



National Parliaments and the Commission: the Political dialogue as a two-way street

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Summary

The role of national parliaments in the EU's political system has grown over time. The Political dialogue with the European Commission is one of the means available to national parliaments. This tool allows them to submit written contributions (opinions) to the Commission on any kind of official document. However, the participation of national parliaments in the Political dialogue varies greatly, reflecting their individual choices to use certain scrutiny tools more than others.

This analysis examines the use of the Political dialogue over time and by each parliament or chamber. It is particularly striking that legislatures from Central and Eastern Europe have issued almost 50% more opinions under the Juncker Commission than during the previous mandate (Barroso II). The paper then zooms in on how the Commission and national parliaments interact in general, before making some concrete proposals on how to make the Political dialogue more focused and give it more teeth.

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The opinions expressed in the publication are those of the author.

1. Introduction

The Political dialogue was launched in 2006 by Commission President José Manuel Barroso and First Vice-President Margot Wallström. It offers national parliaments the opportunity to submit written contributions (opinions) to the European Commission on a wide range of official documents: legislative proposals, green and white papers, communications, the annual work programme and other planning or policy documents. Within the framework of the Political dialogue, national parliaments are not limited to specific issues such as subsidiarity or proportionality, but the dialogue does not give them formal powers such as forcing the European Commission to review a legislative proposal.

The purpose of this analysis is twofold. On the one hand, it will report on how national parliaments have used the Political dialogue over time and in cross-national comparison. The question of how national parliaments use certain tools is often asked in studies of their activities in EU affairs, but has only been analysed to a limited extent specifically in relation to the Political dialogue. On the other hand, the analysis will discuss how the Political dialogue can be (even more) useful for the EU decision-making process and contribute to making the EU political system more responsive and increasing the democratic legitimacy of EU policy-making (see also Hettne 2019).

The analysis proceeds as follows: it briefly outlines the main provisions of the Lisbon Treaty relating to national parliaments in the EU (section 2). Then the six different roles of national parliaments in scrutinising EU affairs are described in detail (section 3). This is followed by a discussion of the opportunities and constraints of the Political dialogue with the European Commission (section 4). The paper then assesses the activities of national parliaments over time (section 5) and in a cross-country perspective (section 6). The remaining sections examine the broader context of interaction between national parliaments and the European Commission (section 7) and argue that the dialogue could be improved with more focus and teeth (section 8). In the final section some conclusions are drawn (section 9).

2. National parliaments in the European Union

On 1 December 2009 the Lisbon Treaty entered into force, strengthening the parliaments of EU member states as important players in the EU's multi-level system. Since then, Article 12 of the Treaty on European Union (TEU) explicitly states that “[n]ational parliaments contribute actively to the good functioning of the Union”.

In total, there are six main sets of provisions relating to national parliaments in the Lisbon Treaty:

- The contribution of national parliaments to European integration is recognised (Article 12 TEU), as is the accountability of national governments to them (Article 10 TEU).
- National parliaments are given the task of monitoring the principle of subsidiarity (Article 5(3) TEU, Protocol No 1 and Protocol No 2 annexed to the Treaties).¹
- National parliaments are granted information rights (Protocol No 1 annexed to the Treaties).
- Interparliamentary cooperation is recognised (Protocol No 1 annexed to the Treaties).
- National parliaments are involved in any revision of the Treaties (Article 48(2)–(5) TEU and Article 48(6)–(7) TEU).
- National parliaments have a specific role in the area of freedom, security and justice (Article 71 TFEU, Article 81(3) TFEU, Article 85 and Article 88(2) TFEU).

The most prominent instruments, which are not limited to specific policies or circumstances, are the early warning mechanism (see also page 3), the Political dialogue and interparliamentary cooperation (see Figure 1). In addition, national parliaments scrutinise their own government's EU policy domestically. In their day-to-day work, national parliaments face a number of challenges, such as how far they should get involved in EU policy-making, given the limited role assigned to them by the Treaties; how to make effective use

¹ This is known as the Early Warning Mechanism.

The diagram illustrates the main channels for parliamentary scrutiny and the role of the COSAC Secretariat in the EU. It shows the flow of information and delegation between various EU institutions and national parliaments.

Main Channels for Parliamentary Scrutiny (Solid Arrows):

- National Governments** and **National Parliaments** are the primary actors at the national level.
- Political dialogue** and **Early Warning Mechanism** are key channels connecting national parliaments to the **European Council** and the **European Commission**.
- The **European Central Bank** is also a recipient of scrutiny from national parliaments.
- The **European Parliament** is shown as a central body receiving scrutiny from national parliaments and sending delegations to other EU institutions.

Interparliamentary cooperation (Dashed Arrows):

- The **Council of the European Union** and the **European Council** are shown as recipients of delegations from national parliaments.
- The **European Parliament** is shown as a sender of delegations to the **European Council** and the **European Commission**.
- The **European Parliament** is also shown as a sender of delegations to the **European Central Bank**.

Legend:

- Solid arrow:** Main channels for parliamentary scrutiny
- Dashed arrow:** Member(s) of / delegation(s) sent to

of existing opportunities for participation; and whether, and if so how, to develop them further. According to two scholars, the system that has emerged “is composed of both European and national procedures and based upon the idea that the functions of representation, policy-setting and oversight [...] are now increasingly networked and shared among the different parliaments in the EU” (Fasone and Lupo 2016, 10).

parliaments express such concerns, the threshold for a “yellow card” is reached. The Commission must then re-examine its proposal and decide whether to amend, withdraw or maintain it, but any decision must be motivated. Since the Lisbon Treaty entered into force, only three “yellow cards” have been issued, in 2012, 2013 and 2016 (Fromage and Kreilinger 2017). In general, however, national parliaments play an important role in the EU’s multi-level system by detecting potential overstepping of competences by EU institutions at an early stage.

In addition to monitoring subsidiarity, national parliaments can also engage in a written exchange with the European Commission on more general concerns and views on EU policies: since 2006, they have been able to send “opinions” to the Commission on all kinds of official documents as part of the Political dialogue. The Treaty of Lisbon enshrines the right of national parliaments to receive information in Protocol No. 1 annexed to the Treaties (Articles 1 to 8). Although there is no reference to the Political dialogue in the Treaties,

it is one of the main channels of parliamentary scrutiny in the EU's multi-level system (see Figure 1) and its operation is the focus of the remainder of this analysis.

3. National parliaments' different roles in EU affairs

National parliaments undertake various activities in scrutinising EU affairs. Some parliaments focus on one of the new instruments, others complement their traditional tools with a new instrument, while again others focus mainly on domestic scrutiny and rarely use the new opportunities (Auel *et al.* 2015). The precise conduct of parliamentary involvement is the result of choices taken by parliamentary actors under the constraints that they face. The following six ideal-typical models *Traditional scrutiniser*, *Policy shaper*, *Government watchdog*, *Public forum*, *Expert* and *European player* (see Table 1) have been put forward by Wessels *et al.* (2012) and Rozenberg and Hefftlér (2015).

Traditional scrutiniser

National parliaments that are “traditional scrutinisers” (Wessels *et al.* 2012, 42) either have few domestic scrutiny rights in EU affairs in general or only follow the standard scrutiny method for assessing draft EU legislation, i.e. ex-ante control by a specialised parliamentary committee (Wessels *et al.* 2012, 42), and are “gatekeepers” (Raunio 2011; Sprungk 2013, 551). Through their activities, these parliaments target the ordinary legislative procedure, scrutinise Commission proposals and government behaviour in the Council (de Wilde and Raunio 2018, 320), but “without [...] translating that activity into public debates or attempts to influence either their government or the European Commission” (Auel *et al.* 2015, 80).

Policy shaper

National parliaments that are “policy shapers” seek to influence policies through ex-ante activities before binding agreements are reached at the EU level and have strong formal powers in the national arena, such as the possibility to mandate the position of their government ahead of negotiations in the Council (Auel *et al.* 2015, 82). Such a mandate can either be constitutionally binding or be considered politically binding (Rozenberg and Hefftlér 2015, 31; Winzen 2012).

Table 1: **Ideal-typical models of scrutinising EU affairs**

Ideal type	Explanation
<i>Traditional scrutiniser</i>	Focus on EU legislation
<i>Policy shaper</i>	Influencing positions of the government
<i>Government watchdog</i>	Holding the government accountable
<i>Public forum</i>	Communicating with the public
<i>Expert</i>	Producing proper expertise on EU affairs
<i>European player</i>	Acting directly at EU level

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

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

Government watchdog

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

government ex-post than there are in domestic affairs, because once a final decision has been taken at the EU level, such a decision is more difficult or even impossible to reverse via national parliamentary action (Auel 2007, 502).

Public forum

Scrutiny in plenary debates means that the national parliament becomes a “public forum” (Rozenberg and Hefftlar 2015, 29) for the specific topic being debated. In these parliaments EU issues play a far more important role in the plenary than in other parliaments (Auel *et al.* 2015, 80), although securing scarce plenary time is generally difficult (Cox 2006, 144). Plenary debates make it possible to communicate policies to the public, allow for MPs to represent the views of the citizens and often also to (try to) hold the government accountable.

Expert

A national parliament that follows the “expert” model produces proper expertise on EU affairs (Rozenberg and Hefftlar 2015, 33) which enables it to assess developments independently and to become active early in the different processes. This happens in committees, primarily the European affairs committee, but sectoral committees are involved, too. Conflicting positions within parliament are not visible and this activity – almost an end in itself – generally attracts less attention than plenary debates or hearings with ministers (Rozenberg and Hefftlar 2015, 33).

European player

Finally, national parliaments that are a “European player” have a better understanding of the negotiation situation at the European level through a network “beyond the own domestic parliamentary arena” (Rozenberg and Hefftlar 2015, 34). These parliaments perform a “networking role” (Sprungk 2013, 551) with supranational institutions and with other parliaments, partly in order to obtain relevant information (that their own government might withhold from them) or in order to learn from other parliaments’ scrutiny practices. In that sense, the “Multilevel Parliamentary Field” after the Lisbon Treaty is “based on learning” (Fossum 2016, 9–10). The ideal-type of the “European player” refers to national parliaments that actively use all the formal or informal opportunities to engage with EU institutions as well as interparliamentary cooperation (Rozenberg and Hefftlar 2015, 34–5).

National parliaments have usually adopted elements of several ideal-typical scrutiny models in how they deal with EU affairs. National parliaments’ powers in their policy-making and policy-influencing function range from consultation to delay, veto and amending powers. In their control and oversight function, the instruments of national parliaments in their scrutiny processes include questioning ministers, inquiries and hearings (Rozenberg and Hefftlar 2015, 29). Furthermore, great variations between national parliaments exist with respect to their scrutiny activities in EU affairs (Auel *et al.* 2015). But this can change. The ultimate test about whether an accountability regime is effective depends on “its ability to correct or improve executive action by (re-)aligning the actions of the executive actor with those of the forum and constituency it represents” (Crum and Curtin 2015: 71–2).

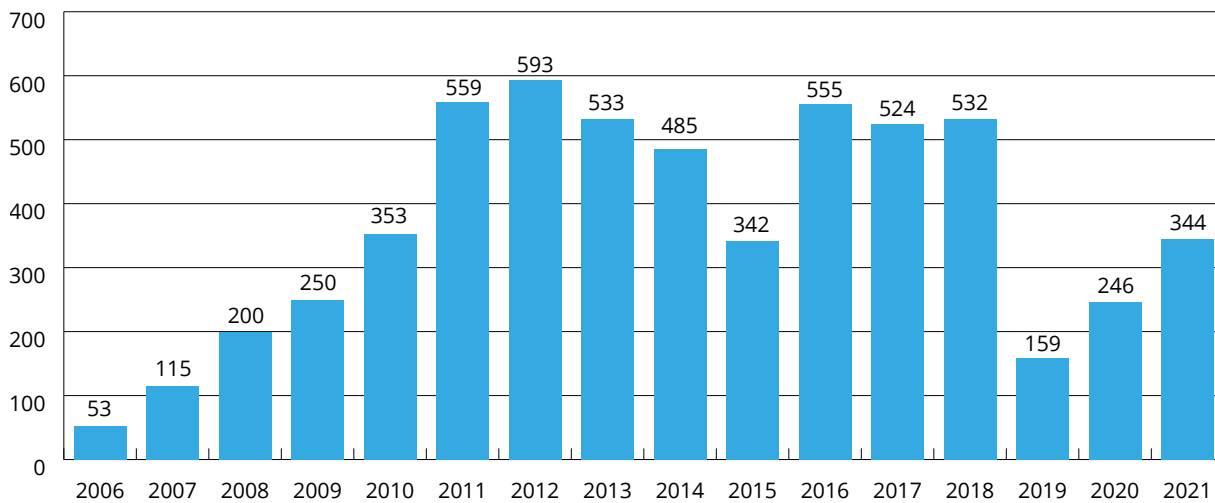
4. Opportunities and constraints of the Political dialogue with the European Commission

In 2006, the European Commission launched the Political dialogue as an initiative to establish direct and informal relations with national parliaments. Since then, the Commission has sent all its official documents, including legislative proposals, directly to national parliaments. This move was welcomed by the European Council in its conclusions of June 2006 (Hettne 2019, 62) and for the first time allowed for the direct participation of national parliaments in EU decision-making processes.

It is important to note that national parliaments receive legislative proposals, green and white papers, communications, the annual work programme and other planning or policy documents from the European Commission *directly*. Receiving information independently of their government supports national parliaments’ scrutiny of EU affairs, regardless of which of the ideal-typical scrutiny role(s) they pursue (see section 3). The main challenge for national parliamentary administrations in this process has been to screen and process all the documents they receive from the European Commission (Rozenberg and Hefftlar 2015).

Political dialogue between national parliaments and the European Commission has long been

Figure 2: Number of opinions in the Political dialogue per year from 2006 to 2021



Source: Author's calculation based on Commission data (https://commission.europa.eu/law/law-making-process/adopting-eu-law/relations-national-parliaments/annual-reports-application-principles-subsidiarity-and-proportionality-and-relations-national_en)

overshadowed by subsidiarity control. Nevertheless, in addition to the “reasoned opinions” for subsidiarity control under the early warning mechanism, national parliaments can also issue (general) opinions on Commission documents or policy areas where the Commission has the power to act. This informal and voluntary instrument makes the concerns of national parliaments visible and enables a dialogue with the European Commission, which systematically responds to each opinion. However, it usually ends there: national parliaments “rarely respond to these replies or issue a follow-up opinion” (Buskjær Rasmussen and Kluger Dionigi 2018, 3).

The dialogue brings opportunities and constraints for national parliaments. This balance is different for each national parliament/chamber because the domestic powers they enjoy, the influence they can exert on the national government, the information they receive and the role they wish to play in EU affairs vary widely across the EU. One aspect of the Political dialogue which is seen as attractive by many national parliaments is its flexibility, especially after ill-conceived attempts to create a “red card”, which would have given national parliaments the possibility to block EU legislation if they met certain thresholds, and the ideas of giving national parliaments the right to propose EU legislation (“green card”) have also not fully materialised.²

While the Political dialogue can be a useful mechanism for national parliaments, there is a risk that a parliamentary position emerging autonomously from the government position in EU negotiations would lead to more than one position being expressed on behalf of a member state. This is, for example, the reason for the Swedish Riksdag’s reluctance to engage in the Political dialogue (see also Auel 2018 and Hegeland 2015). Proponents of this position argue that it would cause problems if the parliament were too politically active at the EU level in the early stages of the EU legislative process. However, this argument – both the political opportunities associated with the Political dialogue and the possibilities to overcome legal constraints in the specific Swedish context – should be carefully assessed by decision-makers (for a more detailed discussion see Hettne 2019).

5. Use of the Political dialogue over time

The Political dialogue and the Early Warning Mechanism are often used “interchangeably and simultaneously” (Hettne 2019, 65), but the *Annual Reports on Relations with National Parliaments* (published by the European Commission) allow for a separate analysis of the Political dialogue. In total, the European Commission has received more than 5800 opinions since the Political dialogue was established in 2006. Since the entry into force of

² The “green card” is discussed in greater detail in section 8.1, below.

the Lisbon Treaty in December 2009, more than 5200 opinions have been submitted.³ During the term of office of the current Commission, the activity of national parliaments in the Political dialogue increased from 246 opinions in 2020 to 344 opinions in 2021⁴ (see Figure 2).

Most opinions relate to legislative proposals, but national parliaments are increasingly dealing with non-legislative texts such as communications and other Commission documents. For many years, the high number of opinions issued by the Portuguese Assembleia made it a clear outlier.⁵

The total number of opinions from all chambers rose steadily until 2012 and then remained in a range between 485 and 555 from 2013 to 2018, with the exception of 2015 (342). The election year 2019, with less activity by the European Commission, and the pandemic in 2020 can explain the lower legislative activity and fewer opinions in these two years (Bendjaballah and Kreilinger 2021). In 2021, the total number of opinions in the Political dialogue returned to the level reached between 2011 and 2014.

“Looking at the overall figures, the Political dialogue is actively used and the intensity has remained high.”

Looking at the overall figures, the Political dialogue is actively used and the intensity has remained high. However, there are significant differences between national parliaments, and sometimes even between the two chambers of a country, behind these figures.

6. Use of the Political dialogue by national parliaments/chambers

National parliaments/chambers use the Political dialogue in very different ways. The five most active national parliaments/chambers accounted

for 55.5% or 3245 of the 5843 opinions issued between 2006 and 2021. The Portuguese Assembleia issued the most opinions (1337) over the whole period. During the first ten years of the procedure, this legislature issued opinions only to signal its support for the Commission’s legislative proposals. Since then, this has decreased. Since 2017, the activity of the Portuguese Assembleia in the Political dialogue has decreased to a double-digit number per year. Having initially used the Political dialogue to formulate its position independently of the government (Jancic 2012), the role of the Portuguese parliament in EU affairs is now more consolidated.

Other active users of the Political dialogue were upper chambers such as the Italian Senate with 556 opinions in the period 2006–2021, the Czech Senate with 554 opinions and the German Bundesrat with 402 opinions in the same period. The Romanian Camera Deputaţilor (396 opinions), the Spanish Cortes Generales (270 opinions) and the Romanian Senate (253 opinions) are also quite active. The Italian Camera dei Deputati, the French Sénat and the UK House of Lords⁶ are also among the ten most active chambers, with more than 200 opinions each. The Swedish Riksdag is in 11th place with 195 opinions. On average, upper chambers write more opinions than lower chambers (Buskjær Rasmussen and Kluger Dionigi 2018, 5; see also Auel *et al.* 2015, 87). Nine national parliaments/chambers have delivered less than 20 opinions in total since 2006 (see Figure 3).

Analysing the activity of national parliaments/chambers in conjunction with the time dimension reveals an interesting regional pattern for the Political dialogue. The total number of opinions in the Political dialogue under the Juncker Commission from 2015 to 2019 is slightly lower than under the Barroso II Commission from 2010 to 2014 (2112 opinions compared to 2523 opinions). As mentioned above, the activity of the Portuguese Assembleia has decreased significantly

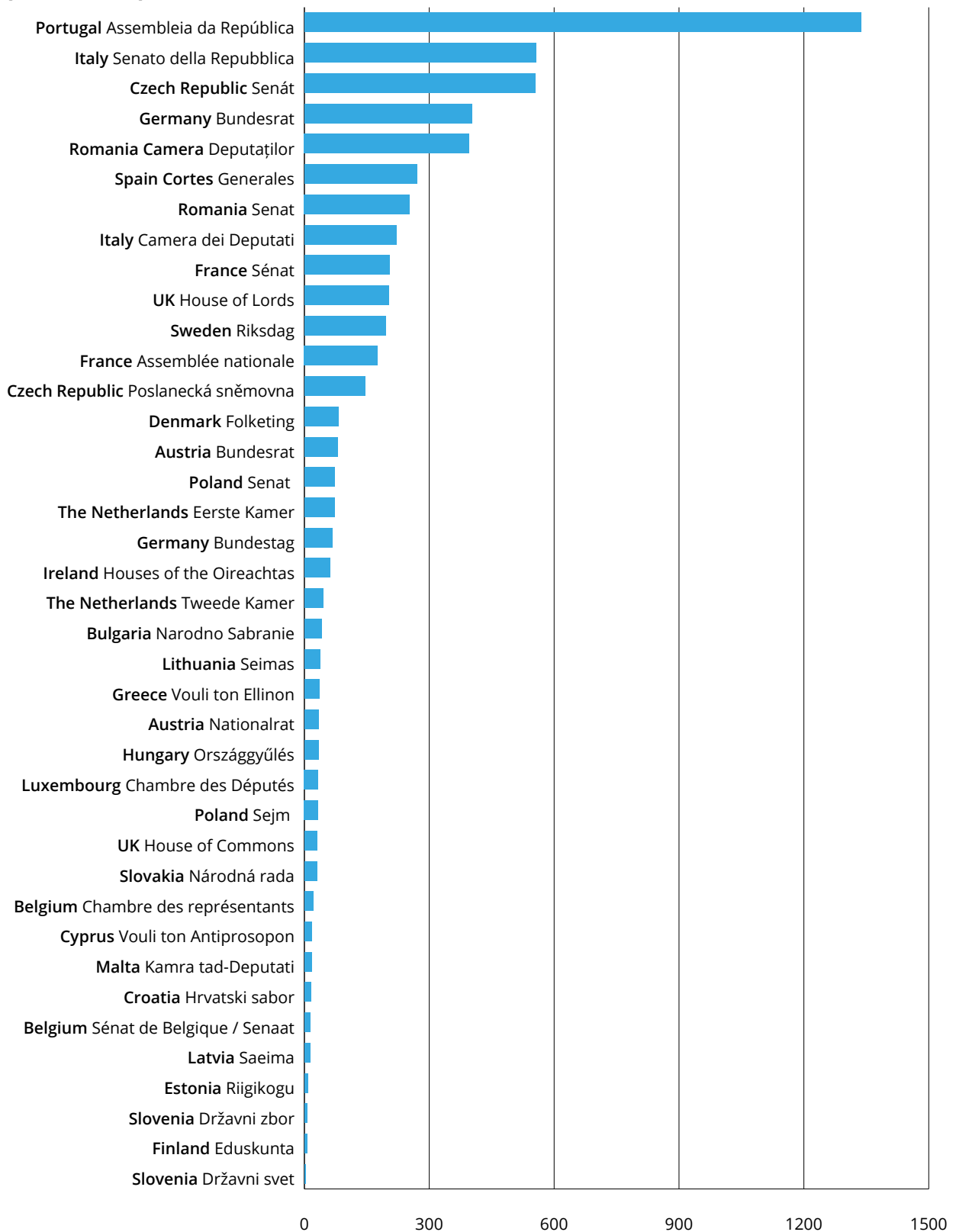
³ For comparison, 464 reasoned opinions were issued by national parliaments under the Early Warning Mechanism since the entry-into-force of the Lisbon Treaty.

⁴ For comparison, there were 9 reasoned opinions in 2020 and 16 reasoned opinions in 2021.

⁵ For the usage of the Political dialogue by national parliaments/chambers, see section 6 below.

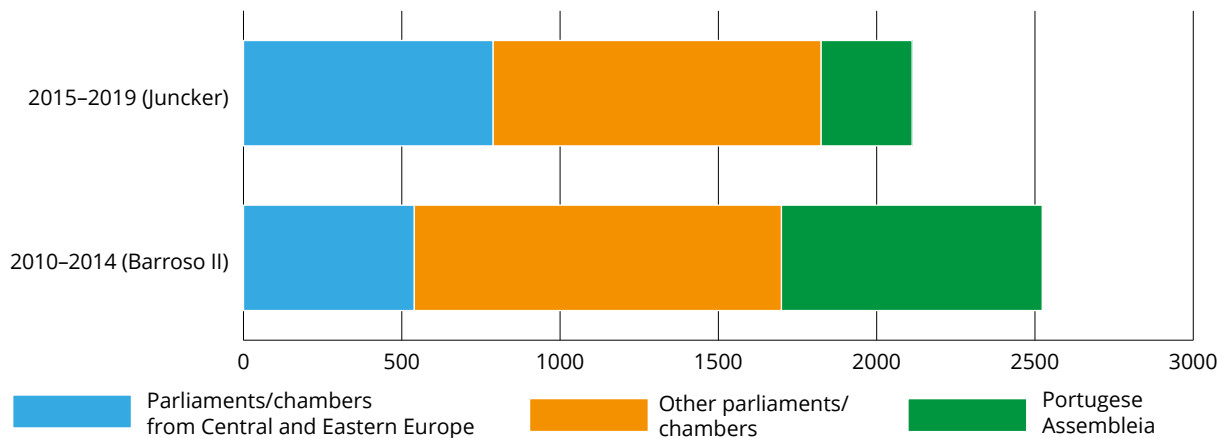
⁶ The UK House of Lords continued to participate in the Political dialogue after the Brexit referendum on 23 June 2016. All opinions sent until the withdrawal of the UK from the EU on 31 January 2020 are included.

Figure 3: Number of opinions in the Political dialogue per national parliament/chamber from 2006 to 2021



Source: Author's calculation based on Commission data (https://commission.europa.eu/law/law-making-process/adopting-eu-law/relations-national-parliaments/annual-reports-application-principles-subsidiarity-and-proportionality-and-relations-national_en)

Figure 4: Number of opinions in the Political dialogue in comparison



Source: Author's calculation based on Commission data (https://commission.europa.eu/law/law-making-process/adopting-eu-law/relations-national-parliaments/annual-reports-application-principles-sub subsidiarity-and-proportionality-and-relations-national_en). Croatia only joined the EU in 2013 and for that reason it is not included here.

(from 824 to 288); all other national parliaments/chambers together have thus issued more opinions between 2015 and 2019 than during the previous mandate. The increase in the number of opinions issued by national parliaments/chambers from Central and Eastern Europe is even more striking: in the ten member states that joined the EU in 2004 and 2007, the number of opinions increased by 46%, from 539 opinions under Barroso II to 788 opinions under Juncker (see Figure 4).

Participation in the Political dialogue is very uneven and the intensity with which national parliaments/chambers have used it varies more than any other instrument at their disposal. In the case of the Early Warning Mechanism, for example, the maximum number of reasoned opinions is 79 (by the Swedish Riksdag), while the two chambers of the Slovenian parliament have issued only two reasoned opinions each in the 12-year period from 2010 to 2021. In total, 463 reasoned opinions were issued.⁷

Active use of the two instruments available to national parliaments to issue opinions and reasoned opinions is neither a necessary nor a sufficient condition for being an influential parliament in EU affairs. For example, Finland's

Eduskunta is not very active in its use of either of these two instruments, but is still a powerful national parliament in EU affairs, able to influence EU policy-making by scrutinising the Finnish government. However, parliaments do not appear to use the Political dialogue to compensate for their domestic weakness (Buskjær Rasmussen and Kluger Dionigi 2018), as it is equally impossible to conclude that weak parliaments/chambers are particularly active. The Political dialogue is only part of the broader context in which national parliaments and the European Commission interact. Examining the use of the instrument over time shows that this interaction is still active, although it is difficult to see a clear impact on EU policies.

7. The broader context of interaction between national parliaments and the European Commission

The work of a national parliament in relation to EU affairs covers many different dimensions. A very central element is scrutiny of the national government. The interaction between national parliaments and the European Commission has been linked to the ideal model of a national parliament as a "European player".⁸ As mentioned

⁷ Author's calculation based on Commission data (https://commission.europa.eu/law/law-making-process/adopting-eu-law/relations-national-parliaments/annual-reports-application-principles-sub subsidiarity-and-proportionality-and-relations-national_en).

⁸ For the discussion of the ideal-types, please refer to section 3, above.

above, national parliaments can play more than one role and their individual emphasis depends on a wide range of factors, most of which are deeply rooted in national political systems.

An above-average activity in the Political dialogue contributes to making a national parliament/chamber a “European player”, if the parliament seeks to substantially influence Commission texts. Two other strategies behind activity in the Political dialogue are government control and parliamentary branding (Buskjær Rasmussen and Kluger Dionigi 2018). In these cases, parliaments/chambers want to remedy information asymmetries vis-à-vis their government, or they simply want to communicate support and “be seen to be doing something” (Buskjær Rasmussen and Kluger Dionigi 2018, 7). In cases where government control is the objective, participation in the Political dialogue is also fitting for parliaments/chambers that follow the models of “traditional scrutiniser” and “policy shaper” (see section 3).

“The notion of ‘policy shaper’ obviously depends upon whether the European Commission takes the substantive comments of national parliaments on its policy documents and legislative proposals into account.”

The notion of “policy shaper” obviously depends upon whether the European Commission takes the substantive comments of national parliaments on its policy documents and legislative proposals into account. In the past, national parliaments have expressed their disappointment on this score: the “Contribution” adopted at the 50th COSAC plenary in Vilnius of October 2013, for example, stated that “COSAC call[ed] on the European Commission, again, to ensure better quality and more timely responses to reasoned opinions and Political dialogue contributions made by national Parliaments” (COSAC 2013, 4). More recently, in its reply to the Contribution of the 2019 COSAC plenary in Helsinki the Commission said that it “will continue to give high priority to the Political

dialogue with national Parliaments, in terms of direct contacts between them and the Members of the Commission, timely replies of high quality to the national Parliaments’ opinions” (European Commission 2020).

Besides the two instruments that make the European Commission the recipient of national parliaments’ comments and concerns – Political dialogue and Early Warning Mechanism –, the Commission reaches out and seeks a genuine discussion with national parliaments beyond the sending back and forth of papers. Since Jean-Claude Juncker’s presidency, the European Commission has continuously increased the number of visits to national parliaments (Crum and Oleart 2023), with the measure already being part of a Commission plan in 2005 (European Commission 2005 and 2006). An example of this practice were the regular contacts of Trade Commissioner Cecilia Malmström with the national parliaments of the 27 EU member states.

8. How to enhance the Political dialogue?

Decision-makers and researchers alike have started thinking about an “enhanced” Political dialogue. The original instrument was established in September 2006 by the European Commission and welcomed in the Conclusions of the European Council of June 2006 (Jancic 2012, 79–80; Hettne 2019, 62). The year before, the Commission’s First Vice President Margot Wallström had outlined a 10-point plan with objectives for the relations with national parliaments; this was the first time a Commissioner had been invited to a COSAC chairpersons meeting (European Commission 2005). The plan included visits to national parliaments and “greater attentiveness to the national parliaments as regards the provision of information in order to prevent the Commission from being perceived as seeking to short-circuit the national parliaments and citizens” (European Commission 2006). These two key points can be seen as first steps for what subsequently became the Political dialogue.

The COSAC Contribution adopted in May 2007 stressed that “COSAC expects that the Commission’s announcement to enter into a critical dialogue with national parliaments on its political priorities will be followed by concrete action” (COSAC 2007, 2). At a Joint Parliamentary

Meeting on the Future of Europe in June 2007, Commission President José Manuel Barroso said that by means of the Political dialogue, his institution would seek to provide an opportunity for national parliaments to take a more proactive attitude about European issues, to supply them with necessary information and to facilitate the scrutiny of their own governments (Barroso 2007, cited in Jancic 2012, 81).

A possible extension of the Political dialogue, so that national parliaments would be able to communicate ideas for future legislative initiatives to the European Commission in a structured way, is now supported by many national parliaments.⁹ According to the 38th Bi-annual report of COSAC, 19 out of the 36 parliaments/chambers are in favour of establishing a collective right of indirect initiative by national Parliaments (a “green card”), which is one of the proposals put forward a working group on the Role of National Parliaments established under the parliamentary dimension of the French presidency (COSAC 2022, 22).

A less ambitious way of reforming the Political dialogue would be to give it more focus by concentrating on certain priority files, and then using the knowledge from and the resources put into the Political dialogue to invite Commissioners to parliamentary committee meetings for thorough questioning when they visit national capitals (and both the Commissioner’s diary as well as parliamentary calendar allow such hearings).

8.1 The Green card, not quite a silver bullet

The idea of an enhanced “Political dialogue” builds upon the so-called “green card” which refers to non-binding proposals for future legislative initiatives that have been submitted by groups of national parliaments to the European Commission. The first “green card” was sent to the European Commission in July 2015: the UK House of Lords had convinced 15 other chairpersons of European affairs committees in national parliaments/chambers to sign a letter calling on the European

Commission to take a more strategic approach to food waste reduction. In its response, the European Commission promised to pay special attention to the proposals of the national parliaments. But the “green card” on food waste only played a marginal role – if any – in the circular economy package (which aims to facilitate sustainable growth in Europe by reducing waste and boosting recycling). To the parliamentarians’ disappointment, although some of the European Commission’s recommendations coincided with their suggestions, the Commission did not refer to the “green card” when it adopted the package in December 2015 (Gostynska-Jakubowska 2016, 5). Later initiatives by national parliaments, also labelled “green cards”, failed to reach a similar level of attention.

“Advocates of the ‘green card’ instrument argue that it could serve as a bridge between public opinion in individual member states and ‘Brussels’.”

By issuing opinions that make concrete proposals, as with “green cards”, national parliaments express constructive ideas or even suggest possible legislative initiatives to the European Commission, without undermining either the Commission’s right of legislative initiative under the EU Treaties or national parliaments’ competences under the Early Warning Mechanism. Advocates of the “green card” instrument argue that it could serve as a bridge between public opinion in individual member states (represented by their national parliaments) and “Brussels” (the European Commission). “Green cards” have continued to be prepared at policy field-specific interparliamentary meetings, mostly in subgroups of national parliaments. COSAC plenary sessions or chairperson meetings can later serve as a forum for a first assessment of “green cards”.

The Task Force on Subsidiarity, Proportionality and “Doing Less, More Efficiently”, which reported in 2018, was not in favour of formalising the

⁹ This idea, if implemented lightly, could also be seen as an (inter)parliamentary equivalent of the Citizens initiative.

“green card” as a new instrument.¹⁰ It already saw sufficient scope for an effective voice of national parliaments in the existing Political dialogue. The Task Force argued that national parliaments were already capable of taking such initiatives and therefore no new instrument was needed.

Nevertheless, the “green card” could also be reconsidered in light of the “indirect right of initiative” that Ursula von der Leyen promised to the European Parliament in 2019. The way in which the European Commission and the European Parliament have started to handle this might offer a possibility for genuine interparliamentary cooperation in which European and national parliamentarians work on initiatives together. If this were to happen, the European Commission should then make a commitment to publicly discuss such “Joint Parliamentary Initiatives” after they have been submitted, and the European Parliament should count on national parliaments as its staunchest allies.

8.2 More focus and more teeth for the existing Political dialogue

Before thinking about the “green card”, it seems vital to make the current Political dialogue more focused and give it more teeth. This would be more in line with the original idea of the instrument. After all, proposing new EU legislation (“green card”) is conceptually somewhat different to reacting to initiatives taken by the European Commission as under the existing Political dialogue. Furthermore, a gradual enhancement of the Political dialogue might make it easier to convince parliaments/chambers that are less active today to use the tool more frequently in the future. It is also noteworthy that while no parliament/chamber said it opposed the “green card” idea, 17 out of 36 national parliaments replying to the COSAC questionnaire did not express support for the “green card” because they have no official position on the matter (COSAC 2022, 22).

For national parliaments to exert influence on the European Commission at an early stage of the legislative process, it is above all necessary that they

closely analyse the Commission’s work programme for the coming year. Usually, every year in October, the Commission publishes its Annual Work Programme listing the (legislative) initiatives that the Commission plans to put forward. By analysing the work programme, national parliaments/chambers can set priorities for their own scrutiny procedures at an early stage and coordinate with other parliaments. This contributes to greater focus in parliamentary scrutiny on those legislative initiatives proposed by the European Commission that the respective parliament/chamber sees as particularly important. More broadly, national parliaments should consider the analysis of the work programme as the first stage in looking at the entire EU policy cycle when they interact with the European Commission.

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And, as mentioned briefly above, dialogue between national parliaments and the European Commission does not only take written form. Commissioners regularly visit national parliaments, but the engagement of the Commission should go beyond merely visiting: interaction between Commissioners and national MPs is often in the form of briefings – instead tough Q&A hearings in parliamentary committees should be set up (Crum and Oleart 2023). This might even contribute to holding the European Commission more effectively to account than is currently the case (Papadopoulos 2021).

Strengthening national parliamentary scrutiny over the European Commission through inviting Commissioners to hearings before committees has been a longstanding recommendation (Kreilinger 2016, 56). National parliaments even have a legally

¹⁰ The “Task Force on Subsidiarity, Proportionality and ‘Doing Less More Efficiently’” was led by First Vice-President of the European Commission Frans Timmermans and composed of three representatives of national parliaments and three representatives of the Committee of the Regions.

enshrined right to summon a commissioner to hearings regarding economic and fiscal policy.¹¹ The resources put into the Political dialogue would be particularly well used if national parliaments were to invite Commissioners to parliamentary committee meetings in other policy areas, too. They could then thoroughly question them in demanding formats, based on the preparatory work that they and their parliamentary clerks have already done in drafting the substantive (policy) opinion(s) before they are sent to the European Commission.

9. Conclusion

The development of the role of national parliaments in the EU has stalled somewhat in recent years. Jean-Claude Juncker had promised to forge a new partnership with national parliaments in 2014, while Ursula von der Leyen's political guidelines mentioned full respect for the principles of proportionality, subsidiarity and better law-making principles in 2019. Neither of them took the decisive steps that José Manuel Barroso's Commission did when it launched the Political dialogue in 2006. And although 108 national parliamentarians were members of the Conference on the Future of Europe (and could have formed a powerful bloc of around a quarter of the plenary), they did not push this institutional issue either.

It could be argued that the role of national parliaments has been consolidated and the EU has reached a constitutional equilibrium, as Andrew Moravcsik (2008) wrote after the Constitutional Treaty. More recently, however, we have seen the expansion of EU action into new policy areas (Johansson *et al.* 2022). Instead of merely raising

subsidiarity concerns through the Early Warning Mechanism, there is a tool to actively influence policy development in the European Commission: the Political dialogue.

"If the Commission were to incorporate (some of) the views expressed by national parliaments into its own policy planning, the time and resources invested in the Political dialogue would be a particularly good investment."

If the Commission were to incorporate (some of) the views expressed by national parliaments into its own policy planning, the time and resources invested in the Political dialogue would be a particularly good investment. However, a cursory reading of the Commission's responses over the years provides no evidence of such incorporation. Since national parliaments have previously expressed dissatisfaction with how and when the Commission responds to their opinions, it seems that small steps such as more explicit references by the Commission to national parliaments' contribution to its work could strengthen the dialogue. In addition to policy shaping, national parliaments/chambers use the Political dialogue for government scrutiny and parliamentary branding (Buskjær Rasmussen and Kluger Dionigi 2018). But it is visible policy-making that strengthens the role of national parliaments as multi-level actors in the EU's political system, in line with their duty to "contribute to the good functioning of the Union" (Article 12 TEU) and to enhance the democratic legitimacy of EU policy-making.

¹¹ Under Regulation no. 473/2013 on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area.

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