citoyens européens. Il interviendra même dans la désignation du président et des

Claude Gaits appraises the right of European citizens to file a petition at the EP.

‘Is it not logical that European citizens be privileged over other citizens of the world? Beside the socio-economic rights – the right to move and reside freely – they will be able to enjoy some civil rights, like the right to petition the European Parliament, the possibility of addressing the newly established Ombudsman [...].’<sup>206</sup> (Gaits, SOC affiliated, AN 3 19920506: 962)

Laurent Fabius appreciates the same new prerogatives for the EP in the Treaty of Maastricht. For him, they lead to more democracy and efficiency of decision-making in the EU. However, his address to the fellow Socialist MPs indicates that there is a certain scepticism in the parliamentary party group. He finishes by saying that there is nothing ‘anti-socialist’ in this progress.

‘The treaty extends the field of decisions made by the qualified majority. It gives an important role to the European Parliament in the investiture of the Commission. It creates a mechanism of co-decision between the two branches of the legislature. The decision process on this point is also improved by the move to the qualified majority and in cooperation with the EP for most actions. *There is also nothing anti-socialist* [italics included by author].’<sup>207</sup> (Fabius, SOC, AN 2 19920506: 931)

The Socialist MPs are thus only moderately convinced by the fact that the EP can legitimate EU decision-making, but they do not deny in principle that the enhancement of the powers of the EP may have a positive effect for democracy in the EU.

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membres de la Commission. Le collège des commissaires sera désigné après un vote d'approbation. Bref, mes chers collègues, incontestablement ce sera plus de démocratie.’

<sup>206</sup> ‘N'est-il pas logique que les citoyens européens soient privilégiés pas rapport aux autres citoyens du monde? Outre les droits socio-économiques – droit de circuler et de séjourner librement – ils pourront jouir de certains' droits civiques, comme le droit de pétition devant le Parlement européen, la possibilité de s'adresser au médiateur nouvellement institué [...].’

<sup>207</sup> ‘[L]e traité étend le domaine des décisions à la majorité qualifiée. Il confère un rôle important au Parlement européen dans l'investiture de la Commission. Il crée un mécanisme de codécision entre les deux branches du pouvoir législatif. Le processus de décision sur ce point aussi est amélioré par le passage à la majorité qualifiée et en coopération avec le Parlement européen pour la plupart des actions à entreprendre. *Il n'y a rien non plus d'antisocialiste* [italiques de l'auteur].’

## *RPR*

None of the members of the RPR parliamentary party group speaks about the Assemblée nationale's role as a sublevel parliament to the EP (*Sublevel Parliament*). Only one speaker of the RPR frankly conveys the idea that a legitimization of EU decision-making could be enhanced through the EP (*European Parliament*). Gaullist speakers put national parliaments to the fore and consider the focus on the EP of the democratic deficit debate to be erroneous.

Of the RPR parliamentary party group, only Patrick Devedjian asks for enhanced prerogatives for the EP to democratise the EU.

‘We must also strengthen the role of the European Parliament, clarify the competences of the Commission, and make public the deliberations of the Council of Ministers. This will be the subject of future debates.’<sup>208</sup> (Devedjian, RPR, AN 3 19920506: 972)

He sees the EP as a body that can potentially legitimate EU decision-making. Devedjian himself considers that he has a marginalised position in the RPR at the time (interview 24).

‘They [Those who are against the Treaty of Maastricht] refuse for European directives to be developed and implemented without the French parliament and often even without the European Parliament being informed.’<sup>209</sup> (Devedjian, RPR, AN 3 19920506: 972)

More sceptical about the role of the EP in reducing the democratic deficit of the EU is the second speaker of the RPR parliamentary group, Alain Juppé. To him, to strengthen the EP is not necessarily a bad idea, but the strengthening of the national parliaments in the EU is at least as important.

‘The "democratic deficit" of the European Community is often criticised, and one draws the conclusion that the powers of the European Parliament should be strengthened. We are not hostile, and we've said it for a long time, but it should not distract us from another

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<sup>208</sup> ‘Il faudra aussi avant longtemps renforcer le rôle du Parlement européen, clarifier les compétences de la Commission, rendre publics les débats du Conseil des ministres. Ce sera l'objet des prochains débats.’

<sup>209</sup> ‘Ils [Ceux qui s'opposent au traité de Maastricht] refusent que les directives européennes soient élaborées et mises en vigueur dans l'ignorance du parlement français et bien souvent même du Parlement européen.’

target as important to safeguard democracy in Europe, namely the rehabilitation of the national parliaments.’<sup>210</sup> (Juppé, RPR, AN 2 19920506: 934)

Finally, Jean de Lipkowski, himself former MEP, rejects the idea that the EP can legitimate decision-making in the EC.

‘When we made this observation, we were told like a leitmotif that to remedy this democratic deficit, more power should be given to the European Parliament. Since we are between us and this confidence will not leave here, I tell you, Madam Minister: don’t do it. I think we should stop buying lip service. Cease to agitate this antiphon whereby the statement "democratic deficit" is answered in a Pavlovian reflex: "European Parliament". The European Parliament – I have served in it – is certainly a place of useful reflections, where ideas are stirred and suggestions made, and that's good. But seeing there the natural place of democratic legitimacy is a misinterpretation.’<sup>211</sup> (Lipkowski, RPR, AN 3 19920506: 981)

For Jean de Lipkowski, democratic representation is intrinsically linked to the nation. As there is no European nation, parliamentary representation is not possible. The EP cannot express the general will of the nation.

‘Parliamentary sovereignty is associated with the idea of nation. But there is no European nation. We do not see how the European Parliament could express a general will that does not exist. That’s why it seems to me impossible to give that Parliament any legislative power. For now, the legislative power belongs to the Council.’<sup>212</sup> (Lipkowski, RPR, AN 3 19920506: 981)

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<sup>210</sup> ‘On dénonce souvent le “déficit démocratique” de la Communauté européenne, et l'on en tire la conclusion qu'il faut renforcer les pouvoirs du Parlement européen. Nous n'y sommes pas hostiles, et nous l'avons dit depuis toujours, mais que cela ne nous détourne pas d'un autre objectif, tout aussi prioritaire pour sauvegarder la démocratie en Europe, à savoir la réhabilitation des parlements nationaux.’

<sup>211</sup> ‘Quand on a fait cette constatation, on nous dit comme un leitmotiv que, pour remédier à ce déficit démocratique, il faudrait donner davantage de pouvoirs au Parlement européen. Puisque nous sommes entre nous et que cette confiance ne sortira pas de ces lieux, je vous dirai, madame le ministre: gardez-vous-en bien. Je crois qu'il faut cesser de se payer de mots. Cessons d'agiter cette antienne qui veut qu'à l'énoncé: “déficit démocratique”, on réponde par un réflexe pavlovien: “Parlement européen” Le Parlement européen - j'y ai siégé - est certes un lieu de réflexions utiles, or y agite des idées, on y émet des suggestions, et c'est bien. Mais y voir le lieu naturel de la légitimité démocratique est un contresens.’

<sup>212</sup> ‘La souveraineté parlementaire est associée à l'idée de nation. Or il n'y a pas de nation européenne. On ne voit donc pas comment le Parlement européen pourrait exprimer une volonté générale qui n'existe

Neither Socialist nor Gaullist MPs pay much attention to the EP when the role of parliaments in the EU is discussed. While the Socialist position can be qualified as sceptical, among the Gaullists there are MPs who consider that a democratisation through the strengthening of the EP is not possible.

### c) Third chamber

#### *SOC*

There are only few MPs from the PS parliamentary party group who mention a collective role for national parliaments (*Third Chamber*).

Jean Le Garrec mentions the fact that there is too little money spent on social cohesion in the EU, and that there is no association of national parliaments to the budgetary procedure of the EU despite a rapidly growing EC budget. He further notes that the conference of the chairmen of the Finance Committees has debated about the subject (Le Garrec, SOC, AN 2 19920505: 860).

Only Laurent Fabius, who was an important actor for the establishment of COSAC, actively and at length promotes collective fora under the participation of national parliaments.

‘The problem – we have lived, we are living it – is the control of parliaments against the European technocracy. Those, like me, who participated in the parliamentary conference in 1990 in Rome, remember, whatever the difficulties, having lived an important moment in the history of the parliaments of our Community. The habit of meeting must be adopted, it is a provision of the treaty and it is to be upheld.’<sup>213</sup> (Fabius, SOC, AN 2 19920506: 928)

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pas. Aussi bien me parait-il exclu que l'on puisse donner à ce Parlement un pouvoir législatif quelconque. Pour l'instant, ce pouvoir législatif appartient au Conseil.’

<sup>213</sup> ‘Le problème – nous l'avons vécu, nous le vivons – c'est celui du contrôle des parlements face à la technocratie européenne. Ceux qui ont participé, comme moi, en 1990 aux assises parlementaires de Rome gardent le souvenir, quelles qu'aient été les difficultés, d'avoir vécu un moment important dans

However, he is cautious with this argument and specifies that national parliaments should *not* become a Senate taking up all legislative responsibility. Lipkowski from the Gaullist parliamentary party envisages this, as is shown in the next paragraph.

‘The point is obviously not that twelve parliaments negotiate the directives. That would be unrealistic and bad.’<sup>214</sup> (Fabius, SOC, AN 2 19920506: 928)

## *RPR*

The idea of a direct representation of national parliaments on the European level is important in the ideas of the French Gaullist RPR. As the EP is not a legitimate parliamentary representation for them, they consider it necessary for national parliaments to have a direct link to the European institutions.

Jean de Lipkowski has a clearly intergovernmental vision of the EU. For him, the EU is a confederation. Within this confederation, the national parliaments should be represented in a sort of European Senate. This Senate would be the sole legislative, while the body representing the heads of state and government would be the executive of the confederation.

‘We must end the ambiguity, call a spade a spade and a confederation a confederation. In this Europe, there will be a clear separation between the executive formed by the Heads of State or Government and a confederal organisation created to legislate in the sphere of the powers transferred by the confederated states. Calling this law-making confederal body upper house or Senate doesn’t matter, provided it is elected by the national parliaments to which it will be accountable.’<sup>215</sup> (Lipkowski, RPR, AN 3 19920506: 981)

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l'histoire des parlements de notre Communauté. L'habitude de se retrouver doit être prise, elle est prévue par le traité et il faudra y veiller.’

<sup>214</sup> ‘Il ne s'agit évidemment pas que les parlements négocient à douze les directives; ce serait irréaliste et mauvais.’

<sup>215</sup> ‘Nous devons sortir de l'ambiguïté, appeler un chat un chat et une confédération une confédération. Dans cette Europe, il y aura une claire séparation entre l'exécutif formé par les chefs d'Etat ou de gouvernement et un organisme confédéral créé pour légiférer dans la sphere des compétences transférées par les Etats confédérés. Qu'on appelle cet organisme confédéral législatif chamber haute ou Sénat, peu importe, pourvu qu'il soit élu par les parlements nationaux à qui il aura des comptes à rendre.’

He thus calls for a real confederation with a parliamentary representation of the constituting entities, e.g. a Senate composed of national parliaments controlling the European Commission.

‘The upper house will monitor the work of the European Commission and the latter will be accountable to it. If one does not have the courage to go up to this necessary clarification, bureaucratic imbalances will persist and discredit the idea of Europe in the minds of many citizens. Yet a Europe built along this frame is a demanding duty. History would be harsh with us parliamentarians if, focusing on our internal quarrels, we did fail. Our duty is to proceed so that, with realism and clarity, this Europe, based on the Treaty of Maastricht, succeeds.’<sup>216</sup> (Lipkowski, RPR, AN 3 19920506: 981)

One can observe features of the traditional intergovernmental discourse conveyed by prominent members of the RPR: the EU should be no more than a confederation, and the representation in this confederation should be carried out by the governments controlled by their parliaments. No supranational institution could gain the legitimacy that the national parliament has as emanation of the nation. As the European confederation would be more than a simple intergovernmental organisation, even if nevertheless an intergovernmental entity, there should be a parliamentary representation on the level of the confederation that guarantees parliamentary control. Parliamentary participation is not so much seen as cooperation or co-governance but as democratic ‘contrôle’ (Lipkowski, AN 3 19920506: 981), the control and potentially the publicisation of the action of the governments.

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<sup>216</sup> ‘La chambre haute surveillera les travaux de la Commission européenne et celle-ci sera responsable devant elle. Si on n’a pas le courage d’aller jusqu’à cette nécessaire clarification, les dérèglements bureaucratiques perdureront et discréditeront l’idée de l’Europe dans l’esprit de beaucoup de nos concitoyens. Or l’Europe ainsi dessinée est un exigeant devoir. L’histoire serait sévère pour nous, parlementaires, si privilégiant nos querelles intérieures nous la faisons échouer. Notre devoir est de faire que, dans le réalisme et la clarté, cette Europe-là, à partir du traité de Maastricht, réussisse.’

### **3) Eurosceptic parliamentary party groups**

The MPs from parties with a Eurosceptic programmatic agenda (at least in the sense of their rejection of the current form of European integration) in the Assemblée nationale and the Bundestag have diametrically opposite points of view concerning the role of parliaments in the EU. (MPs from the extreme right do not participate in the debate in either chamber.)

The French Communists in the Assemblée nationale only focus on the role of national parliaments, while in the Bundestag MPs from *Bündnis 90/Die Grünen* and the *PDS/Linke Liste* almost exclusively focus on the role of the EP for the provision of legitimacy to EU decision-making.

#### **a) None of the legitimacy channels**

##### *Communist parliamentary party group*

For the members of the Communist (C) parliamentary party group, the Treaty of Maastricht reinforces the democratic deficit, because the transfer of new competences to the EU weakens national parliaments. In the view of the MPs, national parliaments are the ‘voice of the people’. To them, it is not possible *in principle* to take legislative competences from national parliaments without severely damaging democracy. According to the Communist MPs, attempts to reinforce national parliaments through strengthened parliamentary rights are only the proof that an illegitimate competence transfer happened from the national level to the European level. To reconstitute national parliaments the right to participate in decision-making does not logically make sense for the Communist MPs – or is even dangerous.

‘The French Parliament, whose role is already so limited by our monarchical constitution and the guardianship of unelected bodies such as the Constitutional Council, whose jurisprudence is rightly widely mentioned by Mr Gouzes to justify the indefensible, would be confined to the role of translator of legislation written by others. It is true that to give a good impression of this text, of which they fully share the objective, many in

the right loudly demand the right for the Parliament to be informed and to give its opinion, and they probably will probably be listened to. Good heavens, it commits to nothing! A beautiful democracy that transforms the Parliament elected by the people into a consultative body, knowing by definition that it will be able to change nothing!’<sup>217</sup> (Millet, C, AN 1 19920506: 903)

For Brunhes it is not possible to give the Assemblée nationale more participation rights because the qualified majority voting in the Council does not allow this to be effective. The consequence would be that the EC could impose legislation on the Assemblée nationale. This would lead to an ultimate discreditation of the French parliament.

‘It is so obvious that some of our colleagues have considered writing in the Constitution, through amendments to the new sections, a strengthening of the role of the Parliament. But is it enough to overcome the democratic deficit that the fundamental law expects the Parliament to be informed and consulted and to participate in the development of Community directives. I do not think so, for two simple reasons. First, it is not possible to reconcile this requirement with the rule of the qualified majority. The latter, by allowing the European Community to have the last word and to impose its decisions against the opinion of the national Parliament, would discredit it totally and permanently.’<sup>218</sup> (Brunhes, C, AN 2 19920506: 938)

Furthermore, Brunhes considers that the principle of subsidiarity will be used to define areas in which the EC has the exclusive right of action. In these areas all decisions of national

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<sup>217</sup> ‘Le Parlement français, au rôle déjà tellement limité par notre constitution monarchique et la tutelle d’organismes non élus comme le Conseil constitutionnel, dont la jurisprudence est à juste titre largement évoquée par M. Gouzes pour justifier l’indéfendable, se verrait cantonner au rôle de traducteur de textes de loi écrits par d’autres. Il est vrai que, pour faire bonne figure sur ce texte, dont elle partage entièrement la finalité, une grande partie de la droite réclame haut et fort le droit du Parlement d’être informé et de donner son avis, et sans doute l’écouteriez-vous. Que diantre, cela n’engage à rien ! Belle démocratie qui transforme le Parlement élu par le peuple en un organisme consultatif en sachant par définition qu’il n’y pourra rien changer !’

<sup>218</sup> ‘C’est une telle évidence que certains de nos collègues ont pensé inscrire dans la Constitution, par voie d’amendements aux nouveaux articles, le renforcement du rôle du Parlement. Mais prévoir dans la loi fondamentale l’information, la consultation, l’association du Parlement à l’élaboration des directives communautaires peut-il permettre de pallier ce déficit démocratique? Je ne le crois pas, pour deux raisons simples. D’abord, il n’est pas possible de concilier cette exigence avec la règle de la majorité qualifiée. Cette dernière, en permettant à la Communauté européenne d’avoir le dernier mot et d’imposer ses décisions contre l’avis du Parlement national, le discréditerait totalement et définitivement.’

parliaments would become ineffective. By giving some power to the national parliament, the latter would thereby on the contrary become useless.

‘Then, once the exclusive areas of action of the European Community with the principle of subsidiarity are defined, any decision of a national Parliament in these areas becomes void and of no effect. Again, while believing to leave a few parcels of power to the Parliament, one conversely makes it useless. Maastricht accentuates the democratic deficit, which is permanent since the beginning of European integration, to the benefit of Brussels officials and Eurocrats.’<sup>219</sup> (Brunhes, C, AN 2 19920506: 938)

In the opinion of the Communist MPs, the Treaty of Maastricht leads to the weakening of the national executives through extended qualified majority voting and the erosion of national parliamentary powers profiting the European Commission, which is depicted as a powerful administrative body without proper parliamentary control. The EP does not play a role for the democratic legitimacy of the EU.

#### **b) Only the EP**

In contrast, in the Bundestag the parliamentary party groups that are in principle strongly in favour of European integration but sceptic as far as concerning the current shape of the EU see the potential of democratisation of the EU almost exclusively in increasing the power of the EP.

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<sup>219</sup> ‘Ensuite, une fois définis les domaines exclusifs de l'action de la Communauté européenne à l'aide de la règle de la subsidiarité, toute décision d'un Parlement national, dans ces mêmes domaines, devient caduque et sans effet. Là aussi, en croyant laisser quelques parcelles de pouvoir au Parlement, on le rend au contraire inutile. Maastricht accentue le déficit démocratique, permanent depuis le début de la construction européenne, au profit de fonctionnaires et d'eurocrates bruxellois.’

## *Bündnis 90/Die Grünen*

The Green Party was represented in the German Bundestag for the first time in 1983, and from 1987 onwards it had its own parliamentary party group. In the general elections in 1990, the Greens have a poor outcome at the ballot. Only a few MPs, most from the civic movement *Bündnis 90*, make it into the Bundestag. Their stance on European integration is at best sceptical. The EC is seen as a ‘Hypernation’ (Weiss) recreating features of the decrepit nation-state because of the domination of the national executives.

The point of view of MPs from the *Bündnis 90* in the Bundestag is diametrically opposite to the position of the Communists in the Assemblée nationale. For the MPs, competence transfer is in principle necessary, and the weakening of the nation-state is an objective. However, as long as the EP and the regions in Europe are not strengthened, the European treaties are not democratic.

The main criticism concerning national parliaments is the fact that competences are transferred to the European level without an adequate strengthening of the EP.

‘It is especially painful that, with the necessary transfer of competences on the European level, the democratic deficit will be furthered. Despite some improvements on the prerogatives of the European Parliament, overall Maastricht is a further erosion of parliamentarism in the Community. It strengthens the national governments vis-à-vis the parliaments. [...] We need a comprehensive competence for the European Parliament in all policy areas of the [European] Community. The Parliament must [...] have an important say also in matters of the further development of the treaties.’<sup>220</sup> (Schulz, *Bündnis 90/Die Grünen*, BT 19921008: 9342)

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<sup>220</sup> ‘Besonders schmerzlich ist, daß mit der notwendigen Verlagerung von Aufgaben auf die europäische Ebene das demokratische Defizit verstärkt wird. Maastricht bringt trotz einiger Erweiterungen der Befugnisse des Europäischen Parlaments insgesamt gesehen eine weitere Aushöhlung des Parlamentarismus in der Gemeinschaft. Es stärkt die nationalen Regierungen gegenüber den Parlamenten. [...] Wir brauchen eine umfassende Zuständigkeit des Europäischen Parlaments für alle Politikbereiche der Gemeinschaft. Das Parlament muß [...] auch bei der Weiterentwicklung der Verträge ein gewichtiges Wort mitzureden haben.’

The main problem is that this leads to a strengthening of the national executives because most of the areas of community decision-making are still under intergovernmental governance. This leads to a weakening of national parliaments because they cannot control the action of their governments in Brussels and the EP still does not have sufficient power to correct this situation. Important areas of decision-making are thus deprived of parliamentary control.

‘Too many competences are reserved for the executive, too few are given to the European Parliament. The immigration and asylum policy for example are policy areas that remain in intergovernmental cooperation and are thus withdrawn from legislative deliberation. This is dangerous because European governments can take decisions without the possibility of revision by the European Parliament.’<sup>221</sup> (Poppe, *Bündnis 90/Die Grünen*, BT 19921202: 10822)

### *PDS/Linke Liste*

The main line of argument is the same when MPs of the newly elected extreme left-wing parliamentary party group *PDS/Linke Liste* take the floor on the role of parliaments in the EC/EU.

As for *Bündnis 90/Die Grünen*, the Treaty of Maastricht transfers competences to the European Commission without providing the EPs with adequate competences.

‘Fifth. With the Treaty of Maastricht the nation-states transferred competences to the European Council and the EC Commission in Brussels. This concerns competences that at the time were held by national parliaments. I am not against a transfer of parliamentary competences on the European level, if the European Parliament gets the competence. But I am against the transfer of competences from parliaments to the executive of Brussels. This is a clearly undemocratic act.’<sup>222</sup> (Gysi, *PDS/Linke Liste*, BT 19921008: 9341)

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<sup>221</sup> ‘Zu viele Kompetenzen sind der Exekutive vorbehalten, zu wenige erhält das Europäische Parlament. Die Einwanderungs- und Asylpolitik gehört z. B. zu den Bereichen, die innerhalb der Regierungszusammenarbeit verbleiben und damit legislativen Beratungen entzogen sind, wodurch die Gefahr besteht, daß die europäischen Regierungen ohne Korrekturmöglichkeiten seitens des Europäischen Parlaments Vereinbarungen treffen, [...]’

<sup>222</sup> ‘Fünftens. Durch den Vertrag von Maastricht geben die Nationalstaaten Kompetenzen an den Europäischen Rat und die EG-Kommission in Brüssel ab. Es handelt sich hierbei um Kompetenzen, die

He takes much of his floor time to elaborate in detail on the prerogatives for the EP in the Treaty of Maastricht. For him the treaty provides the EP with some ‘therapeutic’ tasks and powers. For Gysi, the EP is still a consultative body for the executives, and this is a complete reversal of the relationship between executive and legislature.

‘I think this means in plain language that the European Parliament should not decide. It can ask, recommend, and issue an opinion. The latter is surely important from a therapeutic perspective and is surely therefore restricted to once a year. But this is no real parliamentary activity. In reality the European Parliament becomes a consultative organ of the executive. However, this is a complete reversal of the democratic relationship between legislature and executive, fixed in the treaty.’<sup>223</sup> (Gysi, *PDS/Linke Liste*, BT 19921008: 9341)

In that same vein, MPs Bläss and Höll only mention the EP when discussing the role of parliaments in the EU.

‘Again a sad example for this was the outspoken aim of the Treaty of Maastricht parties not to touch the Irish prohibition of abortion – without taking into account the two decisions of the European Parliament on the legalisation of abortion.’<sup>224</sup> (Bläss, *PDS/Linke Liste*, BT 19921008: 9369)

Both of them regret that the Council ignores the EP’s decisions. Petra Bläss argues that the Council delays voting draft directives adopted by the EP.

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bisher bei den nationalen Parlamenten lagen. Ich habe nichts gegen eine Übertragung von Parlamentskompetenzen auf die europäische Ebene. wenn das Europäische Parlament zuständig wird. Ich habe aber etwas dagegen, wenn Kompetenzen von den Parlamenten auf die Exekutive von Brüssel verlagert werden. Dies ist eindeutig ein undemokratischer Akt.’

<sup>223</sup> ‘Das heißt ja wohl im Klartext: Das Europäische Parlament hat nicht zu entscheiden. Es darf fragen, empfehlen und sich aussprechen. Letzteres ist psychotherapeutisch sicherlich wichtig und wird wohl deshalb auch auf einmal im Jahr beschränkt. aber von einer wirklichen Parlamentstätigkeit weit entfernt. Faktisch wird das Europäische Parlament zu einem Beratungsorgan der Exekutive. Das ist aber eine völlige Verkehrung des demokratischen Verhältnisses zwischen Legislative und Exekutive, die hier im Vertrag festgelegt wird.’

<sup>224</sup> ‘Ein neuerliches trauriges Beispiel dafür ist die betonte Absicht der Maastrichter Vertragsparteien nicht die Anwendung des irischen Abtreibungsverbots berühren zu wollen ungeachtet der beiden Entschliessungen des Europäischen Parlaments zur Legalisierung des Schwangerschaftsabbruchs.’

‘Despite the urgent call by the European Parliament on the intergovernmental conference to change the article 119 of the EEC Treaty<sup>225</sup> to include also the promotion of the equality of chances of women and men in all areas, women’s policy falls by the wayside.’<sup>226</sup> (Höll, *PDS/Linke Liste*, BT 19921202: 10864)

Barbara Höll points to the missing constitutional function of the EP. She regrets that the negotiating government delegations did not retain the call by the EP to introduce the equal opportunities for men and women into the common actions of the Community.

The preceding section showed that the roles discussed in the Maastricht debates can be explained by different ideological cores of parliamentary party groups on the scope and nature of European integration. Priorities in the debate are not or only to a much lesser extent defined by the norms enshrined in the parliamentary chambers on the domestic level. The following sub-chapter takes the same detailed view of the debates on the Treaty of Lisbon in the Assemblée and the Bundestag. It shows that ideological cleavages as described in the preceding chapter do not play much of a role in contrast to during the Maastricht debates. Instead the main cleavage runs between the chambers, and priorities for roles in the debates can be linked to appropriate parliamentary participation with reference to institutionalised parliamentary practice on the domestic level.

### ***C - The Lisbon debates: An emerging ‘institutional’ cleavage***

In the Lisbon debates, the roles for parliaments in the EU dominating the debates have changed in both chambers, but not in the same way. MPs’ discursive practices can be linked to the results of Chapter IV. The similar attention to the *Domestic Control Body* has disappeared.

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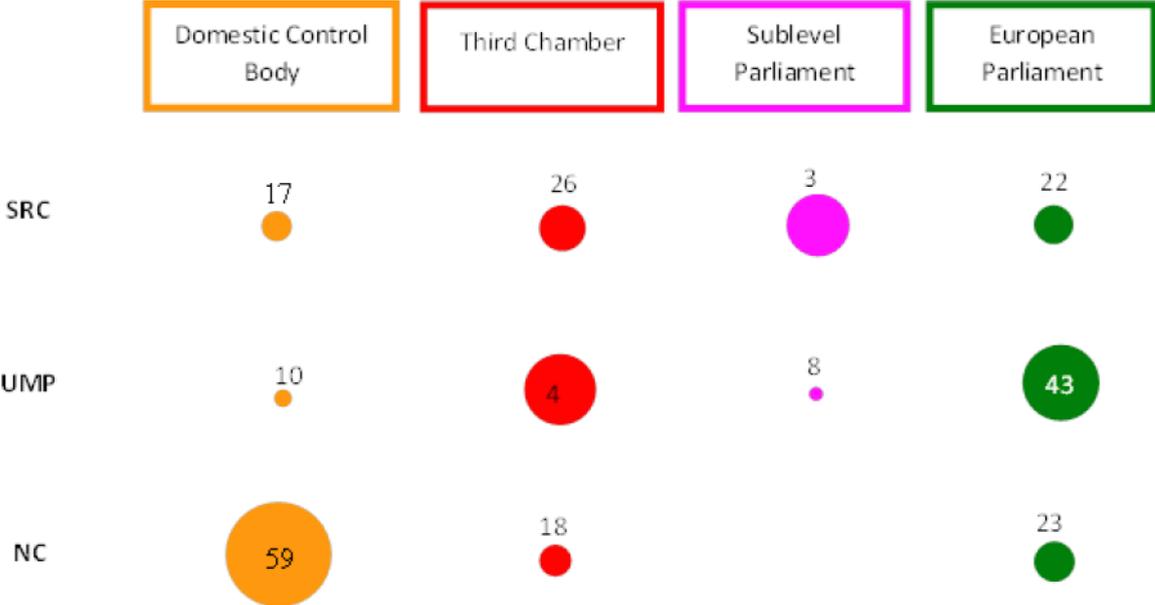
<sup>225</sup> EEC Treaty: Treaty Establishing the European Economic Community (1957)

<sup>226</sup> ‘Obwohl das Europäische Parlament die Maastrichter Regierungskonferenz dringend aufgefordert hatte, den Art. 119 des EWG-Vertrages dahin gehend zu ändern, daß in die Gemeinschaftsaktion auch die Förderung der Chancengleichheit von Frauen und Männern in allen Bereichen eingezogen werden soll, blieb Frauenpolitik im Prozeß der europäischen Einigung bisher auf der Strecke.’

According to their function as *interest intermediators and representatives of voter concerns* on the domestic level, MPs in the *Assemblée nationale* are not interested in prerogatives for direct government control in EU affairs. Instead, they spend most of their time discussing prerogatives of the Treaty of Lisbon leading to a direct collective role for national parliaments in EU decision-making (34% for a *Third Chamber* against 20% for a *Domestic Control Body*), and they welcome the strengthening of the EP (34% *European Parliament*).

The pattern of the debate in the Bundestag can instead be traced to the latter’s *governance or legislation and control* function on the domestic level. MPs in the Bundestag use most of their floor time to discuss their individual role as *Domestic Control Body* (53%) and discuss the *European Parliament* (10%) much less than in the Maastricht debates.

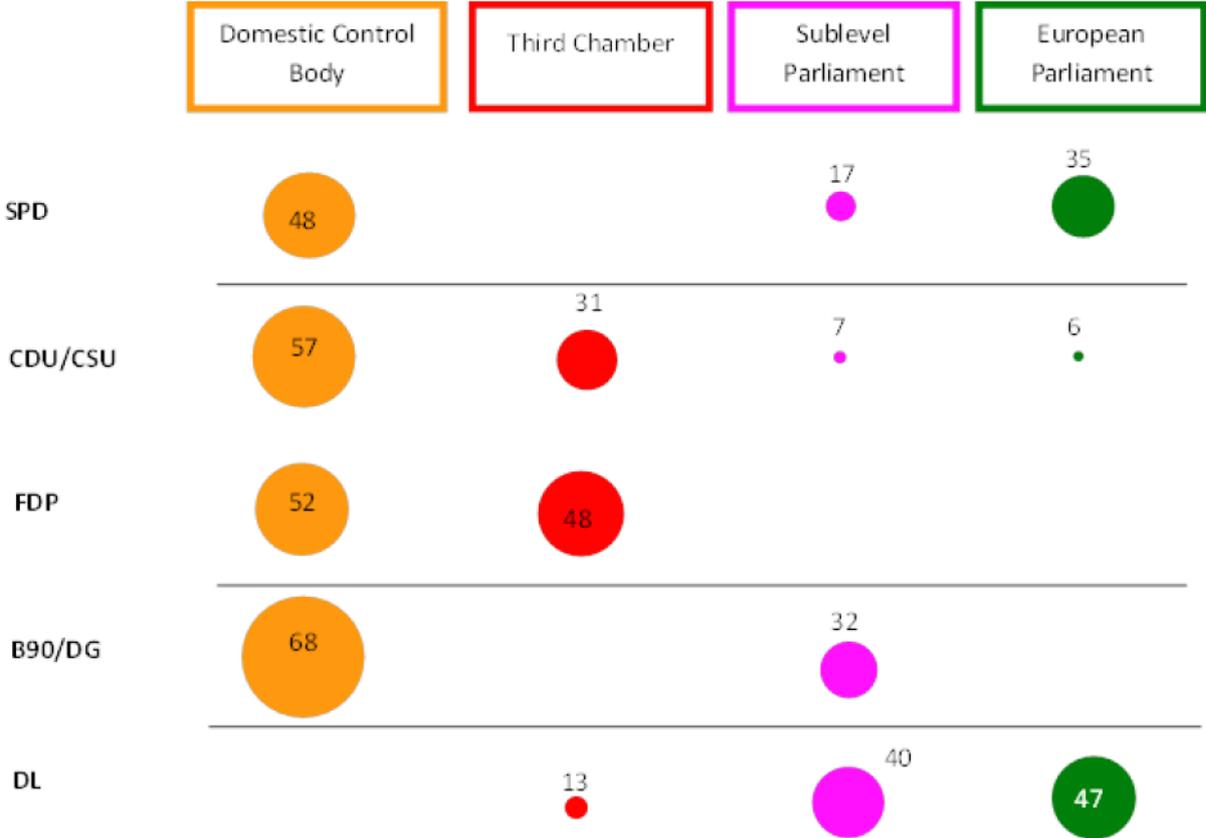
Figure 15: *Assemblée nationale*: Role models according to PPGs (Lisbon)



Note: Percentage of floor time dedicated to the role of parliaments in the EU.

This means that in the Lisbon debates, cleavages are ‘institutional’ and run mostly along the two parliamentary institutions at hand. The attention to roles for parliaments beyond the nation-state is almost inverted between the *Assemblée nationale* and the *Bundestag* in comparison to during the Maastricht debates. MPs in the *Assemblée* dedicate half of their floor time to discussing the strengthened role of the EP and their relationship with the EP. Only a fifth of their floor time goes to the domestic control of the government and individual control rights for the chamber, which was by far the most important role model in the Maastricht debates in France.

Figure 16: *Bundestag*: Role models according to PPGs (Lisbon)



Note: Percentage of floor time dedicated to the role of parliaments in the EU.

In both chambers, for those MPs from the parliamentary party groups of the extreme poles of the political spectrum that only rarely hold government responsibility, the discourse on the role of parliaments does not change from the Maastricht to the Lisbon debates.

### **1) Assemblée nationale: Multi-level parliamentarism and *Third Chamber***

With a more detailed examination, the changes of role orientations on the aggregate level correspond to homogeneous changes of the hierarchy of role models for all parliamentary party groups (see figure 15). Only the patterns of the Communist MPs' discourse do not change.

#### **a) Parliamentary party groups with regular governmental responsibilities**

The discourse of the parliamentary party groups *Socialiste, Républicain et Citoyen* (SRC) and *Nouveau Centre* (NC) about the role of national parliaments and the EP is homogeneous across parties.

The interest in the domestic control role of the *Assemblée nationale* is now much lower compared to during the Maastricht debates for MPs from all parliamentary party groups except the NC, which is the successor of the Centrist UDF party (absorbing parts of its historic membership after an important loss of members in 2002 to the UMP and a 2007 split of the movement).

#### *Third chamber and collective role*

According to their role of *interest intermediation and representation* and their low control capacities on the domestic level, MPs in the *Assemblée* are much more interested in a direct relationship with EU institutions and an increased collective role of parliaments on the European level.

In the Lisbon debates, the discourse on parliaments in the EU in the *Assemblée nationale* is dominated by reflections about the new collective role for parliaments in the Early Warning Mechanism. Some commentators have argued that this mechanism gives them a role as a ‘virtual third chamber’ (Cooper 2013) in European decision-making.

What is important for speakers from all three parliamentary party groups (UMP, SRC, and NC) is the new subsidiarity control and the collective rights for national parliaments in direct interaction with European institutions.

The speakers from the UMP parliamentary party group often mention the strengthening of national parliaments in only a highly abstract sense. They fill this with concrete terms only when they address the subsidiarity checks and the *passerelle* clause.

In the *Assemblée nationale*, speakers engage in lengthy discussions of the Early Warning Mechanism (EWM), which allows them to ‘actively participate’ in the EU policy-making process *ex ante* ‘together with the other national parliaments’ (e.g. Warsmann, UMP, AN 2 20080115: 194, Lequiller, UMP, AN 2 20080115: 199).

For Jean-Luc Warsmann, the rapporteur and chairman of the Law Committee, national parliaments have the possibility for the first time to take part in the progress of European integration through opposing draft legal acts that do not respect the principle of subsidiarity.

For Pierre Lequiller, the subsidiarity control is a difficult burden for national parliaments. It gives them the responsibility to decide which draft legislative acts have real added value if they are dealt with at the level of the EU. For him this is not an abstract right and will have an impact on the way forward for European integration.

‘I emphasise the heavy responsibility that is entrusted to us: we are promoted watchdogs of subsidiarity, meaning that we will have to control that European laws provide real added value compared to the national actions. This is not an abstract power, since we can, thanks to the new treaty, require the Council and Parliament to make a decision in case

half of the national parliaments denounce a text. This was not expected in the draft Constitution either.’<sup>227</sup> (Lequiller, UMP, AN 2 20080115)

However, he insists on the fact that national parliaments will ‘denounce’ every draft legislative act that breaches the subsidiarity principle.

In comparison with the German MPs’ discourse in the Bundestag, the role of the national parliaments as subsidiarity guards is much less emphasised. This can especially be seen in what the French MPs do not say. They do not point to abuses in the past the way that German MPs do.

The subsidiarity check is also presented as an instrument allowing for more participation of national parliaments in the European decision-making processes. Regarding the new legislative procedures, the extension of the co-decision procedure (ordinary legislative procedure), and the extension of QMV, Nicole Ameline suggests that the subsidiarity check will be an excellent tool for parliaments to have a stronger political and juridical weight in decision-making processes in Brussels.

‘Concerning subsidiarity, many of us on these benches – and I have a personal memory – pleaded, many years ago, for the strengthening of national parliaments. Indeed, the strengthening of our legal and political weight, as well as the new links that we will be able to build with other parliaments – and that will allow the deepening of the European democracy – offer a historic opportunity to strengthen our role.’<sup>228</sup> (Ameline, UMP, AN 2 20080115: 216)

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<sup>227</sup> ‘J’insiste sur la lourde responsabilité qui nous est confiée : nous voilà promus en vigies de la subsidiarité, c’est-à-dire qu’il nous appartiendra de veiller à ce que les textes européens apportent une réelle valeur ajoutée par rapport aux actions nationales. Ce n’est pas un pouvoir abstrait, puisque nous pourrions, grâce au nouveau traité, obliger le Conseil et le Parlement à se prononcer si la moitié des parlements nationaux dénoncent un texte. Cela non plus, le projet de Constitution ne le prévoyait pas.’

<sup>228</sup> ‘S’agissant de la subsidiarité, nous avons été nombreux, sur ces bancs – et j’en garde un souvenir personnel, à plaider, il y a de nombreuses années, pour le renforcement des parlements nationaux. Or le renforcement de notre poids juridique et politique ainsi que les nouveaux liens que nous parviendrons à tisser avec d’autres parlements – et qui permettront l’approfondissement de la démocratie européenne – nous offrent une occasion historique de renforcer notre rôle.’

Pierre Lequiller speaks of the same when he says that the subsidiarity check will give the ‘nation’ (i.e. the democratic emanation of the voters’ collective will) a voice in Brussels.

What is interesting in the members of the UMP group’s discourse is the strong emphasis on arguments regarding the collective role of national parliaments in the institutional set-up of the EU, and thus the emergence of democratic legitimacy for the EU that is based on the legitimacy of a ‘third chamber of national parliaments’ with direct links to the EU institutions. This idea of legitimacy for the EU is not strong in the German parliamentary debates, even if some speakers from CDU/CSU and FDP relate to the collective subsidiarity check.

Jean-Luc Warsmann thinks that national parliaments have a collective role for the progress of European integration. In his opinion they take part in this side-by-side – especially in the subsidiarity control (Warsmann, UMP, AN 2 20080115: 193).

‘It will allow the French Parliament to fully participate in the progress of the European process, alongside national parliaments in other member states, including through the monitoring of the implementation of the subsidiarity principle.’<sup>229</sup> (Warsmann, UMP, AN 2 20080115: 193)

For Daniel Garrigue, the reinforcement of the national parliaments is one of the most important achievements of the Treaty of Lisbon. Without specifying this, he asks for a further institutionalisation beyond what is foreseen in the treaty.

‘Third essential step forward: the text finally enables the rise of national parliaments, ignored by European institutions for too long. One can wish that it will eventually take an institutional form.’<sup>230</sup> (Garrigue, Not Affiliated, AN 3 20080115 233)

For the speakers of the SRC parliamentary party group, the *Third Chamber* role is also more important than the domestic control and individual role of national parliaments. Overall,

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<sup>229</sup> ‘Elle permettra au Parlement français de participer lui aussi pleinement, aux côtés des parlements nationaux des autres États membres, aux avancées du processus européen, notamment grâce au contrôle de l’application du principe de subsidiarité.’

<sup>230</sup> ‘Troisième avancée essentielle, ce texte permet enfin la montée en puissance des parlements nationaux, trop longtemps ignorés par les institutions européennes. On peut souhaiter qu’elle prenne à terme une forme institutionnelle.’

speakers of the SRC do not elaborate on the role of national parliaments in much detail. When discussing a reinforced role for national parliaments, however, the example they usually use is the reinforced subsidiarity control. MPs from the SRC parliamentary group do not mention the individual rights for national parliaments in the Treaty of Lisbon (passerelle clauses, simplified treaty revision) at all. When they speak about the control of subsidiarity, they talk about the collective control of the conformity of a draft act with the principle of subsidiarity before the legislative decision-making.

Pierre Moscovici sees the ‘role of national parliaments asserted’<sup>231</sup> (Moscovici, SRC, AN 2 20080206: 818) and the ‘aspirations of national people’<sup>232</sup> (Moscovici, SRC, AN 2 20080206: 818) fulfilled through the reinforcement of the subsidiarity principle through the national parliaments.

Sylvia Pinel, a social liberal centre-left MP affiliated to the SRC group, considers that ‘the role of national parliaments will be increased, with greater control of the subsidiarity principle’<sup>233</sup> (Pinel, SRC affiliated, AN 1 20080207: 828).

Finally, for Elisabeth Guigou, the former deputy minister for European affairs of the Bérégovoy government during the ratification of the Treaty of Maastricht, the Treaty of Lisbon will enhance democracy in the EU because the treaty gives ‘new powers to national parliaments, which will be able to oppose draft directives that are out of the EU remit’<sup>234</sup> (Guigou, SRC, AN 1 20080207: 831).

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<sup>231</sup> ‘rôle des parlements nationaux affirmé’

<sup>232</sup> ‘aspirations des peuples nationaux’

<sup>233</sup> ‘le rôle des Parlements nationaux sera accru, avec un plus grand contrôle du principe de subsidiarité’

<sup>234</sup> ‘de nouvelles prérogatives aux Parlements nationaux, qui pourront s’opposer à des projets de directives sortant du champ de compétences de l’Union’

Hervé de Charrette, rapporteur from the NC welcomes the fact that the rights of national parliaments are strengthened through the possibility to ‘control compliance to the subsidiarity principle’<sup>235</sup> (Charette, NC, AN 2 20080206: 793).

### *Multi-level parliamentarism*

Again according to their role on the domestic level, in the Lisbon debates French MPs’ interest in the EP (*European Parliament*) and in the national chamber’s relationship to the EP (*Sublevel Parliament*) is notable. They amount for most of the floor time used to talk about parliaments in the EU in both the UMP and the SRC parliamentary party groups.

The EP’s new prerogatives are often discussed in more detail than the prerogatives for the national parliaments. This is especially true for the members of the UMP parliamentary party group.<sup>236</sup> There is no longer any speaker who delegitimises the faculty of the EP to strengthen democracy in the EU.

For Axel Poniatowski, chairman of the Committee on Foreign Affairs and a member of the UMP parliamentary party group<sup>237</sup>, the EP is the ‘symbol of the European democracy’<sup>238</sup> (Poniatowski, UMP, AN 2 20080115: 197). For him the EP is in particular strengthened through the new ordinary legislative procedure that is based on the co-decision of the members of the EP and the qualified majority voting in the Council and improves the EU’s decision-making capacity.

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<sup>235</sup> ‘contrôle du respect du principe de subsidiarité’

<sup>236</sup> This evolution can partially be explained by the fusion of parts of UDF into the new UMP movement. The former members of the UDF now dominate the discourse of the right wing party through their strong presence in the parliamentary debate. An important number of speakers who mention the increased power of the EP through the Treaty of Lisbon are former members of the Centrist parliamentary party groups.

<sup>237</sup> and former member of the liberal-centrist UDF

<sup>238</sup> ‘symbole de la démocratie européenne’

‘The prerogatives of the European Parliament, a symbol of the European democracy, are significantly reinforced by a legislative procedure based firstly on the co-decision between the European Parliament and the Council of Ministers, and secondly on the rule of qualified majority, which improves the decision-making capacity of the European Union.’<sup>239</sup> (Poniatowski, UMP, AN 2 20080115: 197)

For Pierre Lequiller, former member of the UDF party having joined the UMP and president of the European Affairs Committee (EAC), the fact that the EP becomes a co-legislator in the EU on equal footing with the Council of Ministers is important progress for democracy in the EU. His vision of the enhancement of the EP’s powers is intergovernmental, however. The fact that there are more French MPs according to the Treaty of Lisbon than there were with the Treaty of Nice is presented as a gain of influence for France.

In Lequiller’s opinion, it is important for democracy in the EU that the EP plays a more important role in the election process for the European Commission. For him, citizens can now choose the candidates for the post of president for the Commission.

‘Democratic advances do not stop there. The European Parliament is co-legislator of the Union in its own right. France will be more influential, since it will have seventy-four MEPs with the new treaty, against seventy-two with the Treaty of Nice. The treaty clearly states that the Parliament will elect the president of the Commission. If, as is now likely, the major European parties nominate, from the campaign for the 2009 elections, their candidates for president of the Commission, we will make a leap forward in democratisation: citizens will be able to choose their candidate.’<sup>240</sup> (Lequiller, UMP, AN 2 20080115: 198)

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<sup>239</sup> ‘Les prérogatives du Parlement européen, symbole de la démocratie européenne, sont sensiblement renforcées par une procédure législative fondée, d’une part sur le pouvoir de codécision entre les députés européens et le Conseil des ministres, et d’autre part sur la règle de la majorité qualifiée, qui améliore la capacité décisionnelle de l’Union européenne.’

<sup>240</sup> ‘Les progrès démocratiques ne s’arrêtent pas là. Le Parlement européen devient le colégislateur de l’Union à part entière. La France y sera plus influente, puisqu’elle comptera soixante-quatorze députés européens avec le nouveau traité, contre soixante-douze avec le traité de Nice. Le traité indique clairement que le Parlement élira le président de la Commission. Si, comme c’est désormais probable, les grands partis européens désignent, dès la campagne pour les élections de 2009, leurs candidats à la présidence de la Commission, nous ferons un nouveau bond en avant en matière de démocratisation : les citoyens pourront choisir leur candidat.’

In the same vein, Nicole Ameline, also a former member of the UDF parliamentary party group, welcomes the fact that the co-decision procedure has become the default procedure for legislative decision-making in the EU. She is likewise pleased that there is a stronger representation of France in the EP and in the Council of Ministers.

‘These provisions are crucial because the EU needs to be better organised to act better. The formalisation of the European legislative procedure becomes the common law procedure with co-decision. With the extension of the vote to the qualified majority, the system is reversed. A new decision dynamic is established with an enhanced weight for France, both in the European Parliament and in the European Council.’<sup>241</sup> (Ameline, UMP, AN 2 20080115: 216)

Yves Bur, also former member of UDF, welcomes the fact that the EP has become co-legislator on equal footing with the Council of Ministers.

‘The European Parliament is clearly promoted in the field of European competences and becomes a co-legislator on equal footing with the Council in the adoption of laws in almost all areas where the rule of the qualified majority in the Council applies. Forty new subjects are thus now subject to the ordinary legislative procedure of the Union.’<sup>242</sup> (Bur, UMP, AN 3 20080115: 234)

Axel Ponitowski asks that not only the president of the European Commission but also the president of the European Council be in line with the majority of the EP.

‘Among these decisions, the choice of the person that will serve as president of the European Council has caused much ink to flow these days. This is one of the emblematic reforms of the Treaty of Lisbon, which aims to give leadership to the Union and to embody Europe in the world. The challenge is thus considerable. The treaty does not set criteria of choice and procedure for selecting candidates, except that the new president will be able to hold a national mandate. Some suggested criteria. Personally, I think [...]

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<sup>241</sup> ‘Ces dispositions sont essentielles, car l’Union doit être mieux organisée pour mieux agir. La formalisation de la procédure législative européenne devient ainsi la procédure de droit commun, avec la codécision. Avec l’extension du vote à la majorité qualifiée, le système s’inverse. Une nouvelle dynamique de décision s’instaure, avec un poids renforcé de la France, tant au Parlement européen qu’au Conseil européen.’

<sup>242</sup> ‘Le Parlement européen est clairement promu dans le champ des compétences européennes et devient un co-législateur à égalité de compétences avec le Conseil dans l’adoption des actes législatifs, dans presque tous les domaines où s’applique la règle de la majorité qualifiée au Conseil. Une quarantaine de nouveaux sujets sont ainsi soumis désormais à la procédure législative ordinaire de l’Union.’

the chosen person will be in line with the future majority of the European Parliament, which will give him additional indirect legitimacy [...].<sup>243</sup> (Poniatowski, UMP, AN 2 20080206: 796)

For the members of the SRC parliamentary party group in the Assemblée nationale, the reform of the co-decision procedure is central for democracy in and a further politicisation of the EU.

‘As you rightly said, the European Parliament sees its co-legislator role as largely consolidated. It is undoubtedly the big winner in this case. The European Parliament will elect the president of the Commission, on a proposal from the Council that will have to "account for the European Parliament elections." So we are moving, slowly, to a politicisation of Europe in the best sense.’<sup>244</sup> (Moscovici, SRC, AN 2 20080206: 819)

Elisabeth Guigou uses the same argument when she states that one of the important improvements of the Treaty of Lisbon is the extension of the co-decision procedure (Guigou, SRC, AN 1 20080207: 831).

For Hervé de Charrette from the NC, the extension of the EP’s competences to more policy fields and its new budgetary competences as well as its elective function are important features for the enhancement of democracy in the EU.

‘Regarding the European Parliament, the big winner of the negotiations, it is the expansion of legislative powers to thirty-nine new areas, the consecration of its budgetary

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<sup>243</sup> ‘Parmi ces décisions, le choix de la personnalité qui occupera le poste de président du Conseil européen a fait couler beaucoup d’encre ces derniers jours. C’est l’une des réformes emblématiques du traité de Lisbonne, qui vise à donner un leadership à l’Union et à incarner l’Europe dans le monde. L’enjeu est donc considérable. Le traité ne fixe aucun critère de choix ni aucune procédure de sélection des candidats, si ce n’est que ce nouveau président ne pourra exercer de mandat national. Certains ont avancé des critères. Pour ma part, je pense qu’il pourrait y en avoir trois : la personnalité retenue devra être en phase avec la future majorité du Parlement européen, ce qui lui donnera une légitimité indirecte supplémentaire [...].’

<sup>244</sup> ‘Comme vous l’avez dit justement, monsieur le rapporteur, le Parlement européen voit son rôle de colégislateur largement consolidé. Il est sans doute le grand gagnant dans cette affaire. Le Parlement européen élira le Président de la Commission, sur proposition du Conseil qui devra “tenir compte des élections au Parlement européen”. On s’achemine donc, doucement, vers une politisation de l’Europe au bon sens du terme.’

powers, and, very importantly, the election of the Commission president.’<sup>245</sup> (Charrette, NC, AN 2 20080206: 793)

Speakers both from the UMP and the SRC parliamentary party groups often mention the strengthened rights of national parliaments and those of the EP in the Treaty of Lisbon together in the same argument (*Sublevel Parliament*).

Axel Poniatowski, chairman of the Committee on Foreign Affairs, welcomes the new rights for both national parliaments and the enhancement of the power of the EP through the introduction of the ordinary legislative procedure:

‘Dear Colleagues, we must now take the next step, by including in the Constitution the advances contained in the Treaty of Lisbon, which gives new rights to the European Parliament, by way of the European legislative procedure, as well as to national parliaments.’<sup>246</sup> (Poniatowski, UMP, AN 2 20080115: 197)

For Nicole Ameline, European democracy is strengthened because the ordinary legislative procedure is introduced and extended and because national parliaments are strengthened.

‘How not to also greet the strengthening of the European democracy by way of the extension of co-decision and the increased role of national parliaments, given that, without democratic legitimacy, Europe can not make substantial progress?’<sup>247</sup> (Ameline, UMP, AN 1 20080207: 827)

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<sup>245</sup> ‘Du côté du Parlement européen, grand gagnant de la négociation, c’est l’élargissement des compétences législatives à trente-neuf domaines nouveaux, la consécration de sa compétence budgétaire, et, très important, l’élection du président de la Commission.’

<sup>246</sup> ‘Mes chers collègues, il faut aujourd’hui franchir une nouvelle étape, en inscrivant dans la Constitution les avancées contenues dans le traité de Lisbonne, qui donnent des droits nouveaux au Parlement européen, à travers la procédure législative européenne, comme aux parlements nationaux.’

<sup>247</sup> ‘Comment ne pas saluer aussi le renforcement de la démocratie européenne grâce à l’extension de la codécision et l’accroissement du rôle des Parlements nationaux, quand on sait que, sans légitimité démocratique, l’Europe ne peut pas réaliser de progrès substantiels?’

Elisabeth Guigou, member of the SRC parliamentary party group, welcomes the ‘new powers attributed to the EP and to national parliaments’<sup>248</sup> (Guigou, SRC, AN 3 20080115: 227).

For her, the Treaty of Lisbon has strengthened democracy in the EU because both the national parliaments and the EP have gained new rights (Guigou, SRC, AN 1 20080207: 831).

Considering the minor role that the EP played in the Maastricht debates in France, the importance that MPs give to the new rights of the EP is notable and can be traced to the role of the Assemblée nationale on the domestic level. MPs try to reconstitute their role of *interest intermediation and representation* of French voters through close direct contact with the EP.

### *Domestic control and individual role*

It is remarkable that across all parliamentary party groups there are very few mentions of the control of the national government or of individual rights for national parliaments inscribed in the Treaty of Lisbon.<sup>249</sup> This corresponds to the role of the Assemblée nationale on the domestic level, which focuses less on concrete *governance* functions.

There are only four speakers of the UMP who take up an internal perspective in terms of the relations between the parliament and the government in France, and only one of those asks for a further strengthening of the Assemblée nationale towards the government. Two stem from

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<sup>248</sup> ‘pouvoirs nouveaux sont attribués au Parlement européen ainsi qu’aux parlements nationaux’

<sup>249</sup> This might be due to the constitutional reform that the then president of the French Republic announced for the year 2008, and that was already in preparation since 2007 through a reflection committee chaired by former prime minister Edouard Balladur. However, it is not probable that this would have silenced all discussion about a ‘burning’ subject. One can assume that if the control of the government’s activities in the Council was seen as an important element of the role of national parliaments in EU affairs in general and the national Assembly in particular, speakers would at least have mentioned it more. This is all the more true as the Communist MPs from the opposition use the argument and claim that there are not enough control rights for the national governments.

the UMP parliamentary party group and two from the NC, both of which support the government.

Axel Poniatowski simply points to the fact that the different constitutional amendments that were necessary before the ratifications of the treaties of the EU helped the *Assemblée nationale* to gain new rights.

‘I draw your attention, ladies and gentlemen, to the fact that these successive constitutional changes, directly linked to the European construction, have had the effect of systematically recognising new rights for citizens and national parliaments. Thus the constitutional revision prior to the ratification of the Treaty of Maastricht has given the right to vote and be eligible in municipal elections to European citizens.’<sup>250</sup> (Poniatowski, UMP, AN 2 20080115: 197)

However, he does not develop this argument further, not does he ask for a further extension of the rights. If this was a burning issue with reference to the government, one could expect to hear at least a reference to the constitutional amendment that Nicolas Sarkozy announced in his electoral campaign.

This leaves the Gaullist MP Daniel Garrigue as the only MP of the UMP group asking for an internal reform of the standing orders of the *Assemblée nationale*, in order to be able to fulfil the new roles foreseen for the national parliament by the Treaty of Lisbon.

‘This Assembly must equip itself with the tools and procedures that ensure Europe its place in our debates. Subject to these observations and these aspirations, which many of us here wish would materialise, I will obviously vote for this constitutional bill.’<sup>251</sup> (Garrigue, Not affiliated, AN 3 20080115 233)

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<sup>250</sup> ‘J’attire votre attention, mes chers collègues, sur le fait que ces modifications constitutionnelles successives, directement liées à la construction européenne, ont eu pour effet de reconnaître, à chaque fois, de nouveaux droits aux citoyens et aux parlements nationaux. C’est ainsi que la révision constitutionnelle préalable à la ratification du traité de Maastricht a donné le droit de vote et d’éligibilité aux citoyens européens aux élections municipales.’

<sup>251</sup> ‘Cette assemblée doit se doter des outils et des procédures qui assurent à l’Europe toute sa place dans nos débats. Sous réserve de ces observations et de ces aspirations, dont nous sommes nombreux ici à souhaiter qu’elles se concrétisent, je voterai bien évidemment ce projet de loi constitutionnelle.’

He even conditions his support for the constitutional amendment to the firm promise that the Assemblée nationale will act and change instruments and internal procedures to be able to take part more effectively in EU decision-making.

Individual rights on subsidiarity conferred to national parliaments by the EU Treaty, such as the right of action before the ECJ, are rarely mentioned in the debates either. Only a few MPs even mention the new prerogatives, such as Jean-Luc Warsman who mentions the possibility of opposing the use of the passerelle clause in the cooperation in the field of justice and in matters of family law.<sup>252</sup>

Only rarely do MPs of the UMP discuss the new individual rights inscribed in the Treaty of Lisbon, such as the rights to oppose the passerelle clauses (Warsmann, UMP, AN 2 20080115: 193), the simplified treaty revision, or the right of action before the ECJ, a subject that is widely discussed in the Bundestag.

Paradoxically, members of all three parliamentary party groups at hand depict the compensation of the loss of parliamentary control rights in the Treaty of Lisbon through veto rights as a *gain* of competences. The same is true for the Socialist MPs.

The members of the SRC parliamentary party group do not mention the control of the government on the national level and only rarely mention the individual rights of parliaments, such as the right of action before the ECJ, or the veto rights against the use of the passerelle clauses or the simplified treaty revision.

Only Pierre Moscovici considers that the range of the opinions of the parliamentary chambers has been strengthened through the simplified treaty revision procedure and in case of the use of a passerelle clause in matters of family law (Art. 81.3 TFEU):

‘[...] the reach of the national chambers’ opinions is significantly increased, especially concerning the area of freedom, security and justice, and the treaty revision procedure.

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<sup>252</sup> The MPs in the Bundestag, in contrast, revendicate a protective role of the ECJ against the integrationist aspirations of the European Commission through the instrument of a subsidiarity action.

This is essential and answers, I think, to an aspiration of national peoples.’<sup>253</sup> (Moscovici, SRC, AN 2 20080206: 818)

The same is true for the members of the NC parliamentary party group. They do not mention the control rights of the Assemblée nationale on the national level, but elaborate on the individual rights for national parliaments.

François Rochebloine considers that the role of national parliaments is reinforced because the Treaty of Lisbon gives them the right to preserve the competences of the legislature through the right to ask the government to file an action on subsidiarity before the ECJ:

‘The strengthening of the role of national parliaments, including with the safeguarding of the jurisdiction of the national legislature by the introduction of a specific plea to the Court of Justice of the European Communities, appropriately balances the innovation.’<sup>254</sup> (Rochebloine, NC, AN 2 20080115: 214)

Hervé de Charrette, rapporteur, considers that the rights of national parliaments were reinforced in the Treaty of Lisbon because there was a ‘new’ right for national parliaments to oppose the use of the clauses for simplified treaty revision: ‘[...] the new right given to them to oppose, if necessary, to the procedure known as simplified revision’<sup>255</sup> (Charette, NC, AN 2 20080206: 793).

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<sup>253</sup> ‘[...] la portée des avis des chambres nationales est significativement accrue, tout particulièrement concernant l’espace de liberté, de sécurité et de justice et la procédure de révision des traités. Cela est essentiel et répond, je crois, à une aspiration des peuples nationaux.’

<sup>254</sup> ‘Le renforcement du rôle des parlements nationaux, notamment la sauvegarde des compétences du législateur national permise par l’institution d’un recours spécifique devant la Cour de justice des communautés européennes, équilibre opportunément cette innovation.’

<sup>255</sup> ‘[...] le droit nouveau qui leur est donné de s’opposer, le cas échéant, à la procédure dite de révision simplifiée.’

### **b) MPs from parliamentary party groups with few government responsibilities**

Only the MPs from the Communist parliamentary party group do not change their discourse on the role of parliaments in the EU in the Lisbon debates. This could be because they have only few government responsibilities (i.e. few posts of committee chairmen in the chamber) in the period and are thus less constrained to adapt their position to the concrete action patterns in EU affairs.

#### *None of the legitimacy channels*

Communist MPs in the Assemblée nationale have approximately the same discourse on parliaments in the EU as they had in the Maastricht debates. They deny in principle that there can be democratic decision-making in the EU.

However, while the EP did not figure at all in the Communist MPs' discourse in the Maastricht debates, it is now discussed. The reinforcement of the EP is seen as insignificant because the European Commission detains the monopoly of initiative and is independent of the government.

Close to the main arguments in the Maastricht debates, the EP is seen as a sort of 'phantom parliament' without democratic legitimacy because there is not a European 'people' – a European parliamentary representation is therefore not possible.

'In forty new areas, I do not quote them, [...], the vote of the Council will take place with a qualified majority and will be covered by the illusory co-decision of a phantom parliament lacking legitimacy in the absence of a European people.'<sup>256</sup> (Lecoq, *Groupe de la Gauche Démocrate et Républicaine* (GDR), AN 2 20080115: 213)

Communist MPs in the Assemblée nationale have thus not changed their views in principle on the role of parliaments in the EU. In the German Bundestag, the same pattern is

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<sup>256</sup> 'Dans quarante nouveaux domaines, je ne les cite pas, [...], le vote du Conseil interviendra à la majorité qualifiée et sera couvert par l'illusoire codécision d'un Parlement fantôme, dépourvu de légitimité, en l'absence d'un peuple européen.'

true for the left-wing *Die Linke*, which is the successor of the *PDS/Linke Liste* in 1992. In contrast to this, the ideas that Green MPs convey on the role of parliaments are close to those of the parliamentary party groups with regular government responsibility.

## 2) MPs in the Bundestag: *Domestic Control Body* and individual role

As in the *Assemblée nationale*, in the Bundestag one can observe a shift of discourse concerning all parliamentary party groups except for MPs of the left-wing *Die Linke*. Furthermore, one can observe the emergence of a slight left-right cleavage.

In contrast to the situation in the *Assemblée nationale*, in the Bundestag the amount of attention given to multi-level parliamentarism and the EP (*Sublevel Parliament* and *European Parliament* frames) has fallen sharply to only about one-fifth of floor time, while the importance of the domestic control of the government has risen slightly (*Domestic Control Body* frame). This is coherent with the Bundestag's domestic *governance* role. Only the members of the SPD continue to pay much attention to the EP.

The Bundestag goes from a mostly homogenous framing across all parliamentary groups in the Maastricht debates to a slight left-right cleavage. In the Lisbon debates the parliamentary groups of the centre-left allocate more floor time to multi-level parliamentarism and to the role of the EP than the MPs from the CDU/CSU and FDP groups.

Instead, MPs from the centre-right put slightly more importance on new prerogatives for subsidiarity checks introduced with the Treaty of Lisbon, i.e. a collective *Third Chamber* role for national parliaments. In turn, the latter do not play much of a role in the contributions by the SPD or Green MPs.

There is no change in the patterns of the discourse by MPs from parliamentary party groups without experience in national government or parliamentary offices.

### **a) MPs from parliamentary party groups with regular government responsibilities**

MPs' discourse on the role of parliaments in the EU is dominated by a debate about the Bundestag' individual role in EU affairs. This is coherent with the Bundestag's *governance* role on the domestic level.

In the Bundestag, in contrast to the Assemblée nationale, MPs allocate much floor time to rights for government scrutiny (see e.g. Löning, FDP, BT 20080313: 15839) and to the individual rights conferred to the Bundestag through the Treaty of Lisbon. Prerogatives often mentioned are also the objection rights to the passerelle clauses, the simplified treaty revision, and in particular the possibility of an action before the ECJ – which is widely debated and welcomed (e.g. Toncar, FDP, BT 20080313: 15847).

MPs do not pay much attention to a potential *Third Chamber* role for national parliaments. When discussing the EWM, the MPs in the Bundestag do not even explicitly address the collective nature of the prerogative. This is often the case in the Assemblée nationale. In the Bundestag, the EWM is often met with scepticism regarding its effectiveness (Silberhorn, CDU/CSU, BT 20080313).

In contrast to the MPs in the Assemblée nationale and unlike in the Maastricht debates, the role of the Bundestag in multi-level parliamentarism and the role of the EP are much less present in the discourse of German MPs.

Only the discourse of the MPs of the SPD follows similar patterns as in the Maastricht debates, i.e. an important share is given to the EP and to the role of the Bundestag as a sublevel parliament in European multi-level parliamentarism. For the CDU/CSU, the FDP, and B90/The Greens, the share of corresponding arguments has fallen sharply.

### *Domestic and individual role*

MPs from CDU/CSU, SPD, FDP, and the Greens refer extensively to the necessity of a strengthened domestic parliamentary control of the government in EU affairs. They appeal to

the House that the rights for government control that have been fixed in the law accompanying the ratification of the Treaty of Lisbon must be used extensively by the MPs, include those from the government majority.

Andreas Schockenhoff, member of the CDU/CSU parliamentary party group that is in the grand coalition from 2005 to 2009, appeals to his colleagues to use the newly introduced rights in the accompanying legislation to the ratification instrument. For him, the Bundestag should use not only the new rights that have their origin in the EU Treaty, but also the prerogatives fixed in national law that allow the Bundestag to control the government:

‘This means that we have to use the rights and to use the possibilities for control that have been created through the accompanying law: internally towards the government and externally, [...]’<sup>257</sup> (Schockenhoff, CDU/CSU, BT 20080313: 15840)

Thomas Silberhorn is member of the CSU party, which has a common parliamentary party group with the CDU party in the Bundestag. He asks his fellow parliamentarians to effectively use the instruments of the Treaty of Lisbon and to oblige the government to a strong involvement of the Bundestag in EU affairs. He welcomes the fact that participation rights have been increased in the accompanying legislation to the ratification of the Treaty of Lisbon. For him, the ratification would not have been possible if new rights for the Bundestag had not been negotiated.

‘The fact that this succeeded was the condition for many colleagues to agree to the Treaty of Lisbon in the end. The transfer of competences at the European level, to which we will proceed, will be compensated through a better cooperation with the Bundestag on the national level. This means as a consequence not only a strengthened participation on the European level, but also a better cooperation with the government.’<sup>258</sup> (Silberhorn, CDU/CSU, BT 20080313: 15854)

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<sup>257</sup> ‘Dann müssen wir unsere Rechte aber auch nutzen und die im Begleitgesetz geschaffenen Kontrollmöglichkeiten anwenden: im Inneren gegenüber unserer eigenen Bundesregierung und nach außen, [...]’

<sup>258</sup> ‘Dass dies gelungen ist, ist für viele Kolleginnen und Kollegen die Voraussetzung dafür gewesen, dem Vertrag von Lissabon am Ende zustimmen zu können. Die Kompetenzübertragung, die wir auf die europäische Ebene vornehmen, wird durch eine stärkere Mitwirkung des Bundestages auf nationaler

For Silberhorn the transfer of competences that is laid down in the Treaty of Lisbon must be compensated through a stronger participation of the Bundestag on the national level.

Hermann Gröhe welcomes the strengthening of the Committee for the Affairs of the EU and the introduction of a minority right for the filing of an action of annulment on subsidiarity in cases in which the Bundestag and Bundesrat have gained special rights through the EU treaties. For him, however, this should not become a general rule for EU affairs.

‘Today the Bundestag obligates itself once more to provide more democratic legitimation to European policies because it ties European political decisions to the national parliaments. This step is good and necessary. We are able to table this here in great unity of the two democratic opposition parties and the grand coalition. This gives me hope that we will be able to head to a common decision on this cautious constitutional amendment after a speedy discussion.’<sup>259</sup> (Gröhe, CDU/CSU, BT 20080313: 15857)

Michael Stübgen (CDU) welcomes the information rights on the negotiations in the Council of Ministers, which have been extended in the accompanying legislation:

‘We as national parliaments have full rights to information, that is to say the right to be informed as early as possible.’<sup>260</sup> (Stübgen, CDU/CSU, BT 20080424: 16474)

For Michael Roth from the SPD parliamentary party group, the rights transferred by the Treaty of Lisbon open new channels of parliamentary participation and responsibility in the EU. The most important part of the Bundestag’s control activity, however, has to take place in the domestic arena, where it is the primary task of the Bundestag to control the German

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Ebene gewissermaßen kompensiert. Das bedeutet eben eine stärkere Mitwirkung nicht nur auf europäischer Ebene, sondern auch gegen über der eigenen Regierung.’

<sup>259</sup> ‘Heute nimmt sich der Deutsche Bundestag einmal mehr selbst in die Pflicht, der europäischen Politik durch die Verankerung europapolitischer Entscheidungen in den nationalen Parlamenten mehr demokratische Legitimation zu verleihen. Dies ist ein guter und wichtiger Schritt. Dass wir dies durch die beiden demokratischen Oppositionsfractionen und durch die Große Koalition hier in so großer Gemeinsamkeit einbringen können, lässt mich hoffen, dass wir diese behutsame Verfassungsänderung nach einer zügigen Diskussion in einer gemeinsamen Beschlussfassung auf den Weg bringen können.’

<sup>260</sup> ‘Wir als nationale Parlamente haben volle Informationsrechte, also das Recht, zum frühestmöglichen Zeitpunkt informiert zu werden.’

government. According to Michael Roth, the Bundestag gains control mainly through the control of the German government, which negotiates in the Council of Ministers.

‘Primarily we need to rebalance our own role as a parliament. The Treaty of Lisbon opens new options for joint responsibility and cooperation. One thing will remain clear: the central function of the German Bundestag is the control of the government in the domestic arena. The Federal Republic of Germany is represented in the Council by the government. This is where we need to control and try to influence’<sup>261</sup> (Roth, SPD, BT 20080313: 15845).

The contribution by Markus Löning, member of the FDP parliamentary party group, is in the same direction. He pleads for an active use of the new prerogatives. In his discourse, this active use is clearly directed towards the German government. He does not mention a direct relationship or even communication with European institutions. Instead he asks for more parliamentary self-confidence face-to-face with the government.

‘I think it will rather be the role of the German Bundestag – like that of the other national parliaments – to actively use the rights to which we are entitled. This is a call especially upon the opposition parliamentary party groups to act with more parliamentary self-confidence face-to-face with the government. If we do not do this, all rights that we may have will be useless. They will not even be worth the paper on which they are written.’<sup>262</sup> (Löning, FDP, BT 20080313: 15839)

In the same vein is the contribution by Rainier Steenblock from the *Bündnis 90/Die Grünen* parliamentary party group. He says that the Bundestag has to make ample use of its new rights. He further states that still much of important EU legislation passes the Bundestag

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<sup>261</sup> ‘Wir müssen vor allem unsere eigene Rolle als Parlament neu justieren. Der Vertrag von Lissabon eröffnet den nationalen Parlamenten neue Chancen der Mitverantwortung und der Mitwirkung. Es bleibt aber dabei: Die zentrale Aufgabe des Deutschen Bundestages ist es, Regierungshandeln innerstaatlich zu kontrollieren. Die Bundesrepublik Deutschland wird im Rat von der Bundesregierung vertreten. Hier müssen wir kontrollieren und versuchen, Einfluss zu nehmen.’

<sup>262</sup> ‘Ich glaube, die Rolle des Deutschen Bundestages wird – genauso wie die der anderen nationalen Parlamente – vielmehr darin bestehen, dass wir unsere Rechte, die uns zustehen, aktiv wahrnehmen. Das ist eine Aufforderung insbesondere an die Koalitionsfraktionen, in Zukunft mit mehr parlamentarischen Selbstvertrauen und Selbstbewusstsein gegenüber der Regierung aufzutreten. Wenn wir das nicht tun, nutzen uns alle Rechte nichts. Dann sind sie noch nicht einmal das Papier wert, auf dem sie stehen.’

without proper parliamentary control. The rights to which he refers are the possibilities to ask for a subsidiarity action.

‘But I also say one thing very clearly: we need to acquire these rights. In the structures in which we have worked so far, the German Bundestag will not yet be able to use its rights on subsidiarity – I recall at this occasion how we have to some extent waved European legislative procedures through in parliament. Today’s vote is an obligation for us to use these rights in the German Bundestag and to fight for appropriate measures to be put into place.’<sup>263</sup> (Steenblock, Bündnis 90/ Die Grünen, BT 20080424: 16470)

The right stemming from the Treaty of Lisbon that is most often cited and widely discussed in the Bundestag is the right to ask the government to plead for the annulment of an act on the grounds of the breach of the subsidiarity principle. In 2008, the Bundestag decides to provide one-quarter of the MPs in the Bundestag with the possibility to ask for such an action. This is modelled as a minority right according to the procedure for the control of the constitutionality of a domestic law, already existing in the Bundestag. The quorum is low and allows even the opposition parties to potentially reach it.

The right to file an action of annulment is an individual right for which national parliaments do not need to collaborate with other national parliaments. Each parliament can ask for such an action individually according to the national constitutional provisions. It therefore falls into the category of *Domestic Control Body*.

MPs from all parliamentary party groups (except *Die Linke*) widely discuss and welcome the new right. While the EWM for subsidiarity earns considerable scepticism, the subsidiarity action is widely welcomed. This is in stark contrast to the discourse in the *Assemblée nationale*.

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<sup>263</sup> ‘Aber eines sage ich auch sehr deutlich: Wir müssen uns diese neuen Rechte erarbeiten. In den Strukturen, in denen wir bisher gearbeitet haben – ich erinnere in diesem Zusammenhang daran, wie wir zum Teil europäische Rechtsetzungsverfahren im Parlament durchgewunken haben –, ist der Deutsche Bundestag noch nicht in der Lage, seine Subsidiaritätsrechte wahrzunehmen. Die heutige Abstimmung ist eine Verpflichtung für uns, diese Rechte im Deutschen Bundestag wahrzunehmen und dafür zu kämpfen, dass entsprechende Maßnahmen umgesetzt werden können.’

Thomas Silbermann (CSU), for example, rejects the subsidiarity check as useless, but puts ‘a lot of hope’ in the subsidiarity action. He hopes that, because of this new prerogative, the European Commission will feel much more obliged to make a well-founded justification for the accordance of an act with the principle of subsidiarity. This would lead to fewer acts that transgress the competences of the European Commission.

‘Against this background the role of the Commission and of the European Court of Justice will have to change as well. The European Commission will have to justify much more precisely why it is active on the European level. [...] because it cannot be the interpretation of the subsidiarity principle that it is always better when the European Union acts.’<sup>264</sup> (Silberhorn, CDU/CSU, BT 20080313: 15854)

The ECJ is central in his argumentation. For Silberhorn, the Court will have to develop a subsidiarity doctrine and will have to be the new ‘partner’ of the parliaments:

‘In this respect I pin my hope on the European Court of Justice. I hope that the European Court of Justice will develop into the partner of the parliaments; because the instruments that the Treaty of Lisbon allocates to us imply a certain extent of cooperation for the national parliaments in European decision-making. The joint responsibility of national parliaments must parliamentarise the legislation in the European Union to a certain extent. The latter has been quite influenced by the executives. This must happen through a better cooperation with both the European Parliament and the national parliaments.’<sup>265</sup> (Silberhorn, CDU/CSU, BT 20080313: 15854)

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<sup>264</sup> ‘Vor diesem Hintergrund werden sich auch die Rolle der Kommission und die Rolle des Europäischen Gerichtshofs verändern müssen. Die Europäische Kommission wird sehr viel genauer als bisher begründen müssen, warum sie auf europäischer Ebene aktiv wird. [...] denn die Interpretation des Subsidiaritätsprinzips kann nicht sein, dass es immer dann besser ist, wenn die Europäische Union tätig wird.’

<sup>265</sup> ‘Insoweit setze ich manche Hoffnung auf den Europäischen Gerichtshof. Ich wünsche mir, dass sich der Europäische Gerichtshof zum Partner der Parlamente entwickelt; denn die Instrumente, die uns der Vertrag von Lissabon zuweist, bedeuten ein Stück Mitverantwortung der nationalen Parlamente für die europäische Politik. Die Mitverantwortung der nationalen Parlamente muss dazu führen, dass die bislang recht exekutivlastige Rechtsetzung in der Europäischen Union ein Stück weit parlamentarisiert wird, und zwar durch die bessere Beteiligung des Europäischen Parlaments wie der nationalen Parlamente.’

In the debate on the Treaty of Maastricht in the Bundestag, the remedy against a ‘Europe of the executives’ was mainly the strengthening of the EP. In the Lisbon debates, on the other hand, national parliaments (in cooperation with the ECJ) are now at least as important for the strengthening of parliamentary democracy in the EU.

Two MPs from the SPD parliamentary party group take up the issue with similar arguments. Carl-Christian Dressel praises the fact that the subsidiarity action gives more rights to the opposition in the Bundestag in EU affairs (Dressel, SPD, BT 20080313: 15853).

For Michael Roth, the right to veto the use of the passerelle clauses and the simplified treaty revision gives the Bundestag a new and important responsibility that forces it to act. Self-confidence is the dominating key word in the contributions by the members of the German Bundestag.

Especially in the cooperation in criminal matters, Roth asks the Bundestag to act with self-confidence:

‘In this context I would like to remind you of the most sensitive area of judicial cooperation in criminal matters. In this area we need a self-confident Bundestag that plays a part early on. We have expressed this unanimously in a decision of the European Affairs Committee.’<sup>266</sup> (Roth, SPD, BT 20080424: 16471)

Florian Toncar from the FDP parliamentary party group considers that it is the ECJ’s duty to judge questions concerning competences. Toncar asks the ECJ to rule on questions of subsidiarity if necessary against the will of the governments present in the Council of Ministers. He expects that the ECJ will protect the rights of the members of national parliaments:

‘One further point is that the European Court of Justice has for the time being been very reserved concerning questions of competences: we do not decide this; if the governments decide in the Council that something needs to be regulated on the European level, this must be the case. I do not want to grant this margin of evaluation to the

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<sup>266</sup> ‘Ich erinnere in diesem Zusammenhang nur an den höchst sensiblen Bereich der justiziellen Zusammenarbeit bei Strafverfahren. Hier brauchen wir einen selbstbewussten Bundestag, der sich frühzeitig einbringt. Das haben wir in einem Beschluss des Europaausschusses einmütig zum Ausdruck gebracht.’

Council anymore. I think that the European Court of Justice will not be able to avoid developing a clear doctrine about how to apply the subsidiarity principle. I link my positive vote on the treaty to the clear expectation that the Court of Justice will do this and that it will also protect my rights as member of a national parliament through a consistent application of the treaty.’<sup>267</sup> (Toncar, FDP, BT 20080313: 15847)

Michael Link from the FDP is of the same opinion. He asks the ECJ to develop a jurisdiction on subsidiarity.

‘We as FDP combine with today’s consent to the treaty the unambiguous expectation that the European Court of Justice will develop a jurisdiction that will better delimit competences than is the case through the current treaty. However, today we experience a cesura. It is not the end of a process, but rather the beginning of a new process. With the ratification of this new treaty we start with a new practice. We want this Union to regulate less rather than more.’<sup>268</sup> (Link, FDP, BT 20080424: 16466)

For Rainer Steenblock from the *Bündnis 90/Die Grünen*, the right to file a subsidiarity action is a new possibility for the Bundestag to have a say in European politics. Again, the balance between the EP and national parliaments as warrants of representative democracy is different than it was in the discourses on the Treaty of Maastricht. While in the MPs’ contributions in the Maastricht debates the rights of the Bundestag have to be enhanced because the EP is not sufficiently strong yet, in the Lisbon debates in the Bundestag MPs consider that the EP is already strong and national parliaments *finally* have to be strengthened.

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<sup>267</sup> ‘Ein weiterer Punkt ist: Der Europäische Gerichtshof hat bisher bei allen Kompetenzfragen eine große Zurückhaltung an den Tag gelegt und gesagt: Wir entscheiden das nicht; wenn die Regierungen im Rat sagen, dass etwas auf europäischer Ebene geregelt werden muss, dann wird es schon so sein. – Diesen Beurteilungsspielraum möchte ich dem Rat nicht mehr zugestehen. Ich glaube, dass der Europäische Gerichtshof nicht darum herumkommen wird, eine klare Doktrin zu entwickeln, wie er das Subsidiaritätsprinzip anwendet. Ich verbinde mein positives Votum zum Vertrag mit der klaren Erwartung, dass der Gerichtshof das tun wird und auch meine Rechte als Mitglied eines nationalen Parlaments durch konsequente Anwendung des Vertrages schützt.’

<sup>268</sup> ‘Wir als FDP verbinden mit der heutigen Zustimmung zu diesem Vertrag die eindeutige Erwartung, dass eine Subsidiaritätsrechtsprechung durch den Europäischen Gerichtshof entwickelt wird, durch die Kompetenzen klarer abgegrenzt werden, als es durch den jetzigen Vertrag geschieht. Heute erleben wir nur eine Zäsur. Kein Prozess geht zu Ende; vielmehr beginnt ein neuer Prozess. Mit der Ratifizierung dieses Vertrages beginnen wir mit einer neuen Praxis. Wir wollen, dass diese neue Union eher weniger als mehr reguliert.’

‘I would like to still mention the following points. First point. For the German Bundestag – many colleagues have said this before – the right of action on subsidiarity has opened a new possibility to co-determine European policies. We think it is right and good that in parallel to the extension of the control through the European Parliament the national parliaments get the opportunity to co-determine European policies to a greater extent. This leads to an extension of the legitimation and is an opportunity to take the citizens on the national level with us in this process.’<sup>269</sup> (Steenblock, *Bündnis 90/Die Grünen*, BT 20080424: 16470)

In summary, the Bundestag’s individual control function receives most of the attention of the majority of MPs in the Bundestag during the Lisbon debates. This is coherent with the chamber’s domestic *governance* role. MPs in the Bundestag are sceptical about the potential of a collective role for national parliaments, however, even if the MPs from CDU/CSU and FDP in particular pay more attention to this role than they did in the Maastricht debates.

### *Third Chamber and collective role*

The MPs in the Bundestag are much more sceptical than those in the Assemblée nationale in their discussion of a collective role for national parliaments as a sort of virtual *Third Chamber* that executes a subsidiarity check ex ante before the legislative process. MPs from most parliamentary party groups welcome the new prerogatives and are not against the provision, but they doubt its efficiency.

There is a slight left-right cleavage on the issue of the subsidiarity check. While MPs from CDU/CSU and FDP often use it as an argument, MPs from SPD and Greens do not.

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<sup>269</sup> ‘Ich möchte gerne noch folgende Punkte ansprechen. Erster Punkt. Für den Deutschen Bundestag – das haben viele Kollegen schon gesagt – ist mit den Subsidiaritätsklagerechten eine neue Möglichkeit eröffnet worden, europäische Politik mitzubestimmen. Wir halten es für richtig und gut, dass neben der Ausweitung der Kontrolle durch das Europäische Parlament auch die nationalen Parlamente Möglichkeiten haben, in stärkerem Maße europäische Politik mitzugestalten. Das schafft eine Verbreiterung der Legitimation und ist eine Möglichkeit, die Bürgerinnen und Bürger auf nationaler Ebene in diesem Prozess mitzunehmen.’

There are two contributions, one from the SPD and one less clear from the FDP, that warn against using the subsidiarity check for political reasons to block EU decision-making.

MPs from the CDU/CSU all welcome the subsidiarity check, but doubt its usefulness and administrative burden in practice. For Andreas Schockenhoff, the national parliaments have been strengthened through the subsidiarity check and action. For him the EU should concentrate more on its core agenda, which he sees in ‘global transnational challenges’<sup>270</sup>. In his view, the European Commission often proposes legislation in domains in which there is no competence for the EU, for example in the politics of discrimination. The role of national parliaments is to control through the subsidiarity check that the politics of the EU draw closer to the citizens again. He calls on his fellow parliamentarians to swiftly use the rights in the subsidiarity check and to coordinate rapidly with other parliaments.

‘We as national parliaments now have the possibility to make sure that EU politics will be closer to the citizens again. However, this means that we will have to use our rights and the possibilities of control that have been created through the accompanying law: internally, facing our own government, and externally, through a swift coordination with the other national parliaments.’<sup>271</sup> (Schockenhoff, CDU/CSU, BT 20080313: 15840)

His colleagues Thomas Silberhorn (CSU) and Michael Stübgen (CDU) are in favour of the subsidiarity check as well, but have doubts concerning the efficiency of the measure. For Silberhorn, the subsidiarity check demands an important effort in a small amount of time. He is not sure that it will be useful to deploy such an effort because he doubts that the necessary quota will be reached. For him, the subsidiarity check will above all be an instrument to sensitise national parliaments to EU issues – and to sensitise the European institutions to the concerns of national parliaments.

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<sup>270</sup> ‘globalen, länderübergreifenden Herausforderungen’

<sup>271</sup> ‘Als nationale Parlamente haben wir jetzt die Chance, dafür zu sorgen, dass die EU-Politik wieder bürgernäher wird. Dann müssen wir unsere Rechte aber auch nutzen und die im Begleitgesetz geschaffenen Kontrollmöglichkeiten anwenden: im Inneren gegenüber unserer eigenen Bundesregierung und nach außen, indem wir uns mit den anderen nationalen Parlamenten zügig koordinieren.’

‘I continue to be sceptical about whether the extremely high effort of the subsidiarity check is justified – a reasoned opinion must be adopted within an eight-week period and a certain quorum of national parliaments must be attained. We will have to look closely at the effects of the reasoned opinions on subsidiarity. In my opinion the effect will not stem from the individual control procedures, but the fact that the instrument will help to create a higher sensitivity in national parliaments for EU affairs. But inversely, we will also attain a higher sensibility of the European institutions for the matters of national parliaments.’<sup>272</sup> (Silberhorn, CDU/CSU, BT 20080313: 15854)

For Michael Stübgen, the Bundestag receives such an extent of documents that a proper subsidiarity check will be highly difficult. Furthermore, he thinks that the parliaments of the German Länder will not be able to carry out the check in such a small amount of time.

‘This means that the Bundestag will be able to check whether the flow of drafts of EU legislation violates these principles. If so, they can issue a reasoned opinion within eight weeks, but not later. It seems to be illusionary that in this period also the parliaments of the Länder will have checked the drafts and the Bundestag will have had the time to decide.’<sup>273</sup> (Stübgen, CDU/CSU, BT 20080424 16474)

Nevertheless, for Stübgen the subsidiarity check is an important tool that the Bundestag must actively use to create a sort of ‘subsidiarity culture’ in the European Commission, the Council, and the ECJ. For Stübgen, the Bundestag has a central role in the promotion of the subsidiarity principle, as the idea is familiar to German actors through German federalism.

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<sup>272</sup> ‘Ich bin nach wie vor skeptisch, ob der sehr hohe formale Aufwand der Subsidiaritätsrüge – innerhalb von acht Wochen muss eine Stellungnahme abgegeben werden und ein bestimmtes Quorum der nationalen Parlamente erreicht werden – gerechtfertigt ist. Wir werden bei der Wirkung der Subsidiaritätsrüge sehr genau hinsehen müssen. Nach meiner Einschätzung liegt ihre Wirkung weniger in den einzelnen Verfahren als im Allgemeinen darin, dass wir mit diesem Instrument eine höhere Sensibilität der nationalen Parlamente für europäische Politik schaffen können. Aber wir können damit umgekehrt auch eine höhere Sensibilität der europäischen Institutionen für die Belange der nationalen Parlamente erreichen.’

<sup>273</sup> ‘Danach können der Bundestag usw. die Flut von Entwürfen von Europavorschritten dahingehend prüfen, ob diese Grundsätze verletzt wurden. Wenn ja, können sie innerhalb von acht Wochen, aber nicht später, eine Stellungnahme abgeben. Dass in dieser Zeit auch die Landtage die Vorlagen geprüft haben und der Bundesrat darüber beschlossen hat, ist wohl eher illusorisch.’

‘If we do not promote the process of the implementation of the subsidiarity principle, nobody will do it. This will be an important task for us as German Parliament.’<sup>274</sup> (Stübgen, CDU/CSU, BT 20080424 16474)

For Michael Roth from the SPD both subsidiarity check ex ante and action ex post are important instruments. However, he considers that the control of subsidiarity can be used to block draft legislative acts for purely political reasons. Instead, he pleads for a political implication of the Bundestag early on in EU decision-making as far as concerning the content of the issues. This early political debate is in his view more constructive than the subsidiarity check.

‘The subsidiarity check and action are important instruments. However, we also have to take care that there are no new blockades, but a constructive cooperation. We must be true to our word here.’<sup>275</sup> (Roth, SPD, BT 20080313: 15845)

Markus Löning from the FDP parliamentary party group is not against the subsidiarity check, but he thinks that it will not be useful to strengthen national parliaments because parliamentary procedures are too long to match the eight-week deadline foreseen in the treaty.

‘Let me add a few words on the things that did not work out that well. It is often postulated that the national parliaments shall get a stronger role. We have now obtained the right to carry out a subsidiarity check. We shall organise a majority in parliament within a period of eight weeks. Even if the time limit is now one-third longer than originally foreseen, you know as much as I do that it will be extraordinarily difficult to find a majority.’<sup>276</sup> (Löning, FDP, BT 20080313:15839)

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<sup>274</sup> ‘Wenn nicht wir den Prozess der Implementierung des Subsidiaritätsprinzips voranbringen, dann wird es niemand tun. Das wird in Zukunft für uns als deutsches Parlament eine wichtige Aufgabe sein.’

<sup>275</sup> ‘Subsidiaritätsrüge und -kontrolle sind sicherlich wichtige Instrumente. Wir müssen aber dafür sorgen, dass es innerhalb der Europäischen Union keine neuen Blockaden gibt, sondern konstruktive Mitgestaltung. Hier stehen wir im Wort.’

<sup>276</sup> ‘Lassen Sie mich noch einige Worte zu den Punkten sagen, die leider nicht ganz gelungen sind. Es wird immer postuliert, dass die nationalen Parlamente eine stärkere Rolle bekommen sollen. Wir bekommen nun das Recht der Subsidiaritätsrüge. Wir sollen innerhalb von acht Wochen eine Mehrheit innerhalb des Parlaments herstellen. Obwohl die Frist nun um ein Drittel länger ist als ursprünglich vorgesehen, wissen Sie genauso gut wie ich, wie lang parlamentarische Wege sind und dass es daher außerordentlich schwierig sein wird, so schnell eine Mehrheit herzustellen.’

In contrast to his party fellows, Michael Toncar (FDP) issues an even stronger warning regarding the EWM than Michael Roth from the SPD does. For him the subsidiarity check could be used to destroy political initiatives under its neutral label. Instead, a constructive early participation of the Bundestag in the political debate on EU issues is necessary.

‘Subsidiarity is an instrument, but we must not destroy with it everything that we may dislike politically. We need the political controversy. We must participate early in the EU legislative process.’<sup>277</sup> (Toncar, FDP, BT 20080313: 15847)

The MPs of the Bundestag see a collective role and thus a direct role for national parliaments in EU decision-making processes with a sceptical eye, in contrast to the MPs in the Assemblée. The Bundestag’s strong *governance* role leads to less attention given to collective roles for parliaments in EU decision-making processes.

### *Multi-level parliamentarism*

In the Bundestag, multi-level parliamentarism does not play an important role in the debates on the Treaty of Lisbon. In contrast to the Maastricht debates, the role of the national parliaments is much more important in the discourse on the role of parliaments in the EU. While in the Maastricht debates the dominating discourse is that the national parliaments must be strengthened because the EP is still too weak, in the Lisbon debates MPs consider that it is high time to strengthen national parliaments.

MPs do not extensively mention the new rights that the EP has gained in the Treaty of Lisbon. The EP is only mentioned when the new rights for national parliaments are discussed. This is an important difference compared to the debates in the Assemblée nationale.

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<sup>277</sup> ‘Subsidiarität ist ein Instrument; aber wir dürfen mit der Keule der Subsidiaritätskontrolle oder -rüge nicht all das, was uns möglicherweise politisch missfällt, zerschlagen. Wir brauchen die politische Auseinandersetzung. Wir müssen uns frühzeitig in den Gesetzgebungsprozess der Europäischen Union einbringen.’

MPs usually only mention the strengthening of the EP to then elaborate on the strengthening of the national parliament at length. Given the fact that Germany was a major advocate for strengthened rights of the EP from the outset, one could imagine that there is much more detailed praise of the new prerogatives of the EP (or even criticism that these new prerogatives do not go far enough). However, it is only in the discourse of speakers of the SPD parliamentary group that such patterns are found.

There are only few contributions that focus exclusively on the EP. Furthermore, with the exception of the SPD parliamentary party group, the unconditional support of the EP changes in comparison to the Maastricht debates in the contributions.

The strengthening of the EP is welcomed, but Michael Stübgen from the CDU/CSU, for example, considers that this strengthened role is primarily a ‘challenge’ and a ‘demand’ for the EP to act responsibly. His discourse is more sceptical regarding the EP than it was before the Treaty of Lisbon. He accuses the EP of having sometimes taken curious decisions – which he explains by the fact that the EP does not have all of the parliamentary rights that it should have.

‘However, the opportunity that arises from this treaty is in the first place a challenge and a demand for the future European Parliament. Everyone in this audience knows of at least one decision of the European Parliament that could be qualified as rather curious – not because of the political objectives, but because of its sometimes unworldly and detached manner.’<sup>278</sup> (Stübgen, CDU/CSU, BT 20080424: 16474)

Again, only the contribution by the SPD parliamentary party groups is unambiguously positive on the enhanced role of the EP in the Treaty of Lisbon.

For Michael Roth (SPD), the EP’s trajectory indicates the dynamic evolution of the EU. He remembers the beginnings of the EP as a consultative body and welcomes the fact that with the Treaty of Lisbon the EP is a parliamentary body on equal footing with the Council of the EU. For him, the enhancement of the EP’s role means that the EU is a union not only of

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<sup>278</sup> ‘Aber die Chance, die sich mit diesem Vertrag ergibt, bedeutet in erster Linie eine Herausforderung und einen Anspruch für das künftige Europäische Parlament. Jeder von Ihnen kennt sicherlich mindestens eine EntschlieÙung des Europäischen Parlamentes, die man doch als recht merkwürdig bezeichnen kann, nicht hinsichtlich der politischen Zielsetzung, sondern hinsichtlich der Tatsache, wie weltfremd und abgehoben dort manchmal etwas beschlossen wird.’

governments but also of citizens and parliamentarians. Roth considers that the German MPs have for a long time advocated this re-equilibration and that the strengthening of the EP is a success worth being proud of for the MPs of the Bundestag.

‘Yesterday the European Parliament solemnly celebrated its 50<sup>th</sup> anniversary. The European Parliament illustrates the dynamic constitutional process in the European Union. How small and modest European parliamentarism started as – with a consultative organ. By now we have a real parliamentary institution that is responsible for almost all policy areas of the European Union, and that is on equal footing with the Council, not the least thanks to the Treaty of Lisbon. This makes clear that the European Union is a union not only of states, not only of governments, but it is in fact a union of citizens, of members of parliament. To reach this we have worked for a long time. It is a success, of which we can all be proud together.’<sup>279</sup> (Roth, SPD, BT 20080313: 15845)

There is no real debate about the Bundestag’s role as a sublevel parliament to the EP either (*Sublevel Parliament*). However, the strengthening of the EP and of the national parliaments often appear in the same unit. Both are then considered to enhance the democratic quality of the EU.

Thomas Silberhorn (CSU) welcomes the strengthening of both national parliaments and the EP as an important step for democracy in the EU and for its capacity to act.

‘We will manage to have more democracy through the strengthening of parliaments. Both the European Parliament, which will take part in the co-decision procedure in many cases, and the national parliaments will have more opportunities for participation. [...] I think this is an important signal of the Treaty of Lisbon.’<sup>280</sup> (Silberhorn, CDU/CSU, BT 20080313: 15954)

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<sup>279</sup> ‘Am gestrigen Tag hat das Europäische Parlament feierlich seinen 50. Geburtstag begangen. Das Europäische Parlament macht deutlich, in welchem dynamischen Prozess der Verfassungsgebung innerhalb der Europäischen Union wir uns bewegen. Wie klein und bescheiden hat der Parlamentarismus in Europa begonnen – mit einem beratenden Gremium. Jetzt haben wir es, auch dank des Vertrages von Lissabon, mit einem parlamentarischen Organ zu tun, das in fast allen Politikbereichen, für die die Europäische Union verantwortlich zeichnet, mit dem Rat gleichberechtigt ist. Damit wird deutlich: Die Europäische Union ist eine Union nicht allein der Staaten, nicht allein der Regierungen; vielmehr ist sie eine Union der Bürgerinnen und Bürger, der Parlamentarierinnen und Parlamentarier. Dafür haben wir viel, lange, intensiv und mühsam gearbeitet; es ist ein Erfolg, auf den wir alle gemeinsam stolz sein können.’

<sup>280</sup> ‘Mehr Demokratie schaffen wir durch eine Stärkung der Parlamente, sowohl durch eine Aufwertung des Europäischen Parlaments, das in vielen Fällen am Mitentscheidungsverfahren beteiligt wird, als

For Michael Stübgen, both a ‘horizontal’ and a ‘vertical’ democratisation of the EU is reached with the Treaty of Lisbon. Even if Stübgen welcomes the strengthening of the EP (i.e. the ‘horizontal democratisation’), he especially emphasises the fact that democratisation and the better transparency of EU decision-making happened ‘vertically’ through the strengthening of national parliaments in the Treaty of Lisbon.

‘European politics will be more transparent with this treaty. We do not only need a horizontal but also a vertical democratisation of the European Union, because after the tentative beginnings in the Treaty of Maastricht 17 years ago, for the first time this treaty codifies the role of national parliaments in the European Union.’<sup>281</sup> (Stübgen, CDU/CSU, BT 20080424: 16474)

Rainer Steenblock’s (*Bündnis 90/Die Grünen*) argument is in the same vein. He considers it as appropriate that beyond the strengthening of the EP, national parliaments have also gained weight in EU decision-making. He considers this a widening of the legitimacy basis of the EU, which can help to involve European citizens more.

‘First point: for the German Bundestag – many colleagues have already said this – the possibility for an action on subsidiarity is a new opportunity to cooperate on EU policy. We think that it is right and good that beyond the extension of the control through the European Parliament, the national parliaments are strengthened as well in their faculty to co-determine European policies. This will create an extension of the legitimisation and is an opportunity to keep European citizens in the picture.’<sup>282</sup> (Steenblock, *Bündnis 90/Die Grünen*, BT 20080424: 16470)

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auch durch eine stärkere Beteiligung der nationalen Parlamente. [...] Ich glaube, das ist ein wichtiges Signal des Vertrages von Lissabon.’

<sup>281</sup> ‘Die europäische Politik wird mit diesem Vertrag transparenter. Wir haben nicht nur horizontal, sondern auch vertikal eine Demokratisierung der Europäischen Union erreicht; denn nach zaghafte Anfängen beim Maastrichter Vertrag vor 17 Jahren wird erstmalig die besondere Rolle der nationalen Parlamente in der Europäischen Union in diesem Vertrag festgeschrieben.’

<sup>282</sup> ‘Erster Punkt. Für den Deutschen Bundestag – das haben viele Kollegen schon gesagt – ist mit den Subsidiaritätsklagerechten eine neue Möglichkeit eröffnet worden, europäische Politik mitzubestimmen. Wir halten es für richtig und gut, dass neben der Ausweitung der Kontrolle durch das Europäische Parlament auch die nationalen Parlamente Möglichkeiten haben, in stärkerem Maße europäische Politik mitzugestalten. Das schafft eine Verbreiterung der Legitimation und ist eine Möglichkeit, die Bürgerinnen und Bürger auf nationaler Ebene in diesem Prozess mitzunehmen.’

As previously mentioned, only the speakers from the SPD parliamentary party group welcome the strengthening of the EP in detail when discussing both the national parliament and the EP. Carl-Christian Dressel's contribution clearly focuses on the EP, whereas he only mentions the strengthening of national parliaments. He elaborates in length on the fact that the German parliamentarians have advocated such a reinforcement of the EP for a long time, and he stresses the fact that decisions on the important progress for the EP's competences was reached under German EU presidency. The discourse is closest to the discourse by both CDU/CSU and SPD MPs in the Maastricht debates.

'However, in parallel to the strengthening of the national parliaments, the European Parliament is strengthened as well. We parliamentarians have wanted this for years. This is true both for us and for the colleagues from the European Parliament. We can rejoice in the fact that in particular this progress was decided upon under the German EU presidency in 2007.'<sup>283</sup> (Dressel, SPD, BT 20080313: 15853)

The weight of different parliamentary roles in MPs' discourse in the Bundestag during the Lisbon debates thus widely differs from during the Maastricht debates and can be linked to the chamber's domestic *governance* role. The discourse about the role of parliaments in the EU is only unchanged for the left-wing parliamentary party group *Die Linke*.

#### **b) MPs from parliamentary party groups without government responsibilities**

Only the MPs from *Die Linke* have not changed the focus of their contributions. The EP is still the exclusive source of democratic legitimacy for the EU that is mentioned. This stable pattern can be explained by the fact that the group does not exercise important government or parliamentary functions and does thus not 'practice' EU.

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<sup>283</sup> 'Gleichzeitig wird im Rahmen der Stärkung der nationalen Parlamente allerdings auch das Europäische Parlament weiter gestärkt. Dies haben wir als Parlamentarier seit Jahren gewünscht. Das gilt sowohl für uns als auch für die Kolleginnen und Kollegen des Europäischen Parlaments. Wir können uns erfreut darüber zeigen, dass gerade diese Fortschritte während der deutschen EU-Ratspräsidentschaft im Jahre 2007 beschlossen worden sind.'

## *Exclusively the EP*

Between Maastricht and Lisbon, the Green party experienced important changes and participated in the German federal government from 1998 to 2005. MPs thereby had the opportunity to become habituated to the practice of EU parliamentary participation (see above). This was not the case for the *PDS/Linke liste*, which fused in 2007 into *Die Linke*.

The pattern of the arguments on the role of parliaments in the EU has not changed much. As in 1992, MPs from the parliamentary group *Die Linke* are mainly interested in the EP as a warrant of democracy in the EU (47%). In addition to the 1992 pattern, they discuss the role of the Bundestag in relation to the EP (40%). They do not or only marginally discuss other roles for parliaments in the EU.

Lothar Bisky, at the time co-president of the party *Die Linke* together with Oscar Lafontaine, states that there are some ‘improvements’ in the Treaty of Lisbon compared to the preceding Treaty of Nice, even if he is in principle sceptical of the treaty. As an example of an improvement, he cites the increased role of the EP in EU decision-making procedures through the introduction of the ordinary legislative procedure and the better participation rights of the national parliaments.

‘We do not deny that this treaty yields quite a few improvements in comparison with the Treaty of Nice. This concerns in particular the co-decision rights of the European Parliament, which are strongly enhanced, and the participation of the national parliaments, [which are] first steps towards more democracy.’<sup>284</sup> (Bisky, *PDS/Linke Liste*, BT 20080424: 16461)

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<sup>284</sup> ‘Wir übersehen nicht, dass dieser Vertrag gegenüber dem Vertrag von Nizza durchaus Verbesserungen bringt; das betrifft beispielsweise die Mitentscheidungsrechte des Europäischen Parlaments, die stark erweitert werden, und die Beteiligung der nationalen Parlamente, erste Schritte zu mehr direkter Demokratie.’

Furthermore, Bisky welcomes the fact that Europol will be under better parliamentary control by both the national parliaments and the EP, and that the budgetary rights of the latter will be strengthened.

‘Europol will be under parliamentary control. The budgetary rights of the European Parliament will be enhanced.’<sup>285</sup> (Bisky, *PDS/ Linke Liste*, BT 20080313:15842)

Bisky then elaborates on the EP in further detail. He praises the EP’s new right to veto international commercial agreements and the extension of the co-decision procedure to many new policy areas.

The preceding sub-chapter showed that prerogatives for parliaments in the EU discussed in the Lisbon debates in the *Assemblée nationale* differ widely from those discussed in the *Bundestag*. The attention to specific roles for parliaments in the EU that shine through the debates are even more different between the chambers than they were in the Maastricht debates, and they can be traced to domestic parliamentary practice and roles. The following conclusion discusses the results with regard to *Hypothesis 2*.

### ***D - Conclusion – the European Integration Paradox: from an ‘ideological’ to a ‘domesticised’ evaluation of the role of parliaments in the EU***

The preceding chapter showed that the ideas about the role of parliaments in the EU conveyed in the parliamentary discourse indeed follow the evolution of parliamentary practice shown in Chapters III and IV. Ideas about the role of parliaments in the EU in the Lisbon debates relate strongly to the reformed practice of EU affairs during the Lisbon period in the chambers, which in turn represent *functional equivalents* to the role that each of the chambers traditionally

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<sup>285</sup> ‘Europol kommt unter parlamentarische Kontrolle. Haushaltsrechte des Europäischen Parlaments werden gestärkt.’

plays on the domestic level. The results at least partially confirm *Hypothesis 2* (with the exception of the German SPD), which expected that depending on domestic role models, institutional cleavages would appear with growing institutionalisation of EU affairs in the chambers.

The chapter compared how MPs in the *Assemblée nationale* and the *Bundestag* discuss the role of parliaments in the EU in parliamentary debates on the Treaties of Maastricht and Lisbon. According to the theoretical model developed at the beginning of this thesis, the concrete rules for parliamentary participation in EU decision-making can be seen as ‘specifications of the value’ (Stachura 2009) of parliamentary democracy in the EU.

The chapter showed that the way in which MPs set priorities in their contributions for the role of parliaments in the EU changes between the Treaties of Maastricht and Lisbon. However, these changes do not lead to a greater convergence of discourse, but instead to greater divergence.

In the Maastricht debates, MPs of both chambers are strongly interested in the domestic control of the government in EU affairs (*Domestic Control Body*). In the *Bundestag*, the *European Parliament* and the role of the national parliament as a *Sublevel Chamber* also play an important role.

In the Lisbon debates, MPs in the *Assemblée nationale* are mostly interested in the cooperation with other national parliaments (*Third Chamber*) and the EP (*European Parliament*). MPs in the *Bundestag*, conversely, are mostly interested in their individual control powers (*Domestic Control Body*), which are exercised on the national level. Upon closer examination, the changes on the aggregate level correspond to homogeneous changes of the hierarchy of role models for all parliamentary party groups with usual participation in the government and long-time experience of parliamentary offices within each of the chambers – the only exception being the SPD in the *Bundestag*.

The presence of a cleavage between the *Assemblée nationale* and the *Bundestag* holds true even upon closer examination of the discourse conveyed by each individual parliamentary

party group. One can no longer find ideological cross-cutting patterns, unlike in the Maastricht debates. Again, the majority/opposition cleavage does not play much of a role.

Interpreting these results in the light of the theoretical model, a paradoxical evolution is observed in the Lisbon debates: even if overall the Lisbon debates are much more similar in the Assemblée nationale and the Bundestag than the Maastricht debates are, the same is not true for the roles of parliaments in the EU discussed in the two chambers. In the Lisbon debates, cleavages become diffuse but there is a stronger cleavage *between* the chambers than there was in the Maastricht debates.

In the Maastricht debates, the most important cleavages run along groups with the same ideas about the objectives of European integration. On the other hand, in the Lisbon debates, the cleavages run along the two parliamentary institutions, i.e. there is an evolution from an ‘ideological’ cleavage to an ‘institutional’ cleavage depending on different role models on the domestic level. This renders ‘plausible’ (Goetze and Rittberger 2010) the theoretical model presented in Chapter 1.

Overall, during the Lisbon period different preferences for concrete prerogatives may be traced back to the different institutional roles of these two chambers on the domestic level. In the Bundestag as a *governance*-oriented parliament, MPs focus on their individual control rights of negotiations in the Council. They are no longer interested in the prerogatives of the EP and they focus less on direct links with the European level. Conversely, MPs in the Assemblée, as a *representation*-oriented parliament, instead favour more direct links with the EU level and even show an important interest in the EP.

## GENERAL CONCLUSION

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The study began with a puzzle: Why do so many differences persist in the views of MPs concerning the role(s) of national parliaments in EU decision making despite the fact that national parliaments have decades of experience in EU decision making? Intuitively, one would anticipate some shared understanding about how to ‘do’ parliamentary participation in EU decision-making processes. Beyond intuition, Europeanisation-inspired analysis of the Assemblée nationale and the Bundestag in EU affairs already assessed in 2007 (Sprungk 2007) that the chambers were heading towards ‘convergence’ because there were ‘striking similarities in how they [...] discharge their EU related functions’ (O’Brennan and Raunio 2007, 15).

As a response to this puzzle, this thesis identified the *European Integration Paradox*. The growing experience of ‘doing EU’ in parliamentary chambers does not lead to an increasingly common understanding of how parliamentary democracy in the EU should operate. Instead, it is the *cause* of increasingly diverging ‘word and deed’ on parliamentary participation in the EU. However, this does not imply universal ‘variance’. In fact, there are strikingly similar evolutions. The processes of institutionalisation of EU affairs in the Assemblée nationale and the Bundestag occurred in parallel periods in response to the increasing decision-making output of the then-EU and EC from the mid-1990s onwards. There are organisational solutions and instruments that *seem* to be similar between the chambers. Changes in both chambers followed the same *logics*. However, these same logics of change lead to fundamentally different types of ‘doing EU democracy’.

Above all, institutionalisation proceeds through the increasing search of competent solutions for EU affairs. The major focuses for adaptation are domestic parliamentary practice and roles. Making these solutions compatible with EU institutions and procedures is necessary, but secondary. Furthermore, a focus for adaptations is not necessarily the timing of the EU decision-making cycle. Other forms of adaptation such as the adaptation of EAC meetings to the sittings of the EP may be much more important for the MPs to fulfil their role. MPs who

have acquired experience and knowledge about ‘doing EU’ increasingly search for *functional equivalents* for the ‘usual ways of doing things’ in the efforts of MPs to adapt to both constraints on the EU level and to practices in the chambers. The result is an increasingly-patterned action on the aggregated level, which (and not decreasingly) reproduces the *roles the parliaments play for the domestic political system* in EU affairs. On the aggregated level, MPs in the Assemblée nationale have attempted to increase their capacity of *responsiveness* to French voters’ concerns in EU affairs, while MPs in the Bundestag have tried to increase their capacity of accompanying *control* of the Council of Ministers. Similar organisational features or instruments with the same ‘labels’ do not have the same *meaning* and *function* in both parliaments, as is visible in the fundamentally different functions of the European affairs bodies in both chambers.

The institutionalisation of ‘doing EU’ in the chambers has in turn affected the way MPs discuss the role of parliaments in the EU. Increasing institutionalisation has led to changes in the motives for the evaluation of prerogatives of parliaments in the EU. When the Treaty of Maastricht was signed, MPs still had little experience with the day-to-day operations of parliamentary participation in European decision making. Ideas conveyed in parliamentary discourse were mainly dependent on ideas about the future of European integration and less on domestic practices and roles. When MPs needed to ratify the Treaty of Lisbon, experience had increased and stable action patterns had begun to evolve in EU affairs. As a consequence, the domestic practices and roles of parliaments in EU affairs became much more important for the way MPs in the Assemblée nationale and the Bundestag debate about the role of parliaments in the EU.

This study argues that neither the focus on convergences in the dominating strand of Europeanisation studies nor the measuring of differences of parliamentary strength in EU affairs in literature inspired by rational choice have helped to understand developments in national parliaments in practice or their paradoxical effects on the polity of the EU. Thus far, the former have focused too much on the formal and organisational aspects of effects of European integration, while the latter have reduced the function of parliaments too much to their legislative function. Furthermore, the foundation of both approaches in neo-institutionalist

theories does not allow them to adequately model the meaning of institutionalisation nor to grasp the change of logics induced by temporal variance. Change remains a strangely cryptic process.

More sociological approaches that focus on on the micro-level of the actors do help to better understand the evolutions in national parliaments in the course of increasing European decision making. However, studies so far have only weakly engaged in what their findings mean for macro-processes.

Instead, this study proposed to look at the institutionalisation process from a practice perspective, including insights from theorists of institutionalisation processes as well. This aimed to re-read old institutionalism. ‘Institutions’ in this study are not understood as organisations, as is often the case in the study of politics, but are instead conceptualised as social rule systems. The theoretical framework proposed earlier is based on practice theory, social constructivist theory and the old institutionalism of Max Weber, who distinguished real-world rules from the values embedded within them and attributed the discretion of choice and evaluation to actors to choose whether or not to follow the real-world rules.

This thesis proposed to understand Europeanisation as a process of institutionalisation of EU-linked action into ‘ordered practices’. The latter are defined as ‘patterned nature of deeds in socially organised contexts’ (Adler and Pouliot 2011, 5). When they congeal into typical agency and typical action patterns, they may be called roles. A trigger of institutionalisation as a process is the experience of incompetent action in EU affairs with reference to domestic practices and the shared knowledge inscribed within them. With increasing EU legislation, MPs more often experience such incompetent handling of EU affairs and simultaneously acquire knowledge and experience about the day-to-day parliamentary proceedings of EU affairs and their failures. With growing knowledge, MPs attempt to find new action in EU affairs more often, which serves as a functional equivalent to domestic practices. Action is thus more frequently patterned along the roles parliaments play at a domestic level.

The resulting increase in institutionalisation of EU affairs in parliament is in turn the cause for a change of *motives* for discursive action of MPs on the role of parliaments in the EU.

Motives are paradoxically more dependent on ‘usual ways of doing things’ in domestic institutions and their functional equivalents for European affairs in the course of the institutionalisation of European affairs in the chambers. As conveyed in Weber’s institutionalism, Arguments of *appropriateness* of parliamentary rules gain significance only once EU affairs are in an advanced stage of institutionalisation in domestic parliamentary chambers. With low levels of institutionalisation, other motives for evaluation prevail.

### ***A - Main findings***

This study leads to two important empirical results, which indicate the encounter of what is called in this study a *European Integration Paradox*.

**1) Firstly, this study shows that in the Assemblée nationale and the Bundestag, a parallel institutionalisation of EU affairs (in terms of stabilisation of agency and action patterns) has emerged since the introduction of direct elections to the EP. However, this institutionalisation has led to fundamentally different types of parliamentary participation in EU affairs in practice.**

This thesis investigated *Hypothesis 1* in chapters III and IV to conclude that there is indeed an institutionalisation of ‘doing EU’ in both chambers. Action linked to EC/EU affairs is no longer attributed to actors in an arbitrary way. Increasingly, the same pattern of action is consistently adopted by the same type of actors, who distinguish themselves by being ‘EU experts’ in communities of practice sharing knowledge necessary to accomplish the tasks.

Developments are divided into two phases. In the first period, from 1979 up to the end of the 1990s, actors in EU affairs were not necessarily experts of European institutions and processes. Action in EU affairs was ad hoc and depended more on individual conviction and specific interests. This first period was a period of normative void (because there were still no *typifications*) and of a lack of experience, which was filled by actors operating on the basis of their interests and their ideologies. Instruments preferred by MPs changed regularly. Agents

striving for a change of prerogatives of the chambers were not EU experts, but either Eurosceptic MPs (Assemblée nationale) or MPs from the opposition and higher chamber (Bundestag). Formal prerogatives achieved in this period remained often-void letters and organisational solutions changed quickly.

In the second period, from the end of the 1990s onwards, the existence of what Berger and Luckmann would call *typifications* was present in both chambers. The European affairs bodies in both chambers acquired functions and forms, which were typical of committees in both parliaments. Action in EU affairs became stabilised and always ran along the same lines. Agents of change pushing for the reform of formal prerogatives and organisational solutions in this second period were, in both chambers, a group of experienced MPs with strong EU *and* parliamentary expertise. As a consequence, formal prerogatives and organisational solutions have had a better fit with parliamentary practice.

The growing *typifications*, and in particular the growing importance of EU experts with long-term parliamentary experience, have led to major reforms, both in the Assemblée nationale and the Bundestag. These reforms follow a logic of search for *functional equivalents* for EU affairs to the role parliaments fulfil on the domestic level.

In the first period, new institutional solutions and prerogatives in both chambers were even more similar on paper, as was some of the activity. Both chambers introduced European affairs bodies and the possibility to issue opinions on EC draft acts. With the Treaty of Maastricht, both parliaments acquired fundamentally new rights regarding domestic practice. However, in both chambers, the new provisions were not adapted to ‘parliamentary ways of doing things’ (hierarchies of standing committees, relationship between the executive and legislature, etc.) and therefore were not very effective.

Only in the second phase did the Assemblée nationale and the Bundestag undertake reforms which adapt procedures for the participation in EU affairs in such a way that traditional roles of parliamentary participation could be fulfilled. Instruments and organisational solutions might still have maintained the same names, but they have no longer served the same functions in both chambers.

In the Assemblée nationale, adaptations help MPs to fulfil their traditional role of *representation and interest intermediation* on the European level, enhancing responsiveness to voter concerns (and to a lesser extent *deliberation* and *information* for society). The European affairs body in the Assemblée nationale has developed into the central information hub for the whole chamber. It has a reverse function to that of the standing committees for the interest intermediation function of the chamber. While the latter select legislative initiatives interesting for the house as a whole (or rather its parliamentary majority), the European affairs body calls attention to EU issues that were so far withdrawn from the political debate in France due to preparation on the EU level. This is a *functional equivalent* to the central information and expertise function for committees in the Assemblée nationale, in which the latter only have a limited function for the revision of legal draft acts.

A new status as a fully-fledged committee for the EAC and newly-gained rights to control the government (such as the right to issue resolutions on its own) primarily serve information functions, as they incite the standing committees to deal with specific issues. MPs in the Assemblée nationale evaluate information the government provides as sufficient. For example, MPs have access to the wire reports of the permanent representation in Brussels without having to struggle to obtain this right, and they do not seem to be very interested in the issue. Exchange with the EP increases substantially and serves to represent French voters' interests and to inform MPs about policy issues with a long-term perspective on important issues at the domestic level and in their circumscriptions.

In contrast, adaptations in the Bundestag in the second phase have increasingly helped MPs to fulfil a traditional *governance*, or at least an accompanying *expert control function of the process of the writing of the law* in EU affairs similar to the role of the Bundestag at the domestic level. Information about the different concrete negotiation stages in the Council have been a major issue of all reforms in this period. Against the will of subsequent governments, tight continuous information rights about the negotiation stages in the Council are gradually enhanced when windows of opportunities open for a community of practice of EU experts who are important agents for change. Despite an important re-organisation, EU affairs continue to

be organised decentrally. Instead, the European Affairs Committee has adopted a function *equivalent* to the function for committees in the Bundestag, which usually mirror a government entity. In this second period, the European Affairs Committee control more clearly in particular the German Chancellery (and to a lower degree the Federal Foreign Ministry) by focusing on institutional and constitutional issues of European integration. A centralisation of legislative co-ordination would have contradicted the principle of a close direct exchange between the government ministries and the standing committees, which is usual practice in the German lower house. Exchanges with EU transnational actors in this phase have concentrated on influencing the Commission and controlling the negotiations of the government from an early stage. However, contacts to the EP have decreased.

**2) Secondly, and as a consequence, the last chapter shows the emergence of a *European Integration Paradox*: The increasing institutionalisation of European affairs has also led to more diverging discursive practices of MPs regarding the role of parliaments in the EU between both chambers. The increasing experience of ‘doing EU’ has curtailed an ‘ideological’ interpretation of EU parliamentary institutions in both chambers and has led to an interpretation on the basis of domestic roles.**

This study has investigated *Hypothesis 2* throughout Chapter V to conclude that ideas conveyed by MPs in the paradigmatic parliamentary debates on treaty changes in each period demonstrate dramatic differences. Domestic role orientations were much more important in the Lisbon debates for how MPs debated about the role of parliaments in the EU than they were in the Maastricht debates. Despite an almost absent contestedness of the treaties in the Lisbon debates in both chambers, the significance given to concrete prerogatives for parliaments in the EU varied even more between the chambers than in the Maastricht debates. In the latter, the individual role of parliaments and the control of the government on the domestic level was the most important focus of MPs in both parliaments. MPs in the Bundestag focused highly on the prerogatives for the EP as well.

In the Maastricht debates, the ideological stance of the MPs on European integration was predictive of the attention he or she would attribute to different prerogatives for parliaments in the EU. Cleavages ran across chambers. MPs from parliamentary party groups with more federalist and supranational visions for the future of the EU paid much attention to multi-level parliamentarism and, in particular, the role of the EP. This led to similar discourse by MPs from the French Centrist parliamentary party groups (UDF/UDC) and the traditional parliamentary party groups in the Bundestag (CDU/CSU, SPD and FDP), and which was different from those of all other parliamentary party groups in the chambers.

In the Lisbon debates, the patterns were different. The major cleavage on ideas on the role of parliaments in the EU ran between the two chambers. MPs in the Assemblée nationale focused on the collective role for national parliaments as it was introduced in the treaties (such as the Early Warning Mechanism on Subsidiarity), which give them a role directly in EU decision-making processes. They also concentrated on the enhanced powers of the EP. In contrast, MPs in the Bundestag across parliamentary party groups were mostly concerned with their individual and indirect role of control of the government. This role was in regards to either domestic prerogatives or prerogatives foreseen in the treaty, but which would be individually exercised by each parliamentary chamber on the domestic level, such as the veto on the use of passerelle clauses. The EP's enhanced role did not strongly influence the discourses conveyed by MPs in the Bundestag as it did in the Maastricht debates.

Chapter V thus supports *Hypothesis 2*, with one exception: *Hypothesis 2* is not confirmed for the MPs from the SPD parliamentary party group in the Bundestag who do not substantially change their priorities of attention to parliamentary roles between the Maastricht and the Lisbon debates and who continue to pay much attention to the EP.

While an ideological cleavage (visions for the future institutional design of the EC/EU) on the role of parliaments is visible in the Maastricht debates, the Lisbon debates' evidence shows a cleavage between ways in which European affairs have been institutionalised as 'ordered practices' in the chambers. In both chambers only the discourse by MPs belonging to

parliamentary party groups that lack substantial practice in EU affairs remained consistent.<sup>286</sup> The latter parliamentary party groups convey the same ideas on parliamentary roles in the Maastricht and in the Lisbon debates.

This study was designed as combination of a diachronic comparison of *most similar systems* (within each parliamentary chamber) to identify differences and a synchronic comparison (of most different systems) to identify similarities.

The *diachronic comparison* of formal and informal evolutions within both comparable settings over time highlights key changes between the first and second periods. The fact that these changes coincided increases the probability that they can be attributed to a differential impact of EU decision making rising strongly in the mid-1990s.

Nevertheless, other variables which could have caused change require careful control. Parliamentary systems are subject to change over long periods. Partisan systems may change, and constitutions may be reformed. All parliamentary systems are subject to a general tendency for erosion to the advantage of other, mostly more direct forms of democratic practice, such as local referenda and citizen deliberations. Such more general processes are not likely to have caused the evaluations MPs make of the role of parliaments in the EU. None of the parliamentary chambers at hand has fundamentally changed its role in the parliamentary system. This persists despite the major parliamentary reform in France discussed in Chapter II.

One might argue that a more general change of the attitudes towards European integration took place in both parliaments. Given the growing Euroscepticism in the French electorate throughout the last decade, an increasingly pro-European stance of French MPs does not seem probable. In the Bundestag, rates of support for European integration among MPs remain relatively stable.

The *synchronic comparison* adds generalisability to these arguments. The same evolution progresses at approximately the same point in time in two chambers playing diametrically

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<sup>286</sup> Except from the SPD in Germany.

opposite roles in each parliamentary system. Despite the classifications of one of the chambers as weak in EU affairs and another as among the strongest parliaments in EU affairs, both chambers demonstrate a stronger institutionalisation of EU affairs with an increasing importance of EU experts and an more frequent patterning of EU linked action.

A growing importance of MPs having EU expertise might be due to a changed incentive structure, e.g. a change in importance of EU issues for re-election. However, European issues have not become important for electoral campaigns in either parliament.<sup>287</sup>

### ***B - Research perspectives and extension***

**Implications for the study of national parliaments in the EU:** This study has implications for the study of parliaments in the EU. This thesis demonstrates that practices are currently under-researched in the field. The domination of principal-agent approaches leads to several lacuna concerning the empirical reality of parliamentary participation in the EU. Primarily, the ‘strength’ of parliamentary participation and its capacity to democratically legitimate EU decision making cannot be measured through the comparison of specific parliamentary instruments and their use. Instruments do not have the same *functions* in different parliamentary contexts and MPs’ role orientations are not the same. The often-quoted trade-off between effective parliamentary scrutiny and national influence only partially corresponds to parliamentary realities. This study indicates that, for parliaments in which MPs conceive of their role mainly as representatives of the interest of their voters towards the executive (but not in the concrete writing exercise of legislative texts), the question of how MPs exercise ‘influence’ on negotiations in the Council is not an appropriate approach for understanding objectives of MPs in EU affairs not their eventual potential for the legitimation of EU decision

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<sup>287</sup> The presidential campaign of 2012 in France hinted at an increasing importance of EU issues for the French electorate after the Eurozone crisis (Dehousse and Tacea 2012).

making. Furthermore, a comparison across countries should focus on the parliamentary functions rather than on formal structures in order to obtain satisfying results.

This leads to the second implication. Studies should more systematically include the analysis of evolutions over time. As was shown in this study, the drivers of parliamentary action may change over time. The results of this thesis have revealed the question of why authors found in 2001 (i.e. almost ten years after the treaty of Maastricht) ‘considerable legal constitutionalisation and institutional adaptation, and a modest impact with regard to the real patterns of participation’ (Maurer and Wessels 2001, 19). Furthermore, the results might provide insight into why the considerable ‘institutional adaptation’ of the two cases at hand has remained largely unused and how it has been completely re-shuffled since then.

The results of this study also demonstrate why the Bundestag has evolved from a ‘latent ‘national player’ (Maurer and Wessels 2001, 20) into a real ‘player’ (Callies and Beichelt 2013) despite a still existing pro-European consensus among German elites. However, they also show why the Assemblée nationale was not a willing but yet incapable ‘national player’ (Höhlscheidt 2001, 20; Szukala and Rozenberg 2001) throughout the 1990s. Additionally, they address how the willingness of government scrutiny disappeared with a specific political constellation in the 1990s and that other participation logics were more important in practice.

The results of this study illustrate that synchronic comparisons are not sufficient to learn something about the role of parliaments in the EU polity. The time dimension is central to understand the ‘ways of doing’ representative democracy in practice in the EU.

**Implications for the study of processes linked to European integration:** This study has also implications for the study of the ‘Europeanisation’ of institutions. Students of such processes should look more attentively on the quotidian and the micro-level of the actors to be able to distinguish processes of change of agency and action from their results in terms of formal prerogatives and organisational solutions. Furthermore, models should better integrate potential variance of motives for action over time. New institutionalist approaches are only marginally

able to model a change of motivations of actors. Only to recur to thick sociological models allows to model such institutionalisation processes over time (for an attempt based on behavioural scripts to explain the growing taken for grantedness of the EP by European political elites Goetze and Rittberger 2010).

This thesis drew the attention to the fact that when putting the spotlight on practices, the influence of ideas, interests and institutional motives differed in the course of the institutionalisation process itself. Timing might have an important influence upon which one is determining in Europeanisation processes. Motives for action and evaluation were different with a low level of experience of ‘doing’ parliamentary participation in EU affairs than with a high level of shared experience and knowledge. The timing of the stabilisation of practices and of (de)institutionalisation processes more generally (as well as their direction) should thus be more systematically included in the study of Europeanisation.

**Implications for the study of discourse and ideas:** This study has two implications for the field of discourse-analytical and social constructivist studies on European integration. Firstly, students of discourse on the European Union inspired by the Habermasian strand of social-constructivism should take the ‘social’ more seriously. The systematic study of discourse is necessary because it allows to elucidate in a methodologically neat way normative structures (Elster) intermediating meanings between different arenas in society which cannot be analysed by unsystematic discourse-analysis or other types of data, e.g. from opinion surveys. However, they do not substitute the analysis of the social interactions in the arenas in which they take place because they may produce artefacts. This study demonstrated that better inclusion of the institutional contexts and their evolution will help to better identify the relationship between different evolutions. At minimum level to include the institutional context will reduce the necessary causal chains for arguments.

Furthermore, students of discourse on the EU should more systematically include evolutions over time which is difficult given the different features of corpora over time.

Methods based on deductively gained categories which are sufficiently broad to allow comparison over time might be a way forward here.

### ***C - What lessons to learn for the EU polity?***

This study hints to a paradox for the evolution of the EU as a polity or social form. With a growing concrete importance of EU-decision-making for parliamentary actors on domestic level, the importance of role orientations embedded in national parliamentary institutions increases. In early stages of EU integration, the evaluation of EU-decision-making is merely abstract and there is no need for actors in practice to make evaluations on the ground of *appropriateness*. This ‘normative void’ can be filled by different interests or ideologies for specific institutional features of the EU. In later stages, however, with increasing EU practice, the importance of role orientations of MPs stemming from their intense practice at domestic level for the evaluation of the democratic quality of the EU increases. Evaluations are no longer linked to the pro-integrationist stance of the actor.

We might be in front of a paradox which leads to an ever increasing negative ‘gut-feeling’ about the normative basis of EU decision-making by those who practice the EU decision-making (at least from far, on domestic level) and not only from those who do not know it or object it - as long as new institutions did not have the time to become timeless ‘ways of doing things’. This normative ‘malaise’ might explain the paradoxical part of the ever-increasing perceived democratic deficit since the 1990ies. This might interact with actor’s dissatisfaction with EU policy outcomes.

These reflections go probably too far and extrapolate from a small empirical basis on a more englobing phenomenon. However, on more solid ground, the results of this study do not provide a very positive outlook for the capacity of national parliaments to provide collectively democratic legitimacy to the EU polity.

New institutional solutions for interparliamentary cooperation have not managed yet to create new timeless ‘ways of doing things’. Actors do not seem to acknowledge them as valid. Maurer and Wolfgang Wessels assert already in 2001 that ‘[t]hough several and different procedures were tested over the last 40 years, none of them has led to a sufficiently intensive and efficient working network’ (Höhlscheidt 2001, 21) of national parliaments. Recent research seems to indicate that this situation has not substantially changed despite the creation of new interparliamentary institutions.

When MPs have diverging orientations concerning the role parliaments should have in the EU, collective participation in EU decision-making is difficult to organise. Instruments and organisational solutions put into place will remain void procedures carried out by parliamentary clerks. Fora for parliamentary actors on EU level will be at best a networking hub and at worst be abandoned on the long run. There is interview evidence of current interparliamentary cooperation from the two chambers at hand which supports the thesis that the fora for interparliamentary cooperation are used by MPs only to organise meetings with colleagues of their personal networks.

The problems of different visions about the role of parliaments in the EU were also illustrated during the negotiations for the establishment of the parliamentary assembly on Economic and Financial Governance foreseen in the Treaty on Stability, Coordination and Governance, during which ideas about the appropriate composition and rules of procedure of different parliamentary delegations were very different (Kreilinger 2013).

In times in which the EU ‘constitution’ becomes more and more differentiated and the European Parliament cannot (or cannot alone) fulfil the function of legitimation of EU decision-making, this is highly problematic. National parliaments would at least need to fulfil some kind of similar function of representation to guarantee the equal representation of EU citizens called for by the German Federal Court in its Lisbon judgement. The fact that national parliaments play increasingly differentiated roles in EU affairs (which corresponds to their domestic parliamentary practices) makes proposals to enhance their legislative and control prerogatives

in the EU from the EU center to further ‘republican intergovernmentalism’ look only little promising (Kröger and Bellamy 2016).

A European ‘demoicracy’ (Nicolaïdis 2013) based on common Republican principles as stipulated by Kalypso Nicolaïdis is perhaps the only solution for representative democracy in the EU, but paradoxically seems to be one of its main problems.

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### A. Assemblée nationale and Sénat

1 – MP, Assemblée nationale, RPR, parliamentary mandate 1988-2002, member of the Delegation for the European Union at the time of the interview (1993-2002). Interview: Paris, 20 November 2001. (re-analysis)

2 – MP, Assemblée nationale, RPR, parliamentary mandate 1973-2012, member of the Foreign affairs committee at the time of the interview. Interview: Paris, 5 December 2001. (re-analysis)

3 – MP, Assemblée nationale, RPR, parliamentary mandate 1988-2007, former chairman of the Delegation for the European Communities/the European Union at the time of the interview (1993-1997). Interview: Paris, 11 January 2002. (re-analysis)

4 – MP, Assemblée nationale, UDF, parliamentary mandate 1993-2007, vice-chairman of Law Committee at the time of the interview. Interview: Paris, 6 March 2002. (re-analysis)

5 – MP, Assemblée nationale, PS, parliamentary mandate 1997-time of writing, former chairman of the Foreign Affairs Committee at time of the interview. Interview: Paris, 15 October 2002. (re-analysis)

6 – MP, Assemblée nationale, PS, parliamentary mandates 1986-1988 & 1997-1999, former chairman of the European Affairs Committee at the time of the interview (1997-1999). Interview: Paris, 21 October 2002. (re-analysis)

7 – MP, Assemblée nationale, UMP, parliamentary mandate 1988-time of writing, chairman of the European Affairs Committee at the time of the interview (2002-2012). Interview: Paris, 13 March 2003. (re-analysis)

8 – MP, Assemblée nationale, PS, parliamentary mandates 1986-1993 & 1997-2002, former chairman of the Delegation for the European Union at the time of the interview (1999-2002). Interview: Paris, 30 June 2003. (re-analysis)

9 – MP, Sénat, UMP, Parliamentary mandate 1996-time of writing, former chairman of European Affairs Committee at the time of the interview (2010-2011). Interview: Paris, 8 February 2012.

10 – MP, Sénat, UMP, parliamentary mandate 2004-time of writing, member of the European Affairs Committee at the time of the interview. Interview: Paris, 18 April 2012.

- 11 – Parliamentary clerk, Sénat, European Affairs Committee. Interview: Paris, 2 May 2012.
- 12 – Parliamentary clerk, Sénat, European Affairs Committee. Interview: Paris, 4 May 2012.
- 13 – MP, Assemblée nationale, UMP, parliamentary mandate 1993-time of writing, chairman of Finance Committee at the time of the interview. Interview: Paris, 9 May 2012.
- 14 – Parliamentary clerk, Assemblée nationale, Secretariat-General. Interview: Paris, 10 May 2012.
- 15 – Parliamentary clerk, Sénat, European Affairs Committee. Interview: Paris, 11 May 2012.
- 16 – MP, Assemblée nationale, PS, parliamentary mandates 1981-1986 & 1988-1993 & 1997-2012, member of the European Affairs Committee at the time of the interview. Interview: Paris, 23 May 2012.
- 17 – Parliamentary clerk, Sénat, European Affairs Committee. Interview: Paris, 25 May 2012.
- 18 – Parliamentary clerk, Sénat, European Affairs Committee. Interview: Paris, 25 May 2012.
- 19 – Senator, UMP, parliamentary mandate 1992-2015, Chairman of Finance Committee at the time of the interview. Interview: Paris, 31 May 2012.
- 20 – Parliamentary clerk, Assemblée nationale, European Affairs Committee. Interview: Paris, 7 June 2012.
- 21 – Parliamentary clerk, Assemblée nationale, European Affairs Committee. Interview: Paris, 27 June 2012.
- 22 – Parliamentary clerk, Sénat, Standing Committee. Interview: Paris, 4 June 2013.
- 23 – MP, Assemblée nationale, PS, parliamentary mandates 1981-1986 & 1988-1993 & 1997-2002, former chairman of the Delegation for the European Communities (1985-1986), rapporteur of the Law Committee for the Constitutional Revision Treaty of Maastricht. Interview: Paris, 11 September 2013.
- 24 – MP, Assemblée nationale, UMP, parliamentary mandates 1986-2002 & 2005-2009 & 2010-time of writing, speaker in Debate on Constitutional Revision Treaty of Maastricht, member of the committee of Finance at the time. Interview: Paris, 4 October 2013.
- 25 – MP, Assemblée nationale, UDF during parliamentary mandate 1978-1993; Rapporteur of the Finance Committee for the Constitutional Revision Treaty of Maastricht. Interview: Paris, 9 November 2013.

## **B. Bundestag and Bundesrat**

26 – Parliamentary clerk, Bundesrat. Interview: Berlin, 4 May 2012.

27 – Parliamentary clerk, Bundesrat. Interview: Berlin, 4 May 2012.

28 – Parliamentary assistant, Bundestag, parliamentary party group Die Linke. Interview: Berlin, 21 May 2012.

29 – Parliamentary clerk, Bundestag, research service. Interview: Berlin, 22 May 2012.

30 – Parliamentary assistant, Bundestag, parliamentary party group FDP. Interview: Berlin, 22 May 2012.

31 – Parliamentary clerks, Bundesrat, unit PA1. Interview: Berlin, 22 May 2012.

32 – Member of Parliament, Bundestag, FDP, parliamentary mandate 2009-2013, member of the European Affairs Committee at the time of the interview. Interview: Berlin, 23 May 2012.

33 – Parliamentary assistant, Bundestag, parliamentary party group Bündnis 90/Die Grünen. Interview: Berlin, 24 May 2012.

34 – Member of Parliament, Bundestag, CDU/CSU, parliamentary mandate 2009-time of writing, member of the European Affairs Committee at the time of the interview. Interview: Berlin, 24 May 2012.

35 – Member of Parliament, Bundestag, SPD, parliamentary mandate 1994-2013, chair of the subcommittee of the budgets committee for European affairs at the time of the interview. Interview: Berlin, 25 May 2012.

36 – Parliamentary clerk, Bundestag, Standing Committee. Interview: Berlin, 20 June 2012.

37 – Parliamentary assistant, Bundestag, parliamentary party group CDU/CSU. Interview: Berlin, 22 June 2012.

38 – Member of Parliament, Bundestag, SPD, parliamentary mandate 1983-1999, chairman of the European Union Special Committee and member of the Joint Constitutional Committee in 1992, member of the Foreign Affairs Committee at the time of the Treaty of Maastricht. Interview: Berlin, 7 March 2013.

39 – Member of Parliament, Bundestag, CDU/CSU, parliamentary mandate 1990-2002, Co-Chairman of the Joint Constitutional Committee at the time of the Treaty of Maastricht. Interview: Berlin, 8 March 2013.

40 – Member of Parliament, Bundestag, FDP, parliamentary mandate 2002-2009, member of the European Affairs Committee, speaker for European affairs for the FDP parliamentary party group during mandate, rapporteur on the Lisbon treaty in 2008. Interview: Berlin, 11 March 2013.

41 – Parliamentary clerk, Bundestag, European Affairs Committee. Interview: Berlin, 12 March 2013.

42 – Member of Parliament, Bundestag, Bündnis 90/Die Grünen, parliamentary mandates 1994-1996 & 2002-2009, Member of the European Affairs Committee, speaker for European affairs for the Bündnis '90/Die Grünen parliamentary party group (2002-2009), rapporteur on the Lisbon treaty in 2008. Interview: Berlin, 12 March 2013.

43 – Member of Parliament, Bundestag, SPD, parliamentary mandate 1998-2013, Member of the European Affairs Committee, speaker for European affairs for the SPD parliamentary party group (2010-2013), rapporteur on the Lisbon treaty in 2008. Interview: Berlin, 13 March 2013.

44 – Member of Parliament, Bundestag, SPD, parliamentary mandate 1987-2013, member of the European Union Special Committee and of the EC Committee, speaker for European affairs for the SPD parliamentary party group at the time of the Treaty of Maastricht. Interview: Berlin, 13 March 2013.

45 – Parliamentary assistant, Bundestag, parliamentary party group Die Linke. Interview: Berlin, 14 March 2013.

46 – Member of Parliament, Bundestag, CDU, parliamentary mandate 1990-time of writing, Member of the European Affairs Committee since 1994, speaker for European Affairs for the CDU/CSU group (2005-time of writing), rapporteur on the Lisbon treaty in 2008. Interview: Berlin, 14 March 2013.

47 – Member of Parliament, Bundestag, Die Linke, parliamentary mandate 2005-time of writing, Member of the European Affairs Committee. Interview: Berlin, 23 May 2013.

## List of parliamentary debates

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### Parliamentary Minutes

Quotations of parliamentary debates in stenographic minutes of Assemblée Nationale and Bundestag: Abbreviation of institution (AN/BT), Number of Session (if applicable), Year-Month-Day.

### Maastricht, Constitutional amendment, Assemblée nationale

#### *AN 1 19920505*

Assemblée nationale. 1992. 'IXème législature. Seconde session ordinaire de 1991-1992. Première séance du mardi 5 mai 1992. Compte rendu intégral'. <http://archives.assemblee-nationale.fr/9/cri/1991-1992-ordinaire2/021.pdf>

#### *AN 2 19920505*

Assemblée nationale. 1992. 'IXème législature. Seconde session ordinaire de 1991-1992. Deuxième séance du mardi 5 mai 1992. Compte rendu intégral'. <http://archives.assemblee-nationale.fr/9/cri/1991-1992-ordinaire2/022.pdf>

#### *AN 1 19920506*

Assemblée nationale. 1992. 'IXème législature. Seconde session ordinaire de 1991-1992. Première séance du mercredi 6 mai 1992. Compte rendu intégral'. <http://archives.assemblee-nationale.fr/9/cri/1991-1992-ordinaire2/023.pdf>

#### *AN 2 19920506*

Assemblée nationale. 1992. 'IXème législature. Seconde session ordinaire de 1991-1992. Deuxième séance du mercredi 6 mai 1992. Compte rendu intégral'. <http://archives.assemblee-nationale.fr/9/cri/1991-1992-ordinaire2/024.pdf>

#### *AN 3 19920506*

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## **Maastricht, Constitutional amendment and ratification, Bundestag**

### ***BT 19921008***

Deutscher Bundestag. 1992. 'Stenographischer. 110. Sitzung. Bonn, Donnerstag, den 8. Oktober 1992'. <http://dip21.bundestag.de/dip21/btp/12/12110.pdf>

### ***BT 19921202***

Deutscher Bundestag. 1992. 'Stenographischer. 126. Sitzung. Bonn, Mittwoch, den 2. Dezember 1992'. <http://dip21.bundestag.de/dip21/btp/12/12126.pdf>

## **Lisbon, Constitutional amendment and ratification, Assemblée nationale**

### ***AN 2 20080115***

Assemblée nationale. 2008. 'XIIIème législature. Session ordinaire de 2007-2008. Deuxième séance du mardi 15 janvier 2008. Compte rendu intégral'. <http://www.assemblee-nationale.fr/13/cri/2007-2008/20080098.asp>

### ***AN 3 20080115***

Assemblée nationale. 2008. 'XIIIème législature. Session ordinaire de 2007-2008. Troisième séance du mardi 15 janvier 2008. Compte rendu intégral'. <http://www.assemblee-nationale.fr/13/cri/2007-2008/20080099.asp>

### ***AN 2 20080206***

Assemblée nationale. 2008. 'XIIIème législature. Session ordinaire de 2007-2008. Deuxième séance du mercredi 6 février 2008. Compte rendu intégral'. <http://www.assemblee-nationale.fr/13/cri/2007-2008/20080118.asp>

### ***AN 1 20080207***

Assemblée nationale. 2008. 'XIIIème législature. Session ordinaire de 2007-2008. Première séance du jeudi 7 février 2008. Compte rendu intégral'. <http://www.assemblee-nationale.fr/13/cri/2007-2008/20080119.asp>

## **Lisbon, Constitutional amendment and ratification (Lisbon I), Bundestag**

### ***BT 20080313***

Deutscher Bundestag. 2008. 'Stenographischer. 151. Sitzung. Berlin, Donnerstag, den 13. März 2008'. <http://dip21.bundestag.de/dip21/btp/12/16151.pdf>

### ***BT 20080424***

Deutscher Bundestag. 2008. 'Stenographischer. 157. Sitzung. Berlin, Donnerstag, den 24. April 2008'. <http://dip21.bundestag.de/dip21/btp/12/16157.pdf>

## **APPENDIX**

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## ***Appendix 1: Interview guides and description of corpus***

### **1.1 Interview guide**

#### **Note on interviews**

The interviews were semi-directional. The interview guide is reproduced in a simplified version in English. The original versions are in French and German and can be accessed upon request. Interview guides were used in different versions depending on the function of the person interviewed [e.g. clerk or MP, specific position in parliamentary party group or parliament, participation in the debates on Treaty changes analysed]. The interviewer included appropriate questions of the OPAL questionnaire depending on the interview partner.

#### **About the interview partner**

- 1) What is your current position?
- 2) Which function(s) did you have in the Bundestag at the moment of the ratification of the Maastricht/Lisbon treaty? Could you describe which areas this comprised, what were your concrete tasks and competences?

#### **Preparation of the plenary debates [if speaker in Maastricht/Lisbon debate]**

- 1) How were you chosen as speakers of the plenary debate?
- 2) How did you prepare your contributions to the plenary debate? How did you choose main points?
- 3) Did you exchange with other MPs? Members of the parliamentary party group? The working group?
- 4) Usually assistants prepare speaking points for MPs? How did you employ your assistant for preparing the plenary debates?
- 5) Which role did the plenary debates play in the parliamentary proceedings? Which importance did they have for you? What did you aim at with your contribution? Whom did you address in particular (the wider public? Fellow MPs?)
- 6) Did you exchange with MPs of other member states or with MEPs before the plenary debates?

### **PPG/MP positions concerning parliamentary prerogatives**

- 1) Where did the main negotiations for strengthened, parliamentary rights take place? At which level in the parliamentary party groups? In which bodies?
- 2) What was your role for the reform of parliamentary prerogatives?
- 3) What were main points of conflict/diverging opinions on the treaties with the government? Between government majority and opposition? Between the coalition partners?
- 4) What ideas did your party group try to put forward concerning the democratic legitimacy of democratic institutions and procedures of the EU, especially
  - The role of the European Parliament
  - The role of the European Commission
  - The role of the Council and the European Council
  - The role of national parliaments
  - The direct participation of citizens to the European level
- 5) Was the ratification used to negotiate further rights? What were the main parliamentary rights MPs tried to negotiate? Why?
- 6) What were the major demands by your parliamentary group in this area? Why?

### **Personal role**

- 1) What were the main points important for you in the Maastricht/Lisbon debate concerning democracy in the European Union? How did you choose which of the concerns you would take up in your contribution to the plenary debate?
- 2) How did you and do you evaluate the role of national parliaments for democracy in the European Union?

### **Personal estimation**

- 1) Do you feel that the approach of MPs towards the ratification of EU treaties has changed from Maastricht to Lisbon (to today)? How and why?
- 2) Do you think that the MPs have changed the view on their own role in the European construction?
- 3) Do you think MPs have changed their view on the democratic functioning of the EU?
  - On the European Commission
  - The European Parliament
  - The Council of Ministers / European Council
- 4) What could be reasons for such a change?

## 1.2 Interview questionnaire (OPAL)

### Interaction with the National Government

- 1) Which role do you play towards the government on EU issues?
  - a. Do you try to control it? to influence it? to support it during EU bargains? Why do you act this way?
- 2) Concretely, which contacts do you have with the government on EU issues?
  - a. Are contacts rather formal or informal? Regular or ad-hoc? Why?
  - b. At which point during EU decision-making processes do they take place? Why at this point?
- 3) For majority MP: Do you happen to have differences of opinion with the government on EU issues? How do you deal with them? Why do you deal with them this way?
- 4) For opposition MP: Generally speaking would you say that you act differently regarding the government on EU issues than in purely domestic decision-making processes? (If needed: do you tend to be more supportive?) If yes, why?
- 5) Do you feel that the implementation of the treaty of Lisbon has changed your relationship with the government on EU issues? In which way and what is the reason?

### Cooperation with NPs/EU Institutions

- 1) To what extent you interact with the European Commission/ European Parliament/other national parliaments?
  - Provide examples [or refer to our case studies, see below]
  - How do you interact (face-to-face, email, telephone, etc.)?
  - At what point in time/what stage of legislation?
  - With whom (COSAC, party contacts, national connections in EP and Commission etc.)?
  - How often/ how established or ad hoc? How does the network look like?
  - For what purpose?
  - Has there been any change with the Lisbon Treaty?
- 2) Should you not co-operate, why not?
- 3) How do you consider the role of the permanent representation of your parliament at the EP (especially after the introduction of the EWM)?
- 4) What is the role of administrators in the cooperation with European institutions and other national parliaments?
  - Have additional resources been provided to facilitate the interaction between parliaments?
- 5) What is your personal opinion regarding co-operation with the Commission, the EP, and other NPs?
  - Is it a good thing? Does it have an impact?

- Do you feel that national parliaments are now better represented at the EU level?
- Has this mechanism proven helpful to scrutinize your government in EU affairs?
- In your perception, does the European Commission pay more attention to the principle of the subsidiarity now?

### **Role of the administration**

- 1) Have there been reforms within the administration of your parliament with regard to EU affairs after the Lisbon Treaty (or even in anticipation thereof)?
  - Have the number of staff increased?
  - Have new units been created? Which old ones have been strengthened in EU affairs?
  - Has the administration gained new roles and responsibilities?
- 2) What is the role of the parliamentary administration (clerks of EAC and specialised committees and the general administration) in the scrutiny of EU documents? (please ask this question for both legislative and non-legislative policies)
- 3) What is the role of administrators in controlling your government's activity in EU affairs (and how is it different from their role in the scrutiny of EU documents)?
- 4) To what extent do political parties or individual MPs provide guidance and oversight regarding the work of administrators/group experts on EU affairs?
  - Who provides oversight (committee chairs, MPs collectively, the governing party etc.)?

### 1.3 Description interviews corpus

#### 1.3.1: Secondary Analysis of Interviews, Assemblée nationale\*

Interview number	Date of interview	Party of interlocutor	Chamber	Function	Mandate (MP)	Format of the original interview	Interviewer
1	20.11.2001	RPR	AN	MP	1988-2002	Digital Record	O. Rozenberg**
2	05.12.2001	RPR, UMP	AN	MP	1973-2012	Digital Record	O. Rozenberg**
3	11.01.2002	RPR, UMP	AN	MP	1988-2007	Digital Record	O. Rozenberg**
4	06.03.2002	UDF	AN	MP	1993-2007	Digital Record	O. Rozenberg**
5	15.10.2002	PS	AN	MP	1997-	Digital Record	O. Rozenberg**
6	21.10.2002	PS	AN	MP	1986-1988, 1997-1999	Digital Record	O. Rozenberg**
7	13.03.2003	UDF, UMP	AN	MP	1988-	Digital Record	O. Rozenberg**
8	30.06.2003	PS	AN	MP	1986-1993, 1997-2002	Digital Record	O. Rozenberg**

\* The interview questionnaire and detailed information on the context of the interviews can be accessed under: CSDP, BeQuali: Enquête sur l'enquête, [http://bequali.fr/media/ckeditor/uploads/2015/10/16/cdsp\\_bequali\\_sp3\\_esc.pdf](http://bequali.fr/media/ckeditor/uploads/2015/10/16/cdsp_bequali_sp3_esc.pdf) [accessed 16.06.2016].

\*\*With the authorisation of *Centre de données socio-politiques* (CDSP, UMS 828 Sciences Po - CNRS), Sciences Po (Project BeQuali).

### 1.3.2 Assemblée nationale and Sénat

Interview number	Date of interview	Party of interlocutor	Chamber	Function	Mandate (MP)	Format of the interview	Interviewer
9	08.02.2012	RPR, UMP	Sénat	MP	1996-	Hand Notes	A.Thomas*
10	18.04.2012	UDF, UMP	Sénat	MP	2004-	Hand Notes	A.Thomas*
11	02.05.2012	n.a.	Sénat	A	n.a.	Hand Notes	A.Thomas*
12	04.05.2012	n.a.	Sénat	A	n.a.	Hand Notes	A.Thomas*
13	09.05.2012	RPR, UMP	AN	MP	1993-	Hand Notes	A.Thomas*
14	10.05.2012	n.a.	AN	A	n.a.	Hand notes	A.Thomas / O.Rozenberg*
15	11.05.2012	n.a.	Sénat	A	n.a.	Hand Notes	A.Thomas*
16	23.05.2012	PS	AN	MP	1981-1986, 1988-1993, 1997-2012	Hand Notes	A.Thomas*
17	25.05.2012	n.a.	Sénat	A	n.a.	Hand Notes	A.Thomas*
18	25.05.2012	n.a.	Sénat	A	n.a.	Hand Notes	A.Thomas*
19	31.05.2012	RPR, UMP	Sénat	MP	1992-2015	Hand Notes	A.Thomas*
20	07.06.2012	n.a.	AN	A	n.a.	Hand Notes	A.Thomas*
21	27.06.2012	n.a.	AN	A	n.a.	Hand Notes	A.Thomas*
22	04.06.2013	n.a.	Sénat	A	n.a.	Hand Notes	A.Thomas*
23	11.09.2013	PS	AN	MP	1981-1986, 1988-1993, 1997-2002	Digital record	A.Thomas
24	04.10.2013	RPR, UMP	AN	MP	1986-2002, 2005-2009, 2010-	Digital record	A.Thomas
25	09.11.2013	UDF	AN	MP	1978-1993	Digital record	A.Thomas

\*In the framework of the project OPAL, Observatory of parliaments after the treaty of Lisbon.

### 1.3.3 Bundestag and Bundesrat

Interview number	Date of interview	Party of interlocutor	Chamber	Function	Mandate (MP)	Format of the interview	Interviewer
26	04.05.2012	n.a.	Bundesrat	A	n.a.	Hand Notes	OPAL*
27	04.05.2012	n.a.	Bundesrat	A	n.a.	Hand Notes	OPAL*
28	21.05.2012	Die Linke	Bundestag	A	n.a.	Hand Notes	OPAL*
29	22.05.2012	n.a.	Bundestag	A	n.a.	Hand Notes	OPAL*
30	22.05.2012	FDP	Bundestag	A	n.a.	Hand Notes	OPAL*
31	22.05.2012	n.a.	Bundestag	A	n.a.	Hand Notes	OPAL*
32	23.05.2012	FDP	Bundestag	MP	2009-2013	Hand Notes	OPAL*
33	24.05.2012	Bündnis 90/Die Grünen	Bundestag	A	n.a.	Hand Notes	OPAL*
34	24.05.2012	CDU	Bundestag	MP	2009-	Hand Notes	OPAL*
35	25.05.2012	SPD	Bundestag	MP	1994-2013	Hand Notes	OPAL*
36	20.06.2012	n.a.	Bundestag	A	n.a.	Hand Notes	OPAL*
37	22.06.2012	CDU	Bundestag	A	n.a.	Hand Notes	OPAL*
38	07.03.2013	SPD	Bundestag	MP	1983-1999	Digital record	A.Thomas
39	08.03.2013	CDU	Bundestag	MP	1990-2002	Digital record	A.Thomas
40	11.03.2013	FDP	Bundestag	MP	2002-2009	Digital record	A.Thomas
41	12.03.2013	n.a.	Bundestag	A	n.a.	Hand notes	A.Thomas
42	12.03.2013	Bündnis 90/Die Grünen	Bundestag	MP	1994-1996, 2002-2009	Digital record	A.Thomas
43	13.03.2013	SPD	Bundestag	MP	1998-	Digital record	A.Thomas
44	13.03.2013	SPD	Bundestag	MP	1987-2013	Digital record	A.Thomas

45	14.03.2013	Die Linke	Bundestag	A	n.a.	Digital record	A.Thomas
46	14.03.2013	CDU	Bundestag	MP	1990-	Digital record	A.Thomas
47	23.05.2013	Die Linke	Bundestag	MP	2005-	Hand Notes	OPAL*

\* Interviews were carried out by German team in the framework of OPAL, Observatory of parliaments after the treaty of Lisbon, used mainly as background information.

## ***Appendix 2: Coding process and Codebook***

### **2.1 Codebook**

#### **Note on corpus and software**

Coding was carried out with the help of the Software MaxQDA which supports qualitative coding. The latter was mainly developed for the coding of word documents and has only reduced functions for PDF documents. The minutes of the plenary proceedings in both parliaments were only available in PDF format. A transferal of the minutes from PDF to word with the help of Optical Character Recognition (OCR) Programmes did not produce the desired results in terms of the precision of converted signs.

It was thus necessary to code the plenary debates in several steps. The first steps of screening of the material and the deductive-inductive development of the codes were carried out on the basis of the original PDF documents. In a second step all parts of the minutes dealing with the European Parliament and national parliaments were extracted, converted with the help of an OCR programme and manually checked. Textual parts were separated by speaker per general debate and the resulting 181 texts were added to the software individually. They were classified according to chamber and ratification debate. The final coding was carried out on this new word based corpus. This had many advantages for the comparative assessment of the coded segments. They could be retrieved according to chamber, debate and speaker for example, and an extraction of coded segments in excel sheets was possible for further treatment. A possibility of retrieval according to parliamentary party group was added manually later on.

The original plenary minutes were also added to MaxQDA. Already in the first step they had been coded according to certain features for better retrieval. As a consequence, the original minutes were accessible at all time to check for the full context.

#### **Coding guide based on the deductive-inductive pre-coding**

General guidelines:

- *Unit of meaning for coding is an indefinite number of continuous text transporting a particular message. This means that one can code more than one unit in one sentence, but also more than one sentence as a unit of meaning.*
- *All statements that are not relevant for the system of categories are not taken into account and are ignored during the coding procedure.*
- *The priority frame coded is always the one that gives the whole statement its meaning, i.e. the frame that is the highest in the ranking of different frames that may be interlaced. If the text is a quotation used by a Member of Parliament one*

*has to code the meaning that the speaker would like to give to the sentence. This may e.g. be the case when something is quoted in an ironic manner (the ironic sense would be the highest frame in the ranking here)*

- *Each category can be coded several times per contribution (the standard rows of the parliamentary minutes are used of an indicator for the importance. In case there are two codes in the same standard row, only the code comprising the majority of signs is counted.)*
- *In case the legitimating channel is explicitly denied, the coding is negative*

## **Qualitative Categories for the discourse analysis**

### ***Domestic Control Body***

Under *Domestic Control Body* are coded all statements which promoted more participation and control rights for the national parliament on the domestic level, such as more information rights by the government or rights for participation in the coordination of the national position in the Council negotiations. This category concerned also individual rights for national parliaments enshrined in the EU treaties but exercised on domestic level, such as the action on the grounds of the infringement of the principle of subsidiarity before the ECJ or the domestically implemented rights to veto simplified treaty revisions or the use of passerelle clauses. Furthermore, were included all statements which alluded to any kind of limitation to the transfer of competences to the EU as a means of preserving parliamentary competences.

Examples:

- information rights towards the government
- internal parliamentary reforms
- mandating rights for the parliament
- all individual rights of national parliaments enshrined in the treaties (e.g. the action on the grounds of subsidiarity before the ECJ, participation rights on simplified treaty revision and passerelle clauses in the Lisbon treaty)

### ***Third Chamber***

Under *Third Chamber* were coded all statements which promoted institutionalised interparliamentary cooperation, as a means to regain power in EU affairs, which alluded to the idea of establishing an assembly of representatives of national parliaments at EU level, as well as all other types of collective direct participation of parliaments on the European level, i.e. the subsidiarity check and the joint parliamentary scrutiny of Europol.

Exemples:

- inter-parliamentary cooperation as a means to improve the role of national parliaments in the EU (e.g. COSAC)
- a virtual or real third chamber of national parliamentarians on the European level
- collective participation of parliaments on the European level (e.g. the Early Warning Mechanism, the control of Europol,...)

### ***Sub-level Parliament***

The *Sub-level Parliament* was more difficult to define for the coding. National parliaments and European Parliament needed to occur both in one unit of meaning to fall in this category. To distinguish from the previous role, propositions fell in this category when there was no explicit mention of direct participation of national parliaments at the EU level and when the object of the proposition were parliaments individually. It was important to distinguish this category from propositions which elaborated only on the EP, as it was particularly meaningful for the Maastricht debates. Finally, all propositions which elaborated on the prerogatives and functions of the EP were coded with European Parliament.

Exemples:

- elaboration of a European constitution with participation of national and European parliamentarians
- strengthening of the national parliament is conditional to the strengthening of the European Parliament
- all statements which promote a parliamentary control of national parliaments and of the EP on different levels
- the strengthening of national parliaments can only be a transitory measure to remedy to the lack of parliamentary representation until the European Parliament is a fully-fledged parliament

### ***European Parliament***

All propositions which elaborated on the prerogatives and functions of the EP were coded with *European Parliament*.

- all prerogatives and functions of the European Parliament without mention of national parliament

## 2.2 Coding with MaxQDA

### Example of first explorative in-vivo coding (MaxQDA)

der Regierung auszutreten. Wenn wir das nicht tun, nutzen uns alle Rechte nichts. Dann sind sie noch nicht einmal das Papier wert, auf dem sie stehen.

(Beifall bei der FDP sowie bei Abgeordneten der CDU/CSU sowie des Abg. Hans Eichel (SPD))

Im wirtschaftlichen Bereich gibt es einige Punkte, die nicht so ausgefallen sind, wie wir Liberale uns das gewünscht hätten. Deutschland ist mit der Unabhängigkeit der Bundesbank immer sehr gut gefahren und hat deswegen großen Wert darauf gelegt, dass die Rolle der Europäischen Zentralbank entsprechend festgelegt wird. Nun ist sie vielleicht nicht faktisch, wohl aber symbolisch dadurch ein bisschen abgewertet worden, dass sie keinen eigenen Artikel mehr hat. Man kann und muss dem entgegensteuern. Uns muss klar sein: Das darf nicht den Einstieg in einen Paradigmenwechsel in der Währungspolitik bedeuten. Die EZB und ihre Unabhängigkeit müssen weiter Toppriorität in der deutschen Politik haben.

Der Verzicht auf Symbole mag ein Preis sein, den wir zahlen mussten, um Einigkeit herzustellen. Dennoch sollten wir daran denken, dass sich die Bürger mit Europa identifizieren wollen. Dazu brauchen wir Symbole. Deswegen begrüßen wir es, dass wir weiterhin Symbole im Bundestag verwenden.

(Beifall bei der FDP und der SPD sowie bei Abgeordneten der CDU/CSU)

Dr. Andreas Schockenhoff ist der nächste Redner für die CDU/CSU-Fraktion.

(Beifall bei der CDU/CSU)

**Dr. Andreas Schockenhoff (CDU/CSU):**  
Herr Präsident! Liebe Kolleginnen und Kollegen! Europa ist in den letzten Jahren durch den Beitritt von zwölf weiteren Staaten nicht nur größer geworden. Es ist auch politisch stabiler geworden. Wir haben es nicht nur geschafft, die widerwärtige politische Teilung zu überwinden, sondern auch zusammenzuwachsen. Dass die Europäische Union in einer so extrem schwierigen und völkerrechtlich nicht eindeutigen Frage wie der Anerkennung des Kosovo zusammengeblieben ist, dass sie sich geschlossen für die ESVP-Rechtsstaatsmission eingesetzt hat und den Aufbau des Kosovo angeht, zeigt doch, dass wir auf dem Weg zu einer handlungsfähigen **Sicherheitsunion** sind.

Ich nenne dieses Beispiel, weil die vielen wichtigen Verbesserungen durch den Lissaboner Vertrag nur dann die Handlungs- und Entscheidungsfähigkeit der Europäischen Union wirklich stärken werden, wenn auch der politische Wille da ist, trotz unterschiedlicher Interessen zu einem gemeinsamen Handeln zu kommen. Genau darin liegt die politische Bedeutung dieser beiden Ereignisse, der Einigung auf den Lissaboner Vertrag und der Geschlossenheit in der Kosovo-Frage. Die EU hat ihre Ambitionen unterstrichen, eine politische Union, eine Sicherheitsunion, ein maßgeblicher Akteur der interna-

### Example of coding with scheme (MaxQDA)

den Ostteil zusammenzutun. Europa gehört zusammen. Jedes Zusammengehen in einzelnen Politikfeldern bedarf einer sorgfältig austarieren Gruppe derer, die vorangehen.

Ich halte es für außerordentlich wichtig, dass von Anfang an klarzumachen: Wir sind für eine dynamische Entwicklung, aber nur gemeinsam und im europäischen Geist.

(Beifall bei der FDP und der SPD sowie bei Abgeordneten der CDU/CSU und des BÜNDNISSES 90/DIE GRÜNEN)

Lassen Sie mich noch einige Worte zu den Punkten sagen, die leider nicht ganz gelungen sind. Es wird immer postuliert, dass die nationalen Parlamente eine stärkere Rolle bekommen sollen. Wir bekommen nun das Recht der **Subsidiaritätsrüge**. Wir sollen innerhalb von acht Wochen eine Mehrheit innerhalb des Parlaments herstellen. Obwohl die Frist nun um ein Drittel länger ist als ursprünglich vorgesehen, wissen Sie genauso gut wie ich, wie lang parlamentarische Wege sind und dass es daher außerordentlich schwierig sein wird, so schnell eine Mehrheit herzustellen. Ich glaube, die Rolle des Deutschen Bundestages wird – genauso wie die der anderen nationalen Parlamente – vielmehr darin bestehen, dass wir unsere Rechte, die uns zustehen, aktiv wahrnehmen. Das ist eine Aufforderung insbesondere an die Koalitionsfraktionen, in Zukunft mit mehr parlamentarischem Selbstvertrauen und Selbstbewusstsein gegenüber der Regierung aufzutreten. Wenn wir das nicht tun, nutzen uns alle Rechte nichts. Dann sind sie noch nicht einmal das Papier wert, auf dem sie stehen.

(B)

kanon gestrichen und abgestuft. Aber Wettbewerb ist mehr als ein Mittel der Wirtschaftspolitik. Wettbewerb ist ein Ordnungsmittel einer freien Gesellschaft. Wenn ich sehe, dass soziale Ziele, die immer staatliches Handeln nach sich ziehen, nach vorne gerückt sind, während der Wettbewerb abgestuft ist, dann sehe ich im Hintergrund einen Paradigmenwechsel, der mir als Liberalen nicht gefällt. Europa ist auch immer eine Union der freien Bürger gewesen. Ein Grundwert Europas ist immer gewesen, dass die Freiheit des Einzelnen zählt, dass es sich um freie Gesellschaften handelt, in der das Individuum einen sehr hohen Stellenwert hat. Wir müssen in den nächsten Jahren unser Augenmerk darauf richten, dass nicht zu viel staatliches Handeln aus Europa quasi über uns kommt.

Lassen Sie mich zum Schluss sagen: Mit dem Vertrag von Lissabon wird ein wichtiger Schritt gegangen. Damit können wir Europa nach vorne bringen. Wir Freien Demokraten werden den Vertrag ratifizieren; denn wir denken, dass die Vorteile die Nachteile überwiegen. Danach wird es an der Zeit sein, europäische Politik wieder mit Substanz zu betreiben, zum Wohl der Europäerinnen und zum Wohl der Europäer.

Vielen Dank.

(Beifall bei der FDP sowie bei Abgeordneten der CDU/CSU und der SPD)

**Präsident Dr. Norbert Lammert:**  
Dr. Andreas Schockenhoff ist der nächste Redner für die CDU/CSU-Fraktion. (D)

(Beifall bei der CDU/CSU)

## 2.3 Coded segments

### Example for an extraction of coded segments (Assemblée nationale, Lisbon Treaty debates, Domestic Control Body)

PA		General	Positive	General	Positive	Delegitimize	
0	Na	26%	26%	14	14	0	
1	SRC	17%	17%	9	9	0	
2	UMP	32%	32%	17	17	0	
3	NC	25%	25%	13	13	0	
4	GDR	0%	0%	0	0	0	
5	*	0%	0%	0	0	0	
6	*	0%	0%	0	0	0	
7	*	0%	0%	0	0	0	
8		0%	0%	0	0	0	
SUM	Total	100%	100%	53	53	0	

PG	Dokument	Code	Start	End	General	Positive	Deleg (D)	Segment
2	NP Lis AN\warsmann1	intergov parl	28	31	4	4		Ils pourront aussi s'opposer – la voix d'un seul parlement suffira pour ce faire – à un changement de modalité de prise des décisions relatives à la coopération judiciaire, en matière de droit de la famille
3	NP Lis AN\charette1	intergov parl	16	18	3	3		Le contrôle du respect du principe de subsidiarité et le droit nouveau qui leur est donné de s'opposer, le cas échéant, à la procédure dite de révision simplifiée.

**Example for an extraction of coded segments (Bundestag, Lisbon Treaty debates, Domestic Control Body)**

PA		General	Positive	General	Positive	Delegitimize	
0	na	2%	2%	6	6	0	
1	SPD	16%	16%	50	50	0	
2	CDU	24%	24%	76	76	0	
3	CSU	33%	33%	106	106	0	
4	FDP	17%	17%	54	54	0	
5	B90/DG	8%	8%	25	25	0	
6	DL	0%	0%	0	0	0	
7		0%	0%	0	0	0	
8		0%	0%	0	0	0	
SUM	Total	100%	100%	317	317	0	

PG	Dokument	Code	Anfang	Ende	General	Positive	Deleg (D)	Segment
4	NP Lis BT\loening1	intergov parl	16	26	11	11		Ich glaube, die Rolle des Deutschen Bundestages wird – genauso wie die der anderen nationalen Parlamente – vielmehr darin bestehen, dass wir unsere Rechte, die uns zustehen, aktiv wahrnehmen. Das ist eine Aufforderung insbesondere an die Koalitionsfraktionen, in Zukunft mit mehr parlamentarischem Selbstvertrauen und Selbstbewusstsein gegenüber der Regierung aufzutreten. Wenn wir das nicht tun, nutzen uns alle Rechte nichts. Dann sind sie noch nicht einmal das Papier wert, auf dem sie stehen.

### Appendix 3: Aggregated Overview Over Floor Time Allocated

<u>MAASTRICHT DEBATE ASSEMBLEE NATIONALE</u>						<u>MAASTRICHT DEBATE BUNDESTAG</u>					
Role for National Parliament(s) as						Role for National Parliament(s) as					
Frame	Domestic Control Body	Third Chamber	Sublevel Parliament	European Parliament	Total	Frame	Domestic Control Body	Third Chamber	Sublevel Parliament	European Parliament	Total
<b>Overall speaking time on national parliaments per frame</b>						<b>Overall speaking time on national parliaments per frame</b>					
Total	740	61	67	88	956	Total	579	23	323	281	1206
<b>Speaking time allocated to each frame by parliamentary groups</b>						<b>Speaking time allocated to each frame by parliamentary groups</b>					
na						na	65%	0%	0%	35%	100%
SOC	85%	3%	5%	7%	100%	SPD	47%	2%	39%	13%	100%
RPR	79%	13%	0%	8%	100%	CDU/CSU	51%	3%	21%	24%	100%
UDF	54%	13%	15%	18%	100%	FDP	69%	0%	20%	11%	100%
UDC	63%	0%	26%	11%	100%	B90/DG	13%	0%	13%	74%	100%
C	100%	0%	0%	0%	100%	PDS / LL	0%	0%	0%	100%	100%
<b>Total</b>	<b>77%</b>	<b>6%</b>	<b>7%</b>	<b>9%</b>	<b>100%</b>	<b>Total</b>	<b>48%</b>	<b>2%</b>	<b>27%</b>	<b>23%</b>	<b>100%</b>
<b>Speaking time within each frame per parliamentary group</b>						<b>Speaking time within each frame per parliamentary group</b>					
na	0%	0%	0%	0%	<b>0%</b>	na	4%	0%	0%	5%	<b>3%</b>
SOC	52%	20%	31%	38%	<b>47%</b>	SPD	43%	39%	63%	24%	<b>44%</b>
RPR	21%	44%	0%	18%	<b>21%</b>	CDU/CSU	36%	61%	27%	34%	<b>34%</b>
UDF	12%	36%	37%	34%	<b>18%</b>	FDP	16%	0%	8%	5%	<b>11%</b>
UDC	7%	0%	31%	10%	<b>8%</b>	B90/DG	1%	0%	2%	12%	<b>4%</b>
C	7%	0%	0%	0%	<b>6%</b>	PDS / LL	0%	0%	0%	20%	<b>5%</b>
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>LISBON DEBATE ASSEMBLEE NATIONALE</b>						<b>LISBON DEBATE BUNDESTAG</b>					
Role for National Parliament(s) as						Role for National Parliament(s) as					
Frame	Domestic Control Body	Third Chamber	Sublevel Parliament	European Parliament	Total	Frame	Domestic Control Body	Third Chamber	Sublevel Parliament	European Parliament	Total
<b>Overall speaking time on national parliaments per frame</b>						<b>Overall speaking time on national parliaments per frame</b>					
Total	53	89	32	89	263	Total	317	159	58	61	595
<b>Speaking time allocated to each frame by parliamentary groups</b>						<b>Speaking time allocated to each frame by parliamentary groups</b>					
na	78%	22%	0%	0%	100%	na	43%	57%	0%	0%	100%
SRC	17%	26%	35%	22%	100%	SPD	48%	0%	17%	35%	100%
UMP	10%	40%	8%	43%	100%	CDU/CSU	57%	31%	7%	6%	100%
NC	59%	18%	0%	23%	100%	FDP	52%	48%	0%	0%	100%
GDR						B90/DG	68%	0%	32%	0%	100%
<b>Total</b>	<b>20%</b>	<b>34%</b>	<b>12%</b>	<b>34%</b>	<b>100%</b>	<b>Total</b>	<b>53%</b>	<b>27%</b>	<b>10%</b>	<b>10%</b>	<b>100%</b>
<b>Speaking time within each frame per parliamentary group</b>						<b>Speaking time within each frame per parliamentary group</b>					
na	26%	4%	0%	0%	<b>7%</b>	na	2%	5%	0%	0%	<b>2%</b>
SRC	17%	16%	59%	13%	<b>21%</b>	SPD	16%	0%	31%	59%	<b>17%</b>
UMP	32%	75%	41%	81%	<b>64%</b>	CDU/CSU	57%	63%	38%	30%	<b>54%</b>
NC	25%	4%	0%	6%	<b>8%</b>	FDP	17%	31%	0%	0%	<b>17%</b>
GDR	0%	0%	0%	0%	<b>0%</b>	B90/DG	8%	0%	21%	0%	<b>6%</b>
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Own overview; only speakers enrolled in general debate who engaged in debate about the role of national parliaments ; Abbreviations: SOC: Groupe Socialiste; SRC: Groupe Socialiste Républicain et Citoyen; RPR: Groupe Rassemblement Pour la République, UMP: Groupe Union pour un Mouvement Populaire; UDC: Groupe Union Démocratique du centre; UDF: Union pour la Démocratie Française; C: Groupe Communiste; na: non affiliated; SPD : Sozialistische Partei Deutschlands, CDU : Christlich-Demokratische Union Deutschlands, Christlich-Soziale Union Deutschlands, FDP : Freie Demokratische Partei, B90/DG : Bündnis 90/Die Grünen, PDS/LL : Partei des Demokratischen Sozialismus/Linke Liste ; DL : Die Linke.

\*Number of rows of stenographic minutes (see also methodology).

## *Appendix 4: Speakers in Parliamentary debates*

### **4.1 Speakers Constitutional Revision (Assemblée nationale, Maastricht Treaty)**

#### **1st reading**

<b>Name</b>	<b>Function</b>	<b>PPG</b>
Alliot-Marie, Michèle	MP	RPR
Alphandéry, Edmond	MP	UDC
Auberger, Philippe	MP	RPR
Aubert, François de	MP	UDF
Auroux, Jean	MP	SOC
Barre, Raymond	MP	UDC affiliated
Barrot, Jacques	MP	UDC
Bellon, André	MP Chairman of Committee	SOC
Beregovoy, Michel	MP	SOC
Beregovoy, Pierre	Member of Government	
Blanc, Jacques	MP	UDF
Bosson, Bernard	MP	UDC
Brunhes, Jacques	MP	C
Cacheux, Denise	MP	SOC
Caro, Jean-Marie	MP Rapporteur	UDF
Catala, Nicole	MP	RPR
Charette, Hervé de	MP	UDF
Charles, Serge	MP	RPR
Chauvau, Guy-Michel	MP	SOC
Clement, Pascal	MP	UDF
Daillet, Jean-Marie	MP	UDC
Debre, Jean-Louis	MP	RPR
Devedjian, Patrick	MP	RPR
Dray, Julien	MP	SOC
Dumas, Roland	Member of Government	
Fabius, Laurent	MP	SOC
Gaits, Claude	MP	SOC affiliated
Gantier, Gilbert	MP	UDF
Gouzes, Gérard	MP	SOC
Guigou, Élisabeth	Member of Government	
Hollande, François	MP	SOC
Hyst, Jean-Jacques	MP	UDC
Juppé, Alain	MP	RPR
Lamassoure, Alain	MP	UDF
Le Garrec, Jean	MP Chairman of Committee	SOC

Lefort, Jean-Claude	MP	C
Ligot, Maurice	MP	UDF
Lipowski, Jean de	MP	RPR
Mandon, Thierry	MP	SOC
Millet, Gilbert	MP	C
Millon, Charles	MP	UDF
Moutoussamy, Ernest	MP	C affiliated
Peyrefitte, Alain	MP	RPR
Pezet, Michel	MP Chairman of Delegation	SOC
Rimareix, Gaston	MP	SOC
Rodet, Alain	MP	SOC
Roger-Machart, Jacques	MP	SOC
Vauzelle, Michel	Member of Government	
Villiers, Philippe de	MP	UDF
Wiltzer, Pierre-André	MP	UDF
Zeller, Adrien	MP	UDC

## 2nd reading

Member of Parliament	Function	PPG
Alphandéry, Edmond	MP	UDC
Auroux, Jean	MP	SOC
Barrot, Jacques	MP	UDC
Bellon, André	MP Chairman of Committee	SOC
Beregovoy, Pierre	Member of Government	
Bosson, Bernard	MP	UDC
Bouvard, Loïc	MP	UDF
Brard, Jean-Pierre	MP	C
Gouzes, Gérard	MP	SOC
Guigou, Élisabeth	Member of Government	
Hyst, Jean-Jacques	MP	UDC
Lamassoure, Alain	MP	UDF
Lefort, Jean-Claude	MP	C
Mazeaud, Pierre	MP	RPR
Millon, Charles	MP	UDF
Pezet, Michel	MP Chairman of Delegation	SOC
Vauzelle, Michel	Member of Government	
Villiers, Philippe de	MP	UDF
Zeller, Adrien	MP	UDC

## 4.2: Speakers Constitutional revision and ratification (Bundestag, Maastricht Treaty)

### 1st reading

<b>Name</b>	<b>Function</b>	<b>PPG</b>
Bläss, Petra	MP	PDS / Linke Liste
Briefs, Ulrich	MP	Not affiliated
Conradi, Peter	MP	SPD
Gautier, Fritz	MP	SPD
Gerster, Florian	Member of Länder- Gov	SPD
Goppel, Thomas	Member of Länder- Gov	CDU/CSU
Gysi, Gregor	MP	PDS / Linke Liste
Hausmann, Helmut	MP	FDP
Hellwig, Renate	MP	CDU/CSU
Helmrich, Herbert	Member of Länder Gov	CDU/CSU
Irmer, Ulrich	MP	FDP
Kaesler, Hans-Jürgen	Member of Länder Gov	FDP
Kinkel, Klaus	Member of Federal Gov	FDP
Kittlmann, Peter	MP	CDU/CSU
Lambsdorff, Otto Graf	MP	FDP
Lederer, Andrea	MP	PDS / Linke Liste
Lowack, Ortwin	MP	Not affiliated
Mayer, Martin	MP	CDU/CSU
Poppe, Gerd	MP	Bündnis 90 / Die Grünen
Roth, Wolfgang	MP	SPD
Schmidt, Christian	MP	CDU/CSU
Schockenhoff, Andreas	MP	CDU/CSU
Schulz (Berlin), Werner	MP	Bündnis 90 / Die Grünen
Schütz, Dietmar	MP	SPD
Seibel, Wilfried	MP	CDU/CSU
Soell, Hartmut	MP	SPD
Stercken, Hans	MP	CDU/CSU
Stübgen, Michael	MP	CDU/CSU
Süssmuth, Rita	MP	CDU/CSU
Teichman, Cornelia von	MP	FDP
Thalheim, Gerald	MP	SPD
Ullmann, Wolfgang	MP	Bündnis 90 / Die Grünen
Verheugen, Günter	MP	SPD
Waigel, Theodor	Member of Federal Gov	CDU/CSU
Wieczorek-Zeul, Heidemarie	MP	SPD

## 2nd reading

<b>Name</b>	<b>Function</b>	<b>PPG</b>
Briefs, Ulrich	MP	Not affiliated
Conradi, Peter	MP	SPD
Eichel, Hans	Member of Länder Gov	SPD
Faltlhauser, Kurt	MP	CDU/CSU
Gautier, Fritz	MP	SPD
Goppel, Thomas	MP	CSU
Haussmann, Helmut	MP	FDP
Heinrich, Ulrich	MP	FDP
Hellwig, Renate	MP	CDU/CSU
Höll, Barbara	MP	PDS / Linke Liste
Irmer, Ulrich	MP	FDP
Kinkel, Klaus	Member of Federal Gov	FDP
Kittelmann, Peter	MP	CDU/CSU
Kohl, Helmut	Member of Federal Gov	CDU/CSU
Köppe, Ingrid	MP	Bündnis 90 / Die Grünen
Koschyk, Hartmut	MP	CDU/CSU
Lamers, Karl	MP	CDU/CSU
Lowack, Ortwin	MP	Not affiliated
Mehl, Ulrike	MP	SPD
Modrow, Hans	MP	PDS / Linke Liste
Möller, Franz	MP	CDU/CSU
Poppe, Gerd	MP	Bündnis 90 / Die Grünen
Scheer, Hermann	MP	SPD
Schily, Otto	MP	SPD
Schloten, Dieter	MP	SPD
Scholz, Rupert	MP	CDU/CSU
Stiegler, Ludwig	MP	SPD
Ullmann, Wolfgang	MP	Bündnis 90 / Die Grünen
Verheugen, Günter	MP	SPD
Voigt, Karsten D.	MP	SPD
Waigel, Theodor	Member of Federal Gov	CDU/CSU
Wieczorek, Norbert	MP	SPD
Wieczorek-Zeul, Heidemarie	MP	SPD

### 4.3: Speakers Constitutional revision and Ratification (Assemblée nationale, Lisbon Treaty)

#### Constitutional amendment

Name	Function	PPG
Ameline, Nicole	Member of Government	
Ayrault, Jean-Marc	MP	SRC
Besse, Véronique	MP	Not affiliated
Bur, Yves	MP	UMP
Charette, Hervé de	MP Rapporteur	NC
Dati, Rachida	Member of Government	
Dolez, Marc	MP	GDR
Fasquelle, Daniel	MP	UMP
Fillon, François	Member of Government	
Garrigue, Daniel	MP	Not affiliated
Giacobbi, Paul	MP	UMP
Guigou, Élisabeth	MP	SRC
Hutin, Christian	MP	SRC affiliated
Jouyet, Jean-Pierre	Member of Government	
Lecoq, Jean-Paul	MP	GDR
Lequiller, Pierre	MP Chairman of Committee	UMP
Louis-Carabin, Gabrielle	MP	UMP
Luca, Lionnel	MP	UMP
Moscovici, Pierre	MP	SRC
Myard, Jacques	MP	UMP
Poniatowski, Axel	MP Chairman of Committee	UMP
Rochebloine, François	MP	NC
Urvoas, Jean-Jacques	MP	SRC
Warsmann, Jean-Luc	MP Rapporteur	UMP

## **Ratification**

<b>Name</b>	<b>Function</b>	<b>PPG</b>
Caresche, Christophe	MP	SRC
Charette, Hervé de	MP Rapporteur	NC
Dolez, Marc	MP	GDR
Fasquelle, Daniel	MP	UMP
Gosnat, Pierre	MP	GDR
Guigou, Élisabeth	MP	SRC
Hunault, Michel	MP	NC
Jung, Armand	MP	SRC
Laffineur, Marc	MP	UMP
Lequiller, Pierre	MP Chairman of Committee	UMP
Letchimy, Serge	MP	SRC affiliated
Luca, Lionnel	MP	UMP
Moscovici, Pierre	MP	SRC
Muet, Pierre-Alain	MP	SRC
Myard, Jacques	MP	UMP
Pinel, Sylvia	MP	SRC affiliated
Poniatowski, Axel	MP Chairman of Committee	UMP
Rochebloine, François	MP	NC
Sordi, Michel	MP Rapporteur	UMP

#### 4.4: Speakers Constitutional Revision and Ratification (Bundestag, Lisbon Treaty)

##### 1st reading

Name	Function	PPG
Bisky, Lothar	MP	PDS / Linke
Dressel, Carl-Christian	MP	SPD
Gröhe, Hermann	MP	CDU/CSU
Kauder, Volker	MP	CDU/CSU
Krichbaum, Gunther	MP	CDU/CSU
Löning, Markus	MP	FDP
Roth, Michael	MP	SPD
Schäfer, Axel	MP	SPD
Schockenhoff, Andreas	MP	CDU/C SU
Silberhorn, Thomas	MP	CDU/CSU
Steenblock, Rainer	MP	Bündnis 90 / Die Grünen
Steinmeier, Frank-Walter	Member of Federal Gov	SPD
Toncar, Florian	MP	FDP
Trittin, Jürgen	MP	Bündnis 90 / Die Grünen
Ulrich, Alexander	MP	PDS / Linke

##### 2nd reading

Name	Function	PPG
Beck, Kurt	Member of Länder Gov	SPD
Beckstein, Günther	Member of Länder Gov	CDU/CSU
Bisky, Lothar	MP	PDS / Linke
Dehm, Dieter	MP	PDS / Linke
Link, Michael	MP	FDP
Merkel, Angela	Member of Federal Gov	CDU/CSU
Roth, Michael	MP	SPD
Schäfer, Axel	MP	SPD
Schwall-Düren, Angelica	MP	SPD
Steenblock, Rainer	MP	Bündnis 90 / Die Grünen
Stübgen, Michael	MP	CDU/CSU
Trittin, Jürgen	MP	Bündnis 90 / Die Grünen
Ulrich, Alexander	MP	PDS / Linke
Westerwelle, Guido	MP	FDP

## ***Appendix 5: A short explanation of French political parties, parliamentary groups and political accronymes***

The ***Rassemblement Pour la République*** (RPR, ‘Rally for the Republic’) was a Gaullist party, founded in 1976. In 2002, it was merged with other center right parties, including some important components of the UDF to become the ***Union pour un Mouvement Populaire*** (UMP, ‘Union for a Popular Movement’), with the aim to unify the right. The UMP was renamed ***Les Républicains*** (LR, ‘The Republicans’) in 2015. The RPR and the UMP respectively had their own parliamentary group in the Assemblée nationale.

Founded in 1978, the ***Union pour la Démocratie Française*** (UDF, ‘Union for the French Democracy’) was a federation of center right non-Gaullist parties. The UDF had its own parliamentary group in the Assemblée nationale. But during the IXth legislative turn (1988 – 1993), MPs of the ***Centre des Démocrates Sociaux***, a centrist party member of the UDF, had their own parliamentary group, the ***Union Démocratique du Centre*** (UDC, ‘Democratic Union of the Center’) in the Assemblée nationale.

The foundation of the UMP in 2002 weakened the UDF. A majority of UDF deputies then joined the UMP. The UDF became the ***Mouvement Démocrate*** (Modem, ‘Democrat Movement’) in 2007, with an explicit political line of independence of the right and the left. The ***Nouveau Centre*** (NC, ‘New Center’) was founded in 2007 by former UDF members who refused the creation of the Modem and its position of independence, and wanted to remain a center right party allied to the UMP. When the NC was founded, some UMP ex-UDF politicians joined it. Between 2007 and 2012, the NC had its own parliamentary group in the Assemblée nationale whereas the 3 Modem deputies were not affiliated.

The parliamentary group of the ***Parti Socialiste*** (PS, ‘Socialist Party’) in the Assemblée Nationale was named ***Groupe Socialiste*** (SOC) during the IXth legislative turn (1988 – 1993). In the XIIIth Legislature (2007-2012), socialist MPs belonged to a parliamentary group called ***Groupe Socialiste, Républicain et Citoyen*** (SRC, ‘Socialist, Republicans and Civic’) that

included MPs from other small center left parties close to the PS (*Parti Radical de Gauche, Mouvement Républicain et Citoyen*).

The *Parti Communiste Français* (PCF) had its own parliamentary group (*Groupe Communiste, C*) in the Assemblée Nationale until 2007 (although it changed its name in 2002). After the 2007 parliamentary elections, there were not enough communist MPs to form a group (then a minimum of 20 MPs). They constituted the “technical” (i.e. with no political unity) *Groupe de la Gauche Démocrate et Républicaine* (GDR, Democratic and Republican Left) with Green MPs and MPs from the overseas territories.

Until 1997, the ecologist party *Les Verts* (The Greens), founded in 1984, had no MP. During the XIIIth Legislature (2007-2012), the party had 4 MPs (5 MPs between July 2010 and December 2011). Until November 2011, Green MPs belonged to the *Groupe de la Gauche Démocrate et Républicaine* with communist MPs. They were not affiliated anymore thereafter. In November 2010, *Les Verts* were renamed *Europe Ecologie Les Verts* (EELV, Europe Ecology The Greens).