

# National Parliaments in the Council: Parliamentary Scrutiny Reserves

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This research compares the activity of different groups of national parliaments in European decision-making as reflected by the use of parliamentary scrutiny reservations by Member States in the Council. It aims to contribute to the comparative literature on national parliamentary scrutiny systems of European Affairs by using data that reflect everyday practices and offer new insight on level and timing of activity of national parliaments. It shows that while there are no substantial differences between the level of activity of parliaments with mandating systems and parliaments with document-based systems, those with mandating systems might have a somewhat greater chance of influencing their governments earlier in the decision-making process in the Council. However, the significance of scrutiny system is smaller than expected. This work also contributes to the growing literature on the adaptation of national parliaments from new Member States to the European decision-making and shows these parliaments have been, in the five years following the Enlargement, considerably less active than parliaments from the old Member States. This research thus supports the conclusion that formal rules of national parliamentary scrutiny are not crucial in determining the parliament's activity.

Keywords: *EU integration, parliaments, Models of Parliamentary Scrutiny, Parliamentary Scrutiny Reserves*

## Introduction

Over the past twenty years, questions over the powers of national parliaments vis-à-vis the EU have become more pointed in European de-

cision-making and better reflected in academic research. This research addresses explores the comparability of systems of national parliamentary scrutiny over EU matters. Many of these systems are already well articulated in the literature. Comparisons and categorisations have been made based on the strength of formal rules, characteristics of domestic political systems (etc), points raised in the section 'Models of Parliamentary Scrutiny' below. The approach adopted for this work looks at national parliaments from a different perspective, and deploys a single indicator; the so-called parliamentary scrutiny reserves (PSRS), which reflect some impacts of national parliaments' deliberations on presenting the national positions in the Council and is collected on the European, not national level. This approach has three main advantages: first, the use of a single European-level indicator marginalises the disadvantage of different resources existing on different national parliaments; second, it reflects daily practices and not—like most works in the comparative literature—the formal rules and; third, it offers new insights on the frequency and timing of the activities of different groups of national parliaments that would be not possible to obtain by using only national-level sources. On the other hand, this work builds on the literature on national parliaments in the sense that it follows the deparliamentarisation thesis which argues that European integration has strengthened executive branches over the legislatures and examines ways national parliaments have reacted.<sup>1</sup>

The work is organised as follows: the first section describes some recent developments of national parliaments' involvement in European integration and presents related literature; the second section reviews the comparative literature on national parliaments while the third section introduces the parliamentary scrutiny reservations indicator (PSRS). The final substantive section presents and analyses the data collected for this work.

## National Parliaments in European Integration

Studying the roles played by national parliaments in process of European integration is vitally important for understanding the direction of the EU since it has long been recognised as an integral part of the democratic deficit debate, which has formed an key area of scholarly research since the early 1990s.<sup>2</sup> Despite the attention the democratic deficit in the EU has received, there is no general agreement as to its definition or parameters though typically explanations gravitate

around concerns over strong executive powers and insufficient controls by parliamentary bodies. Therefore, a significant part of the academic work on the alleged democratic deficit tackles the position and powers of the European Parliament (EP), European elections and (non-existing) European demos.<sup>3</sup> In response, the EP's powers have been significantly amended; the introduction, widening and adjusting of the co-decision procedure being the most important measure.

However, the EP is not the only parliamentary body within the EU; and the question of national parliamentary involvement has also assumed prominence in the debate on the democratic deficit.<sup>4</sup>

There are various ways and levels on which national parliaments can enter into the decision-making process on, or in, the EU. First, they provide assent to the ratification of the primary law, i.e. the founding treaties and any treaties amending them, including accession treaties. Second, they may adopt domestic legislation related to, or based on, EU legislation, especially legal acts transposing European directives into their domestic legal systems. These tools of national parliaments have been present since the beginning of EU integration; however they have not been sufficient in preventing the deparliamentarisation claims. While parliament's role in a ratification process is the custom in all Member States, it is an opportunity that presents itself only rarely, and the ratification process is often pressured by ratification in other Member States or by the national executive. The transposition of EU legislation is a second-degree legislation process with clear limitations of independence of national legislative decision-making.

Two other ways of national parliamentary engagement in the EU-related decision-making have evolved over the years with the deepening and widening of EU integration. On the EU level, the treaties recognise the role of national parliaments' in declarations attached to the Maastricht Treaty and a protocol annexed to the Amsterdam Treaty.<sup>5</sup> The Treaty establishing the Constitution for the European Union as well as the Lisbon Treaty also contained Protocols on the role of national parliaments in the EU which, in its latter version (now in force following the ratification of the Lisbon Treaty), contains not only an obligation for the Commission to forward all the proposed legislation directly to the national parliaments, but also strengthens the possibility to object against it by introducing the early-warning mechanism. Pending the ratification, the Commission's President Barroso introduced a mechanism of forwarding the documents to national parliaments, known as the *Barroso Mechanism*. The Treaty currently contains numerous ref-

erences to the obligation to forward various types of documents and other information to national parliaments.

Despite such developments, the greatest possibility for the national parliaments to influence EU affairs lies in the fourth way of involvement; national parliaments may influence their governments and the positions they represent at Council meetings. Here the formal (and informal) powers of national parliaments range from simple scrutinising and adopting of non-binding resolutions to the possibility to mandate the government.

This work focuses on the latter. The following section offers comparisons and classifications of national parliaments in relation to EU integration.

### *Models of Parliamentary Scrutiny*

Unlike the institutional provisions regarding the EU institutions, the models of cooperation between national parliaments and governments differ considerably among the Member States. Yet adopting such a cooperative system is among the most important institutional and decision-making adaptations incoming Member States have to undergo as a precursor to joining the EU. Most of the existing literature on national models of parliamentary scrutiny is devoted to individual Member States and largely draws on formal rules such as constitutional and other legal provisions which shape those systems, though the importance of practices and political culture is often acknowledged.<sup>6</sup> It is important to examine the different types of resources available and to assess the ability they have capture the unfolding realities of national parliamentary roles. Consider the main sources of information: a selection of papers and edited volumes that deal with—via comparative analysis—two or three national parliaments at a time and may therefore be said to be of a limited scope,<sup>7</sup> or are based on presenting specific approaches of specific parliaments without the necessary comparisons but rather through the illustration of variations.<sup>8</sup> Examining comparisons and categorisations of national parliaments in the EU have been made based largely on the resilience, costs and benefits of formal rules, and key characteristics of domestic political systems.<sup>9</sup> Such works typically offer ratings; ordering the national parliaments most often in an ordinal scale (usually containing five to six categories) from strongest to weakest parliaments.<sup>10</sup>

Perhaps the most widely used ranking system was developed by

Maurer and Wessels who rate national parliaments from strong to weak.<sup>11</sup> For instance, they contend that Denmark's is strong with a top ranking, closely followed by Finland's, Austria's, and Sweden's; there are moderately strong parliaments such as Germany's and the Netherlands', followed by France's and the UK's, and, finally, there are weak parliaments such as Ireland's, Luxembourg's, Italy's, Spain's, Portugal's and Greece's. Alternatively, Kiiver uses systems of parliamentary scrutiny and deploys five criteria to classify the systems of national parliamentary scrutiny. These are:

1. Timing—of the scrutiny (ex ante and ex post),
2. Relative Centralisation—of the scrutiny (the involvement of other committees),
3. Methods—of government influence (mandate-givers, systematic and informal scrutinisers),
4. Legal basis—for scrutiny (constitutional or lower),
5. Relative 'strength'—of national parliaments in European scrutiny.<sup>12</sup>

This model is then reinforced with empirical testing to determine whether national parliaments are strong or weak. Kiiver's research confirms the sentiments of Maurer and Wessels and suggests that:

1. Strong = Danish parliament,
2. Strong/Moderate = Finish, Swedish, Austrian, German parliaments,
3. Moderate = Dutch parliament (in matters of the third pillar), British and German parliaments,
4. Moderate or weak = Dutch parliament (in non-third pillar matters) and French parliament,
5. Weak = Belgian, Luxembourgish, Irish, Portuguese, Spanish, Italian and Greek parliaments.

While such a ranking system does assist in providing clues as to relative strengths and weaknesses of national parliaments in dealing with EU issues, including integration, they remain incomplete. Indeed, The first categorisation to include all 27 (current) members of the EU was made by Karlas, who categorised parliaments into six groups:

1. Very weak = Greece and Cyprus,
2. Weak = Spain, Portugal, Malta, Luxembourg, Ireland, France and Belgium,
3. Mostly weak = the UK, Austria, Italy, the Czech Republic and Bulgaria,
4. Mostly strong = the Netherlands and Latvia,
5. Strong = Sweden, Slovenia, Slovakia, Romania, Poland, Germany, Hungary and Denmark,
6. Very strong = Lithuania, Finland and Estonia.<sup>13</sup>

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However, some scholars show that informal rules and everyday practices do not always correspond to these ratings. The most commonly acknowledged example is the parliament of the UK. According to Bogdanor, 'there is widespread agreement that the scrutiny procedures adopted by the Lords are amongst the most effective in the Community.'<sup>14</sup> He also notes that the scrutiny of EU matters now forms a major part of the work of the House of Lords. Similarly, Cygan notes that the European Union Committee in the House of Lords is, arguably, among the most influential within the EU thank to its systematic and responsive approach.<sup>15</sup> There are also examples of states, such as Austria or Slovakia, which are less influential than would be expected based on their formal ratings.<sup>16</sup>

A semi-official COSAC categorisation also exists, which defines two models,—that will be used in this work as basic categories for the analysis—the mandating and document-based systems.<sup>17</sup> The mandating system allows a parliament, as a whole or the European Affairs Committee acting on behalf of the parliament, to adopt negotiating positions more or less binding for the respective government. The government then takes and defends this position at Council meetings as the official position of the Member State. Danish parliament was the first to introduce the mandating system in 1973,<sup>18</sup> thus allowing its European Affairs Committee to adopt, on behalf of the Parliament as a whole, the negotiating positions politically binding on the government. Thanks to its prominence, the Danish model served as an example for other countries such as Finland, Sweden, Austria, Latvia and Slovakia.<sup>19</sup>

Certainly, the model takes different forms in different Member States. Consequently, the capability of the parliament in question depends on several details: at which stage of the Council decision-making process the mandating process is applied (working groups, COREP-

ER, the ministerial level), how often / on how many proposals it is used and how binding the mandate is. Beyond the formal level, the frequency and efficiency of mandating may depend on political culture and traditions, including those related to federative or unitary form of the State, relations and party links between the government and the parliament or the Committee, and even the personal characteristics of key individuals such as the chairman of the Committee. Various forms of the mandating model are used in Austria, Denmark, Finland, Greece, Latvia, Malta, Poland, Slovakia, Slovenia and Sweden.

The other model applied is document-based; the process of examining proposals does not depend on the individual Council meetings and the parliament does not, therefore, mandate its government. However, the positions of the parliament may also be binding on the government, although this is less common. This model is used in Belgium, Bulgaria, Cyprus, the Czech Republic, Germany, France, Ireland, Italy, Spain, Luxembourg, Portugal and the UK. It is important to note that some systems have features of both models, and are therefore more difficult to categorise.

Although, as in the case of Denmark, the mandating power is often associated with strength (and influences the formal ratings), neither the formal ratings nor the literature on more informal influences and everyday practices would justify expectations of different levels of parliamentary activity of parliaments with different basic models of scrutiny systems. On the other hand, the procedural differences between mandating and document-based system may indicate that timing of national parliamentary activities and its relation to EU activities will differ between these systems.

Based on this, I hypothesise that

**H1** *The level of activity of parliaments does not differ substantially between parliaments with mandating systems and of those with document-based systems. However, the parliaments with mandating systems of parliamentary scrutiny will time their activities with regard to the timing of the Council's activities. On the other hand, in the case the parliaments with document-based systems, the timing of their activities should not be related to Council's activities.*

Although there is significantly less literature on the national parliaments of the new Member States than on the older ones, it is continually growing.<sup>20</sup> This literature reveals that, although the new Mem-

ber States adopted mostly systems that give strong powers to national parliaments in European affairs, the short time that has passed since accession to the EU is a factor that influences parliamentary scrutiny in a negative way. For example, Łazowski concluded that in Poland

The parliament has definite opportunities and tools to be a conscious actor in EU affairs. The experience so far have unfortunately proved that some of its chances have been wasted by the realities of everyday parliamentary work and fairly limited expertise and understanding of EU matters among deputies and senators. Unfortunately, this makes the Polish parliament more of an accidental hero than the effective actor that it has a real chance to be.<sup>21</sup>

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This is echoed by Győri who wrote that in Hungary

The gap between formal-legal and actual-political powers is considerable because at present there is no political will in Hungary to have the scrutiny model work properly; it ranks very low on the government's, parliament's and the parties' list of political priorities. De jure strength vis-à-vis de facto weakness is the main characteristics of parliamentary control over EU issues in Hungary.<sup>22</sup>

New Member States must first find a way to adapt their constitutional orders to the reality of European integration. This may take a substantial period of time and the models adopted in these countries might yet have to undergo a few major adaptations. For example, the case of an older Member State, Germany, shows that its current scrutiny system has steadily evolved over decades.<sup>23</sup>

Based on this information, a second hypothesis may be articulated, that

**H2** *The parliaments of the new Member States are less active in European affairs than the parliaments of the old Member States.*

The main indicator to test these hypotheses, parliamentary scrutiny reservations, is introduced in the next section.

## Parliamentary Scrutiny Reservations

To date, scholarship on systems of national parliamentary scrutiny is based on the study of domestic rules and practices of national parliaments. However, with the growing activity of national parliaments



and the rapid improvements for access to EU documents, data from the European-level may be used to contribute to the study of national parliaments. As already mentioned, the greatest advantage of this approach is that all national parliaments can be studied simultaneously using the same indicator formulated and operationalised using the same source of data, thus allowing for easier comparison of various parliaments / systems of parliaments.

PSRs are among the tools available to parliaments in the decision-making process. While the scrutiny process in the parliament is in motion, the respective government may hold a PSR at the Council meeting. This means that it does not present its final position until the scrutiny process at the parliament is complete and tries to postpone the decision-making process in the Council until the reserve is lifted. Although—since the qualified majority has become the most common voting rule in the Council—the use of a PSR cannot place a complete brake on the legislative process,<sup>24</sup> the Council (traditionally) respects the PSR, even if its rules of procedure do not mention them.<sup>25</sup> In practice the decision-making process thus continues, and, by custom, the final adoption is delayed until all pending PSRs are lifted. On the other hand, this instrument is sometimes embodied in legal acts in various Member States, and is also used by those countries that do not have formal rules on their use.

The first parliament to introduce this measure was the British House of Commons in 1980.<sup>26</sup> Currently, both chambers of British parliament have this rule,<sup>27</sup> which constrains ministers from giving agreement in the Council or European Council to legislative proposals (not including only final approval, but also such decisions as political agreements, common positions etc.) and certain other decisions of former second and third pillars which are still subject to scrutiny in the European Scrutiny Committee or which are awaiting consideration by the House (i.e. have been recommended by the European Scrutiny Committee for consideration by the House). The minister may give agreement despite the fact that the scrutiny is still ongoing only under special circumstances and then justify such decision in front of the Committee. The alleged motivation for introducing the PSR mechanism was assurance of timely provision of documents by both government and the European Commission and of government's awareness of parliamentary deliberations.<sup>28</sup>

France also has rules on using PSR, introduced by a Prime Minister's circular in 1994 and amended in 1999 (in relation to the protocol on

the role of national parliaments adopted with the Amsterdam Treaty). It gives both parliamentary chambers the right to vote on a proposal before Council voting. It has also been formally introduced into Danish, Austrian and Dutch systems. Some new Member States have also introduced it, either in formal or in informal ways, including Estonia, Hungary, Lithuania, Poland, the Czech Republic Bulgaria and Malta.<sup>29</sup> However, it is important to note that the Council respects the reservation regardless of national rules, and the data presented in this work shows that it has also been used by states that do not have formal provisions on PSRs.<sup>30</sup> It is clear that PSRs are used by parliaments with both document-based and mandating systems.

Of course, the mere fact that a Member State holds a PSR, and that this reserve is recorded in the Council documents (see the section on the data), does not by itself prove that a parliament of this State has greater power over its government; it is a tool to measure the level of activity of a national parliament, meaning that the parliament deals with the issue and wants the government to behave accordingly.

The use of PSR may be influenced by various factors, especially the length and eventual deadlines for adoption of parliament's position according to the rules of the scrutiny process in the national parliament. It has also been noted that sometimes a Member State tries to give stronger weight to its position by imposing a PSR, indicating the salience of the issue for its parliament.<sup>31</sup> It has been claimed that while the PSR mechanisms

works as a sword of Damocles [...] strengthening the parliament's potential in worst-case scenario of conflict between legislature and executive [... but] the logic underlying a reserve mechanism is a parliament which acts as "supportive scrutini-ser" of, rather than a systematic opponent of its government.<sup>32</sup>

A government that would ignore the obligation to raise a PSR can be called to justify its actions in front of the national parliamentary committee.<sup>33</sup>

Regardless of the motivation for any specific PSR, it seems clear that a frequent use of a PSR by national government in the Council points to a parliament active in European affairs that has some influence over its government.

Based on the relevance of PSRs as an indicator of national parliaments' influence, the hypotheses can be specified as follows:

*H1 The frequency of the use of PSRS by Member States does not differ substantially between Member States with mandating and those with document-based system of parliamentary scrutiny. However, the Members with mandating systems of parliamentary scrutiny use the f PSRS more often at the earlier stages of the Council decision-making, which reflects better timing of parliament's activities to the timing of the Council's activities. On the other hand, the States with document-based systems of parliamentary scrutiny use of PSRS equally in all stages of the Council decision-making, as the timing of activities of their parliaments is not closely related to the timing of Council's activities.*

*H2 The new Member States held f PSRS less frequently than the Old Member States.*

## Data And Analysis

In order to review the actual use of PSRS, I examined the five-year period starting with the date of the Eastern Enlargement, i.e. from May 2004 until May 2009. Data on the use of PSRS is not easily accessible. The only documents that may include data on voting or positions of the Members of the Council, and therefore on the use of PSRS, and at the same time are systematically stored and available through the register of Council documents,<sup>34</sup> are the minutes of Council meetings. However, these contain information only on the Council proceedings on the ministerial level, which excludes the large part of the Council's internal decision-making process. On the other hand, data on its earlier stages—those of working groups and COREPER—may be acquired from other types of documents; reports from working groups to the COREPER, reports from COREPER to the Council, outcomes of proceedings of working groups, notes from Presidency etc. While these contain valuable information, they are not systematically registered as such in the Council's public register of documents. To gather the data on the use of PSRS in the given period, I used all the documents rendered by full text search of all Council documents from the given period containing the words "parliamentary scrutiny reservation," executed in November 2008 and in August 2009. Nevertheless, in reality, the PSRS are probably used more often than recorded in my data set, as not every use of a PSR must be necessarily recorded in a Council document, or even if it is, probably not all such documents are publicly available.

Some cases of PSRS were excluded from the data set. First, I exclud-

ed all the cases where the decision-making process started before May 2004, thus allowing for the possibility that some PSRs were recorded at the lower levels of the Council decision-making in earlier documents. Second, all the PSRs that were not attributable to specific Member States (i.e. the document states only that a Member State held a PSR or the document is only partially accessible and the name of the Member State holding a PSR is deleted from the publicly available version) were excluded as well.

The data set includes the following information: which State raised the PSR, for what issue and at what stage of the internal Council proceedings a PSR was recorded (i.e. working group, COREPER, ministerial level). The data on Member States and their use of PSRs at different levels is summarised in the table below.

	scrutiny system	WG	WG-COR	WG-C	COR	COR-C	C	allPSR
Austria	M	3	0	0	0	0	0	3
Denmark	M	138	46	6	47	2	0	239
Finland	M	2	0	0	1	0	0	3
Greece	M	0	0	0	1	0	0	1
Latvia	M	0	0	0	0	0	0	0
Malta	M	55	13	1	7	1	0	77
Poland	M	25	5	1	5	2	3	41
Sweden	M	6	3	3	2	1	0	15
Slovenia	M	6	1	0	4	0	0	11
Slovakia	M	1	0	0	0	0	0	1
Belgium	DB	1	0	0	0	0	0	1
Bulgaria	DB	0	0	0	0	0	0	0
Cyprus	DB	0	0	0	0	0	0	0
Czech Republic	DB	5	2	0	0	0	1	8
Germany	DB	9	0	4	2	0	1	16
Spain	DB	0	0	0	0	0	0	0
France	DB	79	11	4	14	3	6	117
Ireland	DB	9	0	4	1	2	2	18
Italy	DB	0	2	1	1	1	0	5
Luxembourg	DB	0	0	0	0	0	0	0
Portugal	DB	1	0	0	1	0	0	2

Table 1.  
Use of the PSRs in the period May 2004 – June 2009<sup>35</sup>

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UK	DB	141	28	12	26	5	3	215
Estonia	H	1	0	0	1	0	1	3
Hungary	H	4	1	0	2	0	1	8
Lithuania	H	1	0	0	1	0	0	2
Netherlands	H	11	0	5	4	1	2	23
Romania	H	0	0	0	0	0	0	0
all		498	112	41	120	18	20	809

There have been 444 separate issues on which at least one identifiable Member States held at least one PSR, resulting in some 809 PSRS.

To test the first hypothesis, I compared the number of PSRS held at different levels by both groups of the Member States.

There are 21 Member States that have held PSRS. Nine of them have mandating systems and have held 391 PSRS, eight of them have document-based systems and have held 382 PSRS, and so no important difference can be attributed to the general nature of the systems in terms of overall use of parliamentary scrutiny reservations.

The States with mandating systems have held 371 PSRS at working levels of the Council only (e.g. working and / or COREPER), which is 37.1 per Member State. The States with document-based systems have held 333 such PSRS, which is 27.75 per Member State. However, if we take into account only those States that have held at least one PSR, the rate 41.2 PSR per Member State with mandating system, and 41.6 per Member States with document-based system.

The States with mandating systems have held only 20 PSRS that were not withdrawn before the ministerial level meeting, which is 2 per Member States. The States with document-based system have held 49 such PSRS, which is 4.08 per Member State. Again, if we take into account only those Member States that have held at least on PSR, the ratio is 2.2 ministerial-level PSRS per Member State with mandating systems and 6.1 for Member States with document-based systems.

The three States with the most PSRS are Denmark, the UK and France. In their cases there is also a difference in the number of PSRS held at the ministerial level: only 8 out of 239 Danish PSRS were held at the ministerial level (3.35%), while in the case of the UK it was 20 out of 215 (9.3%) and in the case of France it was 13 out of 117 (11.11%).

This analysis shows that there is no significant difference between the States with mandating and the states with document-based systems in the overall number of PSRS held, neither is there significant

difference in the number of PSRS held solely on working levels. However, states with mandating systems seem to hold less PSRS at ministerial levels, which indeed suggests that they time their activities more closely to the timing of the Council in hopes of influencing the process at its earlier stages. The first hypothesis is thus partially confirmed; although the relatively small number of PSR held at ministerial level by both groups suggest that the difference is no as significant as expected.

The data also shows that the activity of national parliaments is not related to the formal strength of its system; as out of the three States with most PSRS, only Denmark appears among strong parliaments in such categorisations; both France and the UK (and the next country, Malta) are rated as weaker in all available ratings.

To test the second hypothesis, I compared the number of PSRS held by older and newer Member States. The older Member States have held 658 PSRS, i.e. 43.87 per Member State, or, if we take into account only those Member States that have held at least one PSR, 50.6 PSRS per Member State. On the other hand, the newer Member States have held only 151 PSRS, i.e. 12.58 per Member State or 18.88 per Member State if only states using PSRS are counted.

This clearly supports the second hypothesis on smaller activity of national parliaments form the new Member States.

## Conclusions

The study of national parliaments' position in the process of European integration is an integral part of the democratic deficit debate and of the debate on the future of the EU that has re-emerged in relation to the currently discussed reforms to the European monetary and economic policies.

The national parliaments retain strong democratic legitimacy as directly elected organs with relatively high electoral participation (compared for example with the elections to the European parliament). The influence they individually are able to exert over their governments and their positions in the Council—one of the main European decision-making bodies—is thus highly relevant for the democratic deficit debate.

The adoption of formal rules on parliamentary involvement in formulating and coordinating national positions on EU policies is probably one of the most important institutional adjustments a state joining the EU must make. While the rules differ considerably among the

Member States, this worked aimed to contribute to the comparative debate on different systems in parliamentary scrutiny by showing that parliaments with very different formal powers may be equally active national position formation process. The data on the use of parliamentary scrutiny reservations in the Council shows no significant difference in level of activity between States with mandating and States with document-based systems. On the other hand, they suggest that States with mandating systems might have a greater chance in influencing their governments in time for the national position to play a role in the Council negotiations by being able to time their activities with greater regard for the Council's proceedings. However, the difference is smaller than expected, which further supports the findings that formal rules may play less significant role than informal practices.

The data also clearly confirmed that parliaments of the new Member States, regardless of the apparent strength of their formal systems, are less active than their more experienced counterparts from old Member States. However, as they gain experiences from their membership, we may expect also increase in their activities, and, possibly, influence.

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*The author would like to acknowledge the support of the Czech Science Foundation (grant no. 407/09/1747).*

## Notes

- 1 See Andrew Moravcsik (1994), 'Why European Community Strengthens the State: Domestic Politics and International Institutions,' *Centre for European Studies Working Paper Series*, Cambridge: Centre for European Studies, at: [www.princeton.edu/~amoravcs/library/strengthen.pdf](http://www.princeton.edu/~amoravcs/library/strengthen.pdf) (Accessed 18 July 2011); Ronald Holzhaacker (2002), 'National Parliamentary Scrutiny over EU Issues,' *European Union Politics* 3, p. 459.
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*CEJISS*  
*1/2013*

35 WG = PSR held only at the working group level, WG-COR = PSR held both at the working group and Coreper level, WG-C = PSR held at all levels, COR = PSR held only at the Coreper level, COR-C = PSR held on both Coreper and ministerial levels, C = PSR held at the Council level; M = mandating system, DB = document-based system, H = hybrid system.