

National Parliaments in EU affairs: The case of Germany

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National Parliaments in the EU

“Decisions by one national parliament – be it in Germany or Ireland, in Slovakia or Portugal – are watched all over Europe.

Maybe not formally speaking, but at least politically speaking, all national parliaments have become, in a way, European institutions.”

(Herman Van Rompuy, 27 February 2012, [Speech to the Inter-parliamentary Committee meeting on the European Semester for Economic Policy Coordination](#))

Outline of my presentation

- 1. Bundestag and Bundesrat: From “late-adapter” to “policy-maker”?**
- 2. Why so little ambition in inter-parliamentary cooperation?**
- 3. What does the parliament of a Euro-Area member do?**
- 4. Germany, the UK and beyond: Opportunities and constraints for strengthening the oversight of EU policy**

1. From “late-adapter” to “policy-maker”?

- No powerful parliament without the recent judgements by the Federal Constitutional Court in Karlsruhe
- Evolution from “controller” to “active policy shaper” for the **Bundestag**
- Traditionally even stronger role of the **Bundesrat** in EU affairs

Constitutional provision of Article 23(2) GG:

“The Bundestag and, through the Bundesrat, the Länder shall participate in matters concerning the European Union. The Federal Government shall keep the Bundestag and the Bundesrat informed, comprehensively and at the earliest possible time.”

The role of the German Bundestag in EU affairs

From late-adapter (2000s) to policy-maker (2010s)

Resources

- Parliamentary administration restructured
- EU affairs upgraded to an entire Directorate
- only since 2007: Liaison Office in Brussels

Prerogatives

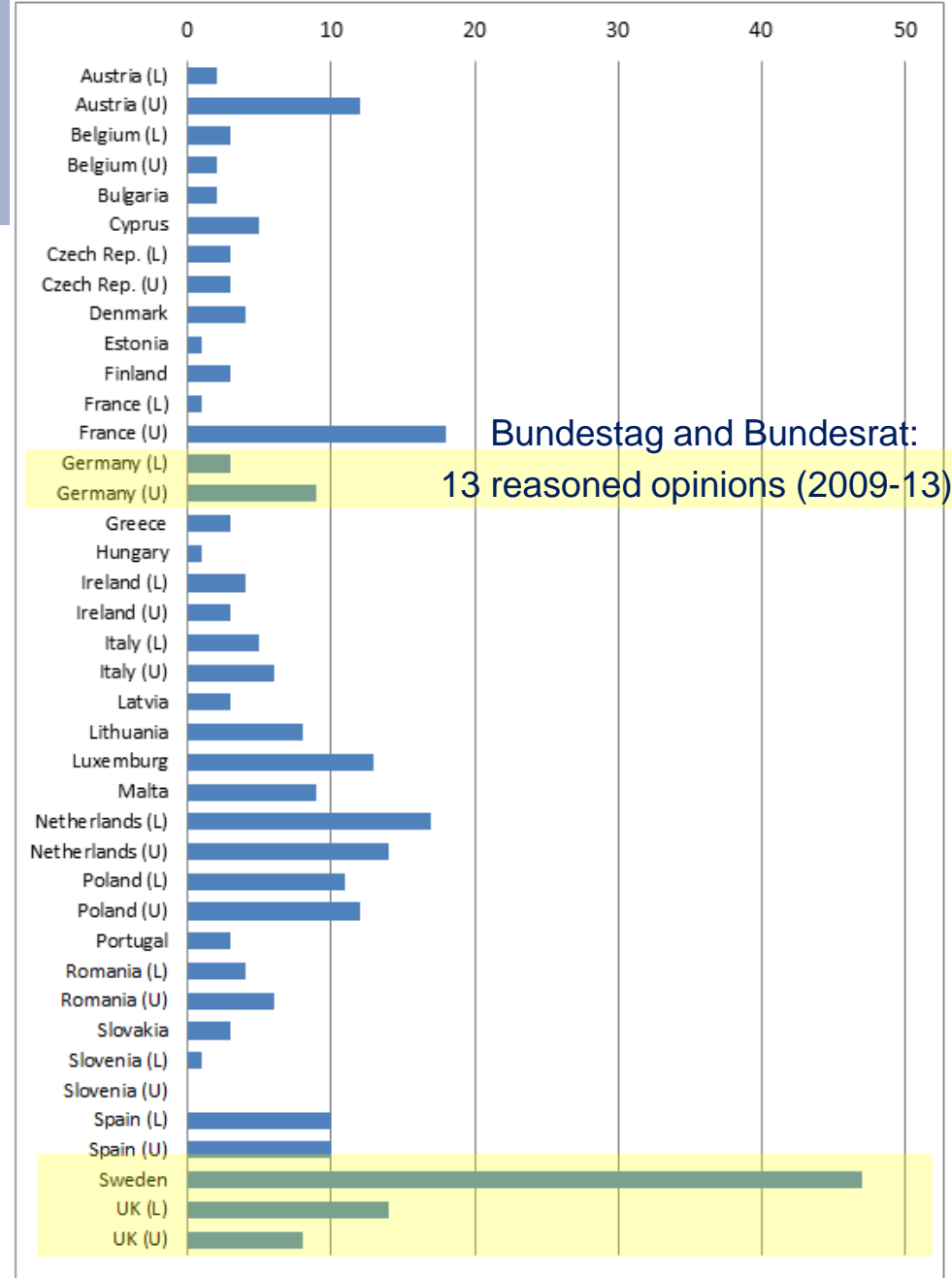
“Policy-maker”, but without the possibility to bind the hands of the government with mandates

Activity

- new prerogatives raised awareness of MPs
- high level of involvement of sectoral committees
- more parliamentary questions and plenary debates

Early Warning Mechanism: Does it work? Is it useful?

- Many parliaments are **passive**: On average one reasoned opinion per year
- EWM **only triggered twice**
- Risk of **ineffectiveness**: thresholds that are difficult to reach within the given timeframe
- No obligation for the **Commission** to take concerns into account
- National parliaments in a position of **blocking EU** integration



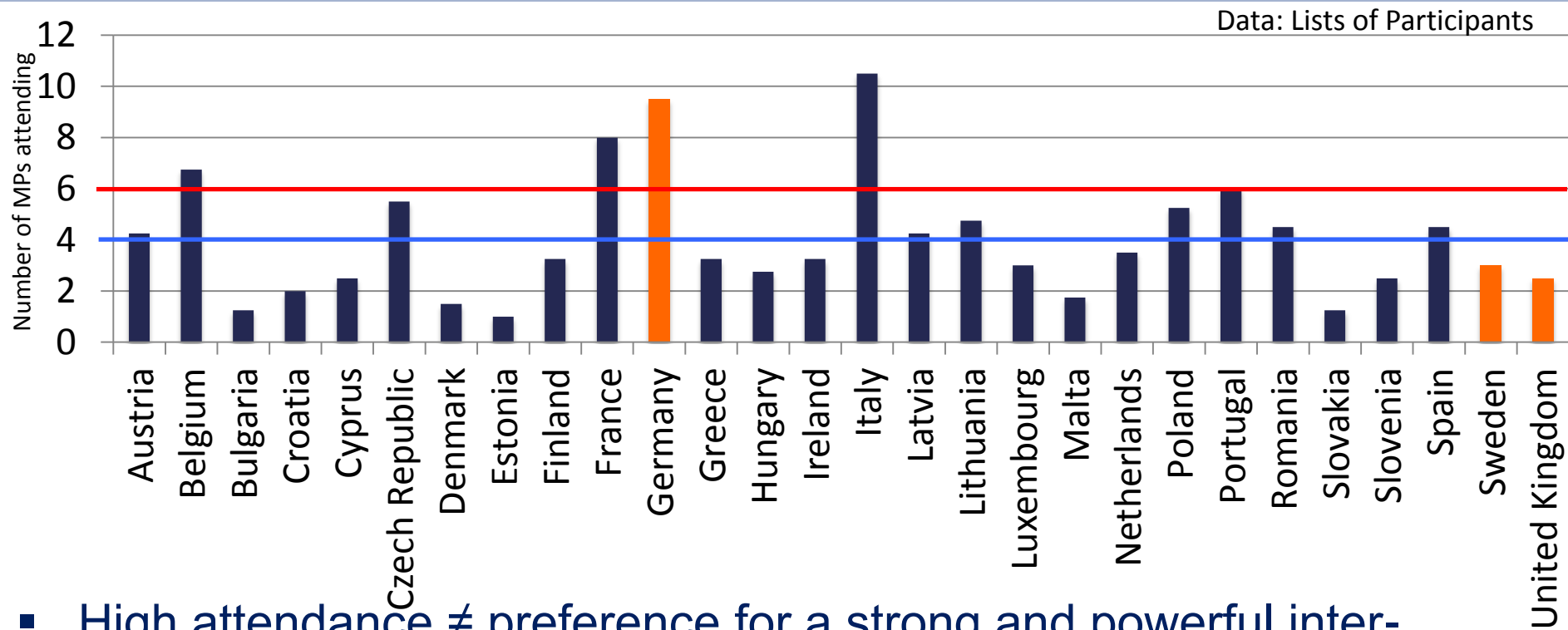
2. Why so little ambition in inter-parliamentary cooperation?

- MPs from **European Affairs Committees** meet at the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC)
- What about **Economic and Financial Governance**? Article 13 of the Treaty on Stability, Coordination and Governance provides the basis for inter-parliamentary cooperation

- The position of the German Bundestag:

“The [Article 13] conference should be an advisory body, solely serving inter-parliamentary exchange of assessments, experiences and intentions in the area of economic and fiscal policy.” ([Letter](#) by Norbert Lammert, Speaker of the German Bundestag, 21 March 2014)

Attendance at the “Article 13 TSCG” inter-parliamentary conference from 2013 to 2015



- High attendance ≠ preference for a strong and powerful inter-parliamentary conference (exception: France)
- **Overlapping authority claims and diverging preferences**
- Rules of Procedure of the conference to be adopted in 11/2015
- Does the **Eurozone** need specific inter-parliamentary bodies for better control?

3. What does the parliament of a Euro-Area member do?

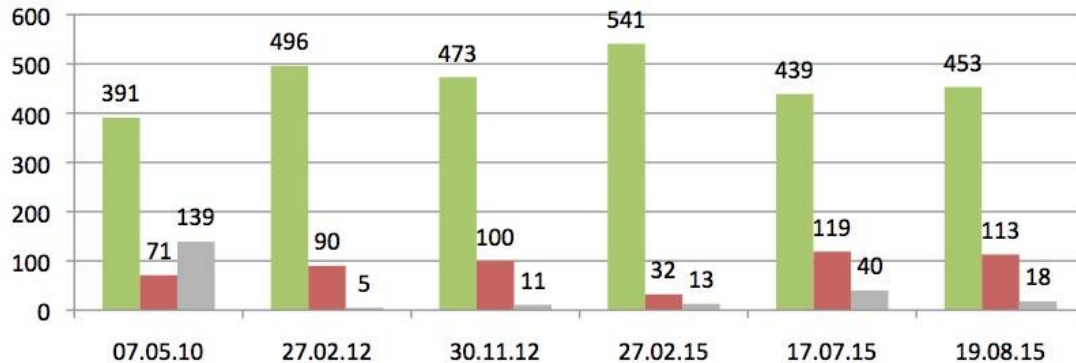
Votes on the third package for Greece (July/August 2015)

Ex-ante \ Ex-post	No vote	Committee	Plenary
No vote	(National Parliaments of the other 11 Eurozone countries)	Latvia	Netherlands Spain
Committee		Finland	Estonia
Plenary	France	Austria	Germany (Bundestag)

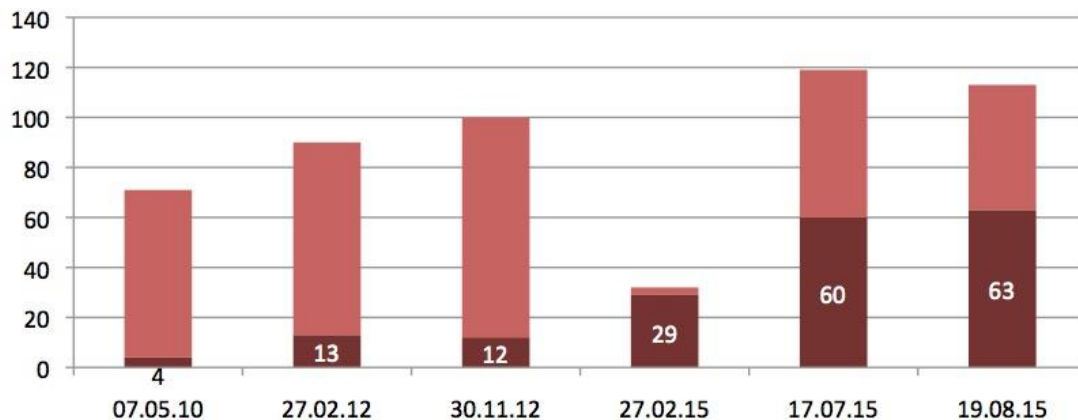
The end of the pro-EU consensus?

Less cohesion, more defections in the Bundestag

**Bundestag votes on Greece:
Number of "No" votes 2010-2015**



CDU/CSU "No" votes among the overall "No" votes



Votes on rescue packages (e.g. Greece)

+ on the different treaties and IGAs

Major role of the Federal Constitutional Court:

- approval of crisis actions
- further parliamentary participation rights

Governing parties relying on support from the opposition

4. Germany, the UK and beyond: Strengthening the oversight of EU policy

Opportunities:

- Largely unexploited potential of inter-parliamentary cooperation, in both formal and informal settings
- More time for debate on EU issues
- Emerging control over European Council summits (see [Heftler/Kreiling/Rozenberg/Wessels 2012](#))

Constraints:

- Limited salience of EU affairs in parliament and for the public
- Motivation of MPs and incentives for them to engage
- Slowdown of EU legislative activity

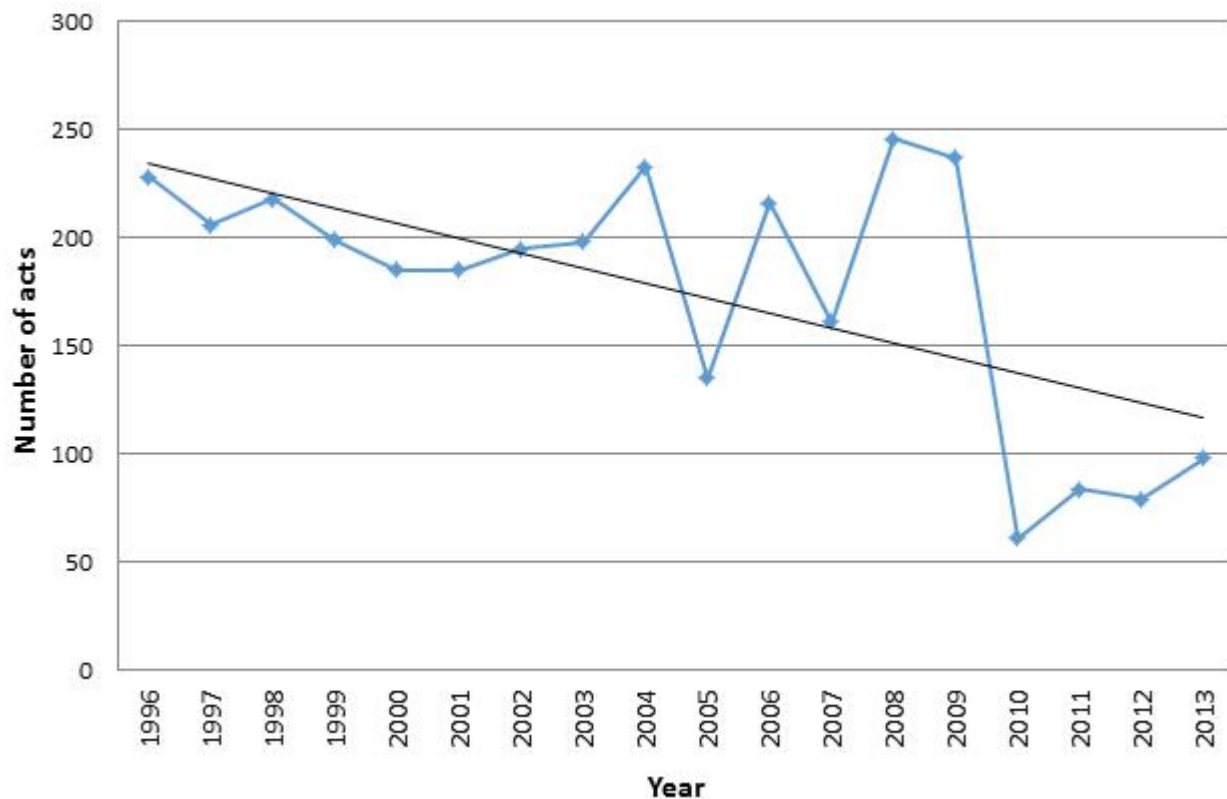
The key challenge for parliaments: Slowdown of EU legislative activity

« La Commission est gardienne de l'intérêt européen et dotée du droit d'initiative mais elle a pris congé de ce droit d'initiative, nous n'en parlons plus beaucoup. »

**Jacques Delors,
27 June 2013**

Source: [Notre Europe – Institut Jacques Delors 2013](#)

Source: [Dehousse/Rozenberg 2015](#)



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Thank you!

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