

**Defining and explaining the autonomy of Austrian, Belgian and
German executives in the Council of the European Union vis-à-vis
their domestic parliaments:**

An outcome oriented, case specific and qualitative comparative analysis

PhD thesis
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Acknowledgement

Writing this study has been a long and sometimes difficult road - especially while I was driving an old KIA PICANTO on German highways! But the Picanto is still here today, and so am I. The realisation of the PhD would not have been possible without the support, advices and help of many of my colleagues, friends and family. You all have contributed to this work. More specifically, I would like to thank the following persons:

Prof. T. Delreux, my PhD supervisor. Like his own supervisor once told me at one of my first workshop: 'You are François? Hello, I'm your spiritual grandfather. You know, I was the supervisor of Tom a couple of years ago'. As my 'spiritual father', you really helped me in asking the good questions, guiding me through the different steps of the PhD. But let's come back to the issue at hand: Tom, you have been a wonderful 'Principal'. Always there to give advice and read - sometimes at the very last minute – the various drafts of my chapters. This has been an extraordinary experience for me, I hope also for you;

I would also like to thank my colleagues at ISPOLE, and more particularly the researchers of the Centre Montesquieu d'études de l'Action Publique (CMAP) and of the Centre d'Etudes Européennes (CEE). I am especially grateful to Prof. C. de Visscher who gave me my chance in Academia as a 'research assistant' 7 years ago, and to Prof. D. Aubin, with whom I enjoyed teaching (so much) as a 'teaching assistant' in Public Administration these last 6 years. I was proud to have the chance to help you and hope I did the job! Thank you both for your support during my journey. I would like also to thank Prof. M. Reuchamps that gave a strong motivation to finish my Phd and a wonderful opportunity to join his research team as a 'post-doc'. You offered me the carrot to work hard and I'm really thankful to you for this chance.

A million thanks to my friends. I'm not going to be able to cite you all, but I would like to say, in these simple words, 'you rock !' To Charles, Maïté, Bart, Molly, Julien, Jérémie and Laura. Thanks a lot for your help in reading some of my chapters. Your advices to improve my manuscript meant a lot to me. I owe you, with a lot of pleasure, lunches, gardening hours or house building hours. Just pick one and I'll be on my way. ;-)

Then, of course, my family: my mum, my brother and my sister. Thank you for being there when I needed your support and advice, thank you for making sure that I could work on my PhD when I needed to and for being understanding when I had to skip some of the family meetings ! It meant a lot to me.

Finally, I would like also to thank all the students I met during my six years as teaching assistant as well as all the persons I met on the way in Austria, Belgium, Germany and the Netherlands. You gave me time and shared your expertise with me. Thanks a lot.

Executive summary

This doctoral dissertation examines from a comparative perspective, the negotiation autonomy of Austrian Belgian and German federal executives in the Council of the European Union vis-à-vis their domestic parliaments. In particular, it aims at explaining to what extent, how and why regional and national parliamentary actors scrutinise EU decision-making processes, as well as the consequences on the negotiation autonomy of federal executives. This thesis presents original empirical data on four legislative decision-making processes (period 2009-2014) in the environmental policy field, a competence partly regionalised in Austria, Belgium and Germany. The study uses the *Qualitative Comparative Analysis* (QCA) method and assesses the impact these following five variables have on the negotiation autonomy of federal executives: (1) the preference homogeneity between federal executives and domestic parliaments, (2) the cohesion of the domestic parliamentary system, (3) the existence of an informational asymmetry in favour of federal executives, (4) the domestic salience of the EU decision-making process, and finally, (5) the impact from the implementing powers domestic actors own.

Overall, this doctoral dissertation defends two main theoretical (and empirical) arguments. First, the dissertation shows that in federal Member States, the scrutiny of EU affairs conducted by regional parliaments do matter. It is the combined actions of national and regional parliaments (the parliamentary system) that explain the degree of negotiation autonomy for federal executives. Second, the study also demonstrates that a high level of activity from domestic parliaments does not directly translate into diminishing autonomy for the executive. These are crucial findings as most studies focusing on (sub)national parliaments and the European Union (EU) rest on the implicit assumption that strong and active parliaments in EU affairs lead to an improved accountability of the governments.

Against this background, the results show that federal executives enjoy an important level of negotiation autonomy vis-à-vis their domestic parliaments. In light of the debate on the re-parliamentarisation of the European Union and on the democratic deficit, this finding has strong outcomes. In fact, if parliaments conduct inefficient scrutiny, then domestic parliaments must go beyond the mere control of their executive in order to be active. In other words, it is not only the *quantity* of actions that matters, but also the *effectiveness* of parliamentary scrutiny. On this aspect, the doctoral dissertation highlights the fact that an important amount of the scrutiny conducted by parliaments does not fill the classical functions of parliaments (i.e. informational, control or communicating functions). When dealing with EU affairs, domestic parliaments thus have a function to *support* their executive in EU negotiations vis-à-vis other Member States and EU institutions. Hence, the input of domestic parliaments in EU governance and decision-making processes must not only be

understood as a way to increase the legitimacy of EU decision-making processes, but also as an opportunity for the executive to secure domestic support in EU negotiations.

More specifically, the level of autonomy of federal executives is closely bound to the presence or absence of homogenous preferences, and to the salience of EU decision-making processes. On salience, the analysis depicts interesting results. In reality, a high level of salience (combined with homogenous preferences between the Agent and the Principal) is leading to increased negotiation autonomy for the executive. However, the configurational analysis reveals that, combined with a non-cohesive Principal, a lower level of salience leads to less negotiation autonomy. Contrary to what was found in previous studies, domestic salience for an EU proposal will not always lead to higher scrutiny from domestic parliaments.

This doctoral dissertation also emphasises that the degree of autonomy of executives in EU affairs is to a large extent country-specific. In fact, Austrian and Belgian executives enjoy a high degree of autonomy in EU negotiations whereas the German executive has less room for manoeuvre vis-à-vis its domestic parliaments. As such, this finding confirms previous results from scholars focusing on the institutional strength and degree of activity of domestic parliaments in EU affairs. However, the dissertation goes one step further by highlighting the fact that the formal strength and degree of activity by parliaments is also affecting the room for manoeuvre federal executives have in EU negotiations. In turn, the doctoral dissertation invites scholars to open a new research agenda focusing not only on the strength and activity of parliaments, but also on the quality and effectiveness of their actions.

Finally, the dissertation offers a first empirical analysis on the relationship between several parliaments (regional and federal) within one Member States. The empirical data shows that the involvement and activity of regional parliaments in Austria, Belgium and Germany on EU affairs is relatively modest, even when EU proposals touch upon shared or regionalised policies. Nonetheless, an interesting finding is the role upper houses have played in these Member States (at the exception of Belgium). Upper houses were the most active parliaments in scrutinizing EU environmental policies in Germany and Austria. In light of the debates on the effect of bicameralism in Western democracies, this paper shows that stronger parliamentary systems - such as the ones in Austria and Germany - tend to seize benefits and opportunities derived from the post-Lisbon era more frequently. In particular, upper houses reinforce their position within the domestic parliament system at the expense of regional parliaments.

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Introduction

This thesis examines the negotiation autonomy that Austrian, Belgian and German executives have in the Council of the European Union vis-à-vis their national and subnational parliaments. Thus, the study focuses on the relationship between an executive negotiating at the EU level and his parliaments acting at the domestic level. What matters is that the representative of the executive acting in the Council of the European Union has the ability to engage his Member State during EU negotiations. This situation has important implications for the relationship between the executive and his domestic parliaments. The EU policy outcome and the decision-making process negotiated in the Council of the European Union are *de facto* binding for national and sometimes subnational parliaments. As a result, the actions of the executive at the European level have implications for its parliaments.

In agency theory, the relationship between a parliament and an executive is often depicted as a regime of delegation and accountability between a Principal and an Agent (see Bergman, 2000, Bergman *et al.*, 2000; Strom, Müller and Bergman, 2003). These authors have identified several important delegation steps in parliamentary democracies. In brief, the first step tackles the links between voters (the ultimate Principal) and elected representatives (Members of Parliament acting as the Agent of the people). The second and third steps look at the delegation from MPs to the government. The last step focuses on the delegation process between cabinet members and civil servants. Going to the opposite direction, a similar chain of accountability is observed starting from civil servants until the ultimate Principal: the voters (Müller *et al.* 2003). Within this chain of delegation in parliamentary democracies, the key strides undertaken are the link between the members of parliaments (MPs), who represent the citizens, and the executive, acting on behalf of the parliament. However, the institutional distance between the parliaments, acting at the domestic level, and the executive negotiating in the Council of the European Union is larger in EU affairs than in domestic politics.

This situation raises questions on how parliaments scrutinise their executives dealing with EU affairs, and on the given autonomy those executives enjoy in negotiation. Are the delegation and accountability mechanisms set up for domestic politics also applicable to EU affairs? What is the concrete impact of the parliamentary scrutiny of (sub)national parliaments on executives in EU negotiations? According to Häge (2008), some authors claim that the Council proceedings dilute the accountability and control by domestic voters through parliaments. Others argue that there is a clear line of accountability, '*from the*

bureaucrats and ministers acting in the Council through national parliaments to the domestic voters' (Häge, 2008: 533). On this matter, Hayes and Wallace (2006) explain that the study of the Council of the European Union in relation to domestic parliaments is interesting, as it implies the development of a balance between efficiency and democracy: *'the pressure to report back to national parliaments before committing oneself to agreement at European level demonstrates the inherent tension between democracy and efficiency that pervades the Council system'* (Hayes & Wallace, 2006: 241). Indeed, Member States are constrained in many ways when negotiating in the Council. They have to strike a balance between collective action and the representation of national interests. More precisely, a national representative has to deal with the logics of two different settings. On the one hand, the executive acts at the *European level*, where he must deal with the win-set of the other 27 Member States. On the other hand, the executive must take into account the *domestic level*, where he is under pressure from the potential (threat of) scrutiny led by his (sub)national parliaments. These different logics are not always compatible, since the European setting can drive the executive to sacrifice the national position to hasten compromise, whereas the domestic one might force the executive to strictly defend the national position.

This tension further stresses the necessity to study the autonomy of negotiation executives have in the Council vis-à-vis their domestic parliaments. Namely, how does a national representative deal with the negotiations in the Council of the EU when acting on the basis of parliamentary instructions – which can be less or more binding, if any – and knowing that afterwards he might have to justify the European agreement before his national and subnational parliaments? What does it mean for the implementation of the EU agreement at the domestic level? This phenomenon is described in literature as a 'two-level' game (Putman, 1988). Yet, this is even more complex in federal Member States, since the domestic level is composed of a national and a subnational level. Adding a third level of governance in the analysis is challenging and opens new questions on the autonomy of executives vis-à-vis their domestic parliaments. In federal Member States, the executive must take into account his national parliaments, while being cautious in accommodating as much as possible the potential divergences between subnational executives and their respective regional parliaments. In brief, the tension identified by Hayes and Wallace (2006) puts the national representative in a trade-off situation where he must operate a 'balancing act' between two types of environments that may or may not converge. What is sure is that when looking at the chain of delegation from voters to the executive, the relationship between the executive and his domestic parliamentary system, to a certain extent, determines how executives are negotiating, what they can commit to, which concessions they can make, or what they can achieve.

When some national representatives must act on the basis of parliamentary instructions (such as in the Danish or Finnish parliaments), others need their parliaments to implement and avoid compliance problems. Yet all national representatives are aware of their own parliaments scrutinising them. Going one step further, the study considers whether the scrutiny conducted by domestic parliaments impacts on the autonomy of executives in EU negotiations, and how this is done. To summarise, negotiation in the Council of the European Union requires balancing different types of interests and logics of negotiation, as well as interaction with multiple actors at the domestic and European levels. Based on prior arguments, the **research question** of the PhD is the following: *What factors influence the autonomy of executives from Austria, Belgium and Germany vis-à-vis their domestic parliamentary system when negotiating in the Council of the European Union?*

The rest of the introduction highlights the following elements. The next two sections present the domestic and European settings of the parliament-executive relationship. First, the main studies conducted on national and regional parliaments and the European Union are considered. Second, research conducted on the Council of the European Union is examined. The introduction then continues by highlighting gaps in the academic literature, and presents in more detail my answer to these gaps and the main specificities of this study. The last section briefly reveals the structure of the PhD.

The domestic level – The involvement of (sub)national parliaments in EU affairs

From the Treaty of Maastricht to the Treaty of Lisbon, domestic parliaments have gradually developed their informational and control capabilities (Hayes & Wallace, 2006), an adaptation described in the literature as an '*institutional response*' (Goetz & Meyer-Sahling, 2008; Winzen, 2012). Since the 90s and the pivotal works of Norton (1996) and Raunio (1999), the literature has discussed in depth the roles and functions of national parliaments in the European Union: from the differences in their institutional settings and resources, along with their level of activity and the reasons explaining the variations in parliamentary scrutiny between Member States¹. In brief, studies on national parliaments have undergone a gradual shift from the analysis of the institutional Europeanisation of parliaments to the study of their behavioural and attitudinal adaptations (Goetz and Meyer-Sahling, 2008). In other words, from institutional capacities to parliamentary behaviour (Auel and Christiansen, 2015; Auel, 2016). Yet, as it will be discussed in Chapters 1 and 2 of the PhD, little is known of the concrete influence parliamentary scrutiny has on executives. Does the institutional strength

¹ See, as an illustration the 2015 special issue in *West European Politics* and the *Palgrave Handbook of national parliaments and the European Union*, also published in 2015.

of parliaments (institutional Europeanisation) in EU affairs and their degree of parliamentary activity (behavioural Europeanisation) impact on the way executives negotiate in the Council of the EU? In fact, what is the impact of parliamentary scrutiny on the negotiation autonomy of executives?

For most Member States, looking at the involvement of the *national parliaments* in EU politics is sufficient. However, in federal or quasi-federal Member States, subnational parliaments have competences that are highly Europeanised, such as environmental and agricultural policies (Vara Arribas and Bourdin, 2011; Schmitt *et al.* 2013). Currently, six Member States in the EU (Germany, Austria, Belgium, the UK, Spain and Italy) have regional assemblies with legislative powers. This means that these regional parliaments – just like their federal counterparts – have increasingly pooled legislative competences at the European level. The pooling of sovereignty also implies that regional legislative assemblies in these Member States are entrusted with the implementation of a vast amount of EU legislation (Bursens and Högenaeur, 2017). In this regard, the Treaty of Lisbon offers an opportunity for subnational parliaments to get involved in EU decision-making processes (Abels, 2016; Borońska-Hryniewiecka, 2013; Bursens and Högenaeur, 2017; Vara Arribas and Högenaeur, 2015). A novelty which may impact the relationship between national and subnational parliaments in federal countries, and the executive representing his country in EU negotiations.

So far, empirical studies on regional parliaments in the EU can be put in two categories. On one side, several articles focus on single country or even single region studies of one of the federal or quasi-federal Member States. In this regard, the recent special issue on regional parliaments published in the *Journal of Legislative Studies* (2017) is a good example of this type of study. On the other side, the role of regional parliaments in the EU has been studied in comparative analyses conducted for the Committee of the Regions on the involvement of regional assemblies in the EWM (Vara Arribas and Bourdin, 2011) and to a lesser extent, in the 2016 book on *Subnational parliaments in the EU multi-level parliamentary system* (Abels and Eppler, 2016). Yet, as explained by Ladrech (2012, see. also Ladrech, 2016), few researchers have yet adopted a cross-national comparison perspective of subnational parliaments. Especially in empirical research, as '*the extension of the Europeanisation approach to subnational parliaments has probably been undertaken, but not in a cross-national perspective due to the number of intervening variables – different behaviour even with one country, additional rules, additional electoral cycles, etc.*' (Ladrech, 2012: 2, see also Ladrech, 2016). Still, the slow but progressive involvement of some regional parliaments also triggers additional questions on the negotiation autonomy of executives in federal Member States. How are regional and national parliaments interacting within one Member

States? What are the consequences on the national position defended by the executive in EU affairs?

To sum up, while studies on national parliaments have focused on both the institutional adaptations of parliaments and their actual use of scrutiny mechanisms, research on regional parliaments is so far limited to the analysis of the institutional adaptations of regional parliaments. Nonetheless, the analysis of the institutional strength of domestic parliaments and to some extent their level of activity is not sufficient to explain the negotiation autonomy executives have in EU affairs: One also has to study the impact or effectiveness of parliamentary control. This question is very important for the debate on the democratic character of the European Union. Most of the studies on national and regional parliaments in the European Union share as a starting point the idea that with the European integration, parliaments are now facing a dual democratic deficit (Judge, 1995; Winzen, 2012). **Yet, the ability parliaments to adapt to the European integration and play their role in the democratic legitimisation of the European Union was and still is discussed today.** This debate is known as the 'de-parliamentarisation' vs. the 're-parliamentarisation' debate. Whereas some scholars (at least at the beginning) have described national parliaments as the 'losers' of the EU integration process (Maurer and Wessels, 2001), others spoke about a 're-parlamentarisation' of the EU (Raunio and Hix, 2000).

The European level – The Council of the European Union: An institutional chameleon?

At the European level, the Council of the European Union and the European Parliament jointly exercise significant legislative and budgetary functions (Nugent, 2006). Certainly, the *'Council is arguably the most powerful of the institutions involved in the day-to-day decision-making of the EU, since it constitutes the primary arena in which key negotiations are played out among member governments'* (Naurin & Wallace, 2010: 1; Nugent, 2006). But until recently, the Council of the European Union was considered as one of the 'black boxes' in studies examining EU decision-making processes. In this respect, Wallace (2002) explains that the Council can be analysed from different angles and is better described as an *'institutional chameleon'*².

More recently, Warntjen (2010) proposed a typology in which the logics of negotiation within the Council of the EU are categorised. The author identified four dynamics of negotiation in the Council of the European Union: distributive bargaining, co-operative exchange,

² The author proposes five different images of the institution: a partner of the Commission, a club of governments, a venue for competition and bargaining between governments and other political actors, an arena for networked governance, and finally, as a consortium for developing 'transgovernmental' collaboration.

deliberation, and norm-guided behaviour. While the first two categories fit a rational-based approach, the last two highlight the importance of norm-guided behaviour and deliberation in the decision-making process. On the one hand, in a distributive bargaining model, '*actors strive to maximise their share of the prospective gains*' (Warntjen, 2010: 667), and in a co-operative exchange model, they aim to reach a mutually beneficial agreement by trying '*to increase the value of the deal*' (Warntjen, 2010:668). The latter model is well exemplified by the concepts of specific reciprocity, institutionalised reciprocity and diffused reciprocity (see. Lewis, 2003; Lempp and Altenschmidt, 2007). On the other hand, the deliberation model represents the members in the Council who are willing to take the best possible decision to reach a '*reasoned consensus*' based on 'facts'. The last model, the norm-guided behaviour, focuses on the Council-style consensus and the socialisation effect of the European environment on an actor (Beyers, 2005; Beyers and Trondal, 2004). To this matter, Lewis explains that '*the oldest and most pervasive unwritten rule in the Council's daily operations is the norm of consensus decision-making*' (Lewis, 2010:1007).

To summarise, the literature focusing on the Council of the European Union and the European Council has examined the role of the rotating presidency, preferences distribution, power, culture and socialisation on EU negotiations (see. Dür, Mateo, 2010; Dür, Mateo, Thomas, 2010; Naurin, 2015). But less attention was given on the impact of national and subnational parliaments on the building of executives' preferences. Most of the time, national and subnational parliaments are treated as a constituent part of the so-called broader 'domestic constraints,' and their impact is not analysed in a systematic and comparative manner. This situation is surprising. Indeed, when looking at the chain of delegation and accountability presented at the first page of this introduction, executives are held accountable to their domestic parliaments that act as the 'Principal'. Domestic parliaments could in theory play an important role on the behaviour of executives in the Council of the EU. To some extent, the role of (sub)national parliaments in EU decision-making processes was best analysed in studies on the transposition and implementation of EU policies³, hence after EU negotiations. Yet in these studies, the involvement of (sub)national parliaments is mainly understood as an independent variable that explains the variation in the speed of transposition of Member States, or the impact it has on the implementation of EU legislation.

Regional parliaments, national parliaments and the Council of the European Union – Connected, yet distinct trends of research?

³ In most studies, the dependent variable is the 'timeliness' of transposition (i.e. If the transposition was done on time), the 'correctness' of the transposition (i.e. Does the transposition accurately reflect the EU legislation?) and finally, the variation in the implementation practices between Member States (i.e. How and why a European directive results in differences in the implementing measures taken by Member States).

What is striking with the above presentation on regional parliaments, national parliaments and the Council of the EU, is the *isolation* of these different trends of research from one another. To my knowledge, empirical studies which examine parliamentary scrutiny of EU affairs in federal and quasi-federal Member States have rarely included both regional and national parliaments in their analysis. Often the literature focuses on national parliaments or regional parliaments, but not on both⁴. To illustrate our point, the country specific chapters in the *Palgrave handbook of national parliaments and the European Union* (Heffler *et al.* 2015), to a large extent only focus on national (lower) chambers, leaving the question of regional parliaments for crosscutting issues chapters. Also, special issues published recently in journals such as *West European Politics* (2015) or *The Journal of legislative studies* also focus on a specific level of governance only, be it regional or national. Consequently, the relationship between multiple parliaments from different levels of governance within a Member State is rarely discussed or empirically measured. If one wants to comprehensively analyse the impact parliaments from federal or quasi-federal Member States held in EU decision-making processes, one must study the *combined actions* of regional and federal parliaments, at least for regionalised policies. What matters is the analysis of the parliamentary system as a whole, that is national and regional parliaments together, rather than individual parliaments acting on the regional or national levels.

To a certain extent, studies on (sub)national parliaments and the European Union are disconnected from the European level. As presented above, few articles have brought in common the scrutiny of domestic parliaments and the actions of the executive in the Council of the EU. The question we continue to ask: What is the *concrete impact* of parliamentary scrutiny on the actions of their governments negotiating in the Council of the European Union? It has been ten years since Auel (2007; see. also Raunio, 2009) highlighted that the formal powers given to parliaments and parliamentarians are not automatically used. In response, scholars started to analyse the *concrete activities* of parliaments in EU Affairs, and to explain the variation of this control between EU Member States and within Member States (i.e. between political groups). These studies were conducted with the implicit assumption that the strength of **oversight institutions** and the degree of parliamentary activity were good indicators of the parliaments' influence upon their executive.

Taking Auel's initial observation one step further, this study argues that the parliamentary control taking place at the domestic level does not **necessarily** translate to direct impact on

⁴ I would like to stress that this observation is mainly directed at empirical studies and to a lesser extent for theoretical discussions on the role of regional assemblies. Indeed, recent articles or book chapters started to analyse the Europeanisation of regional parliaments in light of the dynamic observed in national parliaments (Ladrech, 2016). They also critically discuss the potential role and influence of regional parliaments in the emerging multi-level parliamentary fields (Crum, 2016; Fossum, 2016; Patzelt, 2016).

the autonomy of executives in EU negotiations (i.e. in the Council of the EU). With this in mind, Sprungk (2010) claims that it is not the quantity that matters, but the *quality* of the parliamentary scrutiny. Indeed, the link between the formal strength of parliaments, the quantification of their activities and its consequences on the executive should be further investigated. What previous studies have in common is their focus on the parliaments' actions within the parliament-executive relationship, without systemic questioning and empirical measuring of the concrete impact of parliamentary scrutiny towards the negotiation autonomy in EU affairs. One illustration of this trend is that most studies take the overall strength of parliaments or their level of activity as a dependent variable. As such, most scholars have predominantly analysed the domestic involvement of (sub)national parliaments in EU affairs in *isolation* of the executive. Therefore the causal relationship between parliamentary actions at the domestic level and its possible impact on the executive at the European level must be further analysed.

To conclude, the literature on regional parliaments, national parliaments and on the Council of the EU were developed in isolation from one another, as three connected but distinct trends of research. On the one hand, little is known on the relationship between multiple parliaments that make up the *domestic parliamentary system* within federal Member States. On the other hand, the literature on (sub)national parliaments faces difficulties in analysing and empirically tracing the concrete influence of *domestic parliamentary systems* on executives negotiating at the European level. However, these questions are critical to analyse comprehensively the impact of parliaments - both regional and national – on the negotiation autonomy of executive. It is thus necessary to always include the executive's perspective and to link the EU and domestic policy-making processes. According to Moravcsik, most analysis of the European Union (EU) deal with the EU in "*isolation and thus fail to appreciate fully the symbiotic relationship between national and EU policy-making (...)*" (Moravcsik, 2002: 606; Moravcsik, 2003).

Linking EU and domestic policy-making processes: Taking as a dependent variable the autonomy of executives vis-à-vis their domestic parliaments

My research fills these gaps by bringing these different trends of research together, and by focusing on the concrete impact of parliamentary scrutiny on the executive in a case-specific way. This doctoral thesis uses the Principal-Agent Model and comparatively analyse the *autonomy* of Austrian, Belgian and German executives negotiating in the Environment Council of the European Union (i.e. the Agents) vis-à-vis their national and subnational parliaments (i.e. the Principal). Consequently, contrary to most studies on (sub)national

parliaments and the European Union, the dependent variable of this research is not the institutional strength or activity of parliaments in EU affairs, but rather the *autonomy of negotiation* of executives vis-à-vis their (sub)national parliaments. Doing so allows us to analyse the actions of domestic parliaments (bottom-up) in light of the executives' actions at the EU level (top-down). The research connects both the European and domestic worlds of the executive (i.e. the Agent) by systematically discussing the impact of parliamentary scrutiny on executives negotiating in the Council of the EU.

As federal states, the cases of Austria, Belgium and Germany are of particular interest. In these states, the executive faces control from several parliaments (national and subnational parliaments, understood here as the *domestic parliamentary system*). Nonetheless, in federal states the institutional distance between subnational parliaments (which possess competences that are also significantly Europeanised) and the federal executive (which represents the entire Member State in the Council) is bigger. As a result, my research will focus on the negotiations that take place in the *environment* configuration of the Council of the European Union. The reason for this choice is straightforward. In the field of environmental policy, competence is shared to some extent between the federal and subnational levels of Austria, Belgium and Germany (Vara Arribas and Bourdin, 2011). Emphasis on the negotiations of environment policies offers the possibility to observe and analyse the interplay between subnational and national parliaments within one Member State. This PhD presents original data based on 67 semi-structured interviews conducted in four different countries with officials of EU institutions, Permanent Representations, regional and federal administrations and finally, with parliamentarians. Desk research and media coverage analysis were also used to complete and crosscheck the data gathered with the interviews.

More specifically, four negotiations of environmental EU policies are selected from the period 2009-2014. The focus is on four decision-making processes leading to the adoption of two directives and two regulations,⁵ and the executive-parliament relationship during these processes in three EU countries; the study has a total of 12 cases. A case is defined in this research as a *Principal-Agent relationship between the executive from a Country A before, during and after an EU policy-making process*. To compare these cases, the study uses an analytical method, the *Qualitative Comparative Analysis* (QCA). QCA is an interesting

⁵ For a discussion on the case selection, please go to chapter 3 of the study. The four EU decision-making processes are the following: the directive on the control of major-accident hazards involving dangerous substances (2012/18/EU - Seveso III); the directive as regards priority substances in the field of water policy (2013/39/EU); the regulation to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars (No 333/2014); and the regulation on the establishment of a program for the Environment and Climate Action (No 1293/2013 - LIFE).

method for systematic cross-case comparisons, **while at the same time doing justice to within case complexity** (Rihoux, Ragin, 2009). As argued by Ragin, QCA allows a researcher to combine the best features of a case-oriented approach and a variable-oriented approach (Ragin, 1987).

Five causal conditions that may impact the negotiation autonomy of executives (i.e. the outcome) are investigated in this study. **(1)** The preference homogeneity between Principal and Agent, **(2)** the cohesion of the domestic parliamentary system, **(3)** the informational asymmetry, **(4)** the domestic salience of the EU decision-making process, and finally, **(5)** the impact of the implementing powers of domestic actors. Overall, the result shows that the level of autonomy federal executives have is closely bound to the presence or absence of homogenous preferences. The absence of homogenous preferences between the executive and the parliamentary system is a sufficient and necessary condition to explain two out of three cases of lower level autonomy of executives. On the contrary, the presence of homogeneous preferences between the Agent and the Principal is a necessary but not sufficient condition that explains a higher level of autonomy. In situations where executives enjoy a relative high level of autonomy, the presence of homogeneous preferences must be combined with **(a)** the presence of a cohesive Principal, or **(b)** a high domestic salience of the EU decision-making process. The causal condition 'salience' offers compelling and counter-intuitive results. Contrary to what was expected theoretically, a higher level of salience does not necessarily translate into a lower level of autonomy for federal executives. Results show that in some cases, domestic salience is so high that it diminishes parliamentary scrutiny, which in turn increases the negotiation autonomy of the executive.

Structure of the PhD

Directly following this introduction, the PhD begins with a *state of the art* on (sub)national parliaments and the European Union and on the Principal-Agent model (**Chapter 1**). The chapter opens with an overview of historical developments and the underlying debates on the role of national and subnational parliaments in the European Union. Logically, I also address the conceptualisation of the role of (sub)national parliaments in their multi-level environment, captured by concepts such as '*multi-level parliamentarism*'. Indeed, as the EU is described in the literature as a multi-level political system in itself, I question whether and how parliaments react to such a context. The specific reactions of the Austrian, Belgian and German parliaments to the European integration process is also detailed. Second, I introduce the Principal-Agent Model and examine its key assumptions and historical evolutions. Used as a heuristic device, the model is particularly useful to frame the

relationship between an Agent (i.e. the executive) and his Principal (i.e. the domestic parliamentary system). Then I discuss the application of the model on the analysis of the executive-parliament relationship in a multi-level environment. The chapter ends by defining who are the 'Agent' and the 'Principal' of this research.

Chapter 2 introduces the research design of the doctoral thesis and is organised around two main axis. On the one hand, the chapter defines and presents in detail the operationalisation of the dependent variable – the autonomy of negotiation of executives. This is done in three steps. First, I look at the institutional strength (scrutiny rights) of (sub)national parliaments in EU affairs and discuss the *delegation setting* in which the Agent and the Principal operate (the '*politics of delegation*'). The second step consists of measuring the amount of **control** mechanisms activated by the Principal (the '*politics of discretion*'). To do so, I developed a score index of parliamentary activities for each of the 4 decision-making processes in Austria, Belgium and Germany. In the last and third step, I qualitatively assess the impact of each scrutiny action on the Agent by tracing back how the executive reacted to these control mechanisms. On the other hand, the second part of the chapter presents the hypothesis and their operationalisation. The independent variables (causal condition in QCA terminology) are mostly based on key assumptions of the Principal-Agent Model. *Goal conflicts* in the sense of preference heterogeneity between the Principal and the Agent; *information asymmetry*, as executives act in a negotiation environment that (sub)national parliaments find hard to access. I also open the 'black box' of parliaments and look at the *cohesion of the parliamentary system* (between parliaments and within parliaments). Finally, I look at the influence of the *salience* of the EU decision-making processes and at the impact of the implementing powers of domestic actors on executives' autonomy of negotiation vis-à-vis their domestic parliamentary system.

Chapter 3 deals with the methodological aspects of the study. First, I start by presenting the comparative method used in the PhD – the Most Similar System Design (MSSD). To explain an observed political outcome, the method is based on identifying different key features in the make-up of similar countries. Here it is the negotiation autonomy of executives vis-à-vis their domestic parliaments. The selection of Austria, Belgium and Germany is justified accordingly. Second, I discuss the choice of environmental policies and the subsequent selection of the four EU policy-making processes. Third, I present the data collection that starts from the interviewees' selection and the identification of key actors to the development of the questionnaire(s) used for the interviews. Finally, the chapter ends by presenting the method of analysis of the study – the *Qualitative Comparative Analysis*.

The first three theoretical and methodological chapters are followed by four empirical chapters (**Chapters 4 to 7**), one for each EU policy-making process analysed. All four empirical chapters have the same structure and are organised as follows. Each chapter begins with a concise presentation of the EU policy-making process and identifies the main issues of the negotiations in the Council of the EU. Second, for each of the three countries analysed, the degree of parliamentary activity of (sub)national parliaments is measured before, during and after the EU decision-making process. Third, the impact of the parliamentary activity on the negotiation autonomy of executives in the Council of the EU is discussed. These sections provide rich information and empirically measure the dependent variable of the research – the autonomy of negotiation. Finally, I present empirical observations for each independent variable. These four empirical chapters are very important as they form the empirical *reservoir* of the research for the *Qualitative Comparative Analysis* and the discussion of the results.

Chapter 8 is the comparative chapter and it is organised in three main sections, one for each of the main steps that must be conducted in a *Qualitative Comparative Analysis*. The first section presents the dichotomisation of the outcome and causal conditions using the values of '1' and '0'. The value '1' signifies the presence of the variable and '0' signifies its absence. The second section of the chapter deals with Boolean minimisation. It helps identify a combination of causal conditions to explain the presence of a high degree of autonomy of executives vis-à-vis their (sub)national parliaments in EU negotiations, but also in situations where executives enjoy a low degree of autonomy. This minimisation process leads to minimal formulae that are presented according to Boolean terminology. In the third and last section of this chapter, I interpret the minimal formulae and go back to the empirical material to unpack their causal mechanisms.

Chapter 9 is the discussion chapter of the PhD. It recalls the main insight observations of the PhD in light of the academic literature on (sub)national parliaments and the Principal-Agent Model. As such, the chapter mirrors the main research agendas and findings identified in the state of the art. First, I examine whether there is a relation between the institutional strength of parliamentary oversight institutions in Austria, Belgium and Germany and the level of parliamentary scrutiny of their (sub)national parliaments in EU environmental policies. Phrased differently, do the formal capabilities of domestic (sub)national parliaments equal the actual parliamentary behaviour? Going back to my key theoretical argument, I discuss whether and how the combination of the institutional strength of parliamentary oversight institutions and how parliamentary activity can explain the degree of autonomy enjoyed by executives in EU negotiations. In other words, in a certain delegation setting, does the

quantity of parliamentary scrutiny impact on the autonomy of the executive negotiating in Brussels? Third, I consider the conditions which explain the degree of negotiation autonomy of executives and then I discuss in more detail the causal mechanisms identified in the *Qualitative Comparative Analysis*.

The **conclusion** of this doctoral thesis draws back to the research question and summarises the main findings of the research. The chapter also broadly discusses the roles of (sub)national parliaments in the European Union. Then, it reflects on the external validity of the results and outlines a series of limitations in the analysis. The chapter ends by presenting several leads for further research on (sub)national parliaments and the EU.

Chapter 1: State of the art

The chapter starts with an overview of the historical developments and underlying debates on the role of national and subnational parliaments in the European Union. To do so, this section proposes a state of the art on national parliaments (Section 1.1), subnational parliaments (Section 1.2) and on the recent developments of inter-parliamentary coordination and its implication on multi-level parliamentarism (Section 1.3). Responses from the Austrian, Belgian and German parliaments to the European integration process will be described further (Section 1.4).

As a second step, the model used in this research to frame the relationship between an Agent (i.e. the executive) and his Principal (i.e. the domestic parliamentary system) is introduced. The Agent and Principal in our research are identified too. I first identify precisely who the Agent and Principal of this research are (Delreux and Adriaensen 2017, 2017a) (Section 2.1). Then, I examine the main claims of the approach (Section 2.2) before discussing its application on the analysis of the executive-parliaments relationships in a multi-level environment (regional – national – European) (Section 2.3).

1. (Sub)National parliaments and the European Union

1.1 National parliaments and the European Union

The democratic character of the European Union has been widely debated and gradually discussions on the role of national parliaments took greater importance in public and academic debates. However, there are still intense discussions on the capacity of parliaments in adapting to European integration and play their role in the democratic legitimisation of the European Union. Some scholars have described national parliaments as the ‘losers’ of the EU integration process (Maurer and Wessels, 2001), with a preliminary analysis focusing on the diminishing parliamentary influence on EU decision-making (Norton, 1996). Others spoke of a ‘*re-parliamentarisation*’ of the EU (Raunio and Hix, 2000), demonstrating a growing importance of the European Parliament and how national parliaments have progressively adapted to democratic challenges. A debate then began between scholars supporting the ‘*de-parliamentarisation*’ thesis and those arguing that parliaments were steadily fighting back, seeing signs of ‘*re-parliamentarisation*’ of the EU (Goetz and Meyer-Sahling, 2008).

Academics in this field have agreed on the starting point of the discussion: domestic parliaments face a *dual democratic challenge* with the European integration process. As Winzen (2012: 657) outlines: *'The most common starting point for studies of national parliaments is what Judge (1995) labels a 'dual democratic deficit'. Parliaments not only suffer from the transfer of authority to the European level. They also find it difficult to control their governments in EU affairs, that is, to make them act according to their preferences'*. In fact, one of the consequences of European integration is the pulling of competences to the EU level, diminishing those of the Member States and national legislatures (Auel, 2016). European integration also has an impact on the balance of powers between government and parliaments, as executives gain additional discretion in EU affairs vis-à-vis their parliaments. Their central position in the EU decision-making process offers two advantages for governments over national and subnational parliaments: (1) a privileged access to information on the negotiations, and (2) an in-depth knowledge of the negotiation environment (Winzen, 2012a). A last encompassing reason behind this perceived decline of parliamentary influence is the mode of legitimacy EU institutions are driven by. When negotiating the basic Treaty, Member States chose to characterise EU polity as a representative democracy (art 10.2 TEU). On this matter, Rozenberg and Surel (2003, own translation), commenting on the 'decline' thesis of national parliaments, noted a *'break between the legitimacy through inputs and the legitimacy through outputs'*. Scharpf (2000) goes in the same direction. He claims that European institutions favour the work accomplished and the norms produced (output legitimacy) over input legitimacy, understood as electoral legitimacy.

In this line of thought, the attention of scholars was first directed towards the European Parliament (EP). The EP is seen as the counterweight representative institution vis-à-vis the Council of the European Union and considered as the democratic saviour of the EU. Despite its increased role in EU decision-making processes and with the co-decision legislative procedure standardisation between the EP and the Council of the EU, the EP alone cannot live up to high expectations of filling the input legitimacy gap. Indeed, the EP lacks full parliamentary powers, as it does not have the right to initiate legislation even with respect to exclusive EU competences. Several authors have argued that it is not enough to add parliamentarisation at EU level while a solution can partly be found at the Member States level (Maurer 2002, see also Weiler, 2012).

Since the 90s, with the central works of Norton (1996) and Raunio (1999), the literature on national parliaments and the European Union has steadily increased. Relevant works have developed when national parliaments were formally recognised in EU treaties. From the

Maastricht Treaty to the Lisbon Treaty, the rights of national parliaments were progressively reinforced. The first official acknowledgement came with the Maastricht Treaty and was written in *declarations* 13 and 14, which called for a greater involvement of national parliaments in the activities of the European Union. The declarations pushed governments to share in due time with their national parliaments the Commission proposals. However, the impact of these declarations remained limited given their juridical state (Rozenberg and Hefftlér, 2015). The next major step came with the Treaty of Amsterdam and the 'Protocol on the role of national parliaments in the European Union', the latter having legal force. The protocol recognised the COSAC and national parliaments were given limited but concrete rights related to the transmission of information and on timing for scrutiny – a minimum of 6 weeks between a Commission proposal and the start of Council negotiations. A couple of years later, the Treaty of Nice launched a wide debate on the future of the European Union. The Laeken declaration (2001) formalised the official start of the 'Convention on the Future of the European Union', a forum composed of members from national parliaments, the European Parliament, the European Commission and representatives of governments. Maurer considers that *'the 2002 Convention can be seen as a move towards assigning to the national parliaments and the European Parliament a specific kind of joint para-constituent power'* (Maurer, 2003: 92-93). In particular, one of the key areas of the discussion focused on the involvement of national parliaments in the European Union.

The concrete outcome of these meetings led to the development of the 'Early Warning Mechanism' (EWM), added to protocol 2 of the Lisbon Treaty (see among others, Gattermann and Hefftlér, 2015; Knutelská, 2011; Neuhold and Strelkov, 2012; Raunio, 2010, 2013). To sum up, national parliaments can intervene collectively in EU policy-making through reasoned opinions on the subsidiarity of draft legislative acts (Gattermann and Hefftlér, 2015). If one third of the parliaments adopt a reasoned opinion stating that there is a breach of subsidiarity, the European Commission can decide whether to maintain, amend or withdraw its legislative proposal. This 1/3 threshold is known as the 'yellow card' mechanism. National parliaments can also raise the 'orange card' if the majority finds that the subsidiarity principle was breached. In this case, if the Commission decides to maintain the legislative proposal, the Council of the EU and the European Parliament jointly decide if there is an actual breach of subsidiarity. Overall with this protocol, national parliaments have secured the direct transmission of all documents from the European Commission, a period of 8 weeks before the first Council meeting for ex ante parliamentary scrutiny and a role in the revision of EU treaties based on the Convention model.

Lastly, it is important to mention that national parliaments can communicate bilaterally with the European Commission via the 'Political dialogue' mechanism. The main difference with the EWM is that Political dialogue opinions are not limited to the subsidiarity of EU proposals but allows '*national parliaments to assess any other legal and political aspect of proposed EU legislation, such as the opportuneness and desirability of action. This is done by examining the substance of draft EU acts and the Commission's instruments of legislative planning, the most significant of which are annual policy strategies and legislative and work programmes*' (Jancic, 2012: 81).

In light of these institutional developments, scholars have analysed the roles and functions of national parliaments in the European Union but also the reasons explaining the differences in their institutional settings and variations of the parliamentary activity between EU Member States. The next sections summarise the main findings from the academic literature and the current challenges for future research.

1.1.1 What we know so far

The literature on the role of national parliaments in the European Union (EU) has greatly evolved over the last 25 years. Goetz and Meyer-Sahling (2008, see also Auel, 2016) grouped academic studies in light of different parliaments' responses given on EU integration and identified two dimensions in the Europeanisation process of national parliaments: the institutional and the behavioural Europeanisation. Both of these dimensions triggered stimulating research agendas.

In brief, the first research agenda aimed at measuring the *formal strength* of oversight institutions and explain the variation between Member States. The second research agenda focused on the *level of activity* and opened the black box of parliaments by analysing the role of specific actors (political groups within parliaments, EU administrative unit), the different functions of parliaments (controlling and communicative functions) or by focusing on specific scrutiny instruments (EWM, political dialogue opinions, resolutions, parliamentary questions). Finally, typologies of parliamentary scrutiny are briefly presented (Rozenberg and Hefftlar, 2015) and activity (Auel *et al.* 2015; 2015a).

Step 1: The institutional Europeanisation

The first research agenda aimed at understanding *why* and *how* national parliaments have adapted to European integration. The first batch of studies has focused on the *institutional*

Europeanisation of national parliaments (the *how* question), and on the determinants explaining the formal strength of parliamentary oversight institutions and between Member States (the *why* question). This took the form of descriptive single-country studies (Bergman, 2000; Maurer and Wessels, 2001; Norton, 1996), rapidly completed by small and large comparative research (Dimitrakopoulos, 2001; Karlas, 2011, 2012; Raunio, 2005; Saalfeld, 2005; Winzen, 2012, 2012a). Most of these studies took the parliament in its entirety for their unit of analysis, and as observed by Rozenberg and Heffler (2015), relied on measurement indicators such as the scope of information available to MPs, the involvement of the European Affairs Committee (EAC) and sectorial committees, and the existence of constraining capacities of parliaments vis-à-vis their government (i.e. mandating).

From this first set of studies, we learn that institutional adaptations of national parliaments have been incremental and path-dependent as they are consistent with long-established patterns reflecting the position of parliaments within national polities (Dimitrakopoulos, 2001). In many countries, parliaments have gradually strengthened their oversight institutions (Winzen 2012, 2012a). Raunio (2009:3) notes that the literature '*points towards gradual institutional convergence among the 27 parliamentary EU scrutiny systems*'. For *scrutiny systems*, every national parliament has now established a European Affairs Committee (EAC) which coordinates the work on EU affairs and tackles transversal issues related to integration and Treaty ratification questions. The (structural) involvement of sectorial committees and the role of the plenary show greater levels of variation between Member States (Raunio, 2009)⁶. The most visible outcome from these studies is the development of rankings evaluating the strength of national parliaments, at the exception of Winzen's comparative study (2012) which analyses both cross-national and longitudinal evolutions.

As noted by Auel *et al.* (2015) and Winzen (2012), despite some differences in the indicators and dimensions used by the various authors to evaluate the strength of parliamentary oversight institutions, similar trends can be observed in the performance of EU Member States. Before the 2004 enlargement with the inclusion of Central and Eastern European countries, Nordic countries (Denmark, Finland, Sweden) and Austria were categorised as good performers with strong formal rights (Maurer and Wessels, 2001; Raunio, 2005;

⁶ Gattermann, Högenauer and Huff (2016) have created a new agenda of research on this. They ask if since the Lisbon Treaty national parliaments' involvement has triggered a mainstreaming of EU affairs. The rationale is the following: combined with the challenges presented by the Lisbon Treaty and the financial crisis, the European integration process has created opportunities for parliamentary scrutiny to expand beyond EACs, *de facto* involving a higher number of MPs. This creates situations in which the classical division between national and European policies is blurred. The mainstreaming of national parliaments is captured in four dimensions, one of them being the gradual increased involvement of sectorial committees for scrutinizing EU policies. The authors also discuss the growing adaptation of parliamentary staff to European integration, the developments of inter-parliamentary cooperation beyond EU affairs specialists and finally, the increasing salience of the EU in plenary debates.

Saalfeld, 2005). More recently, Karlas (2011, 2012) analysed the institutional developments in Central and Eastern Member States and concluded that despite variation in the institutional developments, post-2004 Member States also developed strong formal rights in EU affairs for their parliaments.

More recently, Auel et al. (2015) developed an updated ranking measuring the formal strength of national parliaments. Up to now, this ranking is the most encompassing one, as it covers the modifications introduced following the Lisbon Treaty, includes all 27 Member States and analyses both the lower and upper chambers, when most of the previous studies focused exclusively on lower chambers (at the exception of Karlas, 2012). Overall, today Nordic countries still perform well in the ranking. Several parliaments in older Member States also secured important scrutiny rights (Germany, France and the Netherlands). Despite a convergence in the EU scrutiny systems of national parliaments, the ranking of Auel. *et al* (2015) highlights the existence of major variations between national parliaments.

The previous paragraphs briefly presented the main results of the *how* question (i.e. how parliaments adapted to European integration). I now discuss the main learning of this type of studies on the *why* question (i.e. what are the determinants explaining the strength of parliaments and the variation between them). As summarised by Rozenberg and Heffler (2015), both fuzzy-set QCA studies of Raunio (before the enlargement, 2005) and Karlas (after the enlargement, 2011) outlined the importance of the domestic strength of parliaments to explain why they obtained formal powers related to EU affairs. Raunio explains that *'the power of parliament, independent of integration, emerged as the only necessary cause, whereas the combination of having a powerful parliament and a Eurosceptical electorate were sufficient conditions for producing tighter control of governments in EU matters'* (Raunio, 2005: 336).

Hence, the author notes that with a powerful parliament, the influence public opinion and the elites' attitudes have towards European integration is a sufficient condition. Winzen's results (2012:318) are in line with studies expecting stronger oversight institutions in the context of popular Euroscepticism, but the author nuance its effect on the overall strength of institutions. He explains that Euroscepticism *'only explains why parliaments create means to constrain the governments* (i.e. mandating and scrutiny reserve instruments)' (Winzen, 2012: 318), and so does not account for the developments of informational capabilities from domestic legislatures.

Step 2: Opening the black box of parliaments: behavioural Europeanisation and extension

As a second step, scholars started to question the relevance of evaluating the strength of national parliaments' performance solely based on institutional and formal criteria. These interrogations gave birth to a second stimulating and wide-ranging research agenda. It aimed at understanding *how* and *why* national parliaments use their formal powers, and thus what are the determinants which can explain the level of parliamentary **activity** of Member States. Against this background, several scholars have emphasised that having formal powers does not necessarily mean that parliamentarians use them in practice (Auel, 2007; Auel and Benz, 2005; Raunio, 2009). As noted by Winzen (2010), oversight institutions only provide an institutional opportunity for parliaments to be active. It doesn't mean that MPs will use their powers in practice. Accordingly, scholars progressively started to unveil the 'black box' of national parliaments and paved the way for analysing *behavioural* and to a lesser extent *attitudinal* Europeanisation of national parliaments.

One of the major impacts of this second research agenda is the multiplication of research objects and theoretical approaches. In the following paragraphs, I have further identified six sets of studies. I start by presenting studies on the role orientations and attitudes of MPs (1) (i.e. attitudinal Europeanisation). The other five sets of studies are more closely linked to the behavioural adaptation of national parliaments. These studies analyse respectively the political dynamic within parliaments (2); the role of parliamentary staff (3); the communicative function of parliaments (4); studies focusing on the transposition and implementation stages (5) and finally, research analysing specific control mechanisms (i.e. parliamentary questions, resolutions, EWM).

(1) A first set of studies highlights the importance of understanding the **MPs' role orientations and attitudes** towards European integration (Goetz & Meyer-Sahling, 2008). Katz and Wessels (1999) demonstrate that there are no major differences in the role orientation of MEPs and MPs in Member States yet there are important variations in role orientation of MPs between Member States. These differences could be explained through national political institutions and parliamentary 'culture', or on the other side with individual level factors.

More recently, Rozenberg (2009, 2012; Blomgren and Rozenberg, 2012) and Wessels (2005) have argued that studies on the EU could gain from further considerations on the motivations of MPs. Indeed, when analysing the motivations of successive EACs chairs in

the French National Assembly and in the House of Lords, Rozenberg finds *'that MPs tend to maximise their psychological incentive, framed by pre-existing roles, rather than to apply rational strategies, framed by pre-existing goals'* (Rozenberg, 2012: 26). To sum up, these studies outline the need to address parliamentary involvement not only from a rationalist perspective, but in considering the motivations MPs have when they perceive their own roles.

(2) Another set of studies (Auel, 2007; Auel and Benz, 2005; Holzacker, 2002, 2005; Saalfeld, 2005) focuses on the **political dynamic within national parliaments** by analysing the role of opposition and majority political groups. These authors argue that not only the institutional structures matter, but also the interactions between political groups. This batch of studies demonstrates that the position of a political party in the parliament (whether in opposition or in government) impacts on their political strategy and scrutiny power (i.e. the goals and method of their actions). A preliminary study of Holzacker (2002) noticed that the goals and activity of governing parties to scrutinise their executive differ between Germany and the Netherlands. In Germany, the aim of governing parties is to protect the government, while in the Netherlands they are *'more interested in protecting their party's interest in the government compromise than in protecting the government as a whole'* (Holzacker, 2002: 473). In 2005, the same author extended his analysis for four EU Member States (UK, Germany, the Netherlands and Denmark) and found that the powers of opposition parliamentary groups were stronger in minority governments' systems, closely followed by parliaments with coalition governments (Holzacker, 2005). Taking this one step further, Sprungk (2010) explains that *'the appropriate way to hold governments accountable in EU politics involves that both parliamentary majorities and oppositions have to invoke the accountability mechanisms used by the opposition in domestic politics'* (Sprungk, 2010:16). In fact, she argues that the multi-level nature of the negotiation process increased the asymmetry of information in favour of governmental actors, even for parties in the parliamentary majority. Consequently, the distance of EU negotiation affects not only opposition parties, but also the parties of the majority.

In addition, the motivations of political parties in being active in EU affairs were also analysed. A study conducted in Germany and in Czech Republic show that the probability for opposition parties to engage in scrutiny is influenced by the strength of their counterpart in the European Parliament. The stronger the EP delegation, the most frequent they engage in EU scrutiny (Finke and Dannwolf, 2013:738). In a recent analysis of debates in eight Member States over a period of 13 years, Finke and Herbel (2015) have shown that *'disagreement with the government's position is an important motive for opposition parties to engage in scrutiny activities'* (Finke and Herbel, 2015: 508). The authors found that increasingly

opposition parties scrutinise the government when the latter is weak in terms of seat share. Wonka (2016), who analysed the party politics of the Euro crisis in the German Bundestag, explains that opposition parties took a more critical stance than the parties of the majority towards the government actions, with only one opposition party voicing their criticism (*Die Linke*).

So far the literature has underlined the important role of political dynamics within parliaments, with a focus on the role of opposition parties. Yet, several scholars highlighted what they call an '*opposition deficit in EU accountability*' (Rauh, 2015; Rauh and de Wilde, 2017) when analysing plenary debates in four national parliaments (Germany, UK, Spain, The Netherlands). According to Rauh and de Wilde (2017), '*it is opposition parties in particular that are dropping the ball by not debating Europe to a similar extent as government parties in plenary*' (Rauh and de Wilde, 2017:18).

(3) This paragraph concentrates on parliamentary actors as well, but contrary to previous studies focusing on political parties, it examines **the role of parliamentary staff** in the scrutiny of EU affairs. This is a relatively new area of research. Since the Treaty of Lisbon, the quantity and complexity of EU documents transmitted to national parliaments have increased importantly (Rozenberg and Heffler, 2015; see also. Högenaeur and Neuhold, 2015). This research agenda asks if whether parliamentary staff exercise an influence on the way parliaments conduct their EU scrutiny (Högenaeur and Neuhold, 2015), and whether we are witnessing a process of bureaucratisation rather than democratisation (Christiansen *et al.* 2012). The authors conclude that there appears to be considerable diversity among the legislatures of EU Member States (Högenaeur and Christiansen, 2015: 130), but that overall parliamentary administrators play an important role regarding the coordination between parliaments, the filtering and the (prior) analysis of EU documents (Högenaeur and Neuhold, 2015). Finally, Strelkov (2015) analysed the dynamics between party groups, committees and parliamentary staff in three EU Member States (Sweden, Czech Republic, Romania). Despite his expectations in seeing both parliamentary administrators and committees playing a greater role in the deliberations of EU affairs following the Lisbon Treaty, his analysis tends to produce more nuanced results. '*Despite the fact that parliamentary staff is crucial for analysing EU proposals, administrators in Sweden, Czech Republic and Romania have not developed their own political preferences as well as the ability to consistently shape the outcomes of the scrutiny process. This seems to relate to the fact that specialisation in EU affairs does not increase MPs' chances of re-election. As a result, there is little demand for expertise in EU affairs, and administrators have few means to increase their political leverage*' (Strelkov, 2015: 367-368). As highlighted by Högenaeur

and Neuhold (2013, 2015), final decisions (i.e. the scrutiny outcome) are always taken by MPs in the committees and plenaries.

(4) In recent years, the attention of scholars was also directed to specific stages of EU decision-making processes. Indeed, most of the previous studies implicitly discuss the role and behaviour of political and administrative actors before and during EU negotiations (i.e. ex ante scrutiny), without giving specific attention to the **transposition and implementation stages or on the links between them**⁷. Winzen (2010) noticed a disproportionate amount of academic research on ex-ante decision-making stages, with lower interest for the implementation stage. Yet, some authors questioned whether parliamentary scrutiny conducted before and during EU negotiations impacts on the way EU legislation is transposed (ex post). In this regard, drawing on a qualitative analysis of the involvement from the Bundestag and of the Assemblée Nationale in the negotiations and transposition of the Water Framework Directive, Sprungk (2011) questions how policy shaping might affect policy taking. The author hardly finds any link between the two stages. If there is a link, the effect of ex ante involvement of parliaments must be seen in terms of 'capacity-building' (i.e. providing information on the contents and goals of the policy) rather than in terms of 'generation of acceptance' (Sprungk, 2011: 337).

More recently, Zbiral (2017) has challenged the common argument that *'the transposition process is an "automated" endeavour and that any involvement of national parliaments is merely formal'* (Zbiral, 2017: 970). Based on a quantitative analysis of the Czech Chamber of Deputies and the Slovak National Council, the author has compared the intensity of debates for European and domestic bills at plenary and at committee levels. One of his conclusions confirms the idea that an 'opposition deficit exists in EU accountability' (see Rauh and De Wilde, 2017), since opposition MPs seem less motivated to scrutinize EU laws. Nonetheless, on average EU bills did not met less parliamentary scrutiny than domestic bills (Zbiral, 2017). This conclusion questions *'the mainstream thesis of decreasing political contestation in national parliaments owing to EU influence, at least for the transposition process'* (Zbiral, 2017: 984).

⁷ Interestingly, there exists an important research field focusing on the transposition and implementation of EU policies. In most studies, the dependent variable is the 'timeliness' of transposition (i.e. was the transposition done on time?), the 'correctness' of the transposition (i.e. is the transposition reflecting the EU legislation accurately?) and finally, the variation in the implementation practices between Member States (i.e. how and why a European directive can lead to differences in the implementing measures taken by Member States). In these studies, the involvement of national parliaments is understood as an independent variable to explain the variation in the transposition speed.

(5) In relation to the analysis of parliamentary debates, other scholars focused on the **communicative function of national parliaments**. Opposite to previous studies which focused on how parliaments scrutinise their governments, this series of academic studies investigate the links between MPs and voters, along with the (de)politicisation of the European Union in national parliaments (Rozenberg and Heffler, 2015). Recent analysis of parliamentary debates have challenged the beliefs that the role of the plenary is limited and that a 'depoliticisation' process of EU policies in national legislatures is preferred by political actors (Auel and Raunio, 2014). In a small N analysis of three EU issues⁸ and four Member States (Finland, France, Germany and the UK), Auel and Raunio show important variation in plenary debates both between countries (with Germany being the most active) and EU issues analysed. As discussed previously, the studies of Rauh (2015) and de Wilde (2017) also considered plenary debates in Germany, the UK, the Netherlands and Spain. The authors conclude that *'government and opposition MPs respond positively to developments in EU governance. As the EU gains in power and exercises them more, they raise EU salience in plenary'* (Rauh and de Wilde, 2017: 17).

Covering the period from 1982 until 2013, De Wilde (2008, 2009, 2011, 2012) analysed plenary debates at the policy formulation stages of the three most recent EU budgets in the Netherlands, Denmark, and Ireland. When analysing the media coverage of these issues, he finds that parliamentary debates are often portrayed as an international conflict between Member States rather than as a transnational conflict. De Wilde argues that there is a trade-off between ex ante and ex post debates, where the first type of debate are more polarised and ex post debates are more consensual and visible. At last when going deeper in this field of research, Wendler (2014, 2016) examines the political polarisation in debates in Austria, France, Germany and the United Kingdom. More precisely, the author questions the *'links between different kinds of argumentative justification for European governance, and various modes of political polarisation discussed in the party politics literature'* (Wendler, 2014:5). He observes that a large amount of political conflicts on EU issues in plenaries are domesticated along classical majority and opposition parties, and between parties within the left/right political spectrum. These various studies have shown that national parliaments are increasingly discussing EU issues, which suggests a movement towards politicisation of the European Union in national legislature. Furthermore, different types of polarisation are observed with a trend towards a domestication of EU issues.

⁸ The European Arrest Warrant framework (2002), Services directive (2006) and the Greek's bailout (2010).

(6) The sixth and last set of studies focuses on specific control mechanisms (at the exception of parliamentary debates, see point 5). Several authors have discussed the use of parliamentary questions (i.e. individual scrutiny mechanism). Rozenberg and Martin (2011; see also Martin, 2011) have argued that the analysis of parliamentary questions is an interesting method for gathering additional information on the preferences and behaviours of parliamentarians. This issue was tackled in a special issue published in *The Journal of Legislative Studies* in 2011 (Rozenberg and Martin, 2011). The authors underline multiple differences between two forms of questioning (i.e. actors involved, level of constraints on MPs to formulate a question, the content of the question, potential audience, type of accountability). A first major difference is noticed in terms of accountability. For written questions, most of the work is delegated to tiers actors: the MP's assistants help prepare questions and the administration is mainly responsible for the answers. Both the MP and the minister are directly involved for oral questions, which means the minister is forthwith held accountable by parliament. The second difference concerns the potential audience (called *recipients* by the authors) of these actions. An oral question is an engaging tool for addressing a larger audience as it is more visible and so attracts media attention, voters, MPs and party leaders. So far, comparative empirical examinations do not measure the effect of parliamentary questions on executive or vis-à-vis citizens and constituencies. This is partly explained by the difficulties met in gathering comparable data on parliamentary questions (Auel et. al. 2015).

On the other hand, scholars also analysed specific forms of collective control such as resolutions and subsidiarity opinions (EWS). For example, Hoerner (2017) has analysed one of the strongest control instruments of national parliaments in EU affairs, which is the role of resolutions. Interestingly, the author found that '*motions and resolutions are actually used as instruments of position taking – supporting the government in the case of government parties, criticising the government in the case of issues entrepreneurs – rather than a form of actual government control, which was what they are intended for*' (Hoerner, 2017:320). Others have focused on the activity of national parliaments in the EWM and in the political dialogue mechanism. One of the first results of these studies suggests that in practice, parliaments rarely find a 'breach' of subsidiarity. Parliaments face many challenges to act effectively within the EWM, whether because of the very limited amount of time given to parliaments for action-taking (i.e. 8 weeks); the numerous documents received by the European institutions, or the limited scope of the mechanisms (i.e. only subsidiarity, not on the content of the proposals) (Knutelská, 2011; Neuhold and Strelkov, 2012). More recently, several authors adopted a critical view on the mechanism effectiveness (de Wilde and Raunio, 2015; Raunio, 2010; Raunio, 2013). Despite an important amount of resources

invested in the mechanism, the impact on the EU's legislative process is described as being marginal. In this perspective, De Wilde and Raunio (2015) argue that *'the EWM, while not worthless, strengthens neither of the two sets of core functions parliaments ought to perform in parliamentary democracy directly: controlling government or communicating with citizens'* (De Wilde and Raunio, 2015:14).

To summarise, what we learn from recent literature on national parliaments is that variations in the level of parliamentary activity on EU affairs is best explained by a mix of institutional capacities and motivational incentives (Auel *et al.* 2015a; Auel and Christiansen, 2015). Discussing the EWS, Gattermann and Heffler (2015) argue that *'beyond institutional capacity, the political motivation of national parliaments is a crucial determiner of their involvement in the EWS'* (2015: 307). The authors highlight that MPs, acting as rational actors, must decide how to invest their limited resources. Motivations to do so can be found in career or electoral goals – depending, among others, on public opinion attitudes and salience of the EU proposal - or on policy influence goals contingent upon government, opposition positions or coalition governments. Auel and Christiansen (2015) also outline the added value of sociological incentives as alternative explanations. Norms and values, such as parliamentary culture (cooperative vs. confrontational culture), and attitudes towards European integration and parliamentary roles may explain engagement in EU related activities.

Models of parliamentary scrutiny and activity⁹

To end with, I briefly discussed the most recent studies resulting in rankings and typologies. First, rankings that are quantitatively evaluating the EU related activities of national parliaments are also available (the OPAL activity score, Auel *et. al* 2015). Despite some caveats usually associated with large N studies – not all activities of parliamentary scrutiny are analysed (exclusion of parliamentary questions) and some comparative data are lacking or not comparable (share of time spent on EU issues, use of the scrutiny reserve instrument) – the OPAL activity score is the most up to date and inclusive analysis of parliamentary activity in more than 40 upper and lower chambers. As for ranking on the institutional strength of parliaments, results outline a high level of diversity in national parliaments' activities, with particularly active parliaments on the one hand, and scrutiny laggards on the other hand (Annex 2). An important finding lies in the strong, significant and positive

⁹ Annexes 2 to 4 are composed of (1) the recapitulative table of the OPAL institutional strength and activity score (Auel *et al.* 2015); (2) the modes of parliamentary scrutiny (Rozenberg and Heffler, 2015) and (3) the modes of parliamentary activity (OPAL) (Auel *et al.* 2015).

statistical correlation between the institutional strength of parliaments and their overall EU related activities.

Second, from this data, Auel *et al.* (2015) identified five modes of parliamentary activity: the Scrutinisers; Debating arenas; Policy shapers; Commission watchdogs and finally the Scrutiny laggards (Annex 3). In brief, the *scrutinisers* spend most of their EU-related activity working in committees when *debating arenas* mobilise to a larger extent the plenary. The *Policy Shapers* aim mainly at influencing the government's position in EU negotiations. The *Commission watchdogs* are national parliaments that invest an important amount of time in the EWM or political dialogue mechanisms, hence favouring a direct line of communication with the Commission. And the category *Scrutiny laggards* speaks for itself: it regroups parliaments with a very low level of activity.

Last but not least, in the *Palgrave Handbook of National Parliaments and the European Union*, Rozenberg and Hefftlar (2015) have identified five ideal types of parliamentary scrutiny (Annex 4): Policy shapers; Government watchdog; Public forum; Expert and European player. Some of the categories identified by the authors closely resemble the typology of parliamentary activity of Auel *et al.* (2015). Still, the typology is more encompassing and is not solely based on the activity of parliaments. In particular, *Policy shapers* have strong formal rights, a powerful European Affairs Committee, and they are mainly operating behind closed doors. *Government watchdogs* primarily aim at 'holding the government accountable' (Rozenberg and Hefftlar, 2015:32). Here the objective is not to influence the government but to control its activities. *Public forum*, as its name suggests, is the most 'visible' mode of control with a strong role for the plenary. It allows the questioning of ministers but also to communicate with citizens. The *Expert* 'differs from other models in that the main thrust of the activity is geared towards drawing up comprehensive and well-informed written reports' (Rozenberg and Hefftlar, 2015:33). At last, the European players closely resemble the Commission watchdog mode of Auel *et al.* (2015). Yet, in addition to the focus on the relationship with the European Commission, this mode allows including practices of interparliamentary cooperation.

1.1.2 Emerging studies and next steps

So far the literature has built up its knowledge on the strength and activities of national parliaments in the European Union. Thus the field now has a good knowledge on *how* and *why* parliaments and political groups engage in the scrutiny of European affairs. However, most of these studies rest on the implicit assumption that strong and active parliaments in EU

affairs lead to an improved accountability of the governments. In this regard, some scholars started to question this assumption by opening a debate on the determinants of an *effective* parliamentary behaviour in EU affairs. Studies in this field are slowly emerging and constitute a third of the upcoming research agenda. This present study goes in this direction and questions the concrete impact of parliamentary scrutiny on the executives' negotiation autonomy in EU affairs.

The rationale is the following. Auel (2007) highlighted that the presence of formal powers for parliaments does not necessarily imply that parliamentarians will use them in practice. Going further, some authors consider that parliamentary control taking place at the domestic level does not translate into direct impact on the position defended by executives in EU negotiations. I agree with Sprungk (2010) when she claims that *'the focus on the quantity of parliamentary scrutiny is misleading: more scrutiny does not necessarily result in more accountability. (...) It is not the sheer level of scrutiny activities, but the quality of parliamentary scrutiny which is likely to result in more accountable EU politics'* (Sprungk, 2010:3). To illustrate this point, Hoerner (2017) outlined that the control mechanisms available to national parliaments (in the case of Hoerner's article, parliamentary resolutions) are not necessarily aimed at controlling the government, but instead are used as a 'position taking' instrument. The authors thus question whether resolutions can be qualified as 'real scrutiny' or as 'smoke and mirrors'. It is therefore useful to analyse the actions of domestic parliaments (bottom up) in light of the government behaviour at the EU level (top down) to precisely assess the impact of parliamentary scrutiny. In this context, the causal relationship between parliamentary actions at the domestic level and their foreseen impact on the accountability of the executive must be further analysed in the future.

Another illustration of this emerging debate, but with a different focus, is the observation of Rozenberg (2017) on the Early Warning Mechanism and on the three yellow cards raised by national parliaments between 2012 and 2016 (see. also Raunio, 2013). According to the author, the procedure suffers from an important contingency and also from an important proximity between the government and 'his' parliamentary majority. In other words, the executive can (indirectly) activate the scrutiny of the domestic national parliament. This observation is important as it suggests that executives can use their national parliaments strategically to benefit their own agenda. To some degree, what is true for the EWM could also apply to other scrutiny instruments (i.e. resolutions, parliamentary questions). In more general terms, this type of government's behaviour questions back the impact governments can have on their parliaments.

To sum up, the degree of scrutiny conducted by national parliaments have so far been analysed without taking into account its concrete impact. Consequently, actions of parliaments at the national level are not considered in relation with the European level, where the executive negotiates. There also seems to be a knowledge gap on the consequences of executive strategic behaviour on the effectiveness of parliamentary scrutiny. Yet, as argued by Rozenberg and Heffler (2015:25), *'in order to convincingly address the debate on de-parliamentarisation, research has to focus on the impact of parliaments on the EU policy of their governments, and on EU legislation more generally'*.

1.2 Subnational parliaments and the European Union

For most Member States, looking at the involvement of the *national* parliamentary level in EU politics suffices. But this is not the case for federal and quasi-federal Member States, where subnational parliaments have competences that are highly Europeanised, such as environment and agricultural policies (Vara Arribas and Bourdin, 2011; Randour and Wolfs, 2017; Schmitt *et al.* 2013).

In practice, regions in six federal and quasi-federal Member States (Germany, Austria, Belgium, the UK, Spain and Italy) have regional assemblies with legislative powers. This means that these regional parliaments have increasingly pooled legislative competences at the European level (Bursens and Högenauer, 2017; Randour and Bursens, 2016). The pooling of sovereignty also implies that legislative regional assemblies in these Member States are entrusted with the implementation of a vast amount of EU legislation. Finally, since the Lisbon Treaty a focus on regional parliaments has been legitimised. Not only more regional competences have been uploaded to the EU level, but regions have also been empowered in different ways, such as with increased access to the Court of Justice (through the Committee of the Regions), and the ex-ante subsidiarity control through the Early Warning Mechanism which is relevant for regional parliaments.

The role of subnational parliaments was further formalised since the Lisbon Treaty. With the introduction of the Early Warning Mechanism (EWM), the Treaty of Lisbon opened the door for the inclusion of subnational parliaments in EU decision-making processes. In fact, the article dealing with subnational parliaments reads as follows: *'it will be for each national parliament or each chamber of a national parliament to consult, where appropriate, regional parliaments with legislative powers'* (Lisbon Treaty, 2009). This Treaty article clearly indicates that regional parliaments may be consulted if internal institutional arrangement

foresees a role for subnational assemblies in the EWS, however it does not make it mandatory (Högenateur, 2015). It is thus for each federal and quasi-federal Member State to adapt and put in place provisions allowing for subnational parliaments to take part in the EWS.

The following two sub-sections present the state of knowledge on subnational parliaments and the European Union with a discussion on the current challenges of the research field.

1.2.1 What we know so far

A couple of studies considered the adaptation of regional parliaments in EU affairs even before the Lisbon Treaty. Yet, as outlined by Högenateur, *'most of the studies pre-Lisbon were single country studies or collections of case studies loosely framed by general chapters'* (Högenateur, 2015: 2). These studies, most of them published as chapters in collective books, either tackle the questions of engagement from the Scottish parliament in EU affairs (Carte and McLeod, 2005), focus on the relationship of Austrian State parliaments with the executive power (Bussjäger, 2010), or discuss in more depth the involvement of parliaments in EU multi-level governance. However, the bulk of literature on regional parliaments and the European Union followed the entry into force of the Lisbon Treaty.

Contrary to the section on National parliaments and the European parliaments, I distinguish groups of studies regarding their research designs and methods, not on their topic. Indeed, the field of research on subnational parliaments is relatively new as almost all research up until now are focusing on the *Institutional Europeanisation* of parliaments. So far two types of studies can be found in the literature on subnational parliaments. First, several comparative studies analyse the role of subnational parliaments with legislative powers (Abels & Eppler, 2016), some with a special focus on the application of the EWM (Vara Arribas and Bourdin, 2011; Schmitt *et al.* 2013; Borońska-Hryniewiecka, 2013, 2013a).

In practice, a large number of regional parliaments have developed institutional procedures to cope with the EWM, but they have not used their new powers on a regular basis (Schmitt *et al.* 2013, Randour and Bursens, 2016). Studies point out that the involvement of regional parliaments in the EWM is limited, with great variations between and within Member States (Borońska-Hryniewiecka, 2013). This is explained due to different perceptions of subsidiarity, divergent interests in legislative proposals and distinct levels of capacities between parliaments. Even when they pick it up, regional parliaments are confronted with a very short time frame, while national parliaments are not obliged to engage with their regional

counterparts or take regional opinions into account while formulating an opinion (Borońska-Hryniewiecka 2013; Schmitt *et al.* 2013, Vara Arribas 2016, Vara Arribas and Högenauer 2015, Fromage 2016). As summarised by Högenauer (2015:2), '*even where parliaments undergo thorough institutional reform, participation in practice can remain low, as demonstrated by the Scottish case*'.

Second, next to these comparative studies, individual case studies have been conducted on German (Abels, 2016; Buzogany and Häsing, 2016, 2017; Schneider, Rittberger and Wonka, 2014), Spanish (Castellà Andreu and Kölling, 2016), Scottish (Högenauer, 2016, 2017) and Belgian (Bursens, *et al.* 2016; Randour and Bursens, 2016; Randour and Wolfs, 2017; and to a limited extent Vanden Bosch, 2014) subnational parliaments¹⁰. We will come back with more details on the Austrian, Belgian and German *institutional* (and to a lesser extent, *Behavioural*) adaptations in the section 1.4 of this chapter¹¹.

More precisely, German Länder parliaments have been found to make varying but overall limited use of the Lisbon Treaty provisions and of the domestic constitutional reforms. Their main strategy is to control the EU positions of respective regional governments, sometimes through binding mandates (Abels 2013; 2016). In Austria, Länder parliaments are diagnosed as rather weak when compared to Länder executives who try to gain control on the EU positions of the federal government (Bussjäger 2010). Despite an increase in the EU activities of Austrian Landtage, Miklin (2016) only sees little change after the Lisbon Treaty stipulations on subsidiarity. The author stresses the lack of resources, personnel and the large dominance of executives in the Austrian federal system as the main reasons behind this limited activity. A similar conclusion can be drawn for Belgium: despite far-reaching autonomy for regions, communities, and for their parliaments, several authors agree that regional parliaments only display very limited activity regarding EU policies (Bursens *et al.* 2016; Randour and Bursens, 2016; Vanden Bosch 2014). The results for the quasi-federal states point into the same direction¹².

Finally, in a special issue on regional parliaments and the European Union published in *the Journal of Legislative studies*, Bursens and Högenauer (2017) highlighted three routes

¹⁰ EU-related activities of individual members in regional parliaments have scarcely been studied. A notable exception is the study of Schneider *et al.* (2014) on German regional parliamentarians. They found that perceived salience and perceived influence do explain variations in EU-related activity of Länder parliamentary members.

¹¹ 1.4 Austrian, Belgian and Germany parliamentary system and the European Union.

¹² Nicolini (2016) defines Italian regional assemblies as weak players in EU politics: if any, involvement in EU policies runs through regional governments. In the UK, the empirical focus has been on Scotland: Carter and Mcleod (2005) and more recently Högenauer (2016) stress the strong powers of the Scottish parliament to control the regional government, but they find these powers rarely used in practice, and hence evaluate the Scottish parliament to be moderately engaged too. The findings on Spain are similar: there is limited involvement and little use of the new provisions of the Lisbon Treaty (Castella Andreu & Kölling 2016).

subnational parliaments can take to participate in the EU policy-making process. The first type of participation focuses on influencing the policy-making activities at the European level (EWS and Committee of the Regions), while the second type points to the domestic level, that is controlling the position of executives. A third type of participation lies in the multi-level environment where subnational parliaments operate, as they can network with other legislative or executive actors (both vertically and horizontally). These different roles must be further investigated and constitute the research agenda for upcoming studies. However, authors emphasise the important role subnational parliaments could play when it comes to the implementation of EU policies. Högenauer (2017), along with Randour and Wolfs (2017) found an important activity of regional parliaments at the implementation stage or with a focus on the implementation of EU policies. As highlighted by Auel and Grosse Hüttmann (2016), besides policy-making the implementation of EU policies also needs to be subject to democratic norms.

1.2.2 Emerging studies and next steps

So far, pioneer studies are relevant as they map institutional developments for European Affairs at the subnational level. Most of these studies focus on the institutional capacities and aggregate responses (parliamentary level) on the pooling of powers at the European level. In the same line of thoughts, studies on regional parliaments and the EU first tackled the institutional Europeanisation of regional parliaments in the EU. Despite the growing literature on the subject, and the fact that some studies are going beyond the analysis of formal adaptation from parliaments to EU integration, little is known on concrete activities regional parliaments for European affairs have – whether in plenaries or committees – and about their use of subsidiarity and political opinions, resolutions, plenary debates and parliamentary questions. The research on the topic is slowly progressing towards the analysis of institutional adaptations and to a lesser extent, on the behavioural Europeanisation of subnational parliaments.

This has several consequences. At the moment, little attention is given to an in-depth analysis of the scrutiny conducted by subnational parliaments in specific policy fields, or on specific EU negotiations but also – at the exception of the study of Schneider *et al.* (2014) – on the parliamentary activity of individual MPs on EU affairs. Therefore, there is a lack of analysis on the reasons that explain the potential variation in the extent of parliamentary scrutiny between Member States, policy fields and *within* parliaments. As for studies on national parliaments, the effectiveness of parliamentary scrutiny on executives also needs to be assessed in the future.

1.3 Multi-level parliamentarism and Interparliamentary coordination

The EU is described in the literature as a multilevel political system, which has evolved to become much more than a mere international organisation (Follesdal and Hix 2006). The question in this section asks whether and how parliaments react to such context. A series of concepts described the roles of national parliaments acting in a multi-level environment.

Maurer (2002) first emphasized the relationship between national and European parliamentarians and used the concept of '*multilevel parliamentarism*'. More recently, Crum and Fossum (2009) argued that parliamentary representation is the most suitable way for ensuring political equality and public deliberation. The authors observed the development of a *multi-level parliamentary field* focusing on '*how parliamentarians operate within the broader institutional set-up, including choices they make in engaging themselves (or not) with actors outside of their own parliament and constituencies*' (Crum and Fossum, 2009:4). Examining the role of national parliaments in the EWM, Cooper (2012) argued that national parliaments from different Member States act collectively and endorse the role of a '*virtual third chamber*'. A last conceptualisation on the role of national parliaments in the EU is developed by Auel and Neuhold (2016) who coined the concept of *multi-arena players*. When using the concept of *multi-arena* instead of *multi-level*, the authors '*combine the different ways they (national parliaments) can participate in the legislative process, namely as multi-arena players*' (Auel and Neuhold, 2016: 4). Like in the '*virtual third chamber*' of Cooper, national parliaments can act collectively or with formal inter-parliamentary cooperation. On the other side of the spectrum, national parliaments are also individual players within the EU arena (e.g. political dialogue), and within their domestic arena (e.g. traditional scrutiny). Taking this rationale one step further, some authors argue that the (re)parliamentarisation of EU affairs should not only take place at the European and national levels, but should include the regional level at least for Member States having parliaments with legislative competences. Since the EU is composed of multiple layers, the literature should question if the democratic set-up must also be multilevel (Bursens and Högenauer 2017, Randour and Bursens, 2016). In brief, some authors outline the *multilevel* dimensions of the European Union, while others prefer to highlight the new *collective role* of parliaments as opposed to its domestic (individual) role. Nonetheless, in more recent studies some authors chose to focus on the different stages of the EU decision-making process where parliaments can act, thus favouring a conceptualisation based on *arena* rather than governance levels. These authors thereby propose conceptualisations that allow a better understanding on the role of national parliaments in the European Union.

It is now clear that inter-parliamentary cooperation triggers a debate between, on the one hand, the ‘believers’ (see Cooper, 2012; Crum and Fossum, 2009), and on the other hand, authors that are more sceptical about the efficiency and added value of such mechanisms, when the question arise whether interparliamentary cooperation is an ‘*unfulfilled promise*’ (Raunio, 2009). Taking the example of the EWM, Raunio (2013) suggests that national parliaments are only drafting subsidiarity opinions when the latter is in line with the government position. This distinction between believers and non-believers is explained by the different focus of the studies. Where the first set of authors mostly outline the conceptual role and benefits parliaments could have in a multi-level European Union, the other group analyses the developments and use of inter-parliamentary cooperation empirically.

1.3.1 What we know so far

One way to analyse the emergence of the involvement of national parliaments in this multi-level parliamentary field is to look at the different mechanisms of inter-parliamentary cooperation. Buzogany (2009), but also Hefftlér and Gattermann (2015), make a distinction between formal and informal types of inter-parliamentary cooperation. According to Neyer (2014), one has to take into account the vertical (or cross-level cooperation in Hefftlér and Gattermann, 2015) and horizontal (or transnational) perspectives of the multilevel system. In addition, cooperation can also involve different types of actors, such as parliamentarians or administrative staff (Hefftlér and Gattermann, 2015). For the purpose of clarity, I present the different types of interparliamentary cooperation networks based on three criteria: the formalisation degree of the network (formal vs. informal), the type of actors involved (political vs. administrative) and the inclusiveness of the network (open to all vs. open to few).

First, Hefftlér and Gattermann (2015: 96) define formal interparliamentary as ‘*all institutionalized forms of interparliamentary cooperation which are guided by formal rules of procedure or by a set of concrete guidelines*’. On the opposite, *informal* forms of interparliamentary cooperation do not rely on formal rules of procedure or guidelines and are taking place on an ad hoc basis. Second, I discuss the inclusiveness of the networks. On the one hand, an interparliamentary network can be inclusive as it invites actors from all EU Member States across different levels of governance. On the other hand, a network is more exclusive when participation is restricted to a limited number of actors¹³. Third,

¹³ I do not address specifically whether the interparliamentary cooperation is cross-level (vertical) or cross-national (horizontal) because I believe that dichotomizing the different types of interparliamentary networks along this line does not allow to capture the nature of interparliamentary coordination. Indeed, some networks allow for coordination of parliaments and parliamentarians at the same time within and between governance levels. Another way to do it is to categorise whether the network is ‘bilateral’ or ‘multilateral’ (see. Buzogany).

interparliamentary networks also involve administrative actors (i.e parliamentary clerks) or political actors (MPs, MEPs).

Table 1 proposes a typology of interparliamentary networks along the three criteria presented previously:

	Formal		Informal	
	<i>Open to all</i>	<i>Open to a few</i>	<i>Open to all</i>	<i>Open to a few</i>
Political level	- EU Speakers' Conference, COSAC, European Conventions - ICM, JCM, Meetings of committee chairpersons - Policy specific conferences (CFSP and CSDP; Economic and financial governance)	- <i>Regional</i> parliamentary network between some national parliaments (i.e. Visegrad group) or between subnational parliaments (i.e. CPI)	- Contacts between MPs and MEPs between political groups (whether European or national)	- Contacts between MPs and MEPs along political group (whether European or national)
Administrative level		- Secretariats of COSAC and EU speaker's Conference - IPEX – Exchange platform between national parliaments - REGPEX – Exchange platform between regional parliaments		- Monday Morning Meetings (all MS) - Contacts between officials from a few Member States or within Member States

Table 1: Typology of interparliamentary networks

The first category includes formal forms of interparliamentary cooperation open to all EU Member States parliaments and members of the European parliament.

On the one hand, one can think of the 'Conference of Speakers of the Parliaments of the EU' and the 'Conference of Parliamentary Committees for Union Affairs' (COSAC), the oldest formalised forms of interparliamentary cooperation in the EU. The EU speakers conference was created in 1963 and is composed of speakers from national parliaments and the president of the EP. Since 1975, the EU Speakers Conference meet annually to exchange information and best practices on topics related to the role of parliaments. The role of the COSAC is consultative but according to Buzogány (2009), the Conference is '*probably the*

most important venue regarding European scrutiny (...), which became the strongest interparliamentary forum for coordinating national parliaments activities following its creation in 1989' (Buzogany, 2009: 21). The COSAC is organised twice a year and is composed of MPs from national EACs and MEPs. This conference aims at favouring the exchange of information and expertise between national and EU parliamentarians specialised in EU affairs. The COSAC publishes biannual reports on EU scrutiny practices and it is playing a growing role in the coordination on the submission of subsidiarity opinions (Hefftlar and Gattermann, 2015). On this matter, Neyer (2014) advocates a strengthening of the COSAC. The author explains that *'a more promising way to revitalise the communicative function of national parliaments and to work towards a fully justified political system is to awaken the EU's 'sleeping beauty', the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC)'* (Neyer, 2014 134). Finally, both the EU Speakers Conference and the COSAC can rely on coordinators at the administrative level for preparation and post-processing of meetings.

For its part, various networks of formal interparliamentary cooperation emerged at the committee level between the European Parliament and national parliaments, such as Joint Parliamentary Meetings (JPM), Joint Committee Meetings (JCM), Interparliamentary Committee Meetings (ICM) and Meetings of committee chairpersons. On this matter, there is a visible trend towards an increased use of ICMs and Meetings of committee chairpersons in comparison with JPMs and JCMs. JPMs used to be organised by the European Parliament together with the national parliament of the Member State that held the Presidency to discuss strategic issues¹⁴ of the Union on major policy areas (Hefftlar and Gattermann, 2015). Since the end of 2011, JPMs are no longer used. The same decreasing tendency is observed for JCMs, which was aimed to promote 'dialogue between European and national parliamentarians at committee level' (Hefftlar and Gattermann, 2015). The most successful format is actually ICMs, as it proposes meetings which are more thematically focused. In 2015, 13 of such meetings took place, focusing for example on a roadmap towards a low-carbon and resource efficient Europe (ENVI committee) or on the Democratic oversight of intelligence services in the EU (European Parliament, 2017). In addition, some thematic meetings are recurring on a regular basis, such the annual exchange of views on the European Semester and the meeting of the European Parliament's Committee on Women's Rights and Gender Equality marking International Women's Day on 8 March (European Parliament, 2016). Finally, today there is a trend towards inter-parliamentary cooperation in inter-governmental areas, such as the interparliamentary conference on the Common

¹⁴ The Polish Sejm and Senate organized the last JPM meeting in December 2011. The subject of the conference was: 'Social cohesion and demographic development in a sustainable Europe'

Foreign and Security policy and the Common Security and Defence policy (Herranz-Surrallés, 2014) or on Economic and Financial Governance (Kreillinger, 2015).

A second category is composed of various *exclusive* formats of *formal* interparliamentary cooperation, taking place between smaller groups of Member States and their respective parliaments. At the national level, Hefftlér and Gattermann (2015) mention the coordination between parliaments of the 'Visegrad Group' composed of the Chamber of Deputies and the Senate of the Czech Republic, the Sejm and the Senate of the Republic of Poland, the National Council of the Slovak Republic and the National Assembly of Hungary. Meetings are held at the level of speakers of these parliaments, the EACs or between MPs of sectorial committees (EACs, Economy Committees, Regional policy committees, etc). At the regional level, an illustration is the '*Conseil parlementaire interrégional*' (CPI), including members from Luxembourg, France (Region of Lorraine), Germany (Länder of Rheinland-Pfalz and Saarland) and finally Belgium (Walloon Region, German and French Speaking Communities). The Council does not tackle EU affairs specifically, but it does address some common challenges and trans-border policies (i.e. mobility, sustainable energy), while it also formulates non-binding recommendations. Occasionally, the Council tackles specific EU policies such as the INTERREG programs or more recently, the implementation of the CAP reform (CPI, 2014).

In a third and fourth category, interparliamentary cooperation adopts more *informal* formats of dialogue between parliamentarians. First, the EP Directorate for Relations with National Parliaments supports the organisation of bilateral visits between the EP and a delegation of parliamentarians from a Member State. In 2016, 76 official visits from EU national parliaments to the European Parliament took place (European Parliament, 2017). Often a bilateral meeting deals with salient EU issues (i.e. the Brexit in 2016, the CAP) and '*provides a highly focused, tailor-made and flexible, cost- and time-efficient framework for discussions on issues of concern to one national parliament in particular*' (European Parliament, 2017:17). The EP directorate also started to organise videoconferences on salient EU issues. Furthermore, *informal* cooperation can take place between MPs of different levels or/and from different Member States. So far the literature has observed two patterns. On the one hand, the extent of transnational contacts between MPs and MEPs from different Member States is rather limited and fragmented (Hefftlér and Gattermann, 2015; Miklin and Crum, 2011). By contrast, most of the contacts MEPs and NPs have seem to take place through party channels. Based on a survey conducted in the European Parliament in 2008, Miklin and Crum (2011:6) found that '*over 60% of the MEPs whose party is also represented in their national parliament meet personally with colleagues of the national party at least once a month*', in addition to the coordination taking place via emails or phone. In this regard, a

survey carried out among MPs of the German Bundestag confirms this trend and outlines that German MPs strongly rely on intra-party coordination channels (Wonka and Rittberger, 2014). Randour and Bursens (2016) carried out a survey adapted from the Schneider *et al.* (2014), confirming an important role of political parties in EU related activities.

To end with, in light of the recent evolution of parliamentary staff dealing with EU affairs outlined in the literature, administrative networks are considered as being 'open to a few' as most of the administrative network are organised according to their governance level (regional, federal, European). Accordingly, they are not open to all (horizontal but not vertical). I now briefly discuss the three main types of interparliamentary networks developed at the administrative level.

First, there are databases offering an online platform for the exchange of information and documents between parliaments. Some databases focus on subsidiarity or political dialogue issues. Established by the EU Speakers Conference in 2000 for national parliaments, these are the 'Inter-parliamentary EU information exchange' (IPEX) databases, and REGPEX, '*designed to support the participation of regions with legislative powers in the early phase of the EU legislative procedure, the Early Warning System*' (Committee of the Regions, 2017) and supported by the Committee of the Regions for regional parliaments and governments. A second type of network is the European Center for Parliamentary Research and Documentation (ECPRD), established in 1977 to consolidate a research network between the different administrative and research units of the EP and national parliaments¹⁵. An annual Conference of parliamentary correspondents is organised to plan the activities of the ECPRD. Today representatives of all parliaments sit in Brussels, most delegations having their offices in the European Parliament or close by. The meetings of these national representatives are called 'Monday Morning meetings', and mostly aim at exchanging information and coordinating the submissions of reasoned opinions within the EWM.

1.3.2 Emerging studies and next steps

At the moment and at the exception of the EWM, the remark formulated by Raunio in 2009 still stands: '*The main problem with research on inter-parliamentary cooperation is its descriptive nature, with hardly any attempts at explaining either variation between the national parliaments or analysing such parliamentary networking in a broader theoretical context*' (Raunio, 2009: 11). This is why recent studies have allowed to map different

¹⁵ The ECPRD also includes the research service of the Council of Europe and parliaments services of the observer Member of Council of Europe.

practices and emerging mechanisms of inter-parliamentary cooperation, but often in a descriptive way. Furthermore, we have previously seen that the use and degree of participations in these different types of networking activities differ greatly *between* and *within* Member States but also between the types of inter-parliamentary cooperation.

Hefftlér and Gattermann (2015) identify three areas for further research. First, as for studies on national and regional parliaments, forthcoming studies should focus on examining policy influence. In fact, one of the underlying aims of inter-parliamentary cooperation is to enable MPs to exert policy influence, whether by exchanging information or best practices. It is expected that these practices help control the executive both at the national and EU levels, but also at defining common positions between parliaments, whether in the framework of the EWM or within European political families. Second, the authors stress the need to understand the variation in parliamentary participation. As well explained, *'not all types of formal and informal inter-parliamentary cooperation receive the same amount of attention from the EU's parliamentarians'* (Hefftlér and Gattermann, 2015:107). Finally, at a more general level, the literature should better assess the emergence, if any, of a pan-European network of parliamentarians. Are the same MPs going to different inter-parliamentary cooperation meetings? What are the links between the different types of coordination mechanisms? Are bilateral meetings used to prepare multilateral ones? One way to fill this knowledge gap would be to build a database covering all the events that took place in the framework of inter-parliamentary cooperation.

1.4 Austrian, Belgian and German parliamentary system and the European Union

In the next section, I present the parliamentary scrutiny systems in Austria, Belgium and Germany. For each of the three Member States, I briefly discuss the main features of their federal systems, the legal basis of their EU scrutiny rights, their institutional responses to the EU integration and then, I discuss their overall level of activity based on the OPAL institutional and activity score (Auel *et al.* 2015).

1.4.1 Parliamentary scrutiny in Austrian (sub)national parliaments

In this section, the Austrian political context, the scrutiny infrastructure of EU affairs and finally, the strength of Austrian parliamentary oversight institutions are presented. More precisely, the section focuses on the *Nationalrat*, the *Federal Council* and also the Austrian subnational parliaments. Because there are 9 subnational parliaments in Austria, I only

discuss the main institutional developments without tackling in details the 9 different subnational parliaments.

Austrian political context and legal rights in EU affairs

Austria is a federal State composed of nine autonomous states¹⁶ (Länder), and it is formally a semi-presidential system¹⁷. Yet, according to Miklin (2012), Austria is better described as a parliamentary system (see. also Müller, 1999). At the federal level, there are two parliaments but the second chamber – the *Bundesrat* (i.e. the Federal Council) – is considered as really weak in practice. Contrary to the Nationalrat, the MPs of the *Federal Council* are not elected directly. Its members are elected by the State parliaments following proportional representation (Sturm, 2005). Austria is generally considered as a weak form of federalism. As an illustration, already in 1999 Lijphart (1999) described Austria as a ‘centralized federation’ when Erk (2004) preferred the expression of a ‘*federation without federalism*’.

The main principle dividing the competences between federal and states’ levels is based on the article 15 of the Constitution. The latter specifies that states have the sole responsibility for all legislation that is not explicitly assigned to another level. On this matter, Miklin (2016:3) explain ‘*The legislative competences of the provinces are restricted to rather few and less important policy fields such as nature preservation, construction law, regional planning, hunting and fishing, tourism, sports, youth and child welfare, municipality law, etc. Constitutional powers are clearly even more restricted when it comes to influencing legislation on the federal level as the federal parliament's second chamber, the Bundesrat, lacks a real veto in most cases. Usually, it can only delay legislation*’. Finally, it is interesting to note that art.16 of the Constitution allows the Länder to engage in foreign policy for matters falling into their autonomous sphere of competences. Contrary to Belgium (see. next section), the federal government has a strong supervision role and still holds power of consent on the negotiated Treaty (Sturm, 2005). However, as argued by Fallend (2010), if one wants to assess the power of the Austrian states, it is necessary to go beyond formal provisions of the Constitution and look at the informal actors. More specifically, the ‘State Governors’ Conference (*Landeshauptteutekonferenz, SGC*) plays a major role in Austrian politics. Yet, it does not mean *per se* that Austrian regional parliaments have strong powers, as they have no official task in the SGC (executive body).

¹⁶ Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg, Vienna.

¹⁷ In Austria, the president is directly elected. Formally, it is the president that appoints and/or dismiss the government and also the parliament (if proposed by the government).

What about legal rights in EU affairs? The Austrian federal parliaments (*Nationalrat* and *Bundesrat*) are legally entitled to some rights for scrutiny of the government regarding European Affairs. The scrutiny of European Affairs rests on two important pillars. First, art. 23. a-k of the Austrian constitution grants Austrian national parliaments information rights: information must be submitted by the federal government on all projects dealing with European issues. Second, an amendment to the federal constitutional act in 1994 obliged the government to provide to the parliaments extensive information on all EU related policies (Art. 23e). Most recently, an EU information law (EU-Informationsgesetz) was voted in 2012 and introduced new provisions aimed at optimizing the information flows between parliaments and the government (Miklin, 2014).

Austrian scrutiny infrastructure of EU affairs

At the national level, the *Nationalrat* has organized the scrutiny of European affairs at the committee level within two committees: the *Main EU Committee on EU affairs* and the *standing sub-committee on European Affairs*, both composed according to party group size. Members of the European parliament may join all the European affairs committees but cannot vote. However, time constraints and conflicting schedules make the participation of MEPs difficult (Miklin, 2015). When the main EU Committee deals most specifically with European Council and Euro zone summits, the day-to-day decision making in the Council of the EU is delegated to the standing sub-committee. Finally, the sectorial committees are not formally involved in the control of the government regarding negotiations at the EU level, and do not have the power to formulate binding opinions (Miklin, 2015). The *Federal Council* also has a specific committee dealing with EU affairs. The committee deals with most of the EU work and is also composed according to party group size. To sum up, the scrutiny of EU affairs is mainly centralized in EAC's (or its sub-committee) both in the *Nationalrat* and in the *Federal Council*, with limited involvement from the sectorial committee.

At the regional level, the scrutiny of EU affairs is mostly conducted by regional executives and to a limited extent only by regional parliaments. Indeed, the State governments (via art. 23d B-VG) now have increased their powers in EU affairs. The federal government must inform the States about all EU matters that fall under their competencies. Länder governments can rely on two types of mechanisms to get involved in EU affairs. First, they can adopt Unitary State Position (*Einheitliche Länderstellungnahme*). In this scenario, the government can only deviate for urgent reasons (Interview 45). Second, for issues not falling in their direct competences, Länder governments can adopt Joined State positions (*Gemeinsame Länderstellungnahmen*). In this case, the federal government needs to take

into account these opinions (Interview 45). A coordination office helps in this coordination process: the Liaison office of the Federal States (*Verbindungsstelle der Bundesländer*).

What about the scrutiny of Austrian state parliaments? As noted by Miklin (2016:8), *'the only remaining way for regional parliaments to influence the process is by influencing their own government's position in the SGC'*. To do so, most of the state parliaments created EU affairs committee, closely resembling the one of the federal level. The EACs can indeed adopt binding opinions for matters that fall in their competences, but the State government can depart from this mandate under certain condition (urgent reasons, foreign or integration policy). Meanwhile some *Landtage* have not yet developed EU scrutiny rights (Vienna and Carinthia). As noticed by Schmitt *et al.* (2013:21): *'each land may indeed adopt specific rules to organize the involvement of its state parliament in the (subsidiarity) procedure'*. While some State parliaments are described as 'active' by submitting subsidiarity opinions (Lower Austria, Vienna and Vorarlberg, Interview 1 & 9), others mainly left the subsidiarity checks to their state governments willingness (Schmitt, P., *et al.*, 2013: 23). Between 2007 and 2013, a total of 15 opinions have been adopted by the Länder parliaments and referenced in the REGPEX database¹⁸.

Austrian parliamentary oversight institutions in EU affairs

Austrian parliamentary oversight institutions are now introduced. To do so, I look at their informational and constraining capabilities (Winzen, 2012). First, regarding the informational capabilities, Austrian parliaments can rely on a parliamentary administration (*Parlamentsdirektion*) to cope with the important number of EU documents received by the parliaments. The parliamentary administration supports the parliament in analysing EU documents with the EU coordination unit and the European relations unit (Miklin, 2015). The role of this department mostly consists in organisational and coordination tasks. Since the Treaty of Lisbon and the development of the Early Warning System (EWS), the department is also responsible for the screening of EU legislative proposals. More precisely, Högenauer and Neuhold explains that *'all incoming EU draft legislation is submitted to a pre-subsidiarity check from a legal perspective (by the parliamentary administration), complemented by information from the Permanent Representation in Brussels and other sources'* (Högenauer and Neuhold, 2013: 12). Overall, today there are 15 members working in the parliamentary

¹⁸ Only six Austrian Länder out of nine are partners of the REGPEX subsidiarity monitoring network of the Committee of the Regions: the state parliament of Burgenland, the Carinthia, and the Lower and Upper Austria state parliaments; the Tyrol and Vorarlberg states parliaments. In addition, from the executive side, the Vienna City municipal executive, the Upper and Lower Austrian government, the Vorarlberg government and the Steiermark State Governments are represented in the network. Hence, these numbers must be interpreted with precaution since not all the Länder parliaments are represented in the network.

administration.

In addition, the Austrian Parliament established a database in the beginning of 1996 (Pollak and Slominski, 2003). According to clerks from the *Parlamentsdirektion*, the database is a good organizational tool and is, in some cases, also used by other national parliamentary administration (Interview C). According to a COSAC report (2012), it is important to note that the Austrian parliament is one of the only national parliaments that has access to numerous EU documents not available to the public, such as the *Limité document* of the Council of the EU (Interview C). Finally, after a vote in the Council of the EU, the federal minister must present a report to the *Nationalrat* (Pollak and Slominski, 2003).

On the constraining side, the Austrian parliament can adopt legally and politically binding opinions. The minister can decide to deviate from the mandate, but *'this can only be done if there are compelling reasons of foreign and integration policy'* (Hegeland and Neuhold, 2002:6). Yet, in practice this strong power written on paper is rarely used. Several studies showed that despite its strong formal powers, the Austrian parliaments do not fully use the range of constraining tools to scrutinize the government (Blümel and Neuhold, 2001; Hegeland and Neuhold, 2002; Miklin, 2015; see. also Pollak and Slominski, 2003). Pollak and Slominski explain that *'The parliaments of Austria refrain from using their formal rights extensively. They are not used as instruments to influence day-to-day politics, but are rather kept as a last resort in case of emergency'* (2003: 724). In addition, Miklin (2014) also underlines the fact that *'binding opinions require a majority and hence the support of a least one governing party'* (2015:395). However, governing parties are quite reluctant to tie the hands of their government. From 1995 until 2001, both the numbers of meetings on EU affairs, the number of EU documents discussed and the use of the mandate system drastically diminished. As Hegeland and Neuhold (2002:13, see also. Falkner, 2000) note: *'the small number of opinions and the fact that mandates became increasingly less detailed over time have made some see the Austrian parliament as somewhat of an "institutional loser"'* (Hegeland and Neuhold, 2002: 20). Most recently, Miklin highlights that the EAC nowadays is more active than before Lisbon. When the EAC discussed on average 10 documents a year in 2007, since 2010 this number rose to 54 documents a year (Miklin, 2015).

To end with, there is no formal coordination system between the *Nationalrat* and the *Federal Council* (Interview 9) when it comes to the cooperation between Austrian parliaments. In fact, the *Nationalrat* and the *Bundesrat* *'have no general obligation to consult each other or to take the other Chamber's positions into consideration'* (Schmitt, P., et al., 2013: 17). But

coordination can take other informal forms. As an illustration, it is the same parliamentary administration on EU affairs that supports the *Nationalrat* and the *Bundesrat*. Regarding the cooperation between the federal and the regional level in the EWM, Austrian regional parliaments can adopt subsidiarity opinions. Yet contrary to Belgium (see. section 1.4.2), the regional opinions are not directly transmitted to the European level but must first go through the Federal Council.

To summarise, the Austrian parliaments developed important formal mechanisms aiming at resorbing informational asymmetry between the parliaments and the Austrian executive (access to EU top secret documents, development of the parliamentary administration, involvement in inter-parliamentary cooperation etc). On the other side, despite its strong constraining power on paper (i.e. the possibility to adopt binding mandates) and the important amount of information Austrian parliaments have access to, they do not seem to fully use their formal powers. This trend is also observed when looking at the OPAL institutional strength and activity scores. In this setting the Austrian *Nationalrat* ranks 20th out of 44 - whether for institutional strength and the degree of activity - when the *Bundesrat* is even weaker as it ranks 29th out of 44.

Table 2 presents the main observations and information about the Austrian parliamentary oversight institutions in EU affairs.

Categories	Observations
<i>Austrian political context and legal rights in EU Affairs</i>	Executive Federalism, High degree of centralisation power of the federal State. Overall, weak regional parliaments and weak Federal Council. Main scrutiny right in EU affairs in the Constitution (art. 23).
<i>Structure of the scrutiny of EU affairs</i>	The main part of EU scrutiny takes place in EACs, with only a limited involvement of the sectorial committee. This is the case both for the federal and regional parliaments. Yet, regional parliaments are only slowly developing their scrutiny infrastructure with important variation within Austria. The impact of regional parliament in the EWM is only indirect –it must go through the Federal Council.
<i>Oversight institution: informational and constraining focuses</i>	Strong constraining rights on paper (binding mandate). Important informational rights.
Additional information	
<i>What empirical data shows so far</i>	Strong oversight institutions on paper, but only limited but (increasing) activity in practice.
<i>OPAL ranking – Institutional strength OPAL ranking – Activity score</i>	The Austrian <i>Nationalrat</i> ranks 20 th (on 44) and the <i>Bundesrat</i> is even lower (29 th on 44).

Table 2: Austrian parliamentary oversight institutions

1.4.2 Parliamentary scrutiny in Belgian (sub)national parliaments

I briefly discuss in this section the institutional developments in the House of Representatives, the Belgian Senate and the Flemish, Walloon and Brussels subnational parliaments. Therefore, this section does not tackle the adaptations of subnational parliaments from Belgian communities (French Community of Belgium and German Community of Belgium). Indeed, Communities in Belgium mostly deal with softer policy domains such as education and culture, two competences that are not predominantly Europeanized.

Belgian political context and legal rights in EU affairs

Belgium consists of a federal level and a double federated level of three Communities (Gemeenschappen / Communautés) and three Regions (Gewesten / Régions), with a special status for the Brussels Capital Region. More precisely, Belgian regions are socio-economic entities competent for harder or place-bound policy domains (e.g. economic development, transport, spatial planning), while communities are language-based entities dealing with softer policy domains (i.e. education, culture) (Wayenberg, *et al.* 2011). Government levels have both legislative and executive authority over policy domains for which they are competent (i.e. legislative federalism). In particular, one important feature of the Belgian system is the absence of a clear hierarchy of norms, meaning that respective laws adopted by subnational and national governments stand on equal footing. The lack of norm hierarchy has an important impact on how the Belgian federation deals with internationally binding agreements. In fact, each level has to prepare and implement international policies that fall within its powers. This situation is known as the *in foro interno, in foro externo* principle (Bursens *et al.* 2016; Dumont, 2013; Randour and Bursens, 2016).

Furthermore, since the regionalisation process was initiated in the 70s, there are no national political parties anymore in Belgium (at the exception of the extreme left). Against this background, the Social democrats, Christian Democrats and the Liberals political parties split according to regional and linguistic characteristics. Accordingly, the Belgian party system is fragmented and characterised by a high level of party discipline (Dandoy, 2011; Depauw, 2003). Overall, this situation has important implications for the organization of its parliamentary democracy. Each entity (federal, region, community) has its own legislature, resulting in a total of seven chambers (Deschouwer, 2012; Delpérée and Dopagne, 2010). On an aggregate level, Belgian parliaments in EU affairs act depending on what they are usually accustomed to: a bilateral scrutiny of their own executive and very little engagement

in intra-Belgian cooperation. They are considered quite weak, with strong executives and dominant political parties in coalition governments (Deschouwer, 2012).

On EU affairs, there are no specific legal rights for Belgian parliaments. Neither the Belgian Constitution nor the special laws on the country's state structure include specific rights to Belgian parliaments in EU affairs (Delreux and Randour, 2015). The only exception is an article in the Special Law on the Reform of the institutions and that concerns the transmission of European Legislative proposals to the Belgian Parliament (Dumont, 2013). For the rest, one has to look in the Rules of Procedure for each of the Belgian parliaments to find specific articles dealing with EU affairs¹⁹.

Belgian scrutiny infrastructure of EU affairs

I first discuss the organization of the scrutiny of EU affairs in Belgian (sub)national parliaments, as it tends to follow the same pattern for Belgian national and subnational parliaments. As rightly noted by Delreux and Randour (2015) when analysing the role of the House of Representatives, a distinction can be made between, on the one hand, EU day-to-day policy-making processes that are mainly discussed in sectorial committees and on the other hand, 'high politics' or transversal issues that are discussed in European affairs committees. This observation of the House of Representatives is also accurate for subnational parliaments. Indeed, the development of the scrutiny of EU affairs at the subnational level can be described as a process of 'institutional mimetism', in the sense that subnational parliaments' scrutiny mechanisms closely resembles the one from the federal level.

All Belgian parliaments have now a committee exclusively dealing with EU affairs (EACs). The president for their respective parliament chairs the four committees. More precisely, the first parliament to take initiative in this field was the House of Representatives in 1962. The committee evolved gradually along the process of European integration - EP first direct election, Single European Act (Vandevivere, 2001) – and took its final form in 1995 (De Winter and Laurent, 1996). Nowadays, the EAC is a *joint* committee grouping together 10 MPs of the Belgian Senate, 10 MPs of the House of Representatives (10 deputies) and finally, Belgian MEP's (talk but no vote principle) (Delreux and Randour, 2015). At the

¹⁹ Art. 36, 37, 37 bis and 68 of the Rules of Procedure in the House of Representatives, Art. 78 in the Belgian Senate, Art. 115 and 116 in the Walloon parliament, Art. 48, 121, 122 for the Brussels's region parliament, and Art. 111 and 112 for the Flemish parliament.

regional level, the Walloon and Brussels parliaments²⁰ opted to create a committee exclusively dealing with EU affairs (EAC) while the Flemish parliament has a committee dealing both with EU and international affairs. The themes discussed in these committees mainly deal with transversal EU issues. Yet, one important difference has to be made between the EACs of the Flemish and Brussels parliament on one side, and the one of the Walloon parliament on the other. The functioning of the Walloon EAC resembles a 'working group' focusing on a few EU issues, rather than a traditional broadly oriented committee. The practice shows that the committee mainly organises hearings with regional, national and EU actors (officials, interest groups, experts etc.) and produces reports and (non-binding) resolutions, and that no time is devoted to core parliamentary tools (e.g. parliamentary questions). A second difference has to be made between the EACs of Belgian subnational, and the joint EAC of the House of Representatives and of the Senate. At the federal level, one of the main tasks of the *joint* EAC is to (de)brief the Prime Minister after the European Council (Delreux and Randour, 2015). This type of debriefing does not take place in Belgian subnational parliaments.

As introduced previously, sectorial committees are responsible for the scrutiny on day-to-day EU decision-making, both at the regional and federal levels. However, the extent to which these committees scrutinize EU affairs varies greatly between committees and between parliaments (Delreux and Randour, 2015). Briefing and debriefing of the Council of the EU rarely take place. The deployment of 'traditional' tools of parliamentary scrutiny, such as questions and interpellations to the government, can be considered very weak (Van Hecke *et al.* 2012). The same is true for sectorial committees at the subnational level, where (de)briefings of the Council of the EU meetings happen on a rarely basis. On this matter, Bursens *et al.* (2016) observe that the scrutiny of Council meetings happens more often in the Flemish parliament than in its Walloon and Brussels counterparts. The analysis of Randour and Wolfs (2017) on the scrutiny in agricultural and environmental EU policies shows that Belgian regional parliaments rely mostly on classical parliamentary tools. These tools aimed at gathering information rather than constraining instruments which attempt to influence their government. Overall, the number of MPs dealing with EU affairs is limited to a few experts in the committees.

²⁰ Interestingly, in comparison to other Belgian parliaments, the Brussels parliament only created its EAC at the start of the 2014 legislature. Before this period, there was no committee specifically dealing with European Affairs.

Belgian parliamentary oversight institutions in EU affairs

To determine the extent to which parliaments developed an institutional response to the pooling of competencies at the EU level, we look at the resources Belgian parliaments own to collect information (informational focus) and control EU affairs (constraining focus) (Winzen, 2012). For the informational focus of oversight institutions, the establishment of the Political Dialogue (called 'the Barroso Initiative') and of the EWM²¹ (Lisbon Treaty), the Belgian parliament has strengthened the administrative unit dealing with EU issues. As for the federal level, but to a lesser extent, Belgian regional parliaments have administrators filtering documents coming from the EU (Schmitt, Ruys and Marx, 2013). The Flemish parliament hosts more administrative support than its Brussels and Walloon counterparts, but overall the number of administrators working on EU affairs is small, compared to other EU parliaments. In practice, Belgian federal parliaments and subnational parliaments rarely made use of the ex ante subsidiarity control (Delreux and Randour, 2015; Fromage, 2016). When they did, there were no interparliamentary consultations between Belgian parliaments (Bursens *et al.* 2016). In practice, exchange of information or formal coordination between Belgian parliaments rarely takes place at the political level - at the notable exception of the meetings of the seven presidents of parliaments – and is rarely taking place informally at the administrative level. The strength of Belgian (sub)national parliaments is quite limited when looking at *constraining instruments* available to Belgian (sub)national parliaments (i.e. mandate or scrutiny reserve instruments). Indeed, Belgian (sub)national parliaments do not have a mandating or scrutiny reserve mechanisms. The strongest tools for Belgian parliaments are non-binding parliamentary resolutions.

To sum up, as explained by Delreux and Randour (2015: 166), '*Although the parliament has undergone an institutional and administrative adaptation, the actual political scrutiny of European affairs in Belgium remains limited*'. This is confirmed when looking at the OPAL institutional and activity scores. Here both the House of Representatives and the Senate are considered two of the weakest parliaments in the EU when looking at the institutional strength of oversight institutions and their level of activities. The results are the same or even worse for subnational parliaments when the ranking does not include the analysis of subnational parliaments, with more limited informational and constraining capacities to get informed or influence EU policies in their respective governments.

²¹ Under the EWM, Belgium considers all competent national and subnational parliaments as fully-fledged assemblies of its parliamentary system. In order to operationalize this Declaration 51, an Interparliamentary Cooperation Agreement was created by the chairmen of the parliaments in the run-up for Belgian ratification of the Constitutional Treaty. However, this Agreement has not yet entered into force.

Table 3 proposes a short summary of the previous observations.

Categories	Observations
<i>Belgian political context and legal rights in EU Affairs</i>	Legislative federalism. Overall weak parliament, with no specific law or article in the constitution regarding EU affairs. Modalities are defined in the Rules of procedure of the different chambers.
<i>Structure of the scrutiny of EU affairs</i>	All Belgian parliaments have a committee dealing with European affairs tackling transversal EU issues and 'high politics'. The sectorial committees are involved in the scrutiny on day-to-day EU decision-making processes.
<i>Oversight institutions: informational and constraining focuses</i>	Belgian oversight institutions are mainly geared towards informational scrutiny rather than on constraining actions. Overall, the EU activity of MPs is limited to a few individuals and for salient issues.
Additional information	
<i>What empirical data shows so far</i>	Belgian parliaments adapted their institutions to the EU integration but the interest and activity of MPs is rather limited. The limited number of MPs involved in EU scrutiny is a good illustration of this trend.
<i>OPAL ranking – Institutional strength OPAL ranking – Activity score</i>	The Belgian Senate is the weakest of all national parliaments in the EU (44 on 44). The Belgian House of Representatives is also one of the weakest parliament (42 on 44).

Table 3: Belgian parliamentary oversight institutions

1.4.3 Parliamentary scrutiny in German (sub)national parliaments

In this section, I present the German political context, the scrutiny infrastructure of EU affairs and finally, I discuss the strength of parliamentary oversight institutions. More precisely, I focus on the *Bundestag* and on the *Bundesrat* on one side, and German subnational parliaments on the other. Because there are 16 subnational parliaments in Germany, I discuss the main trends in their institutional developments.

German political context and legal rights in EU affairs

Germany is a federal country consisting of 16 federal States²² and relies on a parliamentary system where legislative powers are vested in the Bundestag, the Bundesrat but also, to a certain extent, in German state parliaments (Landtage). It is important to note the particular composition of the Bundesrat vis-à-vis other national parliaments. Indeed, the Bundesrat is composed of representatives of the Länder government. Election at the regional level takes

²² North Rhine-Westphalia, Bavaria, Baden-Württemberg, Hessen, Lower Saxony, Rhineland-Palatinate, Berlin, Saxony, Hamburg, Schleswig-Holstein, Brandenburg, Thuringia, Saxony-Anhalt, Mecklenburg-Vorpommern, Saarland, Bremen

place every 4 or 5 years. Accordingly, the Bundesrat is a 'permanent body' and the possibility to have diverging majorities in comparison with the Bundestag is plausible. For example, in terms of environmental policies, a parliamentary clerk of the Bundesrat explained that, to some degree, the Bundesrat was more 'environmental friendly' than the Bundestag. More generally, the Bundesrat is considered a strong second chamber in EU affairs (Höing, 2015). Lastly, German regional parliaments are considered weak in comparison with the German Bundesrat powers and prerogatives (Abels, 2016).

The German federal system is described as 'cooperative' and 'symmetrical', in the sense that there is a symmetrical allocation of competences between German (sub)national entities. As Auel (2014:422) sums it up: *'Federalism in Germany is characterized by an emphasis on a symmetrical allocation of competencies, the intergovernmental sharing of responsibilities and resources and on vertical and horizontal joint policy-making to generate common nation-wide standards of public policy, resulting in its description as 'cooperative' and 'unitary' federalism'*. In particular, as explained by Höing (2015), the involvement of German national parliaments is described in the German Basic law and the 'accompanying laws to the Lisbon Treaty' (EUZBBG and EUZBLG in German abbreviations²³). To understand the institutional development in Germany regarding the scrutiny of EU affairs, one major event allowed for German parliaments to further strengthen their power: the so-called 'Lisbon Ruling' (BVerfGE, 2 be 2/08) (Abels, 2016; Höing, 2015). The judgement does not directly concern regional parliaments but has indirect consequences on the development of the latter. In brief, the judgement emphasised the 'responsibility for integration' of parliaments (Abels, 2016). This responsibility for integration was integrated in the German constitution (art. 23).

German scrutiny infrastructure of EU affairs

At the federal level in the Bundestag, the EAC is one of the only four Bundestag committees mentioned in the German Constitution (Article, 45. Höing, 2015). However, most of the scrutiny of ordinary legislative proposals is conducted in sectorial committees. Regarding the Bundesrat, the deliberation takes place in a three weeks term. It begins with the committee deliberation in the first week, the second week is for coordination between the Länder and the third week is the so-called 'plenary week'. At the end of the third week, the plenary session takes place on Friday. In this process, both sectorial committees and the European Affairs Committee of the Bundesrat play a major role in the scrutiny of EU affairs (Interview 11). Nonetheless, there is no formalised cooperation between the two national parliaments

²³ For an overview of the historical developments of German laws in regards to the involvement of parliaments in EU affairs, see. Höing, 2015.

(Interview, 11; Interview 20). Finally, in terms of cooperation between the federal and the regional level, the Bundesrat plays an important 'gatekeeping role' vis-à-vis the regional parliaments. Indeed, a regional German parliament can bind their regional executive in EU affairs (such as the Baden-Württemberg Landtag), but only has an indirect effect on the Bundesrat proceedings.

At the regional level, Abels (2013, 2016) found important variations in the institutional development of German parliaments in EU affairs. Buzogany and Häsing (2016) underline the substantial differences in terms of formal rights between German subnational parliaments on EU affairs. The authors used the Qualitative Comparative Analysis and proposed a first explanation of the variation of institutional adaptations and parliamentary strength in EU affairs between German Landtage. They found that the federal weight of a Land is a determining factor for strong parliamentary scrutiny rights of German Landtage. In addition, other indicators such as the economic power, or the composition of the government (conservative) can explain the variation between German Landtage (Buzogany and Häsing, 2016).

German parliamentary oversight institutions in EU affairs

German parliamentary oversight institutions are now introduced. To do so, I look at their informational and constraining capabilities (Winzen, 2012). First, regarding constraining capabilities, Abels (2015) highlights that *'there is a constitutional provision according to which the Bundestag can demand the federal government to take the parliamentary position into account. Yet, there are different degrees of taking into account depending on the nature of the issue'* (Abels, 2015:5). For example, Höing explains that *'a quarter of the parliamentarians in the Bundestag can request the government to explain publicly why they deviated from a position passed by the Bundestag'* (Höing, 2015). As explained by the author, this mechanism was developed to strengthen and increase the activity of minority groups within the parliament. Regarding the informational capabilities, Schneider, Rittberger and Wonka (2014: 422) found that political parties played an important role in the information of RMPs: *'MPs use the programmatic and organisational ties provided by their party to obtain information and co-ordinate common positions and political action with their partisan colleagues from their parliamentary group but also with members of their party group in the Bundestag and in the European Parliament'*. This observation was also confirmed by a RMP who stated that regular contacts with the RMPs in the Committee of the Regions were made, and also with EU experts within the political party (Interview 17). A clerk of the German Bundestag explained that, as far as it concerned EU affairs, German MPs received a lot of

information and have access to numerous documents, among which (upon request) all unofficial documents of the EU negotiation. As explained by Höing, written reports drafted by the government is the primary rule. Oral debriefings are seen as complementary, not as the main source of information. According to a Bundestag MP, parliamentarians in Germany enjoy a high degree of information.

Table 4 summarises the previous observations.

Categories	Observations
<i>German political context and legal rights in EU Affairs</i>	<i>Cooperative and unitary federalism. Symmetrical allocation of competences. Overall, a strong upper house with weak regional parliaments. The Bundesrat plays the role of gatekeeper.</i>
<i>Structure of the scrutiny of EU affairs</i>	The scrutiny of EU affairs in Germany involves both the EAC and the sectorial committee. This is also the same for the regional level, where the EAC work with sectorial committees. In the Bundesrat, the scrutiny takes place with 3 steps: deliberation, coordination and decision.
<i>Oversight institutions: informational and constraining focuses</i>	Since the latest revision of the EUZBBG, strong rights of information. For constraining instruments, the Bundestag can adopt resolutions and ask the federal government to take them into account.
Additional information	
<i>What empirical data shows so far OPAL ranking – Institutional strength OPAL ranking – Activity score</i>	The German Bundestag is one of the strongest of all national parliaments in the EU (2 on 44). The Bundesrat is quite strong for an upper house (8 th on 44).

Table 4: German parliamentary oversight institutions

2. The Principal-Agent model and legislative studies

In this section, I present the Principal-Agent model, the model used in this research to frame the relationship between an Agent (*i.e.* the executive) and his Principal (*i.e.* the domestic parliamentary system). I start by identifying precisely who are the Agent and Principal of this study (sub-section 2.1). Second, I explain the main arguments of the approach and briefly discuss its application on the analysis of executive-parliaments relationship in a multi-level environment (sub-section 2.2).

2.1 The executive as Agent, the domestic parliamentary system as the Principal

As explained by Delreux and Adriaenssens (2017: 15): '*Mapping a decision-making process*

is often complex in its own right. Differentiating between the roles and relations of the relevant actors adds an additional layer of complexity'. On this matter, it is important to bear in mind that behind the executive (the Agent) and the parliament (the Principal) that are understood as complex actors in my research, there exist a complex web of intra-relations within executive and parliaments. As explained by Sprungk (2010), when analysing the parliament-executive relationship, we are facing a situation of collective Agent and Principal.

On the one hand, the Principal of my research is the '**domestic parliamentary system**'. Yet, the *parliamentary system* includes multiple parliaments (national and subnational parliaments) acting collectively among the parliamentary system. In addition, each parliament is composed of two constitutive units: MPs from the governing parties and MPs sitting in the opposition. In this research the Principal is understood as a complex: '*the parliamentary system*'.

There are three reasons for focusing on the broader relationship between 'the executive' on the one hand, and the domestic parliamentary system' on the other. First, when looking at the chain of delegation from citizens to politicians (Strom *et al.* 2003), it is clear that the crucial step in parliamentary democracies is the relationship between MPs acting in the parliament(s), while representing the citizens and the executive. The second reason has to do with the federal nature of the three member states analysed in this study (Austria, Belgium, Germany). To assess the delegation and accountability mechanisms at stake in these Member States, the analysis should not only look at national parliaments, but at the subnational parliaments with legislative competences. For policy fields that undergone a process of Europeanization (pulling of competences to the EU level) and of regionalization at the same time (transfer of competences to the subnational level), it is essential to evaluate the combined actions of multiple parliaments *within* one Member State. I thereby argue that to evaluate the impact of parliamentary scrutiny on the autonomy of executives from federal Member States - especially in policy field with shared competences -, it is necessary to assess the overall parliamentary scrutiny from the national and regional levels, even if subnational parliaments only have an indirect effect on federal governments. However, including subnational parliaments in the analysis adds a new layer of complexity, especially in light of the great diversity in terms of formal strength and activity between regional parliaments within a Member State and across Member States (Ladrech, 2016). Looking at each of the Principal-Agent relationship at the regional level and national levels was not feasible in practice, as it would have increased drastically the number of cases²⁴. Finally, that

²⁴ In this perspective, each parliament of the parliamentary system would be considered as an individual Principal, acting independently of the other Principals. For example, this means that for one EU decision-making process

does not mean that I leave this complexity out of the analysis. On the contrary, as I will further develop in the research design of the study, intra-Principal complexity is treated as an independent variable. I hypothesize that the higher the degree of cohesion the parliamentary system has, the higher the degree of executive autonomy (see. chapter 2).

On the other side, I identify the Agent of this research. The term 'executive' is favoured from the one of 'government'. Two reasons can explain this choice. Conceptualizing the Agent of this research as 'the executive' allows for the inclusion in the analysis of both the cabinet ministers (political side) and their respective civil servants (administrative side) acting in Brussels and in their home country. According to Häge (2008), most of the negotiations in the Council of the EU are taking place at lower levels in COREPER and working party meetings with national officials representing their Member States. Therefore, not only the interventions of the ministers in the Council of the EU must be taken into account, but also the actions of national officials representing their Member States. Second, as for the Principal of the research, the 'executive' is a collective and complex actor. EU policy proposals often require the involvement of several ministries at the domestic level. These actors must coordinate themselves to define a national position. The coordination process within the executive can follow sectorial lines (between different policy field) or/and can take place between the regional and federal levels in the case of shared competencies.

Figure 1 schematically represents the Principal and Agent of the study.

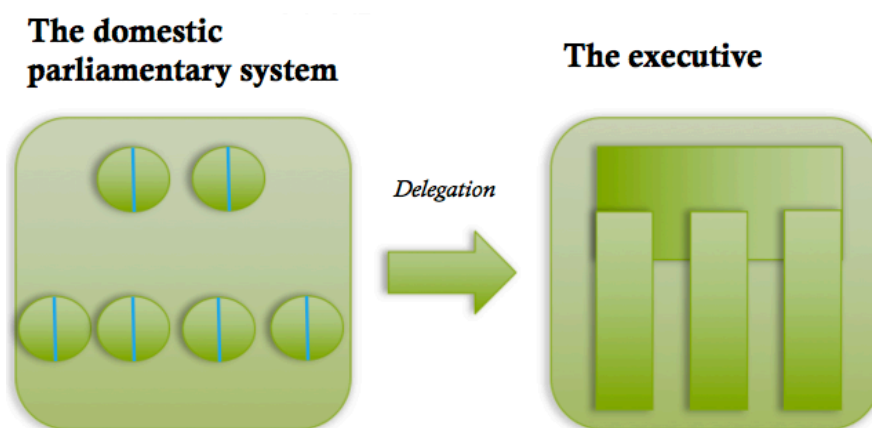


Figure 1: The Principal and the Agent of the study

taking place in Germany, the executive would face 18 Principals (the 2 national parliaments and the state parliaments of the 16 Länder). As I compare three countries and four decision-making processes, a higher level of parsimony was needed for the comparison.

2.2 The Principal-Agent model: key assumptions and historical evolution

2.2.1 Key assumptions of the Principal-Agent model

The '*Principal-Agent model helps to understand situations in which one (set of) actor(s) is acting on behalf of another (set of) actor(s)*' (Delreux, 2011: 29). Phrased differently, it analyses situation in which a 'Principal' transfers authority to an 'Agent' to act on his behalf. The Principal expects that the delegation of specific tasks to an Agent will generate functional benefits (Pollack, 2003). The literature generally lists as potential benefits an improvement in the decision-making efficiency, the facilitation of credible policy commitments (Tallberg, 2002, 2002a) or the solving of collective action problems (Strom, 2003). Yet, delegation is a conditional process, '*in the sense that Principals still wield power over the Agent and can, as a last resort, de-authorise and replace her if she deviates from or exceeds the authority delegated to her*' (Sprungk, 2010: 6).

Delegation does not only come with benefits for the Principal but also with costs, whether when selecting the Agent (*adverse selection*) or when an Agent pursues policy outputs that do not correspond to the Principal's wishes (*moral hazard with hidden actions*). These problems are often associated in the literature with an informational disadvantage of the Principal vis-à-vis the Agent, both before the delegation takes places, but also once the delegation took place (Strom *et al*, 2003; Sprungk, 2010; Pollack, 2003). To mitigate these costs (also called *agency loss*), Principals establish mechanisms to control their Agent (Pollack, 2003). Two broad types of controls are identified in the literature: ex ante and ex post controls. Ex ante control mechanisms often listed in the literature are 'screening' and 'selection' (Lupia, 2003). Regarding ex post controls, scholars identified *police patrol* and *fire alarm* oversight mechanisms (Pollack, 2003). Police patrol oversight consists in monitoring and reporting requirements of the Agent to the Principal or of the Principal's own monitoring activities. Also summarised by Blom-Hansen and Olsen (2015: 130), police patrol control is '*centralized, systematic, active and costly*'. This type of control is costly for the Principal, as it asks for personal investment and important resources. On the contrary, fire alarm control is reactive to information provided by third party actors and is thus less costly for the Principal, as they externalize the costs of monitoring the Agent's actions to third parties (citizens, interest groups etc.)

The Principal-Agent model is thus a useful heuristic device to frame and analyse the relationship between two sets of actors. As it is discussed in the next sections, the Principal-Agent model is used in numerous research fields. Following the call of Maher *et al.* (2009) in

applying the Principal-Agent model '*liberally*' yet with some '*care*', and to avoid risks of conceptual overstretching, Delreux and Adriaensen (2017, 2017a) identify two necessary conditions for applying the Principal-Agent model. (1) The actions of actors are mainly driven by rational choice institutionalist assumptions and (2) an act of delegation must be identified, whether it is formal or informal. One must accept that the Principal-Agent model is embedded in rational choice institutionalism. Therefore, the Agent and the Principal are understood as rational actors aiming at goal achievement. Second, the Principal-Agent model requires a precise delegation act (also called *contract*) entailing a hierarchical and dyadic relationship. Indeed, without a delegation act between actors, there is no (proper) relationship to analyse. Accordingly, the model considers 'dyadic' relationships, understood as the analysis of a relationship between two identifiable (sets of) actors: a Principal and an Agent. It also presupposes that the relationship is hierarchical ('conditional' in Sprungk phrasing). Indeed, as a last resort will the Principal retains the power to cease the delegation of authority to the Agent (Delreux and Adriaensen, 2017; Sprungk, 2010). As Pollack (2017) puts it, '*to the extent that those scope conditions are met – that is, to the extent that such delegation relationships actually exist in the empirical world – the Principal Agent model is and will be an effective tool for social scientific analysis*' (Pollack, 2017:iv).

In brief, the act of *delegation* of a Principal to an Agent offers *benefits* for the Principal, who simultaneously faces *agency loss* that needs to be *controlled*. As a result of this process, the Agent enjoys a certain degree of discretion to accomplish the Principal's wishes. This discretion is dependent on the level of control activated by the Principal since the P-A model is '*characterized by a continuous assessment of the costs and benefits of both the delegation and control by the Principals*' (Delreux, 2009). However, as the previous quote highlights, controlling an Agent also adds costs for the Principal, as the latter needs to invest resources in the actual scrutiny of the Agent's actions. Before applying the model to a political science object, the researcher needs to evaluate with caution if the model fits the researcher objective while simultaneously respecting the key (rational-choice institutionalist) assumptions of the model.

Since the original development of the model in the field of economics in the 70s, it has increasingly been applied to European and legislative studies²⁵ (Epstein and O'Halloran, 1999; Pollack, 2003) but also to International organisations (Hawkins et al. 2006). Undoubtedly, the pivotal work of Pollack (2003) and the rational choice institutionalist turn in EU studies paved the way for a first batch of studies analysing the delegation of powers by

²⁵ The use of the Principal-Agent model in legislative studies is discussed in more details in section 2.3 'Principal-Agent model and studies on national parliaments'.

national governments (i.e. the Principal) to EU actors, institutions and agencies (i.e. the Agent). 20 years after Pollack's first article on Principal-Agent (1997), Delreux and Adriaensen (2017a: 3) identified two main developments in the application of the P-A model in EU studies: *'the initial study of macro-delegation dynamics has shifted to instances of micro-delegation, and the focus on the politics of delegation has been complemented by the analysis of the politics of discretion'*.

The first development in the use of the model is that studies now analyse in more narrow terms a specific form of delegation, categorized as 'micro-delegation' by Delreux and Adriaensen (2017). When the first set of studies analysed the overall delegation from Member States (domestic level) to supranational actors (EU level), the *'Principal-Agent scholarship increasingly focused on delegation in the EU than on delegation to the EU'* (Delreux and Adriaensen, 2017a:4). Phrased differently, studies are now more case-specific than before by entering the delegation processes taking place within the European Union. **The second main development in the use of the model** is the emphasis given to the *politics of discretion*, meaning the actual political dynamics taking place between an Agent and his Principal. Focused on the Principal's side, a first set of variables were taken into consideration to explain the degree of discretion: the salience of the policy-making, the distribution of preferences between the Principal and the Agent and the preferences within the Principal (Delreux and Adriaensen, 2017). As a second step, scholars analysed in greater detail the context in which the Agent operates and *'which are not directly affected or experienced by the Principal'* (Delreux and Adriaensen, 2017:9). The work of Delreux on Environmental international agreement is a good example of this second development (Delreux, 2011). The author found that the *compellingness of the external environment* impacted on an Agent's discretion (Delreux, 2011). When looking at the parliament-executive relationship, for example, such a situation could happen in the case of the negotiation of a European Treaty.

Progressively, studies in Agency theory started to claim that 'Agents matter' (Hawkins and Jacoby, 2006). Indeed, the Agent is not 'neutral' and can also have his own preferences. The Agent can act strategically and impact on the capacity of the Principal to scrutinise his own behaviour. This goes in the direction of the Principal-Agent literature which emphasised that Agent matters and also do have strategies to weaken the incentives of control of their Principal. Proposing a national win set to the Principal (Delreux and Kerremans, 2010) or providing expertise to their parliaments could be one of these strategies. As explained by Delreux and Adriaensens (2017a: 5): *'Whereas the politics of delegation takes a static approach to study the decision of a Principal to delegate, the politics of discretion requires a*

dynamic approach focusing on the interaction between the Principal and an Agent. This implies that the Agent's strategic behaviour becomes an integral part of the analysis'.

To sum up, we learn from the use of the Principal Agent model in EU studies that agency theories can be useful to understand both the decision and the setting of the delegation ('the politics of delegation'), and the actual game played by Principal and Agent once the act of delegation has been established ('the politics of discretion') (Delreux and Adriaensen, 2017a). In addition, recent studies showed that the discretion of an Agent is not only explained by internal factors related to the salience of a decision-making process, the preferences distribution within Principal and between Principal and Agent, but also by external variables, such as the negotiation environment of the agenda.

2.2.2 The Principal-Agent model and (sub)national parliaments and the European Union literature: similarities in research agendas

The main developments identified by Delreux and Adriaensen (2017, 2017a) in the application of the Principal-Agent model in EU studies can be paralleled, to some extent, to the main evolutions observed in the literature on national parliaments and the European Union²⁶.

As a short reminder, the first batch of studies on national parliaments focused on the delegation process and subsequent formal and institutional adaptations. The main outcome is the development of institutional strength index ranking parliaments EU strength in EU affairs. The first research agenda of studies covering National parliaments and the European Union (i.e. Institutional Europeanisation) share similar characteristics with the preliminary studies and application of the Principal-Agent model in EU studies. As explained in section 2.2.3, Agency theory focused primarily on '*the politics of delegation*' to understand *why* Member States transferred authority to supranational institutions and with which consequences. Therefore, what mattered at first was to understand the consequences of the delegation process and the subsequent formal and institutional adaptation of actors. To a large extent, these studies commonly share a focus on the *delegation process* and on subsequent institutional and formal adaptations.

Second, studies on national parliaments started to move beyond formal strength to focus on the actual use of it by parliaments. In other words, scholars analysed the concrete scrutiny

²⁶ See *supra* for a detailed discussion of the main research agendas with a focus on (sub)national parliaments and the European Union.

actions undertaken by parliaments to hold their government accountable. Progressively researchers unpacked the ‘black box’ of national parliaments and diversified their research objects. One of the most visible outcomes is the development of rankings measuring the activity of national parliaments on EU affairs. In the Principal-Agent model, this evolution is known as the ‘politics of discretion’ (Delreux and Adriaensen, 2017, 2017a): analysing in a more dynamic and case specific way the activation of controls by the Principal and the subsequent interactions between the Agent and the Principal. What these studies have in common is that they both go beyond formal strength and institutional developments by analysing in greater details the dynamics and activities of the Principal and of the Agent.

Finally, scholars using the Principal-Agent model recently started to give more attention at the Agent’s side and his behaviour. As the literature shows, an Agent can also act strategically vis-à-vis his Principal, whether by transferring some of the pressure of the international negotiation on the Principal or by selecting the information he shares. In other terms, when the focus of previous studies was directed at the Principal’s actions, authors now began to argue that ‘Agent matters’ as well. A similar but weaker trend is observed in recent studies on national parliaments and the European Union. Some studies indeed argue that it is necessary to go beyond analysing parliaments’ level of activity to question the efficiency of these actions on the Agent. By doing so, scholars gradually brought back the Agent’s perspective in their analysis. This is why some authors started to enquire systematically on the use national governments (i.e. the Agents) made of domestic parliamentary scrutiny to reinforce their position in Brussels (Finke and Dannwolf, 2013). To summarise, what these studies have in common is that they go beyond the mere analysis of the degree of activity the Principal has and progressively include the perspective and actions of the Agent in their analysis. Table 5 provides a short overview of the main arguments presented in the previous paragraphs.

	Research agenda 1	Research agenda 2	Research agenda 3
PA literature	Politics of delegation: focus on the delegation process between and within EU actors and its consequences.	Politics of discretion: dynamic analysis of the relationship between the Agent and the Principal, with a greater focus on the Principal’s side.	Factors that are external to the P-A relationship may also have an impact on the autonomy of actors (i.e. external compellingness of the environment).
NP literature	Design of control: Focus on the delegation process and institutional strength of parliaments in EU affairs. Institutional Europeanisation	Activation/ use of control: Focus on the use by parliaments of their formal powers and internal dynamics within parliaments. Behavioural Europeanisation	- No yet covered by the literature on (sub)national parliaments and the European Union.

		- Reconnection between Principal and Agent Studies <i>question</i> the concrete impacts of parliamentary scrutiny on the executive.	
Common trends	Studies concentrate on the delegation process between two sets of actors and their subsequent institutional and formal adaptations.	Studies go beyond institutions by analysing in greater details the dynamics and activities of the Principal. Studies progressively go beyond the level of activity of the Principal and include the Agent in their analysis.	

Table 5: Common trends – Research agendas

2.3 Principal-Agent model and studies on national parliament

The Principal-Agent model has also been adapted to the analysis of delegation and accountability mechanisms in parliamentary democracies (Bergman, 2000; Strom, *et al.* 2003). These authors identify several important delegation steps in parliamentary democracies, each of them being a Principal-Agent relationship. The first step tackles the links from voters (the Principals) to elected representatives (MPs acting as the Agent of the people). The second and third steps look at the delegation from MPs to the Prime minister and to his cabinet. Finally, the last step concentrates on the delegation process between cabinet members and civil servants and the implementation of policies. Running from the opposition direction onwards, a similar chain of accountability can be observed starting from civil servants until the ultimate Principal: the voters.

Hence, the Principal-Agent model is interesting to analyse delegation processes in parliamentary democracies. In addition, the model can be applied to both domestic and EU politics within Member States. Still, as the following sections demonstrate, the integration of an additional level of governance (i.e. the EU) has strong implications on the dynamics of the domestic Principal-Agent relationship. Luckily, a bunch of scholars used the Principal-Agent approach to conceptualize how national parliaments are involved in EU affairs (Auel and Benz, 2005; Auel 2007; Bergman 2000; Saalfeld, 2005; Sprungk, 2010), or at least refers to some of its assumptions implicitly (see. among others, Blom-Hansen and Olsen, 2015, de Ruiter, 2013; Miklin, 2013).

2.3.1 Parliament-Executive relationship in domestic affairs

In domestic politics, parliaments are at the centre of democratic delegation processes. Indeed, the parliament acts both as the Agent of the citizen and as the Principal of the government. The Principal-Agent is able to identify the main mechanisms determining the interactions between citizens, the parliament and the government. Most particularly, the attention of scholars was mainly directed at the relationship between parliaments – acting as Principal – and their government, the Agent.

On this matter, Auel and Benz (2005) distinguish three corporate actors with different functions forming the institutional core of every parliamentary system. First, the government is responsible for setting the agenda and to formulate policy proposals, subsequently scrutinised by members of parliaments. Second, the parliamentary majority acting as an ultimate veto power, decides to accept or reject the policy proposal. As explained by Sprungk (2010), the parliamentary majority can ask the government to report on its actions, and has *'the ultimate veto power over the adoption of binding decisions'* (2010:7). In last resort, the parliamentary majority can remove the government from office. Yet, as rightly noted by Auel, *'with regard to domestic politics, it is a well-accepted fact that in a parliamentary system of government the "two body image" of parliament and government as counterparts is a mere fiction. Instead of this 'old dualism', parliamentary system are characterized by a "new dualism" between the executive and its supportive majority, on the one hand, and the parliamentary opposition, on the other'* (Auel, 2007: 491). In fact, governing parties often prefer to discuss informally with the government rather than to publicly criticize the government. According to Sprungk (2010), the political groups forming the majority have two advantages over opposition MPs: (a) they have an informational advantage due to direct access to the government and (b) they get greater resources (human, financial and organization). Consequently, the majority is less dependent on third party information (fire alarms oversight) to hold the government accountable.

However, governments are not solely accountable to the parliamentary majority. As Agent of the voters acting as ultimate Principal, *'even opposition parties (have to) hold certain rights vis-à-vis governments'* (Sprungk, 2010: 5. see. also Holzhaacker, 2005). Opposition parties ensure that the government justifies its policy proposals via public deliberation. They also have the right to ask information on governmental policies, but cannot directly block a decision nor remove the government from office. In addition, they have no direct access to the government and have fewer resources. Therefore, MPs belonging to the opposition are highly dependent on fire alarm oversight control mechanisms (Sprungk, 2010). In brief, when

the parliamentary majority supports the government in the framework of an ideology or political program, ensuring effective governing, the competition between political groups within a parliament generates democratic legitimacy (Auel and Benz, 2005: 375).

At first sight, applying the 'domestic politics' logic to this study seems feasible. But testing a model in a new configuration faces the risk of over simplifying reality and 'over-stretching' concepts. It is thus important to question to which extent the control mechanisms used to hold the government accountable in domestic politics are also relevant in EU affairs. As Bergman first puts it, the EU level constitutes a new step in the traditional delegation and accountability chain. Hence, the impact of the EU level on the domestic political dynamics must be taken into consideration. To identify more clearly the challenges in the application of the Principal-Agent model to federal states acting in a multi-level environment, let's start by an example.

Imagine an Agent, in this case, an official from the executive representing a national position in the Council of the EU. Applying the P-A model without taking the multi-level nature of the European decision-making process into considerations signifies that the national and subnational parliaments, acting collectively as the parliamentary system, chose the executive to negotiate in the Council of the EU a specific legislative act. In other words, they delegated to the chosen Agent the competence to negotiate and reach an agreement regarding a policy proposal drafted by an external actor, the European Commission. To do so, the Principal and the Agent concluded a 'contract' allowing the Agent to represent the Principal(s) under certain conditions. However, facing the current risks of *adverse selection* and of *asymmetrical information*, the parliaments decides to *monitor* and *control* the actions of the agent, in a belief that compliance with their preferences is ensured through this process. With less resources, the opposition MPs are more dependent on third party information than the governing parties. Using formal politic patrol oversight, they can voice their concerns about the choices taken by the government on EU affairs. The governing parties, on their side, support the government and favour more informal oversight of the government. At the end of the negotiation process at the European level, if the costs seem higher than the benefit of the delegation, the parliaments can either sanction their governments by proposing amendments to the EU legislation, redesign the delegation contract, or simply revoke the minister or the government.

As this example outlines, there are several problems with the conceptualisation of executive-parliament relationship when adding the European level. The next section tackles the three most important challenges in more details.

2.3.2 Impacts of multi-level governance on parliamentary patterns of interactions

As Auel and Benz explain (2005: 377), *'independent of the particular institutional settings and their adjustment in the process of European integration, the triangular relationships between the actors in the parliamentary systems are challenged by linking them to the multi-level politics of the EU'*. More precisely, three main impacts of multi-level governance on parliamentary patterns of interactions are identified in the literature (Auel, 2007; Auel and Benz, 2005; Saalfeld, 2005; Sprungk, 2010): **(1)** parliaments have less influence on the executive at the delegation stage; **(2)** they have more difficulties to control and monitor the actions of the executive; and **(3)** they have less credible sanction mechanisms ex post.

First, parliaments have now less influence than the European Commission at the delegation stage than in domestic politics. The executive does not initiate anymore regarding the policy-formulation stage. In EU affairs, it is indeed the European Commission that takes this role (Auel, 2007; Auel and Benz, 2005). Hence, both government and parliaments are reacting to what the Commission proposes. Overall, the delegation act is also less clear for European politics than it is for domestic politics. Indeed, subnational and national parliaments do not always directly delegate a 'specific' mandate to the executive in order to negotiate at the EU level (i.e. a mandate for each negotiation). There exist undeniably a macro-delegation framing the relation between parliaments and executive in EU affairs, but cases where micro-delegation is observed are rare. On this matter, Saalfeld (2005) explains that governmental declarations can often constitute the delegation contract between the governing parties and the executive. Yet, these documents are often loosely framed and only discuss EU politics on an occasional and general basis. As a result, and thanks to his bridging role between the domestic and EU levels, the executive sees his position reinforced vis-à-vis his Principal. In addition, executives are involved or can participate in the (Public) consultation organised by the European Commission when preparing a legislative proposal, as national and subnational parliaments are excluded. Thus at the policy formulation stage, national and subnational parliaments clearly lost important prerogatives.

Second, domestic parliaments are also facing increasing difficulties in monitoring and controlling their government. As explain by Blom-Hansen and Olsen (2015: 125), *'information asymmetry between government and parliament is higher than in most areas of national policies, owing to the complexity and remoteness of the EU policy process'*. In fact, national parliaments do not have a direct access to the (EU) policy-making process anymore and face difficulties to obtain information on EU negotiations and on the corresponding position of their government (Sprungk, 2010). As argued by Auel (2007), despite some improvements in the

transparency of the Council in the EU decision-making process, most of the negotiations are still taking place behind closed doors. As informational rights for parliaments have improved after the Lisbon Treaty, national parliaments now also have the opportunity to analyse numerous EU documents every year and to build up their European expertise. In other words, national parliaments need to invest an important amount of resources if they want to cope with informational asymmetry.

Finally, national parliaments also face difficulties in applying credible ex-post sanctions, as *'EU policies are more difficult to undo than national policies because this requires the consent of other Member States'* (Blom-Hansen and Olsen, 2015: 125). For example, in the case of regulation it is 'too late', as the EU legislation has direct effect on domestic policies. In the case of directives, parliaments could decide to deliberately delay the transposition process, but this is not a credible solution in the long term. Indeed, at the transposition and implementation stages, the Member State as a whole becomes the 'Agent' of EU institutions (i.e. the European Parliament and the Council of the EU, acting as co-legislators), with the latter having the possibility to sanction Member States for late or incorrect transposition. Thus the possibility for parliaments to block a decision of the government is relatively constrained. As a last resort, the governing parties in parliament can still remove the minister from office, but in practice it is not usual for a minister or an official negotiating in COREPER to be dismissed for misbehaving when negotiating at the European level.

To summarise, the consequences of these three challenges on the parliament-executive relationship put domestic actors in front of several (behavioural) dilemmas (see. Auel and Benz, 2005). In the case of parliamentary majority, facing a higher degree of informational asymmetry in favour of the Agent in EU policies, more focus is put on formal oversight and there is more dependency on third party information. And if parliament strictly control the national government by drafting precise instruction, the majority takes the risk of the minister being outvoted (i.e. use of QMV in the Council of the EU). However, if the parliamentarian majority gives too much discretion to the executive, they take the risk that the outcome of the EU decision-making process is far away from voters' concerns. A similar mechanism is observed for MPs in opposition parties. If they criticize the position of their government publicly, they risk being blamed by voters for having undermined the position of the executive in negotiations at EU level. Taking this one step further, MPs from opposition parties could even play the game of supporting (indirectly) the negotiation position of other Member States. However, if they collaborate with MPs from the governing parties, one of the consequences is the blurring of responsibilities between opposition and majority and the disappearance of alternatives for the electorate as they are no party contestations anymore.

Finally, the government is also in a difficult position. The need to form compromise when engaged in the joint EU policy-making process with other Member States must dovetail with the necessity to prevent giving away too many of those concessions, at the risk of losing support from parliament(s) (Auel and Benz, 2005).

2.3.3 *Parliament-Executive relationship in EU affairs*

Without rejecting the implications of the challenges identified for domestic parliaments in the previous paragraphs, I argue that the Principal-Agent model is still a suitable heuristic device to analyse the relationship between parliament(s) and executive acting in different environments (national, sub-national and European levels). On the one hand, I discuss the existence and necessity of having a formal contract between the Agent and his Principal. On the other hand, I argue that subnational and national parliaments are not powerless vis-à-vis their executive. In this sense, I believe that recent studies have demonstrated a slow, gradual but steady improvement of the involvement of domestic parliaments in EU affairs.

Firstly, there exist a formal delegation act between parliaments and executives regarding EU affairs and Council negotiation. One has to look in the Treaty of Rome (1957) and most specifically its article 146. The latter states that *'The Council shall consist of representatives of the Member States. Each Government shall delegate to it one of its members'*. By ratifying the Treaty of Rome, national parliaments have agreed that the negotiation handled at the European level would be a competence for the executive²⁷. Nonetheless, I acknowledge that the delegation act – as interpreted in the previous paragraph – is a form of macro-delegation. Since the Treaty of Rome, domestic parliaments have gradually developed their informational and control capabilities on their governments. Hayes-Renshaw and Wallace (2006: 240) explain: *'In the post-Maastricht EU, however, national parliaments have demanded, if not always a greater say in, at least a greater amount of information about the legislative proposals under discussion in the Council. Some national parliaments even managed to secure a commitment from their governments to introduce greater scrutiny as a quid pro quo for their agreement to ratify the TEU'*. In addition, some Member States also progressively adapted their Constitutions or legal framework to better define the rights and duties of domestic actors in EU affairs²⁸. In addition, Saalfeld (2005) also points at governmental declaration adopted by government at the beginning of a legislature as a

²⁷ Since the Maastricht Treaty, the wording has changed to allow the inclusion of regional minister (representing their entire Member States) as potential representatives of Member States in the Council.

²⁸ As an illustration, see section 2.1.4 on the scrutiny rights of Austrian, Belgian and German parliaments in EU affairs. Most specifically, the modifications of national Constitution or the adoption of specific laws regulating the relation between the government and parliaments on EU affairs.

possible form of 'contract'. It can thus be concluded without any doubts that there is a delegation act between domestic parliaments and their governments on EU affairs.

Nonetheless, it is true that cases of 'micro-delegation' – adopting a specific delegation act for the negotiation of each EU decision-making process – is rare in practice, at the exception of the Danish or Finish mandating systems. Thus in the absence of micro-delegation acts for specific EU proposals, it can be considered that the delegation process between parliaments and their governments is implicit. On this matter, I agree with Niemann and Huigens (2011, see also. Hawkins *et al.* 2006) when they explain that '*Although a P-A relationship presupposes the presence of a contract between the actors, this contract must not necessarily be explicit or legalized (...)*' and continue by arguing that '*so far, studies in this field of less formalized PA relationship remain limited, certainly in the EU context*' (Niemann & Huigens, 2011: 426). Indeed, I believe that this situation is not problematic conceptually for my research as long as one takes into account that this situation with less formalized delegation can lead to a higher discretion for Agents at the start of a negotiation.

Second, even in the absence of an act of micro-delegation, the Principal (i.e. the subnational and national parliaments) should not be considered as 'powerless' vis-à-vis the executive. As discussed extensively in the previous pages, to tackle the dominance of the executive over parliaments in the EU decision-making process – due to its privileged access to information on the negotiation – parliament(s) developed rules to secure a certain degree of information and influence on their executive. In practice, this phenomena is well illustrated by the development of *European Affairs committees* (EAC's) in all parliaments of the European Union (Raunio, 2009) and the progressive increase in the scope of information available for the parliaments following the Barosso initiative (i.e. Political Dialogue) and the Lisbon Treaty (protocols on subsidiarity and proportionality and on the role of national parliament in the EU). In addition, Gattermann, Högenauer and Huff (2016) question whether the involvement of national parliaments since the Lisbon Treaty is not engendering a mainstreaming of EU affairs. The authors argue that the European integration process, combined with the challenges presented with the Lisbon Treaty and the financial crisis, has created opportunities for an expansion of parliamentary scrutiny beyond EACs, *de facto* involving a higher number of MPs. The mainstreaming of national parliaments is captured with four dimensions. One of them is the gradual increase in the involvement of sectorial committees for scrutinizing EU policies. The authors also discuss the adaptation of parliamentary staff to European Integration, the developments of inter-parliamentary cooperation going beyond EU affairs specialists, and finally, the increasing salience of the EU in plenary debates. However, as noted by Winzen (2012a), overall '*parliamentary adaptation has not resulted in uniformly*

strong oversight institutions across countries. There are differences between parliaments in the overall strength and nature of oversight institutions' (Winzen, 2012a: 299).

To sum up, the above development argued that the Principal-Agent model is still suitable for analysing the relationship between parliament(s) and executive which act in different environments (national & sub-national, European). There exist a delegation act (*contract*) between two sets of distinct actors (*dyadic relationship*) and a hierarchical dimension, as parliaments remain the ultimate Principal of their government (*hierarchy*).

Chapter 2: Measuring and explaining the negotiation autonomy of federal executives vis-à-vis their domestic parliaments

In Chapter 1, I have presented the main research agendas and state of knowledge on regional and national parliaments and the European Union and on the Principal-Agent model. Chapter 2 introduces the research design of the doctoral thesis and is organised around two main sections.

The first section defines and presents in details the operationalisation of the dependent variable – the autonomy of negotiation of executives (section 1). The dependent variable is part of the third research agenda on national parliaments and the European Union presented in Chapter 1. More precisely, Rozenberg and Heffler claimed that (2015:25), *‘in order to convincingly address the debate on de-parliamentarisation, research has to focus on the impact of parliaments on the EU policy of their governments, and on EU legislation more generally’*. Yet, most of the previous studies rest on the implicit assumption that strong and active parliaments in EU affairs lead to an improved accountability of governments. There also seems to be a knowledge gap on the consequences of executive behaviour on the *effectiveness* of parliamentary scrutiny. The study fills these gaps by taking the autonomy of negotiation of executives as a dependent variable. This change of perspective – most studies focus on the *institutional strength* or *activity* of parliaments - allows bringing the ‘Principal’ and the ‘Agent’ together in the analysis, hence delivering more precise insights on the *effectiveness* or concrete impact of the parliamentary scrutiny on the Agent.

The second part of the chapter introduces the hypotheses of this study and their operationalisation (section 2). The choice of the hypotheses reflects, to some extent, the main debates and findings of the previous literature. More precisely, the research design discusses two key assumptions of the Principal-Agent model: goal conflict (*i.e.* preference homogeneity between the Principal and the Agent) and informational asymmetry (*i.e.* the informational advantage of the Agent over the Principal). These two concepts form the basis of hypotheses one hand three (**H1** and **H3**). However, as argued by Raunio (2009) and Auel (2007), it is also necessary to open the black box of parliament. Concretely, in this research the dynamics *within* the Principal (*i.e.* the domestic parliamentary system) must be analysed. Hence, I look at ‘intra-Principal cohesiveness’ (**H2**), understood in the sense of the absence of conflict between and within parliaments (*i.e.* between political parties). Fourth, I focus on a well-known concept of both the literature on national parliaments and the EU and on

Principal-Agent scholars: the salience of an issue (H4). Finally, the research design ends by highlighting the importance of the implementing powers of domestic actors. Indeed, if domestic actors involved in the implementation anticipate important modifications in their practice due to a forthcoming EU legislation, they will tend to get informed and scrutinise their executive during the EU negotiations. Hence, the last hypothesis focuses on the degree of implementing powers of domestic actors (H5).

1. The dependent variable: the autonomy of executives vis-à-vis their domestic parliaments

The section starts by discussing the two main concepts related to the dependent variable of this research: the notions of *discretion* and *autonomy of negotiation* (section 1.1). Second, I introduce the operationalisation of the Agent's discretion and draw a list of *control* mechanisms available for parliaments (section 1.2). Third, I present a measurement scale used to analyse the amount of *activated* control mechanisms (section 1.3). Finally, the section on the dependent variable ends with a presentation on how the autonomy of negotiation is measured (section 1.4).

1.1 Defining discretion and autonomy

The Principal-Agent literature makes a distinction between the notions of discretion and autonomy (Hawkins et al., 2006; see. also Niemann & Huigens, 2011). While '*discretion grants the leeway to accomplish Principal-determined goals in the way seen fit by the Agent, autonomy is the range of action available to the Agent, including the ability to set policy goals*' (Niemann & Huigens, 2011: 426). In other words, the concept of *discretion* measures the 'room for manoeuvre' an Agent has to realise the Principal's wishes, yet it only focuses on the delegation setting and the control of the Principal. The concept of *autonomy* is more encompassing as it takes into account the whole set of actions of the Agent, including the possibility to weaken the incentives of controls the Principal has. It thus includes the actions of both the Principal and the Agent in the analysis.

In this PhD, I also make a distinction between these two concepts. To measure the autonomy of negotiation of the executive, I proceed in two steps. I start by measuring the *discretion* of an Agent, understood as his room for manoeuvre to accomplish the wishes of the Principal. Second, when including the ability the Agent has to act on his own, I discuss whether the degree of *discretion* equals his degree of *autonomy*. In practice, the distinction between discretion and autonomy is based on Pollack who operationalise discretion as follows: Discretion '*can be measured by first examining the extent of delegation in any given*

act, but then taking into account all of the possible constraints that Principals might impose upon their Agents. The net of these delegation and constraint ratios, then, provides a measure of discretion' (2003: 28; see. also Epstein and O'Halloran, 1999). Based on this quote, discretion can be operationalised as the net of the delegation win-set and of the control mechanisms activated by the Principal (discretion = delegation - controls). Therefore, if an Agent faces no control of his Principal, he enjoys the maximum discretion possible in the delegation. This 'full' degree of discretion is represented as the left blue circle (see Figure 1). As delegation can be costly for the Principal, the latter develop control mechanisms to scrutinise its Agent, hence diminishing the Agent's discretion (right circle).

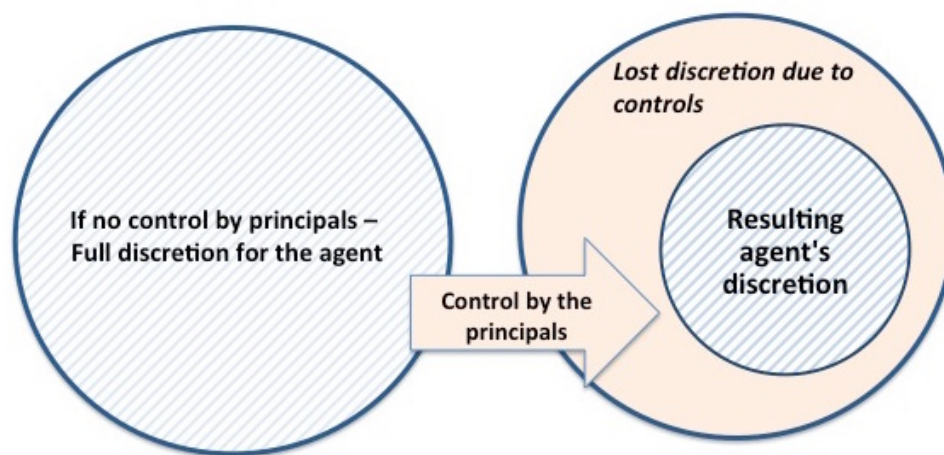


Figure 2: Representation of the discretion concept

Thus the notion of discretion includes two key elements of the definition on autonomy (delegation and control). However, it fails to take into account the relationship between domestic parliaments and federal executives in a dynamic perspective. Indeed, the concept of discretion excludes the Agent's perspective from its definition. A parliamentary question or the adoption of a resolution by a parliament doesn't guarantee that the executive will blindly follow the parliament's wishes. Some control mechanisms have different purposes (e.g. communicating on EU issues). Consequently, some parliamentary actions may not affect the Agent's autonomy. In fact under certain conditions, some parliamentary actions may not impact on the autonomy of federal executives.

When taking into consideration the Agent's actions, one must acknowledge '*the range of action available to the Agent, including the ability to set policy goals*' (Niemann and Huigens, 2011). In fact the Agent loses discretion to accomplish his mission when parliaments activate scrutiny mechanisms. However, depending on the EU negotiation setting and on his own preferences, the Agent operates a balancing act between different arenas to obtain the best

deal during the EU negotiations. That is why in some cases formal discretion granted by the Principal to their Agent is considered unsatisfactory and can lead to actions which might deviate from the Principal's wishes. In this view of the above claim it is therefore not enough to only look at the delegation setting and the formal discretion granted upon. In a third step, it is thus necessary to qualitatively assess the impact of a parliamentary action on the Agent's autonomy.

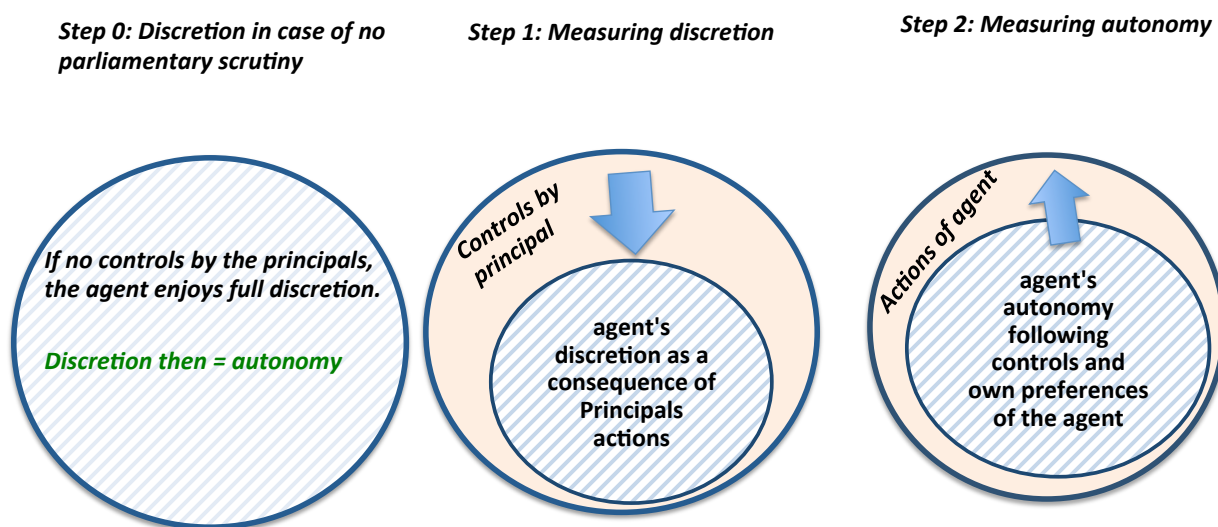


Figure 3: Representation of the autonomy concept

On the whole, the autonomy of negotiation is composed of three key elements: (1) a delegation act; (2) the controls by the Principal on the Agent since delegation can be costly to the Principal. These two components allow measuring the degree of the Agent's **discretion**. Finally, (3) since executives can also have their own agenda, the perspective of the Agent is added to assess the concrete impact of parliamentary scrutiny on the Agent. These three elements must be examined in order to fully understand the *autonomy* of an actor.

The following section details the measurement of the Agent's discretion through a discussion on the politics of delegation (delegation; section 1.2) and the control mechanisms available to the Principal (control; section 1.3). Finally, I discuss how to qualitatively assess the impact of parliamentary control and include the perspective of the Agent to measure the autonomy of executives (section 1.4).

1.2 Step 1: Delegation between executives and parliaments in EU affairs – A country specific measurement

The first element in defining autonomy is the **delegation act** that outlines the setting where executives and parliaments operate. Since the Treaty of Rome (1957) a formal delegation between parliaments and executives can be observed at the macro level. In particular, article 146 of the Treaty specified that: *'The Council shall consist of representatives of the Member States. Each Government shall delegate to it one of its members'*. With this in mind when ratifying the treaty, national parliaments have agreed to let the executive handles the negotiation as part of his competences at the European level. This agreement thus leads to a systematic delegation of European negotiations to the executive. In this study, it is argued that the mandate of the Agent representing his Member States finds its origin in the Treaty of Rome (1957).

However, this delegation act can be qualified as a 'loose' contract, in the sense that there are no acts of delegation defined by domestic parliaments for every piece of legislation that is negotiated at the EU level. Niemann and Huigens (2011: 426) consider that *'although a P-A relationship presupposes the presence of a contract between the actors, this contract need not necessarily be explicit or legalised (...)'*. As explained in Chapter 1, a P-A relationship supposes a legally binding contract between an Agent and a Principal. The authors argue that *'so far, studies in this field of less formalised P-A relationship remain limited, certainly in the EU context'*, giving them a reason to focus their research on the 'informality' of the relations between an Agent and Principal (Niemann and Huigens, 2011: 426). The incompleteness of the contract results in a changing Principal-Agent dynamic characterised by a high degree of Agent autonomy. This type of delegation is described in the literature as *macro delegation*, in the sense that the delegation is not case specific and broadly defines the relationship between a government and his parliaments. Hence, at the macro level, a delegation setting exists regarding EU affairs, but the latter shows no variations between Member States.

Next to the macro level, a country specific delegation is taking place at the meso level. As introduced in Chapter 1 (section 1.4), depending on the country, this *meso* delegation can be seen in formal constitutional amendments, in the adoption of specific laws regulating EU affairs in the Member States (like in Germany and Austria) or simply by adapting the Rules of Procedures of legislative assemblies (like in Belgium). What matters is that these documents frame the relationship between the domestic parliaments and the executive in EU affairs. They define the rules of the game regarding the access to information of parliaments and

specify the formal rights available to constrain the executive. Accordingly, a *meso* delegation setting can vary between Member States, but it does not vary between policy-making processes²⁹.

To conclude, I present how I measure the ‘delegation’ component. More precisely, I use the *OPAL institutional strength index* of national parliaments in the EU (Auel *et al.*, 2015). As presented in Chapter 1, this ranking relies on indicators coding the overall access of parliaments to information on the EU, the type of scrutiny infrastructure developed for EU affairs and the oversight mechanisms. It thus gives a good appraisal of the delegation setting in which both the Agent and the Principal operates³⁰.

1.3 Step 2: Measuring parliamentary scrutiny - A quantitative case-specific measurement

The second step in measuring the negotiation autonomy of the executive consists in calculating the amount of **control** mechanisms *activated* by the Principal (called the ‘*politics of discretion*’ by Delreux and Adriaensen (2017)). To do so, I start by presenting three stages of the EU decision-making processes during which parliaments can use their control mechanisms. Then, I draw a list of all control mechanisms available for parliaments. Third, I present my case-specific parliamentary activity scale (*i.e.* how I measure the parliamentary activity in the study). Finally, the section ends by tackling questions related to transversal coding and aggregation of the scores.

1.3.1 Three stages where parliaments can act in the EU policy-making processes

Three stages are identified based on the typology of control mechanisms available in the Principal-Agent literature and labelled as follows: *ex ante* (before the negotiation), *ad locum* (during) and *ex post* control mechanisms (after) (Delreux, 2011). Following this distinction, in this contribution, three stages are identified: the (domestic) coordination stage, the (EU)

²⁹ *Micro-delegation* can occur in EU affairs but it is the exception rather than the rule. Parliaments can adopt mandates related to upcoming EU negotiations, specifically directed to the government (*i.e.* binding mandates). Despite the shortcomings, the fact that these acts of micro-delegation are incomplete as such means that they allow the Principal to remind the Agent of his responsibilities tied to EU affairs, and also allow for political signalling towards the Agent (Adriaensen, 2017). These control mechanisms are operationalised in this research as an *ex ante* control mechanism, together with non-binding parliamentary opinions.

³⁰ Yet, taking the OPAL index as a reference also engenders an important caveat. As a short reminder, the ‘Principal’ in the study is *the parliamentary system*. Therefore, both regional and national parliaments acting as a collective Principal are analysed in the study. However, there exists no comparative ranking of the *institutional strength* of regional parliaments in EU affairs, at the exception of German regional parliaments (Buzogany and Häsing, 2016). In addition, preliminary studies observed important variations within and across Member States (Abels and Eppler, 2016). Still, with the knowledge gathered in Chapter 1 (section 1.4) and the OPAL institutional strength score provide good insights on the overall institutional strength of the parliamentary system.

negotiation stage and the (domestic) implementation stage.

The *domestic coordination stage* starts with the release by the European Commission of a legislative proposal (**T0**), and ends with the *Early Warning Mechanism* period (**T1**)³¹. During this first stage, the negotiations at the EU level are not yet started. Consequently, the interactions between parliaments and their Agents are mainly taking place at the domestic level. On the one hand, executives are involved in coordination processes *between* the different competent ministries both at the federal and/or regional levels to define the national position. On the other hand, domestic parliaments can adopt opinions and formulate parliamentary questions based on the documents received by the European Union and/or on the basis of information given by the executives or third actors.

The *EU negotiation stage* takes into account all parliamentary actions taking place between the end of the EWS and the political dialogue period (**T1**), and the end of the negotiations at the EU level (*i.e.* when both the Council and the EP agree on a deal) (**T2**). At this stage, executives are involved in the negotiations taking place in the Council of the European Union (whether at the working group, COREPER or ministerial levels) when parliaments, based on the information in their possession, can control the executives on the position defended by their regions and country at the EU level.

Finally, the last stage identified in this contribution – *the (domestic) implementation stage* - starts when the negotiations at the EU level are finished (**T2**) and ends once the EU legislative proposal is transposed and/or implemented at the domestic level (**T3**). At this stage, interactions between parliaments and their Agents are mainly taking place at the domestic level, with executives taking actions to transpose and implement the EU legislation and parliaments discussing the EU legislation during the transposition process (if any) and questioning the minister on the foreseen implementation of the latter.

1.3.2 Measuring ‘activated’ control mechanisms of parliaments

At each of these stages, parliaments can mobilise different types of control mechanisms. Based on Chapter 1, seven control mechanisms are identified in the research. A source of inspiration to draw in this list can be found in the rankings of parliamentary institutional strength and activity in EU (see Karlas, 2011; Maurer and Wessels, 2001; Raunio, 2005),

³¹ Hence, this first phase relates to the new competences gained by national and regional parliaments in the Lisbon Treaty allowing them to adopt subsidiarity opinions on EU legislative proposals or to conduct exchanges with the European Commission in the framework of the political dialogue.

and recent comparative or cross-longitudinal studies - such as the 'OPAL score of institutional strength'; the 'Palgrave Handbook of National Parliaments in the European Union' (Heffttler *et. al* 2015) and the cross-longitudinal analysis conducted by Wizen (2012, 2012a).

Table 6 summarises these different control mechanisms and identifies the stages at which they can be activated by domestic parliaments. A short discussion of each control mechanism is available in the following section (1.3.3 – activated control mechanisms).

Parliamentary control mechanisms available at different EU decision-making stages	Coordination stage	Negotiation stage	Implementation stage	
Parliamentary opinions / mandates	X	X	X	<i>Collective</i>
Subsidiarity and political dialogue opinions	X			<i>Collective</i>
Debates / exchange of views (not leading to opinion)	X	X	X	<i>Collective</i>
(de)briefing of executives (written & oral)	X	X	X	<i>Collective</i>
Ad locum mechanisms (direct & indirect)		X		<i>Collective</i>
Transposition debate			X	<i>Collective</i>
Parliamentary questions (written & oral)	X	X	X	<i>Individual</i>

Table 6: Control mechanisms for parliaments

Yet, the availability of control mechanisms does not mean that they will be used in practice (Auel, 2007). It is the use of these tools in practice that may affect the autonomy of negotiation of executives.

Hence, based on this list, I developed ***an activity score index*** to measure the overall activity of domestic parliaments in EU affairs in a case specific way. I attributed a value to each type of control mechanism. All control mechanisms are given an identical weight, with the exception of parliamentary opinions. Doing so, we follow Auel *et al.* (2015) and Karlas (2011), who stress the importance of the binding character of parliamentary opinions. Taking this argument into account, but also the fact that a parliamentary opinion is a collective instrument resulting from political bargaining, the weight of this specific control mechanism is doubled.

For the other control mechanisms, the weight on the autonomy of executive was evaluated

according to the publicity of the control mechanisms (committee or plenary level), the form of the control mechanism (written or oral) and the degree of precision of parliamentary opinions. Each parliamentary action at both the regional and national level is then analysed and coded accordingly. At the end, an activity score in absolute value can be given for the entire domestic parliamentary system. In the following lines, I briefly present the different control mechanisms, their dimensions and the related coding.

The first control mechanism includes the possibility for parliaments to adopt **opinions** specifically directed at the executive. This first category includes several tools and is labelled as a form of *constraining* instruments in the literature (Winzen, 2012). In terms of coding, two dimensions are identified.

The first dimension looks at the binding character of resolutions: the more binding, the greater the weight attributed to the action. I follow the Auel *et al.* (2015) measurement in the OPAL *institutional score*, but apply it to a case-specific research. If the opinion is not binding - the executive has the final word - a score of 1 is given to the parliamentary opinion. If the executive must negotiate a new mandate at every round of negotiations, or whenever a change in the position is needed, a score of 2 is attributed. In this scenario, Agent's slippage is more difficult, as he continually needs the agreement of his Principal. If the executive can deviate from the parliamentary position but is then asked to explain and justify the reasons behind the deviation, a score of 1,5 is attributed. The second dimension measures the degree of precision of the opinion. This contribution makes a distinction between three levels of precision: short political statements (coded 1), the stating of general principles (coded 1,5), and finally the more precise opinions, highlighting a couple of important elements for the parliament (coded 2). The length of parliamentary opinion is taken as a proxy of precision³².

Second, the **Early Warning Mechanism** (EWM) and the **political dialogue** with the European Commission are also considered. This instrument, specific to EU affairs, has enjoyed growing attention by scholars over the last years, both for national and regional parliaments (see among others Borońska-Hryniewiecka, 2013; Cooper, 2012, 2016; Jancic 2015; Raunio, 2010). It is primarily directed to EU institutions and more specifically to the European Commission. But opinions drafted in that channel are also forwarded to the governments in case of serious concerns. Yet, these are not binding. Consequently, they are coded on one dimension only: the degree of precision (see *supra*).

³² Opinions of less than 750 words (short - coded 1); opinions of less than 1500 words (medium - coded 1,5) and opinions of more than 1500 words (long coded 2).

A third category identified in the literature is the possibility for parliaments to organise **(de)briefings** of European and Council of the EU meetings. This is important in terms of access of information *ex ante* and for the accountability of executives *ex post* (Auel *et al.*, 2015). Debriefings can be done orally– with the minister being present and answering the questions of MPs – or take the form of a written report (e.g. annual report on EU affairs). More weight is given to oral debriefing, as it involves the minister and the MPs (coded 2) directly. Written (de)briefings are less direct and visible and are thus coded 1.

The fourth control mechanism is the possibility for parliamentarians to **debate** on a specific dossier. One dimension is taken into account: the visibility of the debate *vis-à-vis* a broader audience. More concretely, a distinction is made between debates taking place at the plenary or at the committee levels. Less weight is given to meetings taking place at the committee level, as the audience is smaller (coded 1)³³. On the contrary, exchange of views between MPs in a plenary debate is more visible, open to public and can therefore touch a larger audience (coded 2).

The fifth control mechanisms analysed in this study are ***ad locum*** control mechanisms. As presented in Chapter 1, some national and subnational parliaments can send officials in Brussels to scrutinise the work of national representatives negotiating in the Council of the EU. For example, in Germany the Bundesrat can nominate experts that are sent to Brussels to *sit together* with the national delegation during the negotiations. In addition, national and subnational parliaments now also have a parliamentary ‘attaché’ staying in Brussels to get first-hand information. Yet, these persons are not allowed to assist to the negotiations with the national delegation.

The sixth control mechanisms identified are ***transposition debates***. This control mechanism only tackles EU Directives³⁴. Indeed, Regulations do not need formal transposition to enter into force. Still, transposition debates are understood in this research as an *ex post* mechanism, allowing the parliamentarians to question the ministers on the EU deal. I code this control mechanism taking into consideration the following dimension: are parliaments from both the federal and regional levels involved in the transposition? The rationale is the following: the more parliaments are involved in the transposition of an EU directive, the higher the scrutiny and potential resistances that the executive can face. Hence, if parliaments from both levels are involved, 2 points are attributed to the activity. If only parliaments from one level are involved, the activity is coded 1.

³³ In addition, some committee meetings are also organised behind closed doors.

³⁴ Please note that even in the case of directives, the involvement of parliaments is not always necessary.

Last but not least, I now discuss **parliamentary questions**. As noted by Auel *et. al* (2015) commenting on the shortcomings of the OPAL index, the latter does not give a complete overview of parliamentary activity. One of the caveats in these large N quantitative studies resides in the difficulties to collect comparable data over other parliamentary control instruments, such as parliamentary questions. As this research proposes a small N analysis of four EU decision-making processes in only three countries, difficulties in the collection and coding of such control instruments can be addressed more consistently³⁵. On this matter, I agree with Rozenberg and Martin (2011; see also Martin, 2011) when they argue that the analysis of parliamentary questions can be an interesting method to collect additional information on the preferences and behaviours of parliamentarians. Despite the rich variety in the forms of parliamentary questioning (Sanchez, Wiberg, 2011), this instrument is available and used in all legislatures, which makes it an interesting mechanism to analyse in a small N research. Overall, parliamentary questions can be used both in committee meetings and during plenary sessions, irrespective of committee membership (Högenauer, 2016). And in the case of written questions in particular, its use is less constrained but in comparison with other control mechanisms, it can still be used to some extent by party leaders.

To code parliamentary questions, one dimension is analysed: the visibility of the question. More weight is given to oral questions, as it involves both the MP and the minister directly, and is more visible. On the contrary, written parliamentary questions do not involve the MP and the minister directly, as the work can be delegated to a parliamentary assistant on the one hand, and the administration on the other hand (Rozenberg and Martin, 2011).

The seven control mechanisms and their related coding are presented in table 7.

³⁵ Indeed, as the contribution focuses on only 4 EU decision-making processes, the collection of data on parliamentary questions is easier. Yet, the comparability problems Auel *et al.* (2015) explained by the heterogeneous format and nature of parliamentary questions in legislatures (Rozenberg and Martin, 2011; Sanchez de dios and Wiberg, 2011) are still present, but can be put into perspective and discussed during the analysis.

<i>Control instruments</i>	<i>Coding</i>	<i>Min-max</i>
Parliamentary opinion	Absence = 0 Presence = score attributed on two dimensions. Binding character: non-binding 1; Gov. need to explain deviation; 1,5. Mandate need to be renegotiated, 2. Degree of precision: Short statement 1; General guidelines 1,5; 'Mandate looking' 2. As a proxy, use of count word.	0-4
Subsidiarity / Political dialogue opinions	Absence = 0 Presence = score attributed on one dimension. Degree of precision: Short statement 1; General guidelines 1,5; 'Mandate looking' 2. As a proxy, use of count word.	0-2
Debates	Absence = 0 Presence = score attributed on one dimension. Degree of publicity: debate at committee level 1; debate at plenary level 2.	0-2
(de)briefing of executives	Absence = 0 Presence = score attributed on one dimension. Type of reporting: written 1; oral 2.	0-2
Ad-locum control	Absence = 0 Presence= score attributed on one dimension. With the national delegation negotiating in Brussels, or presence in Brussels but not with the delegation. Indirect 2; Direct 1.	0-2
Transposition debate	Absence = 0 Involvement of parliaments: only federal or only regional = 1, both regional and federal = 2.	0-2
Parliamentary questions	Absence = 0 Presence = score attributed on one dimension. Form of the questioning: written 1; oral 2.	0-2

Table 7 Case-specific parliamentary score activity score

A final question remains. I discuss whether a parliamentary control mechanism activated by a federal parliament should be given the same weight as actions from regional parliaments. In practice, should the scrutiny taking place in an Austrian or German Landtage be given the same importance as a scrutiny action that takes place in the Nationalrat/Bundestag? The answer to this question is complex and varies depending on the country. I argue that when all parliaments (federal and regional) in Belgium should be given weight equally - meaning

that their actions have the same impact on the autonomy of executives - this is less the case for Austria and Germany, where national parliaments (notably the upper houses) are predominant. This is explained by two reasons.

First, in response to the subsidiarity clause in the Lisbon Treaty, Belgium added a Declaration (n° 51) to the Treaty and made clear that National Parliament in the Belgian case equals the *National Parliamentary System*, *de facto* allowing all Belgian parliaments to have their say in the EWM (Delreux and Randour, 2015). This is not the case in Austria and Germany, where regional assemblies cannot directly upload their opinions to the European level. In these two Member States, reasoned opinions adopted at the regional level are first uploaded to federal upper houses (Abels, 2016; Miklin, 2016). Second, this distinction is also linked to the type of representation of Member States in the Council of the European Union. As presented in Chapter 3, in the case of environmental policies, Belgian regional ministers are the ones sitting in the Council, representing the Member State. In Austria and Germany, regional ministers do not have such direct access to the Council of the EU. Therefore, in terms of coding, this results in different weights attributed to parliaments. In Belgium, all parliamentary actions are given equal weight. In Austria and Germany, actions of national parliaments are coded '1' and scrutiny actions conducted at the regional levels are weighed 0.5. Indeed, their influence on the executive is more indirect than in Belgium.

To summarise, this second step in the measurement of the negotiation autonomy allows for a comparison of the activity of domestic parliamentary systems – despite the score being in absolute value – and gives primary insights on the level of involvement of parliaments. This is why at this stage of the study, it is claimed that the activity score gives an indication on the formally granted discretion given to the federal executive: the more active a parliament is, the less discretion is given to the Agent. Yet, one must not forget that the objective is not to measure the overall strength or activity of parliaments, but the concrete impact of their actions on federal executives for four specific EU decision-making processes.

1.4 Step 3: Measuring the autonomy of executives – A qualitative case-specific assessment

Finally, the third and last step to measure executive autonomy is to answer the following question: do all these scrutiny instruments impact on the negotiation autonomy of federal executives? As argued in Chapter 1, not only the *quantity* but also the *quality* of parliamentary scrutiny matters. In this sense, this third step in the measurement of autonomy questions the *effectiveness* of parliamentary scrutiny. This step is mainly qualitative. More

precisely, for each of the 12 cases, I discuss the autonomy of the executive qualitatively in a three step process:

1. I start by looking at the overall activity of parliaments in one country. What is hiding behind the activity score? What kinds of control instruments were used with what type of publicity?
2. I then discuss the purpose of the scrutiny: is the focus of the scrutiny action mainly *informative* or does it aim at *constraining* the executive? Does the scrutiny confront (critically) the executive or is it mainly consensual?
3. Finally, I trace back how the executive reacted to these control mechanisms. Did the executive justify his position in front of the parliament? Did he share information with the parliament? If so, how detailed was the information transmitted to the parliament?

This qualitative assessment of parliamentary scrutiny brings back the Agent in the analysis and, as explained in the introduction, allows to link EU and domestic policy-making processes. Nonetheless, this type of assessment is only possible in 'small and medium N' analysis, as it required an in-depth knowledge of the cases, especially for the executive's actions in the Council of the EU.

2. The independent variables, hypotheses and operationalisation

2.1 Homogeneity of preferences between Principal and Agent

Waterman and Meier (1998) underlined two key elements of the Principal-Agent model: goal conflict and information asymmetry (see section 2.2 on informational asymmetry). The first independent variable of the study is linked to the first key element of the P-A model: goal conflict³⁶. As explained by Pollack (203:32) '*delegation entails side effects that are known, in the parlance of economic theory, as agency losses. There is almost always some conflict between the interests of those who delegate authority (Principals) and the Agents to whom they delegate it. Agents behave opportunistically, pursuing their own interest subject only to the constraints imposed by their relationship with the Principal*'. For example, it may be more important for the Agent to reach an agreement than to fully respect the wishes of the Principal (Conceição, 2010).

³⁶ The 'goal conflict' variable is not constant over time. Indeed, the preferences of the Agent and of the Principal may evolve. Therefore, *goal conflict* should not be understood as *static* but analysed in a *dynamic process* that can evolve through time (Waterman *et al*, 1998, see. also Dehousse, 2008). It is thus necessary to understand 'goal conflict' as an independent variable (and not a constant in the model) since the P-A model is '*characterised by a continuous assessment of the costs and benefits of both the delegation and control by the Principals*' (Delreux, 2009:721).

In particular, there is broad agreement in the Principal-Agent literature to underline the impact of conflicting preferences between an Agent and his Principal (Pollack, 2002, 2003). In the case of national parliaments, Saalfeld (2005) argues that *'if the Principal considers the Agent to be an ally with compatible preferences, delegation and a relatively high level of Agent discretion is likely to occur (because the expectation of strongly differing preferences is low). If the probability of the Agent being an ally is low, however, institutional oversight mechanisms are likely to be strong and more restrictive'* (Saalfeld, 2005: 355). If we apply the previous quote to a case-specific situation, it could mean that if the parliament and the executive have similar preferences for a European proposal, the executive will enjoy more autonomy of negotiation vis-à-vis parliaments.

Indeed, from a cost-benefit analysis perspective, one can argue that domestic parliaments will tend to focus their attention and resources on dossiers on which they have a divergent viewpoint with the executive, rather than dossiers for which they believe the executive will be an ally. As explained by Auel (2016: 374), *'rational explanations for legislative behaviour in EU affairs have pointed out that parliaments are in fact rather busy institutions. Parties and MPs have only limited time resources and thus have to consider the costs and benefits of spending time and energy on the scrutiny of EU affairs'*.

To sum up, homogeneity of preferences - between the Agent and the Principal – is an important factor to analyse the relationship between the executive and his domestic parliamentary system. We can consider that the higher the homogeneity of preferences between the executive and his domestic parliamentary system is, the higher the autonomy of the executive. Hence, I hypothesise that:

H1: The higher the homogeneity of preferences between an Agent and his Principal, the higher the autonomy of the Agent.

Operationalisation of the variable

To operationalise this hypothesis, two steps were taken. First, I identified the main outstanding issues of the EU negotiation by analysing all press releases of the Council of the EU and progress reports drafted by the rotating Council presidencies. I also cross-examined these information via data gathered through semi-structured interviews. The outstanding issues of the four policy-making processes analysed in the study are presented at the beginning of Chapters 4 to 7. Second, for each of the outstanding issues, I identified the positions taken by the Principal and the Agent. Two important elements must be tackled first:

preferences of 'who' and the level at which the preferences are measured (issue specific vs. proposal level).

The 'Principal' must be understood as the parliamentary system and not as the parliaments or the members of parliaments. This signifies that 'preference homogeneity between the Agent and the Principal' is understood in this research as the homogeneity of preferences between the executive on the one hand, and the parliamentary system on the other hand. As underlined by Saalfeld (2005), I admit that parliaments (parliamentary system) are not unitary actors, but I argue that it is possible to rely on 'the existence of a median legislator' (Saalfeld, 2005: 350)³⁷.

The preferences of the 'median legislator' (*i.e.* the parliamentary system) are identified by using official documents such as parliamentary opinions and minutes of EAC or sectorial committee meetings. For the position of the executive, I do not open the 'black box' of the 'Agent' (*i.e.* the positions of the different actors in the coordination within the executive)³⁸. The positions were gathered by analysing the 'Limité' documents of the Council of the EU (such as comments from Member States) and via semi-structured interviews with officials working in Permanent Representations within national ministries. I also crosschecked these information with the interviews conducted with actors situated outside of the Principal-Agent relationship. Overall, this means that preferences are measured at the 'issue specific level' (*i.e.* tackling specific issues of the EU proposal) and not at the 'EU proposal level' (*i.e.* the Directive Seveso III for example).

2.2 Intra principal cohesiveness

In this study, the Principal is understood as the *domestic parliamentary system*. Accordingly, it means that national and subnational parliaments act as a collective Principal. In the following paragraphs, I argue that the degree of cohesion of a collective Principal impacts on the degree of autonomy enjoyed by an Agent: the more cohesive the parliamentary system, the higher the autonomy of an Agent.

First, one has to look at the dynamics within parliaments. To do so, I highlight the role of *party dynamics* in national and subnational assemblies. Holzhaecker (2002) claims that not

³⁷ In addition, as I focus on federal Member States, the possibility exists that different parliaments adopted an opinion. Concerning the aggregation of the preferences in the cases of a multiple parliaments configuration, if there is a high cohesion between the positions of the parliaments, I consider that the homogeneity of preferences is high. As we will see in Chapters 4 to 7, this situation never happened in Belgium. In Austria and Germany, in case there is an opinion coming from the regional level, upper houses play a gatekeeping role.

³⁸ As I explain in the conclusion chapter, this is one of the limits of my study. Yet, preliminary empirical evidence suggests that conflict within the Agent can lead to an increase of parliamentary scrutiny.

only legal competences and institutional structures matter, but also that *party organisation* (named 'party dynamics' in this research) needs to be taken into account when overseeing the executive. On the one hand, an Agent is likely to make more concessions when negotiating at the European level if he has a cohesive parliamentary system. This situation is closely related to the classical 'opposition vs. majority' claim. Indeed, when opposition parties have incentives to use the parliament floor in order to criticise the government, the government backbenchers-executive relationship is usually characterised '*by a more complex mix of cooperative and competitive incentives*' (Saalfeld, 2005: 345). This cooperative relationship between the majority and the executive thus creates incentives to engage in (informal) bargaining that usually takes place out of the spotlights. The above discussion corresponds to the intra-parliamentary politics usually described in the literature: '*conflict lines normally run between government and opposition rather than between the executive and legislative branches of the government*' (in Winzen, 2010: 2; see also King, 1976).

The literature so far underlines the important role of political dynamics within parliaments, with a focus on the role of opposition parties. Yet, as explained in Chapter 1, several scholars highlighted what they call an '*opposition deficit in EU accountability*' (Rauh, 2015; Rauh and de Wilde, 2017) (*i.e.* the weak activity of opposition parties in EU affairs). Consequently, if the parties of the majorities are cooperative with the executive, and that parties of the opposition are absent or excluded of the scrutiny, the executive is supported by a cooperative and cohesive parliament. On the contrary, if the Agent faces a non-cohesive parliamentary system, hence a weaker basis of parliamentary support, it is plausible that the Agent will adopt a prudent position in the EU negotiation. In fact, when the parliamentary system is not cohesive, it is more likely that the Agent will have to justify his negotiation position or face difficulties at the transposition and/or implementation stage.

According to Winzen (2010), the multi-level nature of the EU decision-making created new constraints on parliamentary majority and on the opposition to control the executive on EU affairs. On this matter, Sprungk (2010) argues that '*the appropriate way to hold governments accountable in EU politics involves that both parliamentary majorities and oppositions have to invoke the accountability mechanisms used by the opposition in domestic politics*' (Sprungk, 2010:16). The author argues that the multi-level nature of the EU policy-making process enhances information asymmetry in favour of the Agent, even for the parliamentary majority. Consequently, the distance of the negotiation affects not only the opposition parties, but also the parliamentary majority. To impact on the autonomy of executive, it is thus preferable that both opposition and majority parties activate their control

mechanisms and act in an 'opposition mode'. What matters here is the potential conflict between political parties and the polarisation of positions on the EU proposal. In such situation, all parties are taking a clear position, forcing to a certain extent the government to explain his position.

Finally, in federal countries, the probability of having several parliaments acting on the same EU proposal is higher than in centralised Member States, because the number of parliaments is higher. Therefore, dynamics can also occur between the federal and regional levels or within one level of governance. Practically speaking, a scenario where different parliamentary majorities are in power at the different levels of governance, or that several parliaments within a governance level have different parliamentary majorities is frequent. This was for example the case in Germany for the last legislature with several Länder having different majorities in place than the one at the federal level. This is especially true when looking at one of the strongest Länder: Baden-Württemberg. This same situation is also observed in Belgium since the 2009 regional, federal and European elections. Hence, I argue that the higher the cohesion between political parties in parliaments and between parliaments is, the higher the level of autonomy of the Agent.

H2: The higher the cohesion between political parties in parliaments and between parliaments is, the higher the level of autonomy of the Agent³⁹.

Operationalisation of the variable

To measure the intra-Principal cohesiveness, I proceed in a similar way as for the hypothesis on the 'homogeneity of preferences between the Principal and the Agent'. I start by the main outstanding issues of the EU negotiation and look at the position of the different parliaments in the parliamentary system, but also *within* parliaments. Then, I look at two dimensions: **(a)** the cohesion between domestic parliaments on outstanding issues (*i.e.* do they have a position on the issue and if so, does it differ from the position of other parliaments) and **(b)** within domestic parliaments (*i.e.* is there a polarisation between political parties within a parliament on the outstanding issues).

2.3 Informational asymmetry of the Principal

One of the main features of the P-A model is to hypothesise the existence of asymmetrical information between Principal and Agent. In particular, it is most commonly assumed that this

³⁹ Inverse causality is also possible. Indeed, one can argue that a cohesive Principal is actually stronger vis-à-vis the Agent, hence decreasing his level of autonomy of negotiation. This is discussed in Chapter 8 of the study.

asymmetrical information is in favour of the Agent (Pollack, 2002, 2003; Sprungk, 2010; Waterman and Meier, 1998). As explained by Waterman and Meier: '*While programmatic or technical expertise is certainly one form of information, it is not the only type. Agents also can gain information advantages from their very proximity to the bureaucracy. The problem of shirking occurs, for example, not because bureaucrats possess detailed technical expertise but because they know about the functioning of their bureaucracy*' (Waterman and Meier, 1998: 184).

For the purpose of this study, the asymmetrical information variable is relevant since the negotiator is acting in two different environments: a European environment where he has to deal with the preferences of 26 other Member States, and a domestic environment where he has to face his Principal. Indeed, the Principal of this research is not present - *ad locum* - during the negotiation taking place in the Council of the EU. This means that the Principal does not know if the negotiator did his best to reach a decision that will fit with his preferences. Moreover, as described in the introduction of the study, the Council of the EU was considered until recently, as one of the 'black boxes' of studies focusing on EU policy-making processes. As such, concerning the control of EU affairs, and especially during the negotiations at the EU level, MPs will usually have an informational disadvantage vis-à-vis the executive. Undeniably, getting information on what is happening in the Council working groups or during trilogue negotiations is difficult and costly for MPs. According to me, what matters is the *activation role* that receiving information can entail for parliamentarians. In studies on national and regional parliaments and the European Union, the degree and access to information of MPs is considered as one of the most important factors to assess the role of domestic parliaments in EU affairs (Winzen, 2012a). In this study, I look at the degree of information, but in a case-specific way.

To summarise, when information is asymmetrically distributed in favour of the Agent, the Principal faces agency losses. As summarised by Pollack, in a situation where the Principal faces difficulties to '*acquire the necessary information to evaluate the Agent's performance, the Principal seems to be at a permanent disadvantage, and the likelihood of agency losses seems large*' (Pollack, 2003:26). Yet, when parliaments receive information from external actors, it can play the role of a stimulus activating a scrutiny process within the parliamentary system. To sum up, within the 'parliament-executive' relationship, the higher the informational asymmetry between the *domestic parliamentary system* and the executive is, the higher the autonomy of the executive. Hence, I argue that:

H3: The higher the informational asymmetry of the Principal is, the higher the level of autonomy of the Agent.

Operationalisation of the variable

Based on Chapter 1, several ways for parliaments and parliamentarians to get information on EU decision-making processes can be outlined. To measure the level of information of the Principal, I took into consideration three possible sources of case-specific information: **(a)** the parliamentary administration; **(b)** Information provided by the executive **(c)** information provided by third party (*i.e.* NGOs of sectorial interest groups)⁴⁰.

First, the analysis of the degree of information provided by the parliamentary administration is linked to the literature discussing the role of administrators in EU affairs. I measure, in a case-specific way, if officials working within parliaments produced informational notes on the EU proposals. Second, the information provided by the executive is also considered. Indeed, in some cases, it is the main source of information available for parliaments. It can take multiple forms: a governmental explanatory memorandum of the EU proposal or of a Council meeting, annual reports on EU affairs in a certain policy field or information on the EU negotiations under the form of written reports. I thus measure the information given by the government to the domestic parliaments in a case specific way. Finally, I discuss the degree of information provided by third parties. This is closely linked to the *fire alarm mechanism* identified in Principal-Agent literature (Lupia, 2003; McCubbins and Schwartz, 1984; Pollack, 2003; Saalfeld, 2016). As well summarised by Blom-Hansen and Olsen (2015), fire alarm control mechanisms are less costly for the Principal, as they externalise the costs of monitoring the Agent's action to third parties (citizens, interest groups *etc.*).

To measure the different degree of information, I conducted semi-structured interviews with parliamentary clerks and I analysed the respective database of each parliament of Austria, Belgian and German parliamentary system. Moreover, I look at the content of parliamentary scrutiny actions to identify, if available, the source of information the MP has. Additional information was gathered from interviews with officials from national and regional ministries, as well as members of Permanent Representations. Finally, I also interviewed representatives of NGOs and of sectorial interest.

2.4 Saliency of the EU policy-making process

Another factor influencing the autonomy of negotiation of an Agent is the saliency of EU issues for domestic parliaments (see Damro, 2007; Delreux, 2009; de Ruiter, 2013; De Wilde, 2008, 2009; Holzhaacker, 2002; Saalfeld, 2005). This concept '*generally denotes the*

⁴⁰ As I have 12 cases in my study (and even a higher number of parliaments and parliamentarians), I do not look systematically at the degree of information gathered by the parliamentarian or by his personal assistants.

importance an actor attaches to an issue' (Warntjen, 2012: 169). Oppermann (2008: 182) provides a more precise definition: *'this concept refers to the significance, importance and urgency that an actor ascribes to a certain issue on the agenda'*. In this section, I argue that it is necessary to analyse how political actors perceive the importance of the EU proposal in a bid to understand the autonomy of the Agent.

de Ruiter (2013) also underlines the importance of salience in the level of parliamentary scrutiny. The author even makes a distinction between 'saliency at the EU level' and 'saliency at the national level' (de Ruiter, 2013: 13). The definition of saliency stays the same, but its measurement differs. When de Ruiter finds weak support regarding the impact of saliency at the EU level (*i.e.* number of recitals, items), the hypothesis covering the saliency at the national level (*i.e.* references to directives in newspapers) is conclusive and strongly supported by his analysis. In his article, he hypothesised that *'the more media attention at the national level for a directive, the more MPs refer to this directive in the national parliamentary arena during the EU level negotiations on a directive'* (de Ruiter, 2013: 7), and he found strong support for his claim. Hence, the more MPs refer to a directive in the parliament, the more the Agent must explicitly explain his position in front of the parliament.

Second, following the same logic, Saalfeld (2005) argues that *'parliaments are likely to create institutional capabilities to monitor and influence national government policy at the EU level if the political saliency of EU affairs and/or the issue (defined as electoral saliency and the importance given to the issue at elite level) is high'* (Saalfeld, 2005: 358). This argument is also developed by Delreux (2009) when he claims that a *'low level of politicisation indicates that there is little risk that the actors at the various domestic levels will be highly concerned about the decision-making process. If there are little sensitivities at stake, the Agent cannot do much wrong, even if he enjoys a high degree of discretion'* (Delreux, 2009:734).

To summarise, this section argued that the degree of salience of EU proposal may impact on the level of activity of the Principal (the subnational and national parliaments), thus impacting on the Agent's autonomy. This is because parliamentary groups and MPs want to control their executive for issues of importance at the EU level, so MPs will increase their control on the negotiator and this reduce his room for manoeuvre. Based on the above argumentation, the following hypothesis can be formulated:

H4: The less salient the legislative proposal for the Principal, the higher the level of autonomy of the Agent

Operationalisation of the variable

The operationalisation of the concept of salience has already been discussed in literature (see for example, de Ruiter, 2013; Warntjen, 2012). First, this section discusses the different levels of measurement of the concept of salience and presents the operationalisation of salience in this study. Finally, it identifies the required data to test the hypothesis. In this regard, Warntjen (2012) summarises the different ways to measure the salience organised around two axes. On the one hand, the author identifies the different source of information available to measure salience (*i.e.* expert interviews, secondary sources, text analysis, media coverage, public opinion and procedural information). On the other hand, Warntjen discusses the different level of measurement of salience (*i.e.* the policy field, proposal, issue specific and actor-specific levels).

First, since the focus of the study is on the policy-making in the environmental sector resulting in directives or regulations, it starts by measuring the salience at the 'proposal level' in each country. In addition, the qualitative approach of the study allows for the investigation of actor-specific salience. To operationalise the salience of an EU legislative proposal for the Member States, I have defined **saliency indicators** for each decision-making process. For example, regarding the CO2 cars regulation, I take into account the presence of automotive industries in the country. If automotive industries are present in the country, then the issue is considered salient. Another example concerns the Seveso directive: if the country has a high number of Seveso installations in its territory, then the directive is considered salient, since it may have important impact on the industry. In terms of data collection, I asked questions during the interviews to understand if and in what ways the EU proposal touched upon important national interests. Warntjen (2012) explains that expert interviews constitute the '*most flexible data-gathering technique because they can address the question of how salient an issue is at various levels*' (2012: 170). In addition, I analysed official documents, such as evaluation reports of the European Commission and information provided by stakeholders.

A second dimension was already identified by Warntjen (2012): the level of **domestic media coverage** of EU negotiations. As demonstrated by de Wilde (2008) in a case study of the Netherlands, '*limited media coverage of EU policy-formulation processes reinforces executive dominance whereas more intensive media coverage starts providing a weapon of the weak and increases the involvement of national parliaments*' (de Wilde, 2008:14, see

also de Ruiter, 2013). I therefore analysed the media coverage of two written newspapers⁴¹ per country. Articles covering the negotiations of the LIFE and CO2 cars regulations and of the Seveso III and Priority substances in the field of water policies directives were then identified for the period 2011-2015 (hence one year before the start of the negotiation and one year after the end of the EU negotiation). Overall, I count the number of articles addressing one of the four decision-making processes.

2.5 Implementing powers of domestic actors

This variable looks at the extent to which domestic parliaments and executive authorities are involved in the transposition and implementation of the EU legislation. Are any actions necessary at the domestic level to fulfil EU obligations? If yes, how important are these actions and to what extent does it imply an involvement of domestic actors?

In this setting if domestic actors anticipate important modifications in their practice due to a forthcoming EU legislation, they will tend to get informed and scrutinise their executive during and after the EU negotiations. In federal countries, the overall division of competences between the domestic political levels and more particularly, the potential of influence of parliaments in the implementation stage (policy-seeking goal) must be considered. Most particularly, De Coninck and Van Hecke (2017) studying the transposition records of Flanders, Wallonia and Scotland in Environmental policies explain that *'As all transposing entities are jointly held responsible in case of a transposition infringement, it is in the interest of all involved authorities to cooperate. Nonetheless, the complexity of coordination increases with the complexity of competence division'* (2017:4). In other words, in federal States the division of competences between the different competent authorities leads to important coordination processes. As a result, if domestic actors expect the EU proposal to necessitate a lot of investments, they will tend to scrutinise the EU proposal and control their government in EU negotiations. Subnational parliaments can thus play a role in the implementation of EU policies. As explained by Auel and Hüttmann (2016), besides policy-making, the implementation of EU policies also needs to be subject to democratic norms.

Zbiral (2017), also discussing the transposition of EU legislations, challenged the common argument that *'the transposition process is an 'automated' endeavour and that any*

⁴¹ La Libre & De Standaard for Belgium; Die Welt (written & online) & Der Spiegel (online) for Germany; Die Presse and Der Standard for Austria. The research was conducted on the online databases of the newspapers. I used string words (i.e. Seveso, Seveso III,) and Boolean research techniques.

involvement of national parliaments is merely formal (Zbiral, 2017: 970). Based on a quantitative analysis of the Czech Chamber of Deputies and of the Slovak National Council, the author explains that EU bills did not encounter on average lesser parliamentary scrutiny than domestic bills (Zbiral, 2017). This conclusion actually questions *'the mainstream thesis of decreasing political contestation in national parliaments owing to EU influence, at least for the transposition process'* (Zbiral, 2017: 984). In addition, Randour and Wolfs (2017), based on a first comparative case study on the involvement of the Walloon and Flemish parliaments in environmental and agricultural EU policies, showed that domestic media coverage and political salience of the EU negotiation associated with important implementing powers of regional parliaments have a positive effect of the level of scrutiny conducted by Belgian regional assemblies (Randour and Wolfs, 2017). What these studies outline is that **(a)** political contestation can occur in parliaments after the EU negotiation and **(b)** that MPs motivation to engage in scrutiny depends, among other things, on their perceived implementing powers and on the consequences the EU legislation has on the country, the regions or the local level. The analysis of Högenaeur (2017) goes in the same direction. She found that in regional parliaments, most of the questions focused primarily on the implementation stage. Last but not least, according to Auel and Hüttmann (2016), besides policy-making, the implementation of EU policies also needs to be subject to democratic norms.

Overall, we learn from the literature focusing on the transposition and implementation performance of EU Member States that *'when having to implement European Policies, national governments, administrations and parliaments are thus seen to act as 'guardians' of the status quo, as the shield protecting national legal-administrative traditions'* (Dunia, 1997: 157; see also. Treib, 2006, 2014). Hence, certain policy-making processes can lead to important modifications in the procedures established by Member States (*i.e.* the number of inspections that an authority has to do per year). As a consequence, MPs engage further in parliamentary scrutiny during the EU negotiations and at the implementation stages.

Based on the above argumentation, the following hypothesis is formulated:

H5: The weaker the implementing powers of domestic actors, the higher the level of autonomy of the Agent

Operationalisation of the variable

The measurement of this variable is policy-making specific⁴²: it varies between policies but not between Member States. To differentiate between the four decision-making processes, I look at **(a)** the type of legislative acts resulting from the EU negotiations. Yet, the type of legislative act in itself does not explain the degree of parliamentary scrutiny. Taking this into account, I discuss **(b)** the margin for manoeuvre and the responsibilities of Member States to properly implement the EU legislation. Indeed, the more domestic actors have implementing powers, the more parliaments scrutinise the executive. On the contrary, if a negotiation does not primarily concern an issue on which parliaments can exert influence during the implementation process, parliamentary control activities are expected to stay relatively low.

2.6 Recapitulative table

Chapter 3 presented the measurement of the dependent variable of the study: the autonomy of negotiation. It has also identified five independent variables: (1) goal conflict; (2) informational asymmetry; (3) the intra-Principal cohesiveness; (4) the domestic salience of the EU proposal and finally (5); the degree of implementing powers of domestic actors.

At this stage of the study, I assume that all independent variables impact on the dependent variable on an equal basis (mono-causal). This will be questioned in Chapter 8 where I discuss the results of the QCA procedure, hence highlighting the combinations of variables leading to a high or a low level of autonomy for the executive in EU negotiations. More specifically, in Chapters 4 to 7, I describe my empirical observations in a systematic way for each variable (DV and IV).

The variables and a synthesis of their empirical measurement is provided in table 8.

⁴² In practice, it means that there is no variation foreseen between Member States but there is across policy-making processes. Consequently, this variable is not described in chapters 4 to 7, which are structured on a country basis. The variable and its measurement are dealt with in greater detail in Chapter 8 (QCA).

Type of variable	Name of variables	Measurement
DV	The autonomy of negotiation of executive	A three steps process. (1) Measuring institutional strength (country-case specific measurement). (2) Measuring parliamentary activity (quantitative case-specific measurement). (3) Measuring the impact of the parliamentary scrutiny (qualitative case-specific measurement).
IV1	Goal conflict (preference homogeneity)	The measurement is <i>issue specific</i> . It compares the position of the Agent and of the Principal on a list of outstanding issues. Principal and Agent are understood as unitary actors.
IV2	Informational asymmetry	
IV3	Intra-Principal cohesiveness	The measurement is <i>issue specific</i> . It compares the position of political parties <i>within</i> and <i>between</i> parliaments.
IV4	Domestic salience of EU proposal	The measurement is policy-specific and has two dimensions. (1) I measure the national interest at stake with the EU proposal using <i>salience indicators</i> and additionally (2) I measure the media coverage of the policy making processes.
IV5	Implementing powers	Two dimensions: I look at (1) the type of legislative act (directive vs. regulation) and at (2) the margin for manoeuvre and the responsibilities of Member States to properly implement the EU legislation.

Table 8: Summary of the independent variables

Chapter 3: Case selection, data collection and the comparative method

First, I begin by presenting the comparative method used in this study – the Most Similar System Design (MSSD), and accordingly discuss the selection of Austria, Belgium and Germany. Second, I discuss the choice of environmental policies and the subsequent selection of the four EU policy-making processes. Third, I present the data collection, from the interviewees' selection and the identification of key actors, to the development of the questionnaire used for the interviews. Finally, the chapter ends by presenting the comparative method used in the study – the *Qualitative Comparative Analysis*.

1. Choice of countries and of policy field

1.1 *The difference between small and large N studies*

To start with, I define how a case is understood in the study. In my view, a case is a Principal-Agent relationship (i.e. a relationship between the executive and his domestic parliamentary system) taking place in a Country A during a policy-making process B. In other words, a case possesses two characteristics: it is *country specific* and is limited to the analysis of certain *policy-making processes*. Since three EU Member States are analysed in the study and that 4 policy making-processes have been selected, I have in total 12 cases⁴³. The analysis is thus circumscribed to a limited number of cases (see. table 10) and can be considered accordingly as a 'small-medium N' research.

As Landman explains, '*there are different strategies of comparative research in political science, including comparing many countries, comparing few countries, and single-country studies*' (Landman, 2007: 24). The advantages of a so-called 'Small-N comparison' of countries (here a country is understood as a case) are twofold. On the one hand, it '*can lead to inferences that are better informed by the contextual specificities of the countries under scrutiny*' (Landman, 2007: 29). This is of particular importance for the study since, as Ladrech (2012, 2016) noticed, cross-national comparison of subnational parliaments is a complex process depending on an important number of intervening variables. On the other hand, a '*small N focus allows for an intensive analysis of concepts, and enables detection of causal processes through which the hypothesised factors generate their effects*' (Haverland and Romeijn, 2007: 758).

⁴³ For example, **case 1** focuses on the Principal-Agent relationship between the Austrian executive and the Austrian domestic parliamentary system for the first of the four policy-making processes selected. Case 2 will still address the Austrian case, but analyse the second of four policy-making process selected. And so on.

Therefore, the choice of the comparative method and of the number of cases has important consequences on the type of research design and on the data that are needed for conducting a study. That is why small and medium N comparisons favour the use of the qualitative method that *'seeks to show differences in kind'* opposed to *'differences in number'*. However, one of the caveats of small and medium N comparison is that with fewer cases, making globally applicable inferences is more difficult. That is to say that the degree to which the results can be generalised to a broader population of cases is limited.

1.2 The Most Similar System Design: Comparing Austria, Belgium and Germany

I use the Most Similar System Design (MSSD) – as opposed to the Most Dissimilar System Design (MDSD) - to compare the three chosen countries: Austria, Belgium and Germany. This method is one of those frequently applied in the comparison of countries. Indeed, *'most Similar Systems Design (MSSD) seeks to compare political systems that share a host of common features in an effort to neutralise some differences while highlighting others'* (Landman, 2003: 70). It is based on the identification of key features that are different (independent variables) inside similar countries, the objective being to explain the variation in an observed outcome: the autonomy of negotiation of executives vis-à-vis their domestic parliamentary system (dependent variable). In other words, the method is well suited to explain why executives acting in Member States which share a lot of similarities enjoy different degrees of negotiation autonomy. The rest of the section presents the similarities of Austria, Belgium and Germany. First, I present and compare general features of the three selected countries. Second, I discuss 'issue' specific characteristics, such as the role of subnational parliaments in the Member State, or the involvement of subnational authorities in the Council of the European Union.

On the one hand, regarding the **'general features'** of the three selected Member States, three characteristics are discussed: the type of State and their political system, the type of government, and finally their 'family' of nations (Germanic State traditions).

First, as presented in greater detail in Chapter 1 (see. section 1.4)⁴⁴, I have selected the three federal Member States of the European Union with legislative subnational entities on the basis of Levrat's classification of *type* of States (Levrat, 2005). The author makes a distinction between unitarian, regionalised and federal States, based on *'the share in*

⁴⁴ In section 1.4.1, 1.4.2 and 1.4.3, I have presented in greater details the federal characteristics of the Austria, Belgian and German systems. The arguments presented in this section stay at the aggregate level.

legislative power’ and the *‘representation in the national chamber’*. In this sense, it is not surprising to find a *bicameral system* in all three countries. Indeed, Austria, Belgium and Germany are all characterised by their bicameral *parliamentary system* composed of an upper and a lower house (Miklin, 2012; Delreux and Randour, 2012; Höing, 2012). In Austria, 62 members are delegated to the Federal Council by the 9 State parliaments (Miklin, 2012). In Belgium, the composition of the Senate is mixed with 40 elected members, 21 delegated by the communities, 10 experts appointed by the parties, and the children of the King (Delreux and Randour, 2012). Finally, in Germany, the Bundesrat is composed of representatives of the governments of the federal state (Höing, 2012).

Second, regarding the type of government, in all three Member States, the government is usually composed of several political parties (coalition). More precisely, in Austria, coalition governments have been in office since 1945, except for the period between 1966 and 1983. For the time-period analysed in the study (2009-2014, see. section 2 of the chapter), the Austrian federal government was composed of two political parties (SPÖ-ÖVP), a coalition in office since 1986, except for the years from 2000 to 2007 (Miklin, 2012: 3). In Belgium, the federal government is always a coalition government. There are no State-wide political parties in Belgium (only Dutch- and French-speaking political parties). The coalition government for the period 2009-2014 is composed of 6 parties: the French- and Dutch-speaking liberals (MR and Open VLD), the socialists (PS and sp.a) and the Christian-democrats (CdH and CD&V) (Delreux & Randour, 2012: 3). In Germany, *‘Coalition governments have been the norm in the last decades, with only one legislative period in which a single parliamentary party group could govern alone (CDU/CSU between 1957 and 1961)’* (Höing, 2012: 3). The coalition government was composed (period 2009-2013) of the Christian Democratic Union (CDU), the Christian Social Union (CSU) and the Free Democratic Party (FDP) and since the 18th federal elections in Germany, the coalition has changed and is composed of the Christian Democratic Union (CDU), the Christian Social Union (CSU) and the socialist (SPD).

Finally, according to Loughlin, Hendriks and Lidström (2012), the three selected countries have *Germanic* state tradition. This means that Austria, Belgium and Germany share the similar characteristics on the following features: the legal basis for the State; the State-society relations (organicist as opposed to pluralist relations); the basis of policy style (legal corporatist); the form of decentralisation (cooperative federalism) and the dominant approach to discipline of public administration (Public law)⁴⁵.

⁴⁵ See annex 5 for the recapitulative table of the authors on the different State traditions.

On the other hand, the choice of countries is also determined on ‘**issue specific**’ criteria: the division of competences between the federal and regional levels for environmental policies; the type of participation in the Council of the European Union and, finally, the existence of subnational parliaments and of a subnational representation office in Brussels. First, Belgium is the strongest case in terms of transfer of competences in the environmental field. To sum up briefly, Belgian regions possess competences that are linked to their territory, such as environment, urbanism, lodging, etc. (Keating & Ziller, 2010). For Germany and Austria, the division of competences is slightly different. In Germany, the competences in the Environment policy field are shared between the federal and the subnational (provincial and communal) levels. More precisely, following the 2006 federal reform, the federal level has increased its legislative power in nuclear, environmental and anti-terrorist issues whereas the Länder saw their competences increased on justice and education questions (Keating & Ziller, 2010). Yet, environmental policies are shared between the federal and regional governance levels. Finally, in Austria, the competences are also spread between the different levels of governance. According to the article 15 of the Austrian Constitution, the competences that are not specifically attached to the federation are the responsibility of the subnational levels. In Austria, environmental competences are not specifically linked to the federation (Keating & Ziller, 2010), this means that the competence is shared between the federal and regional levels.

Second, the type of participation of the Member States in the Council of the European Union is discussed. As argued by Vos, *‘the conclusion that many legislative measures that are treated in the council are a regional matter in the federal Member States, led to the fact that in the Maastricht Treaty, the possibility was taken into account that a regional minister could be seated in the Council, if this minister could bind the whole Member States (art. 203 EC). In most federal states a system has been worked out thanks to which regional ministers can effectively participate in sessions of the Council meetings (together with a federal minister or not)’* (Vos, 2004: 12). In Belgium, the representation in the Council of ministers follows two logics: **(a)** either it delegates a representative from one specific level of governance (i.e the federal, regional or community level) or **(b)** Belgium is represented by a mixed delegation composed of federal and subnational representatives⁴⁶. In Germany and Austria, representatives of the Länder can (only) participate in the meetings by joining the federal government. In practice, the analysis of the press released from the Council of the European Union meetings (Environment configuration) shows that federal ministers, deputy permanent

⁴⁶ As defined in the cooperation agreement of 8th March 1994 between the Federal State, the Communities and Regions regarding the representation of the Belgian Kingdom in the Council of the European Union.

representative or a parliamentary State Secretary always represented Austria and Germany (hence, no regional ministers), whereas for Belgium, a regional minister always defended the position of the Member State.

Environment Council meetings ⁴⁷	Austria	Belgium	Germany
21 June 2011	M. N. Berlakovich (Federa Minister)	Ms. J. Schauvliege (Regional minister)	M. N. Röttgen (Federa Minister)
10 October 2011	M. N. Berlakovich	Ms. E. Huytebroeck (Regional minister)	Ms. U. Heinen-Esser ⁴⁸
19 December 2011	M. N. Berlakovich	Ms. E. Huytebroeck	M. N. Röttgen
9 March 2012	M. N. Berlakovich	Ms. E. Huytebroeck	M. N. Röttgen
11 June 2012	M. H. Günther (Deputy Permanent representative)	Ms. E. Huytebroeck	M. P. Altmaier (Federa Minister)
25 October 2012	M. H. Günther	M. P. Henry (Regional minister)	M. G. Peruzzo (Deputy Permanent representative)
17 December 2012	M. H. Günther	M. P. Henry	M. P. Altmaier
21 March 2013	M. H. Günther	M. P. Henry	Ms. K. Reiche ⁴⁹
14 October 2013	M. H. Günther	Ms. J. Schauvliege	M. P. Altmaier

Table 9: Austrian, Belgian and German ministers in the Council of the EU

Third, as discussed in greater detail in Chapter 1, the parliamentary systems of Austria, Belgium and Germany are composed of national and regional parliaments. More precisely, in addition to the lower and upper houses, Austria has 9 regional parliaments (one for each Länder), Germany has 16 regional parliaments (Landtage) and finally, Belgium has three regional parliaments⁵⁰. They are commonly known as regions with legislative powers. All Austrian, Belgian and German regions are members of the Conference of European Regional Legislative Assemblies (CALRE) (Bussjäger, 2016), and to a lesser extent, most of

⁴⁷ In the table, I list all the ministers sitting the Council when one of the four policy-making processes analysed was written on the agenda of the Council of the EU (ministerial level).

⁴⁸ Parliamentary State Secretary to the Federal Minister for the Environment, Nature Conservation and Reactor Safety.

⁴⁹ Parliamentary State Secretary to the Federal Minister for the Environment, Nature Conservation and Reactor Safety.

⁵⁰ In addition to National and regional parliaments, Belgium also has Communities (see. Chapter 1). In total, there are 8 parliaments in Belgium (Delpérée and Dopagne, 2010; Dumont, 2010).

regional authorities and/or regional parliaments are involved in the subsidiarity monitoring network of the Committee of the Regions (REGPEX).

Finally, while the German and Austrian Länder - except for one - have regional offices in Brussels, this is not the case for Belgian regions. Yet, in Belgium, the Permanent Representation is composed of officials from the national subnational levels. To some extent, it can be considered that Flanders has a regional office in Brussels (Vleba). With the above argumentation, the similarities between the three selected countries have been demonstrated. **Table 10** summarises the similarities for general and issue specific criteria.

Characteristics	Austria	Belgium	Germany
General criteria	<i>Political system and type of state</i>	Parliamentary system, Bi-cameral Federal	Parliamentary system, Bi-cameral Federal
	<i>Type of government</i>	Coalition	Coalition
	<i>State tradition</i>	Germanic	Germanic
Issue specific criteria	<i>Subnational Competences in environmental issues</i>	Shared, Yes	Shared to a large extent. Yes
	<i>Participation of regions in the Council</i>	Invitation of the federal government	Mixed – alone or with the federal government
	<i>Subnational parliaments</i>	Yes – 9 subnational parliaments + 2 federal	Yes – 3 subnational parliaments + 2 federal
	<i>Subnational representation in Brussels</i>	All Lander, except one	Not formally, via the Permanent Representation

Table 10: Similarities between Austria, Belgium and Germany.

I have argued in the previous sections that the three selected countries had important similarities. One of the postulates in a comparative research using the MSSD is to

understand why countries that are similar demonstrate a different outcome. In this study, this means that Austrian, Belgian and German executives are supposed to enjoy different levels of negotiation autonomy vis-à-vis their domestic parliamentary system.

In this regard, since the objective of the study is to measure the autonomy of negotiation of executives, the differences in the outcome could not properly be assessed *ex ante*. In other words, the outcome is not known at the start of the study, as it is one of the objectives of the research. Still, I argue that differences can be theoretically expected when looking at the strength of parliamentary oversight institutions in Austria, Belgium and Germany. As argued by Winzen (2012a), *'parliamentary adaptation has not resulted in uniformly strong oversight institutions across countries. There are differences between parliaments in the overall strength and nature of oversight institutions'* (2012a: 299). Therefore, it can be expected that parliaments with weak oversight institutions offer more negotiation autonomy to their executives than parliaments with strong oversight institutions.

Indeed, as presented in Chapter 1, there exist important differences in the *institutional strength* of national and regional parliaments in Austria, Belgium and Germany (Chapter 1, sections 1.4.1 to 1.4.3). This is particularly visible in the OPAL institutional strength and activity index developed by Auel *et. al* (2015). According to the authors, the German Bundestag and Bundesrat are the strongest and most active parliaments in my research. At the other extreme, the authors found that Belgian parliaments have a weak institutional strength and a really low level of activity. Austrian parliaments are situated between Belgian and German parliaments, with a moderate to strong institutional strength and related level of parliamentary activity (Auel *et. al.* 2015). Also, Winzen (2012a) observed differences in the focus⁵¹ of Austrian, Belgian and German oversight institutions.

1.3 Environmental policy-making

The study also focuses on environmental policy-making. The environmental policy field was chosen for three reasons: **(1)** its high level of activity in terms of adopted legislative acts; **(2)** the institutionalisation of the policy at the European level; and finally **(3)** the division of the competences regarding environmental policies between the national and subnational levels

⁵¹ First, some oversight institutions focus on the level of information between government and parliament, aiming at discussing the decisions of the government. Second, *'there are rules that address parliamentary authority losses. In particular, these rules try to remedy the changes in the structure of decision-making that enable governments to take choices at the EU level without parliament having had the chance even to consider an issue'* (Winzen, 2012a: 300).

First, I looked at the number of policy proposals adopted in 2003 in the different Council configurations across policy areas. Häge (2008) finds out that the main active policy fields are Agriculture, followed by ECOFIN, competition, transport and environment (Häge, 2008: 545). In this study, it is indeed important to concentrate on a policy field that is still 'active' at the European level. However, this condition alone is not sufficient. The Council of the European Union is composed of different levels of decision-making (committee and ministerial levels). In practice, it happens that political agreements on EU legislative proposals are not debated at the ministerial level until their final adoption. I am focusing on the autonomy of 'executives', hence including officials negotiating in the lower levels of the Council of the EU and the ministers. The selection of the policy field is thus of great importance. Indeed, focusing only on legislative proposals discussed and adopted at the lower levels of the Council would undermine the quality of this research, especially when knowing that negotiations at the lower levels of the Council are more 'opaque' than negotiations taking place at the ministerial level. In comparison with ECOFIN, Competition, and Agriculture and Fisheries Council configurations, the Environment configuration of the Council is particularly interesting since most of the political agreements are reached at the ministerial levels (Häge, 2008: 546). This means that both the lower and higher levels of decision-making in the Council are mobilised during the negotiations. Therefore, when looking at the overall activity and decision-making processes in the Council, the environment configuration seemed *ex ante* to be the best possible choice.

Second, the environmental policy field has become '*solidly institutionalised*' (Wallace, Polack, Young, 2010: 308) at the European level. I agree with Wallace, Polack and Young when they explain that '*the evolution of environmental policy in the EU can be characterised as a steady deepening in institutional terms as well as expansion in substantive responsibilities*' (Wallace, Polack, Young, 2010: 309). Especially since the Treaty of Maastricht, the authors highlight the highly institutionalised competences of the European Union in Environmental policies. In brief, the environmental policy field can be described as a well-institutionalised policy field with significant competences for the European Union (proper legal basis in the treaties). In addition, there is a specific Council configuration that tackles only environmental policies. This is important for the subsequent selection of policy-making processes (see. section 2).

Finally, as explained previously, the competence regarding environmental policies in Austria, Belgium and Germany is, to some extent, divided between the national and subnational levels. This is of major importance, since one of the objectives of the study is to analyse the interplay between subnational, national and European levels.

2. Choice of policy-making processes in the environmental policy field

2.1 Criteria to select the studied policy-making processes

The selection of policy-making processes is based on three criteria: **(1)** the type of legislative act, **(2)** the time of approval of the legislative act, and **(3)** it must be a policy-making process in the environment policy field. Three indicators are used to operationalise this third criterion: the configuration of the Council; the lead DG within the European Commission and finally; the lead committee in the European Parliament.

First, the study focuses its attention on two distinct types of policy-making processes: the one leading to directives and the other leading to regulations. This research thus does not cover 'Commission's directives' and 'Council's directives'. In addition, the case selection does not make a distinction between 'recast', 'amending' and 'classical' directives and regulations⁵². Two reasons can explain this choice. First, directives and regulations are two types of policy-making processes that are decided under the ordinary legislative procedure (OLP). The second reason is methodological and aims at tackling a possible observational equivalence problem: *'This problem arises when a perceived absence of control or conflict between Principal and Agent can be "explained" as either a case of extreme Agent autonomy or near perfect Principal control'* (Damro, 2007: 887). In this study, it could lead to difficulties in identifying clearly if the Agent behaves because he shares preferences with the Principal or because he self-regulates by fear of ex-post sanctions.

This problem is the reason why the study encompasses both directives and regulations. In the case of directives, the Agent needs the Principal to transpose the agreement negotiated at the European level. Consequently, he faces the possibility of ex post sanctions (i.e. the parliaments could decide to slow down or critically question transposition⁵³ of the negotiated directive). For Regulations, the Agent faces a different situation: domestic parliaments do not transpose regulations. More precisely, if no significant differences are observed in the Agent's discretion in policy-making processes leading to directives (i.e. where the Principal has ex post control mechanisms) and in policy-making leading to regulations (i.e. where the Principal do not have ex post control mechanisms), the observational equivalence problem is overcome. Thus it won't be the Agent's anticipation of ex post controls that determines his discretion.

⁵² Indeed, in its 2013 article, de Ruiter tested the following hypothesis: 'Directives proposed at the EU level containing new legislation or amended legislation are more often to be referred to by MPSs in the national parliamentary arena during the EU level negotiations on directives than directives which are repealed, recast, or consolidated' (de Ruiter, 2013: 1199) but, following his analysis, only finds a 'weak' support for his hypothesis.

⁵³ Please note that for some directives it is not necessary to go through a transposition implying the parliaments. Indeed, the government may choose to use other types of transposing acts, such as governmental decrees.

Second, the time of approval is also important. To take into account the changes introduced by the Lisbon Treaty - more particularly the protocols on subsidiarity and proportionality and the protocol on national parliaments in the EU – the policy-making processes need to be *proposed* by the European Commission and *adopted* by the Council of the EU between the entry into force of the Lisbon Treaty (December 2009) and the end of the seventh parliamentary terms (May 2014). Consequently, I do not analyse the scrutiny conducted by (sub)national parliaments during the policy formulation stage and focus only on the period between the formal proposal made by the Commission until its final adoption. Taking the Commission's proposal as a starting point for the analysis allows for a clear and easily identifiable starting point whereas looking at the policy formulation stage - such as ex ante consultations made by the Commission to draft the EU proposal – is more difficult to pinpoint⁵⁴.

Third, it has to be a policy-making process in the environmental domain. On the one hand, in order to be selected for the analysis, a directive or a regulation must have been discussed in the Environment Council configuration. Consequently, directives and regulations that have been adopted without any prior discussions in the Environment Council are excluded from this research. On the other hand, in order to limit the policy-making processes to environmental ones, only those policy-making processes that are led by the Environment or Climate Action DGs in the European Commission and by the Environment committee of the European Parliament are considered.

I now discuss the strengths and limits of designing such a procedure for selecting the cases. The primary limitation is linked to the external validity of the results. In my study, it refers to the question of whether it is possible to generalise the findings of the research to other policy fields, Member States or types of legislative act. First, I present the limits in terms of generalisation. Second, I argue that this study still offers a satisfactory degree of internal as well as external validity.

⁵⁴ Most of the EU decision-making processes selected for this PhD dissertation are revisions of previous directives (Seveso & Priority substances in the field of Water, see. 2.2) or programs (LIFE). For such proposals, it is difficult to precisely identify the starting point of the consultation stage. For example, in the case of the PS in the field of the Water directive, there is a continuous assessment by the European Commission in the selection of substances which should be added to the priority substances list. In fact, Member States' experts were closely involved in the proposal preparation for the framework of the *Common Implementation Strategy* (CIS), a strategy specifically designed and adopted 5 months after the WFD. The technical challenges of the directive and the transnational nature of the water policy pushed the Member States and the European Commission to coordinate and harmonise their understanding of the directive to ensure its effective implementation. The same rationale can apply for the Seveso III directive or the LIFE regulation. Finally, from a practical point of view, it would be difficult to analyse longer period of time including for the consultation stage as I have 12 cases. Moreover, since my dependent variable is the negotiation autonomy of executive during EU negotiations, coming back to the policy formulation stage is thus not necessary.

Starting with the limits of the selection procedure, Wallace, Polack and Young (2010) underline that the Environment Council configuration can be considered as relatively independent from the other Council's configurations. They explain: '*At some distance from influential colleagues in charge of the economy, finance, or agriculture, environment ministers may seek the opportunity to give support to an agenda that would stand little change domestically, although this depends also on how tightly national positions are coordinated across ministries*' (Wallace, Polack and Young, 2010: 314). In fact, one can argue that the results *may* not be transposed to other Council configurations (i.e. policy fields). The same rationale can be applied regarding the choice of Member States. Austria, Belgium and Germany are the three only federal countries in the European Union that can be considered as 'old' Member States. The following question could then be asked: will the results apply to countries like France, Bulgaria or Portugal? Finally, by focusing only on directives and regulations, several acts are out of the scope such as Council's and Commission's decisions. The question is: can the result of this research be generalised to types of policy instruments that are outside of the ordinary legislative procedure?

In the following paragraphs, I argue that these choices were made to make the study feasible, and still allow at the same time to draw interesting conclusions with a satisfactory level of external validity. First, the objective of the selection process aimed first at increasing the internal validity of the research by enhancing the contextual control on the cases (Penning *et al.*, 1999). Indeed, as highlighted by Ladrech (2012, 2016), the analysis of subnational parliaments has not yet been undertaken in a cross-national perspective due to the high number of possible intervening variables such as '*different behaviour even with one country, additional rules, additional electoral cycles etc.*' (Ladrech, 2012: 2). Therefore, it was fundamental to select cautiously the decision-making process to decrease as much as possible the variation between the studied legislative acts. In addition, it was necessary to ensure that the three studies countries, despite differences in the authority delegated to regional authorities (Hooghe, *et al.* 2016), shared sufficient similarities to be studied in a comparative perspective.

Second, the external validity of a research depends to a large extent on the scope and on the number of cases. The rationale goes as follows: the higher the scope and the number of cases, the higher the degree of generalisation. The study can be considered as a 'small' to 'medium N' research. As such, analysing 12 cases allows drawing interesting and, to some extent, strong inferences. Regarding the scope of the research (i.e. the capacity to generalise the results outside of the Environmental policy field and outside of the category of federal Member States), the results are not applicable to all EU Member States and all policy

fields. Still, the study offers compelling insights on several important issues such as the impact of the European Union on the executive-parliament relationship (Europeanisation or not); on the understanding of the ordinary legislative procedure of adopting directives and regulations at the European level, but also on the dynamics of negotiations in the Council of the EU and finally, on the multi-level nature of the decision-making process, including subnational, national, and European levels.

2.2 Presentation of the selection process

The policy-making processes (i.e. the negotiation of directives and regulations) have been selected by relying on several sources of information: the press release of the Council of the European Union, the documents '*Public debate and deliberations*' and the EUR-Lex database. Following the selection process described in section 2.1; four policy-making processes were selected for the study (2 regulations and 2 directives).

The selection procedure was executed in four steps. First, I started by analysing the agenda of all Environment Council meetings that took place between December 2009 and April 2014 based on press releases and 'public debate and deliberations' documents. For each press release, all the topics discussed were listed cautiously by referencing the type of acts (i.e. Directive, Regulation, Council's Conclusion, Information note from the presidency etc.) and their inter-institutional reference (COD). After this first step, 26 policy-making processes were identified (**Pool 1** of cases: 14 Regulations and 10 Directives). Second, to make sure that no potential policy-making processes were missing, a second source of information was mobilised: the EUR-Lex database. Two distinct searches have been conducted for identifying potential Directives⁵⁵ or Regulations⁵⁶. The following criteria were used: a *directive* (or a

⁵⁵ **Eurlex search – Directive & Eurovoc** : Domaine: Droit de l'UE et documents connexes, Sous-domaine: Législation, Ne rechercher que la législation en vigueur : Vrai, Type d'acte: Directive, Exclure les rectificatifs: Vrai, Descripteur EUROVOG: "gestion des déchets", "lutte contre la pollution", "politique de l'environnement", "protection de l'environnement", "politique en matière de changement climatique", "environnement physique", "milieu géophysique", "vie sauvage", "ressource naturelle", "climat", "déchet", "dégradation de l'environnement", "nuisance", "pollution", Date: Toutes les dates, Du (ou date exacte): 01/12/2009, au: 31/03/2014, Langue de recherche: Anglais. **Eurlex search – Directive & Code répertoire** : Domaine: Droit de l'UE et documents connexes, Sous-domaine: Législation, Ne rechercher que la législation en vigueur : Vrai, Type d'acte: Directive, Exclure les rectificatifs: Vrai, Date: Date de publication, Du (ou date exacte): 01/12/2009, au: 31/03/2014, Code du répertoire, 1er niveau: Environnement, consommateurs et protection de la santé, Langue de recherche: Anglais.

⁵⁶ **Eurlex search – Regulation & Eurovoc** : Domaine: Droit de l'UE et documents connexes, Sous-domaine: Législation, Ne rechercher que la législation en vigueur : Vrai, Type d'acte: Règlement, Exclure les rectificatifs: Vrai, Descripteur EUROVOG: "gestion des déchets", "lutte contre la pollution", "politique de l'environnement", "protection de l'environnement", "gestion de l'eau", "politique en matière de changement climatique", "environnement physique", "milieu géophysique", "vie sauvage", "ressource naturelle", "climat", "déchet", "dégradation de l'environnement", "nuisance", "pollution", Date: Toutes les dates, Du (ou date exacte):

regulation) adopted between the first of December 2009 and April 2014 (*time span*). To identify environmental policy-making, two different techniques were used. I have run a first wave of search based on the *Eurovoc classification* by selecting the key word 'environment', completed by a second wave of search with the *classification headings*. Resulting from this process, I identified 14 policy-making processes (**Pool 2**). I then compared the two pools of cases and deleted the policy-making processes listed twice. At the end of this process, two new Regulations were identified. At this stage, our combined pool is thus composed of 26 individuals (policy-making processes leading to 16 Regulations and 10 Directives).

However, a case in my study is defined as a Principal-Agent relationship taking place in a Country A for a policy-making process B. The total number of cases is thus composed of *all the policy-making processes* multiplied by the *number of countries*. In other words, this process can be summarised in the following formula: Directives x Countries = total number of cases. Consequently, at this stage of the selection procedure, there are still too many potential policy-making processes. The next step was thus to circumscribed further the potential number of policy-making processes. To do so, I have added three additional criteria: (a) the European Commission had to launch the EU proposal after the first of December 2009; (b) only proposals that had the Environment or the Climate action DGs as their lead DG in the Commission were selected and finally, (c) all policy-making processes were discussed in the 'Environment, Public Health and Food safety' committee in the European Parliament. At this stage of the selection procedure, the pool is reduced to 9 policy-making processes (see. Table 12).

Type of legislative act	Name	Commission DG	Month of proposal	EP Committee in charge
Directive	Major accidents involving dangerous substances (SEVESO III)	Environment	December 2010	Environment, Public Health and Food Safety
Regulation	Export and import of hazardous chemicals	Environment	May 2011	Environment, Public Health and Food Safety
Directive	Sulphur content of marine fuels (first reading)	Environment	July 2011	Environment, Public Health and Food Safety

01/12/2009, au: 31/03/2014, Langue de recherche: Anglais. **Eurelx search – Regulation & Code repertoire** : Domaine: Droit de l'UE et documents connexes, Sous-domaine: Législation, Ne rechercher que la législation en vigueur : Vrai, Type d'acte: Règlement, Exclure les rectificatifs: Vrai, Date: Date du document, Du (ou date exacte): 01/12/2009, au: 31/03/2014, Code du répertoire, 1er niveau: Environnement, consommateurs et protection de la santé, Langue de recherche: Anglais

Regulation	Monitoring of carbon dioxide emissions from maritime transport	Climate action	November 2011	Environment, Public Health and Food Safety
Directive	Environmental quality standards in the field of water policy (priority substances)	Environment	January 2012	Environment, Public Health and Food Safety
Regulation	Ship recycling (awaiting publication in Official Journal)	Environment	March 2012	Environment, Public Health and Food Safety
Regulation	CO2 emission from new passenger cars	Climate action	July 2012	Environment, Public Health and Food Safety
Regulation	Programme for the Environment and Climate Action (LIFE)	Environment	December 2011	Environment, Public Health and Food Safety
Regulation	CO2 emission from new light commercial vehicles	Climate action	July 2012	Environment, Public Health and Food Safety

Table12: Pool of legislative acts

So far, the above pool of legislative acts is composed of three directives and six regulations. At this step of the selection process, the objective was to ensure the representativeness of the selected policy-making processes within the Council of the European Union (the environment of the 'Agent'). When looking at the agendas of Council of the EU meetings, one can distinguish a distinction between policy-making processes that were 'debated' in the Council, classified under the titles 'other business'; or as 'other items approved'. In addition, some policy-making processes may never be written on the Council's agenda. Table 12 presents this classification for the Council meetings that took place between the 21st of June 2011 and the 17th of December 2012. This is explained by the fact that the 9 pre-selected legislative decision-making processes were only 'active' during these 7 meetings.

	Council 21/06/2011	Council 10/10/2011	Council 19/12/2011	Council 9/03/2012	Council 11/06/2012	Council 24/10/2012	Council 17/12/2012
SEVESO III	Item debated	.	Item debated	.	.	.	.
Hazardous chemicals	.	.	Item debated	.	.	.	.
Marine fuels (sulphur)	.	.	Item debated	.	.	.	.
Maritime transport	.	.	Other business	.	.	.	.
Water policy	.	.	.	.	Other Business	.	Other Business
Ship recycling	.	.	.	.	.	Item debated	.
CO2 cars	.	.	.	.	.	.	.
LIFE	.	.	Other business	Item debated	Other Business	.	Other Business
CO2 light vehicles	.	.	.	.	.	.	Other Business

Table 13: Agenda, Council per Council, for the selected decision-making processes

I finally discuss the selection of the last four policy-making selected for the study. As a short reminder, at this stage of the selection procedure, the objective is to ensure the representativeness of the selected policy-making processes within the Council of the European Union: thus to select policy-making processes that depict different patterns (debated, other business etc.) in the Council of the EU.

First, in the pool presented in table 12, I select the regulation ‘CO2 for cars’. Indeed, this policy-making has never been written in the Council agenda. This is interesting as it means that the negotiation only took place at the lower levels of the Council of the EU. Consequently, by selecting the ‘CO2 for cars’ regulation, the added value of studying the regulation ‘CO2 light commercial vehicles’ decreases. Indeed, the two dossiers are quite similar, which make the probable gain of new insights less likely. Second, I selected a policy-making process that was classified in the Council of the EU agenda under the title ‘item debated’. Four policy-making processes answered to this criterion: the Seveso and marine fuels directives and the ship recycling and hazardous chemicals regulations. Interestingly, on the 4 decision-making processes, the Seveso III directive is the only one that was debated twice in the Council. For this reason, the Seveso III policy-making process was selected over

the others. Third, I selected a negotiation that has only been indicated under the title ‘other business’. Two possibilities existed: the directive on water quality and the regulation on greenhouse gas for maritime transport. While the first negotiation was indicated twice under ‘other business’, the other was only classified once under ‘other business’. For that reason, the directive on water quality is preferred to the regulation on maritime transport⁵⁷. As Austria has no direct access to the sea - which might decrease the relevance of this negotiation in one of the three selected countries – I selected the directive focusing on the environment quality standards in the field of water policy. Fourth, I selected a negotiation that was indicated as ‘item debated’ and ‘other business’. One more negotiation was thus selected: the regulation LIFE. This negotiation happens to be the most frequent written item on the agenda of the Council.

To summarise, the pool of policy-making processes is composed of four negotiations leading to the adoption of two directives and of two regulations. By combining the selection of Member States and the selected policy-making processes, this research covers a total of 12 cases.

Policy-making processes	Austria	Belgium	Germany
Directive SEVESO III	Case 1	Case 2	Case 3
Directive on environmental quality standards in the field of water policy	Case 4	Case 5	Case 6
Regulation LIFE	Case 7	Case 8	Case 9
Regulation CO2 emission from new passenger cars	Case 10	Case 11	Case 12

Table 14: Pool of cases

3. Data collection

3.1 Interviewees’ selection and identification of key actors

To have interviews that can ‘*provide substantive answers and responses to your inquiries*’ (Saldana, 2011), it is necessary to identify criteria guiding the selection of interviewees. More precisely, qualitative studies concentrating on a small number of cases often favour a non-probabilistic selection process. This means that interviewees are chosen for their expertise rather than by random selection. In this perspective, I relied on two types of sampling

⁵⁷ An additional argument for deleting the regulation on greenhouse gas for maritime transport is the fact that Austria has no direct access to the sea, which might decrease the relevance of this negotiation in one of the three selected countries.

techniques: the ‘strategic/expert’ and ‘referred’ sampling methods (Saldana, 2011; Délpelteau, 2007). With the first sampling technique, the selection of interviewees is intentional and closely linked to the analysed cases. The second method consists of asking interviewees whom to interview next (Saldana, 2011; Délpelteau, 2007). I used these two techniques to conduct my interviews.

As underlined by Flick (2009: 118), in a qualitative research, ‘*you select individuals, groups, and so on according to their (expected) level of new insights for the developing theory in relation to the state of theory elaboration so far. Sampling decisions aim at that material that promises the greatest insights, viewed in the light of the material already used, and the knowledge drawn from it*’. Hence, the selection is strategic and aims at identifying actors that offer interesting insights on the cases analysed. Accordingly, in case-oriented studies, interviewees are often witnesses, active participants or experts. In my study, the following actors were considered to fulfil these criteria:

Categories	List of actors
Principal’s side	Actors that <i>actively participated</i> in the negotiations at the European level (such as national representatives and Ministers acting in the Council, national civil servants);
Agent’s side	Actors that <i>actively participated</i> in the scrutiny of the European negotiations at the subnational and national levels (such as regional and national parliamentarians, parliamentary clerks etc.);

The identification of the two first categories seems natural when taking into consideration the objectives and the analytical framework of the study. Indeed, they are central actors to the study and they hold precious information on the negotiations at the European level and on the scrutiny of European affairs at the domestic level. Put differently, they provide the ‘*inside look*’ required for the study. The Principal-Agent model also distinguishes between Agent and Principal. In addition to these two categories, I also selected actors who witnessed the decision-making process or have a recognised expertise in the field. These actors are acting outside of the Principal-Agent relationship.

Categories	List of actors
Outside the P-A relationship	○ Actors that – thanks to their privileged position in the national and/or European governance system - <i>witnessed</i> the decision-making processes but were not active players (such as officials of the Commission and the Council of the EU secretariat, civil servants from the national ministries etc.); ○ And finally, actors that have an expertise or knowledge on the issues that are negotiated but who are <i>not formally nor directly</i> involved in the negotiation processes (such as Environmental NGOs, stakeholders at the domestic levels, Industry representatives etc.).

Adding this third category was motivated by two reasons. First, the policy-making processes analysed are not only about the Principal and the Agent; other actors participate directly or indirectly in the negotiations such as the European Commission, the European Parliament, interest groups, etc. These actors are also crucial to analyse and understand the context of the negotiations. Second, it also offered a change of perspective on the negotiations, enriching the quality of the data and allowing for triangulation. In a way, they provide an ‘*outside look*’ on the negotiations.

3.2 Presentation of the questionnaire for semi-structured interviews

The questionnaire⁵⁸ used for semi-structured interviews is now presented. The questionnaire consisted of open questions and closed questions. **The open questions** were organised around two main themes: (1) The negotiations in the Council of the European Union and (2) the parliament-executive relationship in a multi-level context.

The first main theme focused on four aspects of the negotiations at the European level. First, a set of questions has covered the main challenging issues in the European negotiations (EU level), but also for the (sub)national parliaments ((sub)national levels). The second type of questions aimed at measuring the domestic salience of the legislative proposal. The third set of questions addressed the national position defended by Austria, Belgium and Germany in EU negotiations. Finally, the last section is composed of questions aiming at understanding the atmosphere in the Council and the impact of the institutional environment on the negotiators.

The second main theme is also divided into four sub-themes. The first set of questions deals with the institutional procedures of each Member States analysed to define a national position for EU negotiations but also aimed at measuring the involvement of (sub)national

⁵⁸ The questionnaire is available in annex 7.

parliaments in this process. The second 'sub-theme' analysed the scrutiny actions undertaken by the Principal to monitor the Agent in the EU negotiations. Hence, the questions concentrate on the level of information MPs have and on the scrutiny tools activated by parliaments. The last question focused on the transposition and implementation of the negotiation output (i.e. the legislative proposals agreed in the Council) at the national level.

The closed questions consisted in *Likert scales* to which respondents could answer 'agree', 'partly agree', 'neither agree nor disagree', 'partly disagree' or 'disagree'. The closed questions were used as a starting point to discuss with the interviewees each of the themes of the open questions. Three sets of closed questions were prepared. The first sub-theme proposed questions on the salience of the legislative proposal for the selected countries. A second set of questions concentrated on the atmosphere in the Council during these negotiations. The third sub-themes focuses on the parliamentary-executive relationship and on the negotiation autonomy of the Agent. The closed questions were used at three moments during interviews, respectively before the open questions on salience (see. Open question 2), institutional density (see. Open question 4) and coordination of the national position (see. Open question 5). They are thus used as a starting point for a discussion with the interviewees, completed by open questions if more accurate information is needed.

In practice, using closed questions during the interviews did not work very well. In the end, such questions ended up not being used for each interview. The use of these questions during the interview seemed difficult for several reasons. First, these questions were really complex for some of the interviewees; especially the parliamentarians who often only had expertise (if any) on one case, or could only speak about the 'general' scrutiny of EU affairs. Second, some of the questions were not precise enough (e.g. on salience) and interviewees interpreted the questions differently. Third, the use of such questions had an impact on the flow of the interviews and finally, some interviewees did not wish to answer closed questions.

Regarding the (vertical) **structure of the questionnaire**, the latter is divided into four columns. The first column proposes a code describing the questions. The three other columns propose a series of questions for the three categories of actors identified in section 3.1. The questionnaire in the annexes is an example of questions focusing on Austria and on the negotiations of the Seveso III directive.

3.3 Description of the field work and of the data collected

As explained previously, the Council of the European Union cannot be described as an ‘open field’ since the entire population needed for the research and the access to the field are limited or unknown. I did the ‘field work’ in two steps. First, I made interviews with the ‘resource persons’ who witnessed the negotiations but were not directly involved, and actors who are outside of the parliament-executive relationship. In particular, my first round of interviews covered stakeholders and officials from the Council of the EU and of the European Commission. On the one hand, starting with interviews of actors who were not directly involved in the negotiations or who were outside of the parliament-executive relationship enables to apply the ‘referred’ sampling technique. During these interviews, I asked the interviewees to suggest the resource people whom can be interviewed (especially in the Council of the EU and in the Permanent Representations). On the other hand, by doing so I improved my knowledge of the context and of the key moments in the four analysed policy-making processes. The second step consisted on meeting individuals from the Agent’s and the Principal’s side.

In practice, what data did I collect and analyse in the study? First, I have conducted 64 interviews in four different countries⁵⁹ between October 2014 and February 2017⁶⁰. The complete list of interviews is available at the end of the document, just after the list of references. Table 15 presents a short summary of the interviews by category of actors. The table also outlines the share of interviews per Member States and for the EU level (Austria, Belgium, Germany and EU actors). In addition, it discusses also the ‘depth’ and potential bias of the interviews.

⁵⁹ Austria, Belgium and Germany. I also went to the Netherlands (Den Hague) for one interview with an Austrian parliamentarian and I had an informal talk with a parliamentary clerk from the Belgian Senate.

⁶⁰ Most of the interviews were conducted after the end of the EU negotiations, yet before the transposition deadlines for the directives or before the start of the new programs (LIFE and CO2 cars). Thus, it enabled an easier access to the contact persons within EU institutions, permanent representations and national and regional administrations. However, as the transposition processes were not finished in Austria, Belgium and Germany at the time the interviews were made, most of the interviewees had good memories of the EU negotiations. In addition, since my questions focused on the outstanding issues of the negotiations, and taking into account the co-construction nature of the interviewing process, interviewees had a good knowledge of the cases. Lastly, I let interviewees prepare for the interview. I thus sent to each interviewee a short document of 1,5 pages presenting my research and the main themes (hence, not the questions) that I wished to address during the interview.

Categories	Number	Share	Comments
Principal's side	26	AT: 7 BE: 8 DE: 11	There is a slight bias towards parliamentary clerks and fewer parliamentarians, especially in Austria.
Agent's side	24	AT: 5 BE: 9 DE: 10	Despite the important number of German interviews, there are hardly any officials from the federal level (no access to the Permanent Representation), mostly from regional executives. No such problem for Austria and Belgium.
Outside Principal-Agent relationship	12	AT: 1 BE: 0 DE: 3 EU: 8	Five interviews were conducted with officials from EU institutions; three with EU Environmental NGOs; two with German scientific experts, one with an Austrian Stakeholder.

Table 15: Number of interviews conducted by category of actors

In addition to semi-structured interviews, I have realised some (limited) non-participant observation of a Council of the European meeting (Environment configuration) with the Belgian delegation in April 2016. It was particularly useful to discuss informally with the members of the Belgian delegation in order to better grasp the dynamics of the Council of the EU. As presented in Chapter 3, I analysed the media coverage of the four policy-making processes in Austria, Belgium and Germany. Finally, I did desk research and analysed official documents of the European Commission, the Council of the EU (both public and 'limité' document) and various stakeholders. Last but not least, I collected information on all parliamentary actions for the Austrian, Belgium and German parliamentary system.

4. The Qualitative Comparative Analysis

In the previous three sections, I have described the selection of my cases and the data collected for the research. Section 4 presents the key assumptions of Qualitative Comparative Analysis (QCA).

4.1 Key assumptions of QCA

In a 'Small N and Medium N situation', (De Meur and Rihoux, 2002), using Qualitative Comparative Analysis as an analytical method allows for comparison between cases in a systematic manner. What is stimulating with QCA is that it offers an interesting alternative to the two most common analytical methods used in social science: qualitative and quantitative analysis. Against this background, while qualitative and quantitative methods are often

depicted as approaches speaking different languages (De Meur and Rihoux, 2002), QCA tries to offer a *middle ground*. As Ragin (1987) argued, QCA makes it possible for a researcher to combine the qualities of case-oriented approaches with the best features of variable-oriented approaches. QCA allows for systematic cross-case comparison while simultaneously doing justice to the case complexity (Rihoux and Ragin, 2009).

One of the main strengths of QCA is its emphasis on the case-based nature of comparative analysis in the sense that '*a case constitute a coherent whole and that the effects of variables should be assessed in the context of the case and not detached from it*' (Marx, Rihoux, Ragin, 2013:5). This claim is at the origin of the idea that an outcome is explained by *configurations* of causally relevant conditions (Marx, Rihoux and Ragin, 2013). On this matter, Delreux (2011) explains that '*QCA uses a holistic view of cases: conditions have to be considered and assessed in the context of other relevant conditions. (...) This configurational logic is linked to QCA's multiple conjunctural causality conception*' (Delreux, 2011:137). In addition, assessments of *necessity* and *sufficiency*⁶¹ are central in QCA. As Grofman and Schneider explain: '*in QCA, a central concern is the identification of conjunctions of factors that may be regarded as either necessary or sufficient for a given outcome*' (2009: 666).

The use of *configurations* and the analysis of *sufficient* and *necessary* conditions are very interesting in research focusing on social and political phenomena as they are often complex, showing multiple causes and combination of causes (De Meur and Rihoux, 2002). It is particularly relevant in the case of research in political sciences as it allows to analyse the different *causal paths* that can lead to a same outcome (Marx, Rihoux, Ragin, 2013). In the specific case of this PhD, if we apply the QCA rationale, it means that the degree of autonomy of executives is explained by a combination of causal conditions and that several different combinations of these conditions can lead to a similar outcome.

In recent years, the use of QCA has significantly increased and moved beyond its original scope in sociology and political sciences. Today QCA is greatly used in economics and business sciences, as management tools in organisation, and in Research and political health questions (Tierno, *et al.* 2017). With almost one out of two articles⁶² (Tierno, *et al.* 2017) using this technique, QCA is still seated within political sciences and sociology.

⁶¹ A condition is considered as *sufficient* when the '*the outcome always occurs when the condition is present*'. But the outcome could be explained by other conditions. A condition is *necessary* when '*the outcome cannot occur in the absence of the condition*' (Rihoux and Ragin, 2009: xix).

⁶² Overall, Rihoux *et al.* (2013) found even bigger results, with only 51% of articles which came from political science.

Not all variants of QCA have received the same attention. The three different forms of QCA that have been used in the literature are the following: Crisp-set (csQCA), Multi-value (mvQCA) and Fuzzy-set (fsQCA) QCA (Rihoux and Ragin, 2009). Both the bibliometric analysis of Tierno *et al.* (2017) and of Rihoux *et al.* (2013) point that Crisp-set analysis (the original technique) is the most used variant of QCA, closely followed by fuzzy-set analysis.

In essence, crisp-set QCA is the first variant of QCA, initially designed by Charles Ragin and Kriss Drass, and relies on Boolean logic (Rihoux and Ragin, 2009). The original objective of this form of QCA was to *'simplify, using Boolean logic, complex configurations, and to discover configurations models of multiple causal configuration'* (Tierno, *et al.* 2017). This is why one of the key characteristics of the model is the dichotomisation of variables (outcome and causal conditions). It is precisely on this 'dichotomisation' process that csQCA and mvQCA differ. Indeed, mvQCA allows the use of multi-value variables, at least for the coding of the causal conditions (Rihoux and Ragin, 2009). In turn, the last form of QCA, fuzzy-set QCA, differs from the two others in that variables are not dichotomised (csQCA) nor multi-dichotomised (mvQCA), but understood as 'levels' in the interval between (0) and (1) (Rihoux and Ragin, 2009). FsQCA does not follow a Boolean logic but is addressed in fuzzy-set theory. In the following section, I introduce in greater details the methodological steps implied in a csQCA procedure, the technique used in this PhD.

4.2 Three key steps in a QCA procedure

There are three main steps in a QCA procedure: **(1)** dichotomising the empirical data; **(2)** proceeding to the Boolean minimisation of the cases and **(3)** interpreting the obtained formulae by coming back to the cases (Delreux, 2011). The first step requires to dichotomise the outcome and causal conditions by using '1' and '0' values. '1' signifies the presence of the variable and '0' its absence. This stage must be done rigorously and systematically, as coding qualitative data entails important interpretative work from the researcher as a *'naïve'* use of QCA can lead to spurious results (see Vaisey, 2014). The objective of this process is to identify a subset of cases that share sufficient characteristics to be considered as 'present' or 'absent', and to justify accordingly the thresholds used to differentiate between the two groups. This codification process leads to the development of so-called 'truth tables' used *'to organise the different causal configuration which lead to a particular outcome'* (Tierno *et al.*, 2017; see also Grofman and Schneider, 2009).

The second stage of a csQCA procedure is the Boolean minimisation. In this research, the minimisation process made it possible to identify combinations of causal conditions explaining the presence of 'high' degree of autonomy of executives vis-à-vis their (sub)national parliaments and situations where executive enjoyed a 'low' degree of autonomy. Thus the Boolean minimisation must be executed both for the '1' and '0' outcome, as QCA *'does not assume symmetrical causality between 1 and 0'* (Delreux, 2011: 138, see. also Grofman and Schneider, 2009). This minimisation process leads to minimal formulae that are presented according to Boolean terminology. In this specific research, a '0' under brackets following the name of a variable (e.g. *Hom_PA {0}*) must be understood as its absence or as situations with lower degree of homogenous preferences between the Principal and the Agent. On the contrary, if {1} follows the name of the variable, it indicates its presence and situations with higher degree of homogenous preferences. Finally, the signs '*' and '+' refer to the Boolean operations 'and' and 'or' respectively.

The third and last stage of csQCA consists in the interpretation of the minimal formulae. It is at this stage that the researcher goes back to his empirical data to unpack the causal mechanisms behind the minimal formulae. Minimal formulae only allows to identify the combination of conditions that will lead to a certain degree of autonomy. By reintroducing empirical narratives, the researcher interprets causal paths and unties their underlying causal mechanisms.

4.3 QCA in this study

As explained in the previous section, in this study I used the original variant of QCA: the crisp-set analysis. Crisp-set QCA was chosen over other variants for three reasons. First, QCA is very useful as an analytical method for 'Small N' situations. In studies which focus on national parliaments and the EU, there are two broad types of studies: in-depth qualitative analysis of one or a few cases or large N quantitative analysis. My research attempts to fill this gap and goes one step further by systematically analysing a total of 12 cases. Second, crisp-set QCA was chosen for a simple reason. As I have 1 outcome and 5 causal conditions for 12 cases, opting for multi-value or fuzzy analysis would have not given parsimonious results. With the other variants of QCA, numerous values can be given to the causal conditions that increase complexity and the degree of variation. With only 12 cases, the risk of having 12 single explanations was real. Finally, and thus closely linked to the second reason, I agree with Delreux (2011) when he argues that the dichotomisation of variables (one of the characteristics of CsQCA) can be fruitful for EU studies. Even though this process is often criticized in the literature, it permits overcoming the problems of attributing an

absolute value to variables such as ‘informational asymmetry’ or ‘degree of salience’. By giving *relative values* to the variables – ranking them in a relative way among a group of cases with low or high values – CsQCA thus allows to overcome this problem.

To conduct the analysis, I used the software *Tosmana* (Cronqvist, 2017) that allows for conducting all three QCA variants (Crisp-Set; Multi-Value and fuzzy-set) and included *logical remainders*⁶³. As explained by Delreux and Hesters (2010), they are empty cells in the property space and are used to obtain more parsimonious results. In practice, when including logical remainders, QCA attributes to them a *simplifying assumption*. One problem with using logical remainders is the possibility that the same simplifying assumption would be attributed to both the ‘0’ and ‘1’ outcomes, thus leading to *contradictory simplifying assumptions*’ (CSA). As it will be further developed in Chapter 8 (QCA), I faced this problem in my analysis and thus had one CSA when conducting the QCA procedure with logical remainders. I have solved the problem using the method proposed by Delreux and Hesters (2010).

⁶³ Annex 6 is composed of four QCA reports. The two first reports (for the ‘0’ and the ‘1’ outcomes) include logical remainders. The third and fourth reports present the results (‘0’ and ‘1’ outcome) without including logical remainders.

Chapter 4: The Directive on priority substances in the field of water policy

To understand the directive on priority substances in the field of water policy (2013/39/EU), one must look at the European legislations it amends: the Water Framework Directive (hereafter WFD, 2000/60/EC) and the Environmental Quality Standards Directive (2008/105/EC). The Water Framework Directive is the backbone EU legislation on water policy. Its objective is to establish '*a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater, in order to prevent and reduce pollution, promote sustainable water use, protect the aquatic environment, improve the status of aquatic ecosystems and mitigate the effects of floods and droughts*' (European Parliament, 2014: 1). To do so, the EU created a list of priority substances⁶⁴. Member States must monitor the concentration of these substances in surface waters and meet *Environmental Quality Standards* (EQS) within a certain timeline.

The first list of priority substances was created in 2001 (decision 2455/2001/EC) and amended in 2008 via the EQS Directive (2008/105/EC). Before the revision of the directive 2013/39/EU, the list of PS identified 33 priority substances and 8 other pollutants (European Parliament, 2014). The provisions on the reviewing process of the *priority substances* (PS) list and the establishment of their related *Environmental quality standards* (EQS) are explained in the article 16 of the WFD. Its paragraph 5 requires that '*the list of PS be reviewed at least every four years*' (European Commission, 2012) in order to identify additional substances, set their EQS or adapt existing EQS for prior identified substances (European Commission, 2012). The directive 2013/39/EU is the result of the first reviewing of the list of priority substances.

The 31st of January 2012, the European Commission introduced a legislative proposal to update the list of priority substances. The Commission included in the list 15 new substances – among which three pharmaceuticals - with their related EQS. The new list also adjusted the EQS of 7 substances already on the list and reviewed the list of *Priority Hazardous substances* (PHS)⁶⁵ (European Commission, 2012). The Commission also presented specific provisions for substances known as *persistent, bioaccumulative and toxic substances* (PBTs)⁶⁶. Finally, the main novelty of the proposal is the development of a *watch list*

⁶⁴ A priority substance is a chemical pollutant that presents significant risk to the European aquatic environment.

⁶⁵ A substance classified as Priority Hazardous Substances means that Member States have to organize the phasing out of the substance in aquatic environment within 20 years.

⁶⁶ PBTs are substances that have a high concentration levels in the aquatic environment despite the fact that all necessary measures were already taken by Member States. In this sense, they are persistent in time.

mechanism, aimed at monitoring substances for future reviews.

The timeline of the negotiation leading to the adoption of the Directive 2013/39/EU is now presented and organised in three stages. First, the *(domestic) coordination stage (t0-t1)* started on the 31st of January 2012 with the release of the legislative proposal by the Commission and ended on the 18th of April 2012, with the subsidiarity deadline. Second, the *EU negotiation stage (t1-t2)* took place from the 19th of April 2012 and lasted until the 12th of August 2013, with the publication of the final act in the Official Journal. Finally, the *(domestic) implementation stage (t2-t3)* began with the EU agreement and ended with the transposition (14th of September 2015) and implementation of the legislative proposal.

Additional procedural Information – Directive 2013/39/EU

Responsible Commissioner: Janez POTOČNIK

EC DG responsible: Environment

Presidencies: Denmark – 2012 (1); Cyprus – 2012 (2); Ireland – 2013 (1).

Meetings: More than 10 Working Party on the Environment (WPE), 7 Coreper meetings and 3 triologue meetings (completed by 2 technical dialogues)

European Parliament rapporteur (ENVI): EPP – Richard SEEBER (Austrian)

COD: 2011/0429

COM: COM (2011)0876

Act: Directive 2013/39/EU

Outstanding issues of the negotiations

The first controversial issue concerned **the inclusion of the pharmaceuticals** in the list of Priority substances. As well summarised by Kern (2014), *‘the majority of Member States welcomed the review of the list of priority substances in principle, but likewise opposed the classification of pharmaceuticals as new priority substances on the grounds that evidence for the benefits was insubstantial and the expected costs extremely high’* (Kern, 2014:35). In the end, the three pharmaceuticals were not deleted from the proposal and were transferred to a ‘watch list mechanism’. This move was supported by a large majority of Member States.

The **deadline to be set for reaching good chemical status** of water was the second outstanding issue of the negotiation. Discussions focused on whether good chemical status of water should be reached by 2021 or by 2027. While the EP proposed the year 2021 as a deadline for meeting the EQS – yet, with separate reporting of water status for old and new EQS (Kern, 2014) - most of the Member States in the Council favoured **a larger deadline (2027)** (Council of the EU, 2012b). According to the European Environment Bureau (EEB),

despite the fact that the deadline was moved from 2021 to 2027, the Council still considered the deal too ambitious (EEB, 2013).

The third controversial issue concerned the **watch list mechanism**. Discussions focused on: (a) whether the new mechanism should be done on a voluntary or obligatory basis; (b) on the number of substances that will be present on the watch list and (c) on the required sampling stations needed for measuring the chemical status of water (Council of the EU, 2012a, 2012b). At the end, *'too keep monitoring costs at a reasonable level and so avoid too onerous obligations for the Member States, the number of substances and monitoring stations has been limited'* (Kern, 2014:40). Indeed, the first watch list will contain a maximum of 10 substances or substance groups. Interestingly, these outstanding issues are mainly dealing with questions of implementation of the policy (monitoring of substances by national and regional authorities).

The last outstanding issue in the negotiation concerns the **Ubiquitous, persistent, bioaccumulative and toxic substances** (u-PBTs) (Interview 4,7). The question of u-PBTs is closely linked with the presentation of the chemical status of these substances on separate maps (Council of the European Union, 2012). Member States wanted to include additional substances to the list and to depart from the WFD *'as regards implementing further measures or by taking u-PBTs out of the assessment of chemical status'* (Council of the European Union, 2012:4).

1. Austria

1.1 Parliamentary activity in Austria – The Directive 2013/39/EU

The release of the proposal on priority substances in the field of water policy by the European Commission rapidly brought attention from Austrian parliaments. Interestingly, the impetus came from the regional level. Indeed, the Landtag of Lower Austria was the first (and only Landtage) to scrutinise the EU proposal in Austria.

During **the coordination stage**, and only 5 weeks after the release of the EU proposal, the State parliament of Lower Austria adopted a resolution (8th of March 2012) (Lantag Von Niederösterreich, 2012). The opinion was discussed during an *exchange of views* in the EAC of the Lower Austria State parliament, before being debated and *adopted* by the plenary. The regional parliament considered the opinion as a *subsidiarity opinion*. The document adopted is relatively short (786 words) and concludes that the Commission's proposal is running

against the principle of subsidiarity. The opinion ends by asking the Austrian Federal Council to start scrutinising the EU policy proposal at his next meeting.

This scrutiny process was conducted by the EAC of the Federal Council on two occasions: in its meetings of the 14th and of the 27th of March 2012 (Federal Council, 2012). Following a first *exchange of views*, the EAC of the Federal Council adopted at unanimity a short *opinion* (431 words). In brief, the Federal Council highlighted the existence of persistent substances in water and was '*concerned about substantial cost increases*'. The question of the cost is linked with the monitoring of the new substances as well as the potential necessary upgrading of the actual water treatment installations (Interview 9) (Federal Council, 2012:1).

Finally, no additional parliamentary scrutiny was observed at **the negotiation and at the transposition/implementation stages**. An Austrian official of the EU secretariat explains that this is not surprising. Austrian parliaments mainly scrutinise EU affairs before the start of the negotiations (Interview 9), rather than during the negotiations. In addition, Austrian parliaments were not involved in the transposition process (Interview 53)⁶⁷. The precise coding of the autonomy of the Austrian at the domestic, negotiation and implementation stages can be consulted in table 18.

⁶⁷ Yet the transposition process faced a delay of 9 months. A letter of formal notice was sent the 20th of November 2015, closely followed by a reasoned opinion the 16th of June 2016 (infringement case 20150510). At that time, the domestic legislation for the enactment of the Directive was still at the consultation and assessment stage, and it was the reason why the Commission decided to send a reasoned opinion (European Commission, 2015). As explained by an official of the Environment ministry, the reason behind the delay is thus mainly the consequences of the executive internal coordination process: '*the government is a coalition, there is a rule that whenever one ministry is issuing an ordinance, it has to be mirrored by neighbouring ministries. And this process is now going on. It is just a formality which is time consuming*' (Interview 52). The transposition resulted in the adoption of a regulation the 5th of December 2016 by the Federal Minister for Agriculture, Forestry, Environment and Water Management, amending the quality control regulation of the chemical surface waters and the Water State monitoring regulations.

Instrument used	Coding of parliamentary actions													
<u>Coordination Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☒</td></tr><tr><td>Exchange of views</td><td>☒</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Subsi/ Pol. Dialogue	☒	Exchange of views	☒	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	- Exchange of views – Plenary level - Lower Austria State Parliament. Coded as: $2 \cdot (0,5) = 1$ - Subsidiarity opinion of Lower Austria Landtag, after a debate in the plenary. <i>General guidelines.</i> Coded as: $1,5 \cdot (0,5) = 0,75$ ----- - Exchange of views – EAC – Federal Council First meeting. <i>Debate at committee level.</i> Coded as: $1 \cdot (1) = 1$ - Political dialogue opinion – EAC – Federal Council Meeting 2. <i>Short statement.</i> Coded as: $1 \cdot (1) = 1$ Total: 3,75 activity points	3,75
Mandate/Opinion	☐													
Subsi/ Pol. Dialogue	☒													
Exchange of views	☒													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Negotiation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	- No parliamentary actions at the federal and regional levels Total: 0	0		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Transposition/Implementation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr><tr><td>Transposition debate</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☐	Transposition debate	☐	- Parliaments were not involved in the transposition of directive 2013/39/EU. - No other parliamentary actions at the federal and regional levels. Total: 0	0		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☐													
Transposition debate	☐													
Overall parliamentary scrutiny in Austria before, during and after the negotiations of the PS in the field of Water directive		3,75												

Table 17: Parliamentary activity in Austria - PS in the field of Water Policy

1.2 The autonomy of the Austrian executive – The Directive 2013/39/EU

I now discuss the autonomy of the Austrian executive in light of the parliamentary control conducted. Indeed, the presence of parliamentary scrutiny does not mean that it affects the negotiation autonomy of executive in EU negotiations. I first examine the amount of parliamentary scrutiny. Second, I overview the purpose of parliamentary scrutiny: was it with an informational focus or a willingness to control the position of the executive in the EU debate? Was it critical about the EU proposal or the position of the executive? Third, I assess the impact of the parliamentary scrutiny.

Regarding the quantity of parliamentary scrutiny in Austria, the activity score of Austrian parliaments is relatively low, with an absolute value of **3,75**. More precisely, Austrian

parliaments scrutinised the EU proposal at the start of the negotiation, but no follow up actions were taken during or after the EU negotiations. Interestingly, these scrutiny actions formed a *scrutiny process*, starting from the opinion of the Lower Austria Landtag and ending with the exchange of views and opinion adopted by the Federal Council.

What are the reasons behind the scrutiny conducted by Austrian parliaments? I first look at the subsidiarity opinion adopted by the Landtag of Lower Austria. After an exchange of views in the EAC, the draft opinion was sent to the plenary for a debate and its formal *adoption* (15th of March 2012). The motivations of parliamentarians can be summarised as follows: the Landtag considered the financial costs too high in comparison with the added value for Environment and Health. A parliamentarian of the majority explained during the plenary debate: *'Today, the Lower Austrian Landtag, for the first time in history, has been trying to get involved in the European legislative process, because I believe that this principle of subsidiarity has been violated'* (Own translation, Plenary debate, Landtag Von Niederösterreich, 2012a). Moreover, parliamentarians considered that the best level of governance needed to tackle questions of water quality (i.e. monitoring) was the regional level. The opinion ends by asking the Austrian Federal Council to start scrutinising the EU policy proposal at his next meeting. As explained in Chapter 1, the Federal Council acts as a gatekeeper of regional parliamentary opinions.

The opinion adopted by the Federal Council does go into the details of the proposal, nor tackles the novelties (e.g. Pharmaceuticals, Watch list). According to an MP of the Federal Council, the opinion is the result of a bargaining process between the political groups in the Federal Council (Interview 49). The opinion is not binding and was sent to the EU Commission as part of the 'political dialogue' mechanism as well as to the government⁶⁸. Interestingly, the resolution ends by stating that the Federal Council *'expects that the position taken by the member of the Federal Government and the votes to be taken in the Council will be in line with this communication'* (Federal Council, 2012:1). On the executive side, the unit in charge of the coordination process in the Ministry of Environment, Agriculture and Water Management was aware of the resolution (Interview 47). The other Member States were also aware of the Federal Council opinion. Indeed, a document of the Council of the EU was diffused with the position of the Federal Council: 'From the President of the Austrian Federal Council to the President of the Council of the European Union' (Council of the European Union, 2012c). Contrary to the opinion of the Federal Council, the opinion of the state

⁶⁸ Only three meetings in the Working Party on the Environment (WPE) had taken place at the European level (Austrian EU parliamentary secretariat, 2012) when the Federal Council adopted the parliamentary opinion. In addition, Austria had not yet submitted written contributions to the secretariat of the Council of the EU.

parliament of Lower Austria was not sent to the Austrian Permanent Representation.

This being said, the opinion of the Federal Council was not a surprise for the Austrian executive. Officials from the federal Ministry of Environment, Agriculture and Water management participated in the work together with the EAC (Interview 47, Federal Council, 2012b), as well as a representative of the Austrian Chamber of Commerce (WKO) (Interview 46). The federal executive was not at the origin of the parliamentary scrutiny conducted at the regional and federal levels. Though it was an active player sharing information and technical expertise with the Federal Council. In this regard, the Austrian executive co-determined his own instructions. An official of the Ministry of Environment commenting on the involvement of parliaments in EU affairs explains:

*'When we became a member of the Union in 1995, at the beginning they (the parliaments) gave instructions to ministers, but then they found out that this is useless because then the minister does not have any room for manoeuvre anymore. The presidency knows that the minister has instructions from the parliament, so he cannot negotiate, so they do not talk to us anymore. Parliament knows this now. Sometimes, ministers have to go to the parliament before Council meetings, but he would rather not receive a strict instruction (...). **In reality, our people would seat together with them.** Like the Bundesrat did it now for the waste legislation, the new package. You know, the parliament has this new power of subsidiarity and on this, the Bundesrat is really active because it gives power, as the Bundesrat is really weak in Austria. (...) But **in the case of PS, the priorities were put on paper and it was negotiated with us, so it is no problem at all.** (Interview 47)'*

This quote is interesting and outline several elements. First, the quote highlights the costs of controlling for the principal. This is precisely one of the dilemma observed by Auel and Benz (2005): parliaments must also do a balancing act between too much and too little control, as it has consequence on how the executive can negotiate at the EU level. Second, as I just explained, it highlights the important co-shaping role of the Austrian executive in the parliamentary opinions adopted by the Federal Council. In this regard, officials from the Environment ministry considered the opinion to be supportive of their position: *'We considered this statement to be supportive, and it was meant to be supportive. The direction was clear, but the details were lacking. Still, it gave a certain direction'* (Interview 52).

To summarise, did the parliamentary scrutiny impacted on the negotiation autonomy of the Austrian executive vis-à-vis the Austrian parliamentary system? In light of the previous arguments, there are serious doubts about the effectiveness of the scrutiny conducted by Austrian parliaments. Undeniably, the opinion of the Federal Council did not address any specific items of the negotiations. The objective of such an opinion is aimed at supporting the executive, without restraining his negotiation autonomy at the EU level. Despite ex ante parliamentary scrutiny, the autonomy of the Austrian was high.

1.3 Austria: empirical observations of explanatory factors

1.3.1 Homogeneity of preferences between Principal and Agent

There were no divergences of preferences between the Austrian executive and the Austrian parliamentary system on outstanding issues. Thus both the executive and the Austrian parliamentary system were concerned about the financial costs from the EU legislative proposal.

On the ***list of priority substances and the inclusion of the three pharmaceuticals***, the Austrian executive expressed his concerns regarding the inclusion of three pharmaceuticals in the list of priority substances (Council of the European Union, 2012d; Interview 10). Austria doubted about the effectiveness of the proposed measures: a very expensive end of pipe solutions. On the ***watch list mechanism***, the executive considered that the implementation costs were *'disproportionate for a limited number of samples only'* (Council of the European Union, 2012d; Interview 10, 52). On the Principal's side, both opinions emphasised the risk of disproportionate financial costs but did not address directly the issue of the three pharmaceuticals nor the watch list mechanism.

The third issue analysed is when dealing with the ***provisions on ubiquitous PBT substances (u-PBTs) and Priority Hazardous substances (PHs)***. Again, no divergences in the preferences of the Austrian executive and his parliaments were observed. Both actors outlined the difficulties to deal with these substances. For the Austrian executive, the provisions on *ubiquitous PBT substances* were of crucial importance during the negotiations (Interview 52; Council of the European Union, 2012d), as the latter wanted to negotiate a *'clear and pragmatic solution'* to face this issue (*In. Austrian EU parliamentary secretariat, 2012*). The Austrian executive was pleased at the end of the negotiation since, on their suggestion, a recital on u-PBTs was included in the final compromise (Interview 52).

That being said, there was a difference in the position of the Lower Austria State parliament and of the federal government. The disagreement concerned the form of the parliamentary opinion: can we conclude that there is a breach in subsidiarity? More precisely, the Lower Austria Landtag defended that there was a breach of subsidiarity and consequently formulated a reasoned opinion. On this matter, the government had a clear position and explains in the informative note transmitted to the parliament that it does not consider it as a subsidiarity breach: *'The water pollution is of a cross-border nature. 60% of the territory of the EU is located in common catchment areas. For this reason and as a large number of substances causing pollution are used throughout the EU, it is appropriate to establish harmonised environmental quality standards for these substances at EU level if a significant*

risk to or from the aquatic environment is identified' (in. Austrian EU parliamentary secretariat, 2012).

To summarise, there are no major differences in the preferences of legislative and executive actors in Austria on the position to adopt what is in the content of the proposal. Still, preferences of actors differed regarding the subsidiarity principle. Table 18 summarises the empirical observations discussed previously.

EC Proposal	Agent	Principal	Conflicting preferences?
15 New substances, including three pharmaceuticals	Welcomes the review of the list but is against the inclusion of pharmaceuticals	Federal Council and Lower Austria: Welcome the review of the list. Concerned about additional costs of these measures.	No
25 substances, monitoring once a year.	High cost linked with additional monitoring; wants to limit the number of substances on the list.	Both parliaments concerned with the increase in testing and monitoring related costs	No
8 u-PBTS listed. Separate reporting, less intensive monitoring	'Austrian recital'	Bundesrat and lower Austria: emphasis on the issue of persistent substances	No
Subsidiarity breach or not?	There is no subsidiarity breach. Pollutants are used throughout the EU, it is thus appropriate to establish harmonised EQS at EU level.	Lower Austria clearly defended the position that there is a subsidiarity breach. Federal Council more cautious in its phrasing.	Yes

Table 18: Preference of the federal executives and Austrian parliaments (Water)

1.3.2 Intra-Principal cohesiveness

In this section, I discuss the homogeneity of preferences between Austrian parliaments, understood as the homogeneity of preferences between the state parliament of Lower Austria and the Federal Council. There are no major differences between the opinions of the Federal Council and the Lower Austrian regarding the content of the EU proposal. Yet, as already discussed previously, the main issue during the discussions was related to the subsidiarity principle. When heterogeneity of preferences is observed on this matter between the Austrian executive and the lower Austria Landtag, this is also the case, but to a lesser extent, within the Federal Council. On this regard, several elements must be highlighted. When looking at the size of both parliamentary opinions, one would notice that the opinion of the Federal Council is shorter and less precise than the one from Lower Austria. According to

one of our interviewee (MP, federal level), this can be explained as *'nobody at the end was really happy with the opinion'* (Interview 49). More precisely, at first, there were clear difficulties in the Federal Council on the position taken by Lower Austria. A member of the Federal Council explains:

'The Quality of waste water. That was crisis. I said no to the opinion of the Landtag. And then, they made a campaign against me and my political group in the media. (They say) that we ignored the worries of the Country. They wanted to get a yellow card. I said OK only as compromise, we sent that but I know that there are a maximum of two other countries that will also do it, so you can put it in the bin. And we are not fighting for that. But this was, that was very in the interest of the majority of the lower Austria, and their connection to the economy. (Interview 49).'

When the lower Austria state parliament arrives at the conclusion that *'It is therefore necessary to note that the European Commission's proposal contains a regulation which is not compatible with the subsidiarity principle'* (Lantag Von Niederösterreich, 2012:3), the Federal Council opinion states that *'As a matter of principle, the Committee also wishes to refer to Article 5 TEU, according to which the Union only acts if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level'* (Federal Council, 2012). In short, when one parliament clearly states the existence of a breach of subsidiarity, the Federal Council only refers to the subsidiarity 'as a matter of principle', and decided to formulate a political dialogue opinion rather than a reasoned opinion despite pressures from Lower Austria. Indeed, a member (ÖVP) of the parliamentary majority in the Lower Austria Landtag declared the following during the plenary meeting⁶⁹:

'I do not understand the hesitant attitude of the Federal Council. We are living in a time of a crisis of confidence in Europe (...). With this hesitant attitude, we will not be able to (...) the importance of having a Federal Council. On the contrary, it weakens itself! The Federal Council has the chance now to seize the opportunity to say what it is for. What is the Federal Council for? For me, the Federal Council is nothing but the organ of subsidiarity. (Applause from the ÖVP) And if the Federal Council is the institution of subsidiarity, and as such it should be understood, then it must act now. (...) Therefore, I really call on the Federal Council to finally show a profile on this issue.' (Own translation, Lantag Von Niederösterreich, 2012a: 525).

To sum up, the reception by the Federal Council of the opinion from Lower Austria triggered tensions between MPs of the EAC (see. infra) but also between the regional and federal Austrian parliaments.

Now looking at the **homogeneity of preferences between the parliamentarians and political group** inside a parliament, empirical observations show that the Principal had diverging views among them on several issues. *At the federal level*, disagreements were

⁶⁹ Note: the plenary meeting of the Lower Austria Landtag – that formally adopted the recommendation of its European Affairs committee, took place just one day after the first meeting of the Federal Council.

observed between parliamentarians of the EAC during the first meeting that discussed the EU legislative proposal. A clear division appeared between members of the EAC, and most specifically between political parties of the Austrian governmental coalition in power. On the one hand, the concerns raised by the Lower Austrian Landtag were mainly supported in the Federal Council by MPs of the ÖVP (Martin Preiner, Edgar Mayer and Sonja Zwar) and of the FPÖ (Cornelia Michalke)⁷⁰. On the other hand, MPs from the SPÖ (Stefan Schennach) and of the Greens (Elisabeth Kerschbaum) assessed the directive as a necessary step and pointed out the predominantly positive assessment by other EU Member States⁷¹. Overall, these MPs were not ready to follow the reasoning of the Lower Austrian Landtag. Consequently, since additional bargaining was needed to adopt a common position, it was unanimously agreed to postpone a decision to a second meeting of the EAC.

At the regional level, the discussions leading to the adoption of the reasoned opinion by the state parliament of Lower Austria also allows to outline disagreement between the different political groups, yet to a lesser extent than in the federal level. Indeed, in the Lower Austria Landtag, the ÖVP, SPÖ and FPÖ were on the same rationale regarding the EU legislative proposals when the Greens did not support the opinion prepared by the European affairs committee. Again, subsidiarity is on the table. Indeed, the Greens considered that the question was not 'who' must act, but what do we do for the water quality. The other political groups were not of this opinion, and highlighted among others, the important cost, the nature of some substances that are persistent and the difficulty to treat these substances ex-post (Lantag Von Niederösterreich, 2012a).

Finally, I discuss the coherence of parliamentary actions along party lines and across levels (regional and federal). First, the ÖVP was particularly active and coherent on this issue, whether at regional or federal levels. Indeed, most of the key actors of this dossier were part of the ÖVP: the ministers for Environment, Agriculture and Water management, and of the Economy as the two major ministries involved in the executive coordination process; the EP rapporteur was also part of the ÖVP and was chosen by the EEP as the environment coordinator in the European parliament. Regarding parliamentary actors, the president of the Bundesrat (period January 2013 - June 2013) was part of the ÖVP and traditionally, the Landtag of Lower Austria is dominated by the ÖVP. Interestingly, the arguments used and presented by these actors relied on the same rationale: costs must be controlled, especially

⁷⁰ Interestingly, two out of these 4 MPs are originating from Lower Austria, a Länder traditionally dominated by the ÖVP.

⁷¹ This information suggests that MPs from SPÖ and Greens had information on reactions to the EU legislative proposal of other EU Member States. Since this information was not given by the government in the informative note distributed to MPs, this means that these MPs gathered additional information by themselves.

knowing that the quality of water in Austria is already one of the best in Europe. Yet, both the FPÖ (supporting the adoption of an opinion at the regional and federal levels) and the Greens (mainly supporting the proposition of the EU Commission) also developed similar arguments at both levels. This leaves us with the SPÖ, where contradictions can be found in the preferences of their actors across levels. Indeed, when the SPÖ defended the adoption of a reasoned opinion at the regional level, the latter opinion was blocked in the federal council by one of their deputy and to some extent, by the Greens.

1.3.3 Informational asymmetry

In this section, I show that the distribution of information between the Principal and Agent was relatively symmetrical at the start of the negotiation, but this situation evolved negatively during the EU negotiations. At first, the European affairs committee (EAC) of the Federal Council relied on three different types of information to prepare his opinion. First, a preparatory document drafted by the secretariat of the European Affairs Committee (EAC). The document consisted of 5 pages and proposed a summary of the legislation, the positions of the EP, the Council presidency and of Austria (Austrian EU parliamentary secretariat, 2012). Second, the European affairs committee organised auditions in the EAC committee, inviting, among others, one expert from the Environment ministry and a representative of the Austrian Chambers of Commerce (WKO – *Wirtschaftskammer österreich*) (Interview 46). Third, the Federal Council also discussed the work conducted by the Lower Austrian Landtag, which previously adopted an opinion on the legislative proposal (Interview 49). At the time, the Lower Austria Landtag, was part of the 'Subsidiarity monitoring group' (SMG), a coordination group between Länder executives, where Landtage are invited to participate. Interestingly enough, the legislative proposal was spotted as a dossier to follow by the SMG (Interview 50). Hence, the level of information of the Federal Council was relatively high at the beginning of the negotiation. During this process, the Austrian executive shared its position with the parliament and presented its preferences for certain particular issues (Federal Council, 2012a; Federal Council 2012c).

During the negotiations, the level and sources of information available to parliaments decreased. Formally, all parliamentarians have access to reports written by the national Permanent Representation in Brussels. But in this specific case, no reports were added to the database of the Federal Council (Interview 9) even if these reports were prepared by the Permanent Representation in Brussels (Interview 10). However parliamentarians do not often consult these reports. Indeed, as explained by an official of the Austrian parliamentary administration: *'It is a question if they are using it or not. Some are specialist, so they will*

have a look at it. But normally, this work is mainly done by the party experts, for the political fraction, and by us, by the administration. We go through it and have a look. But technically, of course members have access to those reports' (Interview 9).

Farther parliamentarians did not conduct any additional auditions or debriefings with the executive to follow up on their opinion. As an official from the Environment ministry puts it, when talking about EU scrutiny in the environmental policy field:

'We have of course a European committee in the Austria parliament; very rarely the Austrian Environment minister would go there. It is very often the Foreign minister, the chancellor also before EU Councils, also more Economic Affairs, but less the Environment minister. But this has changed since 2013, and the new minister of Environment, who has experience at the EU level before he came back to Austria'. (Interview 47).

Interestingly, this quote suggests that the distribution of information between the Principal and the Agent differs according to the policy field, with more structural information on Economic affairs than on environment for example. This situation increased the informational asymmetry between the Austrian executive and the Federal Council, as no systematic and institutional debriefings of Council's negotiations were taking place in the Austrian parliaments during that period. The dossier was not discussed anymore in the Federal Council, even after the reception by the administrative unit of the Federal Council in October 2012 of the answer of the European Commission' to their parliamentary opinion (European Commission, 2012a).

1.3.4 Domestic salience of the EU proposal

As such, water policies are considered in Austria as a salient topic *in* the environmental policy field. In this specific case, one of the main arguments triggering parliamentary scrutiny, but also the fears of the executive, was the huge expected financial costs for Austria (Interview 9, Federal Council, 2012b; Lantag Von Niederösterreich, 2012). Yet, this issue triggered more the attention in the Länder (whether at the regional level or in the Federal Council) than at the national level. On the executive side, the issue was considered salient in the environmental policy field, but 'as salient' as the other cases analysed in this research. An official from the Austrian Permanent Representation explains: *'I can tell you that for my counterparts in the capital, for all three dossiers⁷², we followed that very closely. Yes, all of the three files were important for the ministry'* (Interview 10, see also Interview 47).

⁷² Note 1: the Seveso case was not part of the Interview. Additional note: when I can agree with the comparison of the PS in the field of water Policies with the LIFE regulation, the importance and related activity of the Austrian delegation on the CO2 regulation must be nuanced (see. Chapter 8).

Finally, the media coverage in Austrian newspapers on the issue regarding PS in the field of water policies can be considered as relatively low. Based on the analysis⁷³ of two Austrian Newspapers (Die 'Presse' and Der Standard), the media coverage of the negotiations was limited, but it did not disappear from the national press, with 4 articles referring whether on the upcoming revision of the list of priority substances (1 article), on the EU legislative proposal soon after its release (1) or at the end of the negotiation after the final vote in the EP (2).

	2011	2012	2013	2014	2015	2016
<i>Die Presse (National)</i>	0	0	0	0	0	0
<i>Der Standard (National)</i>	1	1	2	0	0	0
Total per year	1	1	2	0	0	0
Total all years					4	

Table 19: Media Coverage – Austria - Directive 2013/39/EU

In addition, according to an MP of the EAC of the Federal Council, media coverage was important on this case: *You have to look in what was in the media, the pressure against me and against the socialist party. Then the socialist (...) told please, we are in an election campaign*⁷⁴. *And I said no: I cannot say it is dark blue* (note: speaking of the water), *it is green* (Interview 49). Yet, the analysis of the media coverage does not allow us to confirm this quote. Maybe this is what the interviewee is mentioning, but it is interesting to note that EAC member Edgard Mayer (ÖVP) published several press releases on this dossier after the meetings of the EAC (ÖVP press office, 2012a; 2012b). As a short remainder, the main opposition in the discussion in the EAC were between the ÖVP and the SPÖ.

2. Belgium

2.1 Parliamentary activity in Belgium – The Directive 2013/39/EU

In Belgium, the release of the proposal on priority substances in the field of water policy by the European Commission did not trigger substantial attention in parliaments. When looking

⁷³ The analysis was directly conducted on the website of *Die Presse* and of the *Der Standard*. On each of the website, the following string words were used: prioritäre Stoffe im Bereich der Wasserpolitik; Wasserpolitik; Oberflächengewässern; Umweltqualitätsnormen; Abwasser Europa, wasser-schadstoffe, Beobachtungsliste, Richtlinie 2013/39/EU.

⁷⁴ To be accurate, it should be speaking of an election year, since elections in lower Austria were taking place in March 2013, hence a little bit less than a year after the adoption of the opinion by Lower Austria state parliament in the plenary (15th March 2012).

at parliamentary scrutiny at the **domestic coordination stage**, one individual scrutiny action (Flemish parliament, 2012 – written question, LDD - opposition) was specifically targeting the EU negotiations on the 15th of February (Flemish parliament, 2012). No other scrutiny actions were taken by Belgian parliaments at the coordination stage (Interviews 32, 37, 41). In short, except for the Flemish minister of Environment that had one written question at the early start of the negotiation, the Walloon, Brussels and Federal ministers of environment had a full margin for manoeuvre vis-à-vis their parliaments.

At the **negotiation stage, indirect parliamentary** actions occurred on an occasional basis but were not coded in this research as actions related to the negotiations. These scrutiny actions were not directly mentioning the on-going revision of the list of priority substances, yet they tackled some of the outstanding issues of the EU negotiations (e.g. persistent substances in water, pharmaceuticals). More precisely, two scrutiny actions were observed in the Walloon parliament: one written question discussing the EQS deadline of 2015, 2021 and 2027 (Walloon parliament, opposition, MR, 2012), and finally one question related to the European environmental norms, with a special attention for persistent substances in water (Walloon parliament, from opposition, MR, 2013). No other parliamentary actions were observed in the Flemish, Brussels and federal parliaments. On the executive side, the revision of the list of priority substances was never mentioned by the governments in any of the answers given to parliamentarians.

At the (domestic) **implementation and transposition stage**, one **indirect scrutiny** action of the Flemish parliament can be outlined. More precisely, one oral question was asked on the issue of pharmaceuticals in the river 'Maas' (Flemish parliament, 2013). The latter is coded as a scrutiny action since the minister makes an explicit reference to the 2013 directive on priority substances in its answer. Interestingly, the minister does not mention the position that was defended by Belgium and Flanders at the EU level. This means that in light of the lack of information parliament has on what happens in the Council, the minister did not see the necessity in sharing additional information with parliament. Most specifically, regarding the **transposition** of directive 2013/39/EU, Belgium transposed new dispositions related to the directive into its domestic legislations without implication from Belgian parliaments, however it was done so with a short delay. Thus the European Commission sent a formal notice to Belgium in November 2015 and finally closed the case the 27th of May 2016 (infringement case 20150511). In total, 5 National Implementing Measures (NIM) were needed to adapt Belgian legislation to the new directive (Eur-Lex, 2016). All measures are 'Arrêtés gouvernementaux' and were adopted between the beginning of November 2015 and the end of March 2016. Hence, both the federal and regional levels had to modify their existing

legislation. Water policies in Belgium are thus mostly regionalised, except for measures related to marine and coast waters that are federal competences.

Table 20 presents a summary of the previous observations.

Instrument used	Coding of parliamentary actions													
<u>Coordination Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr></table>	Mandate/Opinion	☐	Subsi/ Pol. Dialogue	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☒	- One written parliamentary question – Flemish Parliament Coded as: + 1 (*1) Total: 1	1
Mandate/Opinion	☐													
Subsi/ Pol. Dialogue	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☒													
<u>Negotiation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	- No parliamentary scrutiny in any of the 9 Belgian parliaments Total: 0	0		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Transposition/Implementation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr><tr><td>Transposition debate</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☒	Transposition debate	☐	- Parliaments were not involved in the transposition process of directive 2013/39/EU. - One oral parliamentary question – Flemish Parliament Coded as: + 2 (*1) Total : 0	2		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☒													
Transposition debate	☐													
Overall parliamentary scrutiny in Belgium before, during and after the negotiations of the PS in the field of Water directive		3												

Table 20: Parliamentary scrutiny in Belgium - PS in the field of Water Policy

2.2 The autonomy of the Belgian executive – The Directive 2013/39/EU

The Belgian executive did not encounter intensive parliamentary scrutiny during the negotiations and implementation of the novelties of the 2013/39/EU directive. Most specifically, only one written question (Flemish parliament) asked during the coordination stage focused specifically on the EU proposal. Most of the other parliamentary scrutiny actions addressed the issue but only indirectly. At the implementation stage, one oral

question was asked to the Flemish environmental minister. Thus the activity score regarding the parliamentary scrutiny conducted in Belgium for the PS in the field of Water policy is weak, with an absolute value of 3.

When looking more closely at the reasons behind parliamentary scrutiny, the first scrutiny action consisted in a written question of a Flemish MP from the opposition (P. Reekmans, LDD). The MP asked the Flemish government his opinion and position on the new EU legislative proposal and focuses on the implementation consequences of the new EU proposal for Flanders. The answer of the minister is short and no information is given to the parliament regarding the position defended by the federal government at the EU level, nor on the ongoing coordination process between regional and federal governments. At the time the parliamentarian asked the written question (less than two weeks after the release of the EU legislative proposal), Belgium already started the executive coordination process between the regional and federal level⁷⁵, but did not yet intervene in the Council. What is striking with this written question is the fact that it was asked two days only after the first WPE meeting where the Commission presented the proposal. However, no empirical observation is available to formally link this parliamentary action and the WEP meeting. On the executive side, there is no precise recount of this written question from the ministerial cabinet of the regional minister and the latter was not mentioned during the coordination meetings at the executive level (Interview 36). Overall, the same interviewee explains that the parliament is not really active on European affairs as such. As explained: there is no debate on Europe, of any kind, in Flanders but also in Brussels, and to some extent in Wallonia. On this matter, the following two quotes made by officials of two Belgian regional environment ministers' cabinet are interesting:

1. 'The interest of the parliament is rather limited. There is hardly any interest on what happens at the EU level, unless they read something in the papers, and then you can have a question on the issue. (...) But there are no ... it is not a public debate, the EU is not a public debate in Flanders. Or it was not at least a public debate during that period (Interview 36)'

2. 'It is even a more fundamental question that I ask myself: Already, parliamentarians are not doing their job, but the media does not do its job either. I tried to mobilise the media, but this was really difficult'. (Interview 32)'

The other scrutiny action consisted in an oral question of an MP from the parliamentary majority (Sp.a – C. Mahassine). The MP asked the Flemish environment minister about the presence of pharmaceuticals in the water of a Flemish river (the Maas). The question is mainly informational and asks about measures taken to improve water quality, the presence

⁷⁵ More precisely, even before the proposal was out, a coordination note (a first draft of 'version 0 - fiche CCPIE' was already available at the end of 2011, hence 3 weeks before the European Commission released the legislative proposal.

of standards to monitor pharmaceuticals in water and finally, who are the actors involved in these processes. To this matter, the minister makes a reference to the Directive 2013/39/EU, but do not specify the position that Belgium defended on the issue of pharmaceuticals during the EU negotiations. Hence, the only information that the government gave on the directive 2013/39/EU came *after* the end of the negotiation but did not specify the position defended by Belgium.

To conclude, did this scrutiny process affect the autonomy of negotiation of the Belgian executive? On this matter, a quote of an official from the cabinet of a Belgian regional minister makes the following observation on the general activity of parliamentarians regarding EU affairs in the environmental policy field:

'I'm disappointed at the level of our parliamentarians in the Brussels parliament. They hear about something, then they think: 'why not ask a question'. We prepare an answer to the question, and then ... that's it, there is no follow-up by parliamentarians. It is not like if they defended something, that they have an alternative, an idea' (Interview 32, see. also Interview 38).

In light of the empirical elements presented above, several elements can be highlighted. First, only one parliament scrutinised his executive regarding the EU decision making process, leaving the Brussels, Walloon and federal ministers with a total liberty vis-à-vis their own parliaments. Second, at the time the question was asked, Belgium did not yet position itself in the Council, yet at the time the directive was negotiated, it was Walloon and Brussels ministers who were sitting in the Council. Except for the first written question, the parliamentary scrutiny conducted did not aim at controlling the executive, and was mainly informational. Based on the following empirical elements, it can be concluded that the Belgian executive enjoyed a high level of autonomy vis-à-vis his domestic parliaments.

2.3 Belgium: empirical observations of explanatory factors

2.3.1 Homogeneity of preferences between Principal and Agent

There are no empirical evidence indicating a conflict of preferences between Belgian executives and the Principal. None of Belgian parliaments positioned themselves on the European legislative proposal collectively. When looking at the individual level, some parliamentary questions tackled *indirectly* outstanding issues of the EU negotiation.

Most precisely, Belgium was against the inclusion of the three **pharmaceutical substances** and had a problem with a fourth substance (Fluorethene, see comment on u-PBTs).

Regarding the three pharmaceuticals, Belgium did not position itself on the issue before July 2012, when all three Belgian regions decided to oppose the inclusion of these substances in the list, hence following most of the EU Member States on the issue (Interview 32, 36, 37, 38, 41, 42; Council of the EU, 2012e). When looking at parliamentary activity, only one written parliamentary question (see. previous section) briefly tackles the pharmaceuticals and persistent substances issues. But the MP (part of the majority in Flanders) does not express a clear position on the issue and asks how the regional government aims at tackling the problem (Flemish parliament, 2013).

On the introduction of the **watch list mechanism**, Belgium welcomed the principle of the watch list as the *'implementation costs will be rather limited'* (Council of the EU, 2012f, Interview 37, 42), and was not opposed to the proposed number of substances of sampling station (Interview 37). This issue did not appear on the radar of national or regional parliamentarians. Finally, regarding **u-PBTs and Priority Hazard substances**, Belgium declared in April 2012 that additional information *'with regard to the reduced obligations for monitoring, reporting and justification for exemptions for the substances behaving as u-PTs. Fluoranthene has to be added to the list of u-PBTs'* (Interview 36, 37). Indeed, according to Belgian government, Fluoranthene has all the characteristics to move from categories and become a u-PBT (8 substances are actually listed as u-PBTs), substances for which derogations must be given by the European Commission (Interview 36, 37). The Commission opposed strongly this suggestion. Again, when looking at the parliamentary actions of MPs, the problem of persistent substances was also spotted by MPs who shared similar concerns as the one of their government. Table 21 summarises the empirical observations discussed previously.

EC Proposal	Agent	Principal	Conflicting preferences
15 New substances, including three pharmaceuticals	Welcomes the list. Against the inclusion of pharmaceuticals in the list	No collective position. At the individual level, political signalling but no clear position.	No
25 substances, obligatory monitoring once a year.	Welcomes the watch. No implementation costs foreseen.	No collective, nor individual positions observed.	No
8 u-PBTs listed. Less intensive monitoring.	Welcome the introduced flexibility introduced in the Commission. BE wanted to add an additional substance to the 8 u-PBTs recognized by the Commission.	No collective position. At the individual level, MPs from the Walloon and Flemish parliaments expressed their concerns regarding persistent substances.	No

Table 21: Homogeneity of preferences between Principal and Agent -, Belgium, Directive 2013/39/EU

2.3.2 Intra-Principal cohesiveness

Belgian parliaments did not position themselves (collectively) on the European legislative proposal. At the individual level, the few parliamentary scrutiny actions undertaken in the Walloon and Flemish parliaments does not show heterogeneity of preferences between Belgian subnational parliaments. Against this background, there is no empirical evidence indicating a conflict of preferences within the Belgian parliamentary system.

2.3.3 Informational asymmetry

The data demonstrate that there was an imbalance of information in favour of the executive. Thus as indicated by Belgian regional parliamentarians, Belgian parliaments received no substantial and structural information from the government or the parliamentary administration (Interview 54, 55). At best, the legislative proposal was listed in the bi-monthly information document of the Walloon Parliament (Walloon Parliament, 2012a)⁷⁶. This situation is similar for all Belgian parliaments. As explained by a member of the cabinet of the Walloon Environment minister: *'Yes, sometimes parliamentarians ask about more information. But on our side, we do not have the 'culture' to systematically inform the parliamentarians'* (Interview 38)⁷⁷. This lack of structural information creates an informational asymmetry in favour of the executives⁷⁷.

However, this does not mean that information are hidden to parliamentarians. In Flanders, an official from the Environment minister cabinet explains: *'Parliamentarians can access all documents of the Flemish government. If they wanted, they could you know'* (Interview 36). This means that if MPs want to fill in the informational gap, they need to get the information themselves and mobilise their own party resources to follow EU affairs. Another example can be observed in the Brussels parliament where MPs can ask the committee clerk to prepare notes or short reports on EU negotiations. For this purpose, a full time official was hired in the previous legislative period (2009-2014), but due to the lack of work the official is now working part-time for EU affairs.

⁷⁶ These bi-monthly documents are short documents listing EU legislative proposal, past and forthcoming Council of the EU meetings and finally, includes internet links to complementary information, such as an informative note (Memo) on a legislative proposal prepared by the Commission.

⁷⁷ Since the 2014 legislative period, this situation is slowly changing as regard the federal and Flemish parliaments. In the case of the Flemish parliament, the regional attaché for environmental policy of the Permanent Representation is now going to the parliament two or three times a year to propose a briefing and debriefing of forthcoming or ongoing negotiations. In the case of the federal parliament, officials from the DGE make written reports for the parliament on EU affairs and negotiations. Yet, first experiences have shown that the interest of parliamentarians is weak, despite this new form of briefing/debriefing (Interview 14, 36, 41).

Finally, regarding this specific negotiation, one Belgian party seems to have devoted particular resources to follow the EU negotiations and inform their MPs. In the Flemish parliament, the opposition party ‘Libertair, Direct, Democratisch (LDD)’ decided to actively follow the EU negotiations. There was a clear focus on water policies and the objective of the written question was to build up additional knowledge for further scrutiny at committee or plenary levels. As explained by a parliamentary assistant of LDD group: *‘The written question technique was widely used by us as an opposition group, with the intention of further developing oral questions in committee or plenary interventions. (...) Yet, from what I remember on this specific written question, we did not take any further initiative (Written interview, 3)’*. Thereby in this specific case, MPs could rely on their assistant and party expertise to start a scrutiny process aimed at building knowledge for further parliamentary scrutiny. In a nutshell, the level of information MPs had was limited, with weak input from the federal and regional governments, and with only limited resources at party or individual level.

2.3.4 Domestic salience of the EU proposal

The overall saliency of this proposal is categorised as weak for Belgian parliaments and executives at the aggregate level. Moreover, in relation with environmental policies, EU issues were rarely discussed in Belgian regional parliaments (Interview 32, 36, 54, 55). An official from a regional cabinet minister explains: *‘There is not really a culture ‘Europe’ in the parliament. Major interests are most on FEDER, for this they all are really motivated. On the contrary, when we discuss, for example, the reduction of greenhouse gas by 2030, we have much more autonomy’* (Interview 38). Yet, in the Flemish parliament, one opposition party (LDD, Libertair, Direct, Democracy party) considered water policies as a priority for the party studying that period. More precisely, the theme of ‘drinking water’ was defined as a priority: *‘In that period, my LDD fraction followed pretty intensively the theme ‘drinking water’, and that, from various aspects. It is also in the margin of that interest that arose written question on the 15th of February 2012, before we actively followed the relevant European negotiations’* (written interview 3). Consequently, it is not surprising that the only scrutiny action specifically related to this legislative proposal was taken by the LDD.

At the executive level, the dossier was not considered as highly ‘political’ and described as a technical dossier, mostly discussed at the expert level, in CCPIE meetings (Interviews 32, 36, 38, 41). At the level of the DGE, one issue specifically triggered attention from the executives: the inclusion of the three pharmaceuticals. On this issue, Belgium held a scrutiny reserve until June 2012, before all three regions opposed themselves for their inclusion in the list of PS. As rightly noted by the Belgian official in charge of coordination, for each new

substance in the list, the risk increases the fact that Belgium could not reach its objectives by 2027. Belgium and most specifically the Walloon region also recently faced a condemnation by the Court of Justice for their delay in the implementation of the directive related to *residual water*. Taking this into account, adding substances on the list of PS was not the political priority, as explained by an official of cabinet of the Walloon regional minister:

‘Based on the position of the Stakeholders and implementers, a position that was really technical, but also thanks to the fact that I forgot a bit my environmentalist conscience, we said: let’s work first with caution and wait to have an Impact assessment and cost estimate of such implementation’. (Interview 37).

Besides, stakeholders in Belgium highly mobilised for this proposal. In this regard, a ‘stakeholders’ dialogue’ meeting was organised by the CCPIE in Brussels at the beginning of March 2012. During this meeting, the topic did not trigger much reaction from Belgian stakeholders (Interview 37). To summarise, this dossier was considered important for Belgium, but did not trigger intense political debates and was mostly prepared at the technical level.

Finally, table 22 presents the number of written articles that addresses specifically the revision of the list of priority substances.

	2011	2012	2013	2014	2015	2016
<i>Le Soir (National)</i>	0	0	0	0	0	0
<i>Le Standaard (National)</i>	0	0	1	0	0	0
Total per year	0	0	1	0	0	0
Total all years					1	

Table 22: Media coverage – Belgium - Directive 2013/39/UE

Furthermore, it is interesting to note that one parliamentary question coded in this research (indirect parliamentary question on pharmaceuticals) makes a direct reference to ‘Het belang van Limburg’, a Flemish written newspaper (Flemish parliament, 2013). Nevertheless, the media coverage is bigger and more regular when discussing the overall quality of drinking water, rivers and underground water. This greater mediatization is partly the result of the release of an annual report by the European Commission on the quality of water in Europe, or of the annual report by the Flemish agency for Environment. References to these reports can be found in several parliamentary questions in the Walloon and Flemish parliaments. Besides, two other topics related to water quality triggered the media attention and those of parliamentarians during the legislative period: the pollution of the ‘Zenne’ river but also of ‘La Meuse’, and to a lesser extent, the condemnation of Belgium by the European Commission

for a delayed implementation of directive on residual water, also known as the Urban Waste Water Directive.

3. Germany

3.1 Parliamentary activity in Germany – The Directive 2013/39/EU

In Germany, the release and upcoming negotiation of the proposal on priority substances in the field of water policy by the European Commission triggered moderate but regular attention from German parliaments, with parliamentary scrutiny taking place both at the regional and federal levels.

When looking at parliamentary scrutiny **at the coordination stage**, at the federal level the legislative proposal did not trigger attention in the Bundestag, but was debated in the Bundesrat. On this matter, after the consultation of the sectorial committees and the EAC the 19th of March 2012 (Bundesrat, 2012), with the adoption of opinions by 2 committees (ENVI and Economy), the Bundesrat adopted its final resolution in its plenary the 30th of March 2012 (Bundesrat, 2012a). The opinion is relatively long (6 pages, 1512 words) and enters into some of the technical details of the directive.

Now looking at the Länder level, two main observations must be outline. First, four out of the 16 Länder Landtage received the UE proposal and decided to 'take note' of the legislative proposal (Brandenbourg, Lower Saxony, Saxehlat, Thuringen and Hamburg), but only Hamburg adopted a subsidiarity opinion on the latter (Hambourg Landtag, 2012). The half a page opinion of the Hamburg state parliament did not notice any subsidiarity breach, and relied mainly on information provided by the regional government without particular debate (Interview 17). Second, one Länder State parliament undertook a more deep scrutiny process of the EU legislative proposal: the Landtag of Baden-Württemberg (Baden-Württemberg Landtag, 2012, 2012a). The origin of the scrutiny is a report (informative note) drafted by the ministry of Environment, Climate and Energy for the Landtage (Baden-Württemberg, 2012, see. also Baden-Württemberg, 2012a). As such, this report is a briefing of the state parliaments on EU affairs, as it is a '*project of considerable political importance*' according to the ministry (Baden-Württemberg, 2012). The report of the government was debated twice, in the Environment committee the 8th of March 2012 and in the EAC the 28th of March 2012, where the minister was present to discuss the legislative proposal with the MPs (Landtag Baden-Württemberg, 2012, 2012a). Following these meetings, the plenary confirmed the committee recommendations and endorsed the argument put forward by the government (Landtag Baden-Württemberg, 2012b).

When observing the control conducted during the **negotiation stage** by German parliaments, written reports of the negotiations occurred at the federal level and follow up scrutiny was undertaken in the Baden-Württemberg Landtag. More precisely, the Bundesrat nominated an expert that followed the negotiations and who joined the German delegation in Brussels for WEP and Council's meetings.

'I'm here to represent the federal States, and the aspects of the federal States. For example, monitoring is a very important aspect for the federal States (...) Monitoring, implementation in the federal states, types of measures, these are our problems, not of Berlin. (...). Because our federal States are very different, 16 different federal States, with different problems and my mission is to do it for all'. (Interview, 25).

However, no follow up opinions or committee meetings took place in the Bundesrat. Regarding the Bundestag, as for the coordination stage, no specific parliamentary actions were observed. At the Länder level, the Baden-Württemberg Landtag continued the scrutiny of the EU negotiations (2012c). As for the coordination stage, the origin of the scrutiny process is an information note written by the Ministry of Environment, Climate and Energy the 14th of September 2012 (Baden-Württemberg, 2012a). Following this written reporting, the Environment committee debated the negotiations' evolutions on the 25th of October 2012. In short, the committee takes note of the report and strategy of the regional executive and hereby endorses the strategy of the regional executive. As for the previous scrutiny process, the recommendations were approved in the plenary without debate the 15th of November (Baden-Württemberg, 2012d).

Finally, regarding the **transposition stage**, most of the modifications in the legislation must be transposed by federal acts. The Commission sent a formal notice to Germany for incomplete transposition the 20th of November 2015 (infringement case 20150517). Still, the transposition process is still ongoing and the Bundestag and Bundesrat expect to receive a legislative proposal in the short term (Interview, 19). Indeed, one (group of) written questions prepared by the political group of the Greens was asked in September 2015, hence the month of the transposition deadline (Bundestag, 2015).

Table 23 summarises the previous information.

Instrument used	Coding of parliamentary actions													
<u>Coordination Stage</u><table><tr><td>Mandate/Opinion</td><td>☒</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☒</td></tr><tr><td>Exchange of views</td><td>☒</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☒	Subsi/ Pol. Dialogue	☒	Exchange of views	☒	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	Regional level - Subsidiarity opinion of Hambourg Landtag. <i>short statement. Coded as: 1 (*0,5) = 0,5</i> <i>Other Landtage took note of the proposal, but are not coded as no parliamentary actions were taken.</i> - Exchange of views – Committee level EAC – Baden-Württemberg State parliament. Coded as: 1 (0,5) = 0,5 - Exchange of views – Committee level Environment – Baden-Württemberg State parliament. Coded as: 1 (0,5) = 0,5 - Recommendations/Report – Baden-Württemberg Sate parliament. <i>Non-binding, general guidelines. Coded as: 1 +1,5 *(0,5) = 1,25.</i> Federal level - Recommendation –Bundesrat. <i>Opinion non-biding and general guidelines. Coded as: +1 + 1,5 (*1) = 2,5</i> Total: 5,25	5,25
Mandate/Opinion	☒													
Subsi/ Pol. Dialogue	☒													
Exchange of views	☒													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Negotiation Stage</u><table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	Regional level - Written Debriefing – Committee level - Baden-Wurttemberg State parliament. Coded as: 1 (0,5) = 0,5 - Exchange of views – Committee level Environment. Baden-Württemberg State parliament. Coded as: 1 (0,5) = 0,5 - Recommendations/Report – Baden-Württemberg Sate parliament. <i>Non-binding, general guidelines. Coded as: 1 +1,5 *(0,5) = 1,25.</i> Federal level - Ad locum scrutiny – Direct ‘physical’ presence. Coded as: 2. Total: 4,25	4,25		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Transposition/Implementation Stage</u><table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr><tr><td>Transposition debate</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☒	Transposition debate	☐	- Parliaments were not involved in the transposition process of directive 2013/39/EU. - One written parliamentary question(s) of Bundestag: Coded as: 1 <i>For information: One proposal of resolution (rejected) on implementation of WFD to reach good water status (indirect action)</i> Total: 1	1		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☒													
Transposition debate	☐													
Overall parliamentary scrutiny in Germany before, during and after the negotiations of the PS in the field of Water directive		10,5												

Table 23: Parliamentary activity in Germany - PS in the field of Water Policy

3.2 The autonomy of the German executive – The Directive 2013/39/EU directive

The German executive faced important parliamentary scrutiny at the beginning of the negotiation and to a lesser extent, during the negotiations and implementation stages. More

precisely, at the federal level most of parliamentary scrutiny came from the Bundesrat as it acted at the coordination stage (with an opinion) and during the negotiation (with ad-locum control). For this negotiation, the involvement of the Bundestag was limited to one parliamentary questions (opposition) at the implementation stage. At the regional level, the Baden-Württemberg Landtag conducted most of the parliamentary scrutiny, both at the coordination and negotiation stages. Overall, when looking at the parliamentary scrutiny conducted by German parliaments, the activity can be qualified as relatively important, with an absolute value of **10,5**.

Now looking in more details in the content of the parliamentary scrutiny and its impact on the autonomy of the federal executive, it can be argued that the scrutiny conducted by the Bundesrat impacted on the autonomy of the federal executive, notably on the pharmaceuticals issue. At the start of the negotiations, Germany together with Sweden, Denmark and Luxembourg, were the only Member States defending the inclusion of pharmaceuticals in the list of substances (Interview 37), but after the opinion of the Bundesrat, the situation changed.

Interviewer: When looking at this issue and the German position, tell me if I'm wrong, but at the beginning of the negotiations Germany defended the inclusion of the three pharmaceuticals in the list, then, in light of the EU negotiations – with most MS against it – the position evolved. Right?

Interviewee: *It was because of the opinion of the Bundesrat, we had to end (...) The position of the environment ministry in Berlin was first to get the pharmaceuticals into the list, but after the opinion from the Bundesrat, and after the opinion of the ministry of Economy and others, we had to change this position.* (Interview 25).

In addition, the opinion of the Bundesrat had an impact on several other minor issues of the negotiation, such as the type of model used to measure metals in water (lead and nickel), but also regarding the cost induced by the EU proposal⁷⁸. In addition, the presence in Brussels with the German national delegation during the negotiation allowed the Bundesrat to stay informed and have first-hand information on the executive position. This is why the negotiation autonomy of the federal executive diminished, especially in cases such as the revision of the PS in the field of water policies, a file considered as really technical with important implementing consequences for the Länder. Now looking at the parliamentary scrutiny conducted in the Bundestag, the written parliamentary questions were mainly tackling implementation issues. Indeed, the question aimed at knowing the values in the water of specific substances (perfluorooctane sulfonate and of PFOS). As such, these two questions were informational and did not aim at controlling the position or measures taken by

⁷⁸ For other examples, see the written comments of the German delegation (Council of the EU, 2012d; Council of the EU, 2012g). For example, see the comment of the 10th of April 2012, hence a few days after the Bundesrat's opinion. In this written comment, the first paragraph is almost word per word the introduction of the Bundesrat opinion.

the federal executives regarding the 2013/39/EU. Hence, these actions did not impact on the autonomy of the federal executive.

Now discussing the scrutiny conducted at the regional level, I look at the reasons behind the scrutiny conducted by the Landtag of Baden-Württemberg. Overall, the EU proposal was discussed both at the coordination and negotiation stages in the EAC and environment committee. The scrutiny conducted in these committees mainly relied on previous informational notes drafted by the regional government for the Landtag. Each time, the plenary endorsed without debate recommendations drafted by the committee, and then followed the arguments put forward by the government. Yet, timing is important here as it takes place before the first committee meetings in the Bundesrat. On this matter, the Environment minister of Baden-Württemberg declared that *'they would agree with other federal states for a common position in the Federal Council, which should aim to ensure that the planned amendments of the EU directive and the cost-effectiveness of the analysis and measurement procedures and the compliance with limit values are also ensured under cost aspects'*. (Baden-Württemberg Landtag, 2012:2). Thus in this case, the parliamentary scrutiny resulted in an endorsement of the strategy of the executive before the Bundesrat negotiations.

Overall, when the scrutiny conducted at the regional level mainly consisted in endorsing the position of the government before Bundesrat coordination, the scrutiny of the federal level, and mainly the Bundesrat impacted on the autonomy of the federal executive. Based on the arguments presented previously, it can be concluded that the autonomy of the German executive was impacted through parliamentary control conducted at the federal level.

3.3 Germany: empirical observations of explanatory factors

3.3.1 Homogeneity of preferences between Principal and Agent

Homogeneity of preferences between German parliaments and the federal executive was relatively high, but an important difference is observed at the start of the negotiation on the most outstanding issue of the negotiation: the inclusion of pharmaceuticals in the list of Priority Substances. Indeed, both the Bundesrat and the Baden-Württemberg Landtag disagree with the federal executive on this matter. Regarding the Bundestag, no conflict in preferences is observed.

More precisely, the German executive welcomed the **review of the list of priority substances** and was one of the few MS that supported the inclusion of the three pharmaceuticals (Council of the EU, 2012g). On this aspect, the Bundesrat recognised that pharmaceuticals needed consideration but proposed to move it from the list of PS to the watch list mechanism (Bundesrat, 2012). As such, the Bundesrat did not share the preference of the federal Agent, which defended and highlighted on several occasions the special attention that should be given to pharmaceuticals and awaited for the EP position on this aspect. The situation is the same for the Baden-Württemberg Landtag, with a clear position against the inclusion of pharmaceuticals by both the regional executive and its parliament. Hence, on the matter of the scope of the PS list and the inclusion of pharmaceuticals, it can be concluded that there was no homogeneity of preferences between German parliaments and the federal executives.

Following the same negotiation line as for the list of priority substances, Germany supported the creation of the **watch list** but did not want to face uncontrolled cost regarding monitoring obligations. In addition, the German delegation wanted additional clarifications on the measurement method for some of the substances in the list. This position is identical to the one of the Bundesrat, when the opinions drafted by the BW did not specifically address this issue.

Third, the issue of **u-PBTs and PHs** were at the center of German interventions in the Council. Germany supported the changes (more flexibility) introduced by the Commission regarding u-PBTs, but insisted on having separate mapping for PHs and U-PBTs. The Bundesrat asked the federal government to tackle the u-PBTs issue while having separate maps, which was one of the main argument defended by the Landtag of Baden-Württemberg.

Finally, the preferences between the German executive and German parliaments went in the same direction. Table 24 proposes a short summary of the previous observations.

EC Proposal	Agent	Principal	Conflicting preferences
15 New substances, including three pharmaceuticals	Welcomes the list and favours the inclusion of pharmaceuticals in the list	Pharmaceuticals from the list of PS to the watch list	Yes
25 substances. Monitoring once a	In favour of the watch list. Worried	Welcomed the watch list. Worried about analytical method	No

year.	about analytical method for measuring new substances.	for measuring new substances.	
8 u-PBTS listed. Separate and less intensive monitoring	Supports modifications introduced by the Commission. Asked for separate maps for reporting on the quality of water.	Asked the government to have special attention on u-PBTS and PHs. Want separate maps to report on the quality of water.	No

Table 24: Homogeneity of preferences between P&A – Germany - PS in the field of Water Policy

3.3.2 Intra-Principal cohesiveness

Empirical evidence indicate that there was no heterogeneity of preferences between the Bundestag, the Bundesrat and the German Landtage that positioned themselves on the issue. Indeed, overall parliamentary activity from German parliaments on this EU legislative proposal offers different extent of involvement, with two main actors: the Bundesrat and the Landtag of Baden-Württemberg. Going deeper in the homogeneity of preferences between the BW Landtag and the Bundesrat, it can be said that there was no major conflicts in the preferences. This situation is not surprising, as the Baden-Württemberg clearly lobbied the Bundesrat during the coordination stage to upload their preferences to the federal level:

‘In recent months, the Ministry of the environment, climate and Energy sector has played a decisive role in the differentiation of the draft directive at various levels and with different activities (...). With this objective, the minister subject was introduced to the Environment Conference in June this year, as well as in various talks with representatives of the European level, the federal level, or in other countries and European regions. The decision of the Federal Council of 30 March 2012 on the draft of the EU Commission was also decisively influenced by requests from Baden-Württemberg’ (Baden-Württemberg, 2012a).

Hence, when looking at the aggregated level (official position expressed by German parliaments), no conflict of preferences is observed between German parliaments.

At the federal level, divergences of preferences were present on the issue related to the pharmaceuticals between the German Länder, hence affecting the overall strength of the ‘parliamentary majority’ in the Bundesrat. Thus different positions existed between the Länder: some (but a minority) were in favour of including the pharmaceuticals when others, a majority of Land, favoured the inclusion of the pharmaceuticals on the watch list (Interview, 22, 25), or to exclude them from the list. However, there is no voting record (Land per Land) available to identify clearly the repartition between the Land on this specific issue. This is in part explained by the different needs of German Länder to improve the quality of water. As explained by a member of the German delegation in Brussels:

For example, the pharmaceuticals, you can reach a lot about this with the waste plants. But we have relatively big plants. In other federal states, they have smaller water plants, they

need much more money to upgrade, so they do not like quality standards for the Pharmaceuticals, because then it gets red rivers (Interview 25).

Another example of this difference in the preferences regarding pharmaceuticals can be found in the strategy defended by North Rhine-Westphalia (NRW). Indeed, the Baden-Württemberg (BW) land is not the only one that lobbied domestic and EU actors to defend their position. First, at the plenary meeting of the Bundesrat, the Minister of Environment of NRW made a statement before the vote of the Bundesrat recommendation. In the latter, the minister strongly supports the EU legislative proposal as it stands. Some sentences of the statement clearly expressed different positions on pharmaceuticals, the 'map' issue or on the watch-list mechanism.

It is now time to include drugs and hormones, which nevertheless have serious benefits for human beings, which can be serious problems for water quality. (...) The existing uncertainties in which the consequential costs are to be expected cannot delay the technical regulation of these chemicals group of importance for the protection of the water in the new directive. (...) A shift of the proposed substances into the observation list is no longer sufficient at the present time. We need to find a system that promotes the acceptance of mitigation strategies in the professional world, in the economy, in society and in politics. This is why North Rhine-Westphalia welcomes the Commission's proposal in its current form (...). (Bundesrat, 2012b).

Yet, we can see in the final recommendation of the Bundesrat that the position of NRW was not heard by a majority of Land (see. Previous). Second, in February 2013, thus a few weeks before the EP vote on the draft legislative proposal, the Environment minister of NRW sent a letter to his MEP in Brussels to explain and present the position of NRW, especially regarding the presence of diclofenac – a pharmaceutical substance – in NRW water (Interview, 25). On this divergence of preferences in the Bundesrat, a member of the German delegation in the Working party comments:

Interviewer: So really different situations among the Länder, which can explain to some extent the loose opinion of the Bundesrat?

Interviewee: Yes.

Interviewer: In a way, was it not giving more room for manoeuvre for the federal government during the negotiation?

Interviewee: *aahh... No. Because, you are stronger if you have clear directions. I think our position in the working party was sometimes weak, because we do not have the support of the federal States. We could play a bigger role in the question of the Pharmaceuticals if we had a clear mandate, that's a problem.* (Interview 25).

When looking at the regional level, the homogeneity of preferences in the Hamburg Landtage is high, with all parties adopting the opinion together (Interview, 17). Another example at the regional level can be found in the Baden-Württemberg state parliament. Again, the homogeneity of preferences is rather high, and supportive of the government position, with all parties rejecting as such the EU proposal unanimously (see. Landtag Baden-

Württemberg, 2012a). To sum up, when the preference homogeneity was relatively weak in the Bundesrat, with important Länder lobbying for different position (NRW and BW), the situation is more nuanced at the regional level, where parliamentarians and political groups were supporting, most of the time unanimously, the position of their government.

3.3.3 Informational asymmetry

Informational asymmetry was low at the beginning of the negotiation, which allowed scrutiny by the parliaments to be conducted ex-ante. During the negotiations, information were available to parliamentarians from both the federal and to some extent the regional levels, but on an occasional basis and it was mainly dependent of the executive willingness to share information with the Principal.

At the federal level, the Bundesrat relied on the support from parliamentary administration and on officials from Länder administrations to prepare their opinion. As the Bundesrat is composed of members of the executive, it is easier for the latter to have technical knowledge as they can receive information from their own administration (Interview 19). In addition, and for this legislative proposal, the Bundesrat had nominated a 'Bundesrat expert' in charge of following the negotiations of the proposal for all Länder. This person accompanied the German executive in the Council and played the role of an 'observer' during the negotiations. Finally, regional executives also had access to reports of the Council of the European meetings (ministerial level) drafted by officials of 'Länder Observer Office' in Brussels. This office prepared two reports for the Länder executives in which information on the PS in the field of water proposal can be found (Interview 40). These are short 2 pages report presenting the EU proposal, the state of the negotiations in light of the Bundesrat opinion. Hence, these reports offer succinct but direct information on the evolution of the dossier at the ministerial level. On its side, the Bundestag did not receive any specific information from the government regarding this legislative proposal (Interview 31).

At the regional level, only Baden-Württemberg received regular reports from their regional minister on the EU negotiations (Baden-Württemberg, 2012; 2012a). As shortly introduced previously, the government gave a report on the EU proposal ex-ante and gave, on occasional basis, written reports to the Landtag to inform them about EU and domestic evolutions. In Hamburg, they received information from the government and an assessment from the Landtag administration to prepare the subsidiarity opinion, but the information provided was relatively limited and mainly dependent on the government and parliamentary administration expertise. On this aspect, a parliamentarian of Hamburg parliament explains:

'Yes, both send us a document, and then, we read it of course. The services just checked regarding the subsidiarity and the Principle of proportionality. These were the only aspects of these meetings, we never discussed the content. This is why it was a bit doubtful, was it necessary? (Interview 17)'

To summarise, at the start of the EU negotiations, some German parliaments enjoyed a relatively high level of information. Yet at that time, they could rely on documents transmitted by the EU, but also on informational notes or expertise from the administration. Yet, the only case with a structural flow of information between executive and parliament was observed in Baden-Württemberg.

3.3.4 Domestic salience of the EU proposal

The saliency of the priority substances in the field of water policy proposal was relatively high for German parliaments, despite a low coverage in the national media of the EU negotiation. At the domestic level, empirical observation allows to outline the particular importance of this dossier for Germany, and for some Länder and their Landtage in particular. What has triggered the attention of parliamentarians and regional executives is threefold.

First, the potential cost to upgrade water treatment management plants was one of the key arguments used by opponents to the inclusion of pharmaceuticals in the list of priority substances. In this regard, the opinion of the Bundesrat is interesting, as it stresses the proportionality and efficiency of EU measures, notably regarding priority hazardous and pharmaceuticals (Bundesrat, 2012). Discussions in the Baden-Württemberg Landtage go in the same direction and endorsed the executive strategy to build a coalition in the Bundesrat to limit the scope and related costs of the EU proposal (Baden-Württemberg, 2012). The BW executive in the first informative note given to the Landtage also directly discusses the question of the 'saliency' of the EU legislative proposal. In this document, we can read the following: *'There are doubts about proportionality and feasibility, as the extremely low limits which are based on theoretical model calculations cannot be achieved in the long term, even with high effort in reality (Own translation)'* (Baden-Württemberg, 2012:2). Further away in the document, the costs are shortly discussed. In brief, it expects a *'high financial impact on water monitoring'*, especially if the need to update water treatments plants to the fourth purification stage is needed.

Second, the cost in term of 'image' vis-à-vis the public opinion of the reporting (maps) of the quality of water of some substances, in particular the ones that are persistent in time or difficult to detect or analyse scientifically. On this matter, the Environment minister of Baden-

Württemberg – part of the green party! - issued a joint press release with the head of the State Institute for Environment, measurements and Nature conservation of Baden-Württemberg, where they explain that the legislative proposal ‘goes too far’ (Baden-Württemberg, 2012b). They take the example of the *Constance Lack*, which have advanced water treatment plants and that would still have to face above limits status for some PAHs. Phrased differently, the stringency of the new environmental standards would have as a consequence that most of Baden-Wurttemberg water would be categorised and reported as ‘not good’ (Euractiv, 2012). Recognising the importance of a good water quality, they advance that other types of measures are necessary to deal with such substances, preferably ‘beginning of pipe’ solutions (i.e. interdictions, as already done for industrial chemicals and pesticides in some cases). Interestingly, German MEP Rebecca Harms from the EFA-Green group does not share the opinion of the BW colleagues, as she considers the proposed list of PS as bare minimum and calls for additional substances to be placed on the list (Euractiv, 2012).

Third, the debate was linked to the discussion dealing with drinking water quality (Interview 25) and the types of water treatments plants, a topic much more visible and understandable than the ‘technicality’ behind the revision of the priority substances list. In short, depending on the Länder, the quantity of drinking water coming from surface water (such as rivers vs. groundwater) varies greatly from Land to Land. For example, in Länder such as Berlin or NW, the dependence on rivers for drinking water is higher than in other Länder, hence they are often in favor of ambitious quality standards in surface water.

Finally, coming back to the overall level of mediatisation, the level of mediatisation was moderate⁷⁹ regarding the negotiations of the EU proposal. One common ground for almost all articles found during the analysis is the discussion of the presence of pharmaceuticals in water, with a special focus on diclofenac.

Table 25 presents the results specifically discussing the EU negotiation on the directive 2013/39/EU and is presented in the following table.

⁷⁹ The analysis was directly conducted on the website of Die Welt and of the Spiegel Online. On each of the website, the following string words were used: prioritäre Stoffe im Bereich der Wasserpolitik; Wasserpolitik; Oberflächengewässern; Umweltqualitätsnormen; Abwasser Europa, wasser-schadstoffe, Beobachtungsliste, Richtlinie 2013/39/EU.

	2011	2012	2013	2014	2015	2016
Die Welt (written & Online)	0	1	2	2	1	0
Spiegel Online	0	0	1	1	0	0
Total per year	0	1	3	3	1	0
Total all years					8	

Table 25: Mediatisation in Germany of the negotiations of the PS in the field of WP directive

However, the number of hits regarding the quality of water (surface, underground and drinking water) benefits from broader media coverage. For example, the (online) Newspaper *Die Welt* devoted an entire section to the theme 'Water quality and pollution of water'. Most articles only briefly discuss the EU legislation and focus on one specific issue: water quality and the observation of pharmaceuticals in water policy, especially diclofenac.

Finally, a couple of newspaper articles in Germany were - not from the two newspaper analysed - covering the EU negotiations and its related developments at the German level. These are closely related to the press release of the BW Environment minister which triggered attention from local and European media, offering simultaneously visibility for some parliamentarians of the Landtag. Thus following the press release of the minister, an article was published in the *Stuttgarter Nachrichten* relating problems outlined by the minister (pharmaceuticals, PHs and ubiquitous substances, image problem etc.) while publishing a short tribune for the chairman of the environmental committee of the Baden-Württemberg Landtag - the former environment minister Ulrich Müller (CDU – opposition) elected in the Contanze district – who supported the argument put forward by his regional environment minister (*Stuttgarter Nachrichten*, 2012). Last, at the European level, an article specifically dealing with expected problems in Germany was also published in Euractiv with the speaking title: '*Dispute concerning pollutant limit value in water bodies* (own translation)' (Euractiv, 2012).

Chapter 5: The SEVESO III Directive

The first Seveso directive (82/501/EEC) was adopted in 1982 after a major chemical accident in an establishment manufacturing pesticides and herbicides in Seveso (Italy). The accident *'resulted in an immediate contamination of some ten square miles of land and vegetation. More than 600 people had to be evacuated from their homes and as many as 2000 were treated for dioxin poisoning'* (European Commission, 2014). The original aim of the directive was to force MS to ensure that operators had emergency plans and also to improve the information to the public likely to be affected by an accident. The Seveso II directive (96/82/EC) had two main objectives: preventing major accidents involving large quantities of dangerous substances and limiting the consequences on the health and on the environment (European Commission, 2010a). In other words, if an operator uses hazardous substances, he must establish a major accident prevention policy (safety management system and an internal emergency plan) (European Commission, 2010). In 2003, the Seveso II directive was amended by the Directive 2003/105/EC following several industrial accidents in Toulouse, Enschede and Baia Mare. As explained by Environment Commissioner Janez Potocnik, *'it is no secret that in the past the development of legislation for prevention of industrial accidents has been accidents-driven. In the past, our environmental legislation was enacted when the accident already happened'* (European Commission, 2011).

The Seveso directives cover around 10.000 establishments in the European Union (European Commission, 2010a). The Seveso III directive (2012/18/EU) was proposed by the European Commission in December 2010 with the same Principal objective: *'preventing major accidents involving large quantities of dangerous substances (...) and to limit the consequences of such accidents for man and the environment'* (Europarl, 2014a). The Commission describes the modifications as minor adjustments following evolutions of the EU classification system of dangerous substances. In fact, the main objective of the revision was to align the EU classification system to the UN Globally Harmonised System in order to make sure that hazards are defined and labelled the same way around the world (European Commission, 2010; European Commission, 2010a).

Since the directive needed an update, the Commission decided to launch a wider review of the Directive *'to improve implementation and enforceability while maintaining or slightly increasing the level of protection for health and environment'* (European Commission, 2010a:2). As such, the directive aims at improving the access for the public to safety information, to improve public participation in decision-making and access to justice (European Commission, 2010; European Commission, 2010a; European Parliament, 2011).

Besides, the revision aims at reducing ‘unnecessary administrative burdens’ (European Commission, 2010). According to the Commission, ‘*the revision should maintain and improve current levels of protection without significantly affecting costs*’ (European Commission, 2010:1).

When looking at the timing of the EU decision-making process, the *(domestic) coordination stage (t0-t1)* started the 21st of December 2010 with the release of the legislative proposal of the Commission and ended the 9th of March 2011 with the subsidiarity deadline. The proposal was considered among one of the five priorities of the Hungarian presidency and was the only *directive* proposal with regard to environmental issues during the presidency. This context can explain why the ‘*negotiations had therefore started very early, only two weeks after the release of the proposal (...)*’ (European Parliament, 2011a). Second, the *EU negotiation stage (t1-t2)* took place from the 9th of March 2011 and lasted until the 24th of July 2012 (publication of the final act). Finally, the *(domestic) implementation stage (t2-t3)* began with the EU agreement and ends when the transposition (31st of May 2015) and implementation of the legislative proposal is completed.

Additional Procedural Information – Directive 2012/18/EU

Commissioner responsible: Janez Potocnik

EC DG responsible: DG Environment

Presidencies: Cyprus (2012/2); Ireland (2013/1); Lithuania (2013/2); Greece (2014/1).

Meetings: More than 17 WPE meetings, 2 COREPER meetings, 4 trialogues, 1 informal triologue, 1 technical meeting and three meetings at the ministerial level.

European Parliament rapporteur (ENVI): PPE Ader, János (Hungary). Became president of Hungary during the EU negotiations. Role of rapporteur taken by Richard Seeber (EPP – DE).

COD: 2010/0377 (COD)

COM: COM(2010)0781

Act: Directive 2012/18/UE

Outstanding issues of the negotiations⁸⁰

The first outstanding issue identified in the EU negotiations concerns ***the scope of the directive***. Indeed, depending on the substances included in the annex of the directive, some establishments had to fall under the new Seveso regime. As explained previously, originally, the revision of the Seveso directive is linked with the necessary adaption of Seveso with CLP regulation at the international level. As most Member States were in favour of the status-quo, the main discussions in the Council were framed as follows: how much of the change in

⁸⁰ The list of outstanding issues was selected based on an analysis of official documents (Council progress reports, Comments from Member States document, EP reports) and on semi-structured interviews. To analyse the preferences of executives and of parliaments, I rely in the next sections on these outstanding issues.

Seveso III came directly from this new CLP classification and how much was the use of the Commission to initiate new legislation (Interview 8). On its side, as the committee report of the ENVI committee attests, the European Parliament wanted to take this opportunity to extend the scope of the directive, to include offshore oil exploration, pipelines and certain nanomaterials (European Parliament, 2011).

The second outstanding issues concerns the **modalities of public participation and information**, and to some extent the possibilities for citizens to **access Justice** on such issues. On this aspect, the discussions on this point can be summarised as follows: on access to Justice and information to the public, is it necessary to design specific modalities for Seveso that are not already in the EU and international legislation, such as the Aarhus Convention. Not surprisingly, the European Parliament and its environmental committee were favouring additional information to the public. Janos Alder, EP rapporteur, said that *'The environment Committee text stresses that the public should have access to clear information about local sites on the internet. 'The aim is to provide essential information in an easily understandable form to interested citizens, while respecting national security concerns and the legitimate confidentiality of businesses'* (European Parliament, 2011:1).

Finally, the last outstanding issue was more technical and concerned the **frequency and method of inspections in Seveso sites**. As explained by an official of the Council: *'There were a lot of discussions on how these inspections programs have to be defined. There were two approaches: one saying that you will develop a program of inspections, and the second approach, you will do it following a risk approach (in the sense that you will, based on the information you have, define which kind of establishments should be inspected'* (Interview 3).

1. Austria

1.1 Parliamentary activity in Austria – The Directive Seveso III

In Austria, the scrutiny of the Seveso III legislative proposal was almost absent at **the (domestic) coordination and negotiation stages**. In particular, none of the Austrian parliaments participated in the subsidiarity or in the political dialogue mechanisms (IPEX 2016), nor adopted opinion/mandate directed at their governments (Interview 9). The passive stance Austrian parliaments took was observed when looking at other types of parliamentary instruments. There was neither use of ad-locum control mechanisms, parliamentary questions or of (de)briefing on the Council of the EU. The sole exception is found at the **negotiation stage**, where one question was asked in the *Nationalrat* the 29th of November during an exchange of views in the Agricultural committee (Nationalrat, 2011). At the

transposition and implementation stages⁸¹, the Seveso III directive was debated on several occasions and Austria finally transposed the directive a couple of weeks after the EU deadline. In this regard, the European Commission sent a formal notice to Austria the 11th of July 2015 (Infringement case 20140227). However, it was not necessary to go until the reasoned opinion as Austria finalised its transposition the 15th of July 2015, with the adoption of a Regulation on Incident information.

Instrument used	Coding of parliamentary actions													
<u>Coordination Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Subsi/ Pol. Dialogue	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	- No parliamentary activity in any of the Austrian parliaments Total: 0	0
Mandate/Opinion	☐													
Subsi/ Pol. Dialogue	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Negotiation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☒	- Exchange of views in the Agricultural committee of the Nationalrat. Coded as: 1*(1) = 1 Total: 1	1		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☒													
<u>Transposition/Implementation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr><tr><td>Transposition debate</td><td>☒</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☐	Transposition debate	☒	- Transposition debate: involvement of both regional and national parliaments Coded as 2. Total: 2	2		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☐													
Transposition debate	☒													
Overall autonomy of the Austrian executive in the Seveso III negotiations		3												

Table 26: Parliamentary Activity in Austria - Seveso III

1.2 The autonomy of the Austrian executive – The Directive Seveso III

I now discuss the autonomy of the Austrian executive vis-à-vis his domestic parliaments.

⁸¹ During this period, one written question was asked in the Federal Council at the end of 2012 (Federal Council, 2012d). The questions were related to an environmental scandal, where 'Kwizda', a private Seveso company, heavily polluted groundwater in Lower Austria. Yet, the questions were not referring to Seveso III (but well Seveso II) and neither the MP nor the Minister mentioned the new Seveso III proposal.

First, when looking at the overall activity of Austrian parliaments on the Seveso dossier, the latter can be considered as limited. Indeed, the Seveso dossiers were discussed only twice in Austria. The first scrutiny action consisted in an exchange of views between MPs of the Agricultural committee. Yet, the discussions only partially addressed Seveso, as the main theme of the committee meeting was the reform of the Common Agricultural Policy. The second scrutiny action is the transposition debate, a necessary step to respect EU obligations: to transpose the EU agreement into domestic legislation. Overall, the activity score of the Austrian parliamentary system is relatively low, with an absolute value of 3.

Now looking further on the scrutiny conducted by Austrian parliaments, I first discuss the potential impact of the exchange of views that took place in the agricultural committee of the Nationalrat. Despite the fact that the Seveso proposal was discussed in the Environment configuration of the Council, the question was asked in the Agricultural committee. Actually, the committee also discussed the 2011 EU annual report of the federal Ministry of Agriculture, Forest, Environment and Water management. As the report tackles both agricultural and environmental policies, several questions on topics such as climate protection or nuclear phase-out were asked, and among these one question dealt with the revision of Seveso. This parliamentary action is the only one that directly tackled the Seveso III negotiations. More precisely, one MP from the coalition government (SPÖ) asked a question on the effects of the upcoming Seveso III reform in Austria (Nationalrat, 2011). The question was mainly informative and did not question the position of the Austrian executive on the issue. Members of the federal ministry of Agriculture and Environment have no specific souvenir of this parliamentary question. This observation is important and can suggest that the executive enjoyed a high degree of autonomy. Second, the Seveso dossier was also discussed in the Nationalrat, Federal Council and Länder State parliaments so far as it concerned the transposition of the Seveso III directive.

The transposition of the directive mainly consisted in adjustments of two past Austrian legislation. On the one hand, the Seveso III directive was transposed in an amendment of the 1994 Industrial Code and in a new version of the Industrial Accident Regulation ("Industrieunfallverordnung 2015"). The government proposed its draft legislation the 13th of May 2015, hence 18 days before the transposition deadline and the process was led by the Minister of Economic affairs. Discussions first took place at the committee level: in the *industry and economy committees* of both the Nationalrat and the Bundesrat. Interestingly, during the consultation process⁸² (open for one month) conducted after the release of the

⁸² In the Austrian system, most of the legislation is open for consultation for a period of one month before being debated in the Bundesrat and the Nationalrat. This was the case regarding the two main ?

government proposal, no less than 23 stakeholders and experts gave input in the form of written opinions. Among them were actors such as the 'Red Cross', administrative courts, trade unions, but also *ministries* and *regional executives*. This is an interesting observation. When regional executives and ministries can give their input to the federal government on the transposition of the EU directive, regional parliaments are excluded from such processes. Finally, the debates in both the Nationalrat and Federal council followed a classical division between majorities and opposition parties, with the Greens being more sceptical about the modification introduced in the Seveso III amendment regarding the level of information for the public (Nationalrat, 2015).

On the other hand, adjustments were also necessary for the environmental information act. The discussions mainly took place in June and July 2015 in Environment committees of both the Bundesrat and the Nationalrat, and the transposition process was led by the Environment minister. In parallel, and following this transposition process at the federal level, Austrian Landtage adapted their legislation at the subnational level (Salzburg, 2015; Vorarlberg, 2015, Vienna, 2015, Tyrol 2016, Lower Austria, 2016, Upper Austria 2016, Burgenland, 2016, Karnten, 2016)⁸³ mainly by modifying their 'disaster emergency law'. No specific discussions took place in Austrian Landtage regarding the transposition of the Seveso directive.

To conclude, the Austrian executive enjoyed almost full autonomy during the coordination and the negotiations' stages. Moreover, Austrian parliaments were active at the transposition stage but it has not resulted in a major loss of autonomy for the Austrian executive. Overall, the autonomy of the Austrian executive was rather high.

1.3 Empirical observations of explanatory factors

1.3.1 Homogeneity of preferences between Principal and Agent

There were no divergences in the preferences of the Austrian parliaments and the federal executive on the outstanding issues. Regarding Austrian parliaments, there were no specific opposition or positioning on these issues. On the executive side, the position of Austria on the scope of the directive, public information and access to Justice, and finally on the frequency of inspections was similar to the one from most Member States. In short, Austria questioned the potential increase in the scope of the directive and considered that access to Justice should not be included in the Seveso III directive. Regarding the last issue,

⁸³ For more information, see. EUR-lex website and the list of National Implementing measures: <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32012L0018>

inspections, Austria suggested in the COREPER to harmonise the system of inspections vis-à-vis the industrial emissions directive.

The next table summarises the previous empirical observations.

Outstanding issues – EC proposal	Agent	Principal	Conflicting preferences
Scope of the directive increased by the European Commission in comparison with Seveso II	Particular attention given to make sure that the number of companies included in the new Seveso III would not increase too drastically.	No precise position of Austrian parliaments on this issue.	No
Increased obligations in terms of public information and access to Justice	Access to Justice should not be included in the directive Seveso III. Minor opposition regarding the increase in public information requirement.	No precise position of Austrian parliaments on this issue.	No
Frequency of inspections	In favour of harmonising with the deadline present in the industrial emissions directive.	No precise position of Austrian parliaments on this issue but highlighted the importance to not increase the administrative burden on companies.	No

Table 27: Homogeneity of preferences between P&A –Austria – Seveso III

1.3.2 Intra-Principal cohesiveness

Austrian parliaments did not position themselves collectively on the European legislative proposal, neither at the coordination nor at the negotiation stages. At the implementation stage, each Land has adapted its civil protection law, with no real differences regarding the preferences. At the federal level, both the Federal Council and the National Council debated the Seveso legislative proposal.

Austrian parliaments did not position themselves at all on the European legislative proposal, neither at the coordination nor at the negotiation stages. In other words, one MP discussed Seveso III through one oral question (see. *supra*), that is why the positions of the other actors among Austrian parliaments are not known. The only sequence where preferences intra-Principal can be observed in the case of the Seveso directive is during the transposition process. On the debate regarding the adjustments of the Austrian Commercial code, the government legislative drafts were adopted *opposition vs. majority* before going to the plenary for the final approval. Both rapporteurs were from the same political group as the minister in charge of the dossier (ÖVP) and discussions on the Seveso amendments did not

triggered intense debate (Interview 43). Regarding the modification of the environmental information act, and in comparison with the modifications of the 1994 Industrial code, the debates brought slightly more arguments and meant a third lecture was necessary for adoption, yet debates were not conflictual as such (Nationalrat, 2015a). Indeed, this adjustment tackled more broadly the adaptation of the Austrian legislation vis-à-vis the Aarhus Convention, hence not solely the Seveso III directive (Interview 43). According to officials of the Environment ministry, the technicality of the Seveso legislation and the fact that public awareness on this topic is low meant that only a limited number of MPs knew about Seveso.

1.3.3 Informational asymmetry

At the coordination stage, there was a clear imbalance of information between the executive and Austrian parliaments. More precisely, the EU unit of Austrian parliaments did not prepare an informative note for the parliament, and the federal government did not provide the parliament with specific information on the revision of the directive. Hence, at the start of the negotiations, no structural information was given to Austrian parliaments. During the negotiations and at the implementation stage, information from the federal executive was made available by the government via three annual reports on EU affairs from the Federal Ministry of Agriculture, Forest, Environment and Water management (2 reports in 2011 and 2014), and one report from the Ministry of Finance (in 2012). These reports only briefly state (one to two short paragraphs) the evolution related to the Seveso negotiations and implementation, with limited information on the position of Austria in these negotiations. Interestingly, the 2011 report of the Federal ministry of Agriculture, Forest, Environment and Water management triggered only one parliamentary question in the National Council, at a time when the agricultural committee discussed and voted on the annual report (see. supra).

To end with, formally all parliamentarians have access to reports written by the national Permanent Representation in Brussels. In this specific case, one report was made available on the database of the Federal Council (Interview 9).

1.3.4 Domestic salience of the EU proposal

The revision of the Seveso III was not considered as particularly salient in Austria. According to officials of the Federal ministry of Agriculture, Forest, Environment and Water management, *'The Seveso III directive was not that major piece of legislation and we had not that much troubles with it, in comparison with other pieces of legislation (...) Maybe the*

reason for that is that there was already a Seveso II, so the system was already in place, so it was adaptations within the system.’ (Interview 43). Still, one issue of the directive – the number of establishments that will fall under the new Seveso directive – triggered a little bit more attention in Austria but these adaptations were not feared by the Länder (Interview 43).

At the Länder level, the Seveso III proposal got pointed out as a dossier to follow by regional executives and the ‘*Verbindungsstelle der Bundesländer*’ (i.e. VST - The Coordination Office of Austrian Länder) (Interview, 45), hence regional executives. More precisely, Austrian regional executives adopted a common position on the 2nd of March 2011, highlighting key priorities for Austrian Länder (VSt, 2011)⁸⁴. By doing so, they sent a signal to the federal government and to their regional Landtage, highlighting the importance of the negotiations for Austria.

In Austria, the media coverage of the Seveso negotiations was limited. In total, only two articles dealt with the Seveso III directive, both published in 2011 in *der Standard*. When the first article summarises discussions that took place during the Environmental Council meeting of December, thus tackling issues such as Biodiversity, Seveso but also the Durban Conference, the second article is only indirectly addressing the Seveso III legislative proposal, as it focuses on the revision of the law on railway transport. Overall, it can be concluded that the degree of media coverage related to the Seveso negotiations was limited. Even when we broaden the research to all articles between 2011 and 2016 mentioning the term ‘Seveso’, the results stay limited with respectively 4 articles in *Die Presse* and 10 articles in *Der Standard*.

	2011	2012	2013	2014	2015	2016
<i>Die Presse (National)</i>	0	0	0	0	0	0
<i>Der Standard (National)</i>	2	0	0	0	0	0
Total per year	2	0	0	0	0	0
Total all years						

Table 28: Media coverage in Austria – Directive Seveso III

⁸⁴ In 2011, 24 EU dossiers led to the adoption of a common and uniform position (Vorarlberg Landtag, 2011)

2. Belgium

2.1 Parliamentary activity – The Directive Seveso III

None of the Belgian parliaments were involved at the **coordination stage**. The Seveso reform was not spotted under the subsidiarity, political dialogue nor with the adoption of a opinion by any of Belgian (sub)national parliaments. In addition, other possible parliamentary tools were not mobilised either, leaving the Belgian executives with full discretion at the start of the negotiation.

At the **negotiation stage**, only one scrutiny action (Flemish parliament, 2011 – oral question⁸⁵, from opposition) specifically targeted the EU negotiations by making a clear reference to the Commission's legislative proposal (Flemish parliament, 2011). Of interest for this research are the **transposition and implementation stages**. To transpose the Seveso III directive into its domestic legislation, Belgium had to update a previous cooperation agreement between the authorities of the federal and regional levels dating from the 21st of June 1992. In terms of timing, the European Commission initiated a formal notice procedure the 11th of July 2015 (nb. 20150244) and a reasoned opinion the 10th December 2015. The case was closed at the end of September 2016, when Belgium finalised the transposition of the new cooperation agreement by governmental decree respectively on the 16th February 2016 (federal), the 14th of April (Walloon region), the 20th May 2016 (Flemish region) and the 26th of May 2016 (Brussels region).

Finally, in parallel to this transposition process, several parliamentary questions tackled also the Seveso III directive. When these questions did not aim at controlling ex-post the position defended by Belgium during the negotiations, it focused on practical implementation issues or on the cooperation between the Belgian governments (regional and federal). More precisely, one written question was asked in the House of Representatives and a last question in the Brussels parliament (House of Representatives, 2013, Brussels parliament, 2015).

Table 29 presents the coding of parliamentary activity and the resulting Agent's autonomy.

⁸⁵ This is not, as such, an oral question but well a 'Vraag om uitleg'.

Instrument used	Coding of parliamentary actions													
<u>Coordination Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Subsi/ Pol. Dialogue	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	- No parliamentary scrutiny at the regional or federal levels Total: 0	0
Mandate/Opinion	☐													
Subsi/ Pol. Dialogue	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Negotiation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☒	One oral parliamentary question. Flemish parliaments. Coded as 2. Total: 2	2		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☒													
<u>Transposition/Implementation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr><tr><td>Transposition debate</td><td>☒</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☒	Transposition debate	☒	- One written questions: House of Representatives. Coded as 1 - One oral question: Brussels parliament (2015). Coded as 2. - Transposition debate: <i>involvement of both regional and national parliaments.</i> Coded as 2. Total : 5	5		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☒													
Transposition debate	☒													
Overall parliamentary scrutiny in Belgium before, during and after the negotiations of the Seveso III directive		7												

Table 29: Parliamentary scrutiny in Belgium – Seveso III Directive

2.2 The autonomy of the Belgian executive – The Directive Seveso III

Overall, Belgian parliamentarians from all regional and federal assemblies mainly used parliamentary questions to get additional information on the consequences of Seveso on the internal Belgian arrangements and regarding practical implementation of Seveso dispositions. Besides, the transposition of the Seveso directive is also different from what Belgium is used to in terms of transposition. Here the necessary adjustments needed for the new Seveso III directive took the form of a cooperation agreement negotiated between the regional and federal executives. In Belgium, cooperation agreements necessitate the validation of all Belgian parliaments.

Now discussing more precisely the content of the parliamentary scrutiny and its potential impact on the Belgian executive, I start by addressing several parliamentary questions that were observed. First, at the negotiation stage, an oral question addressed to two regional ministers (Environment and Finance) was observed in the Flemish parliament. The question of the MP (majority, Sp.a) focused on the consequences of the revision of the Article 12 of the Seveso II directive on the Seveso *Belgian Cooperation agreement between the federal and regional levels*, but also on the possible consequences on land-use planning and nuclear installations⁸⁶. Indeed, the main intention of the oral question was actually on the potential modification regarding land use planning: *'It is good to know - because that was actually the reason for my question - that in the spatial planning, no ongoing planning processes are disturbed and that there are no new forms of solar alienation. My question is prompted by a real concern that lived within the business world with regard to spatial planning, but you have rejected them'* (Own translation, Flemish parliament, 2011: 18). In her answer, the Flemish minister of Environment briefly talks about the 'samenwerkingsaccord' and explains that an 'impact assessment study' is currently being drafted, but that it is a competence of the federal government. The minister also lists each of the possible changes that the Seveso III directive will impose on Member States. However, in her answer the minister does not discuss the position of the Flemish region or of Belgium at the EU level during the negotiation, but more to the extent to which Flemish legislations should be modified. The parliamentary question was thus mainly informal with the objective to anticipate potential change in the land-use planning policies and did not aim at knowing or controlling the position of the Flemish executive.

Additional parliamentary questions were asked at the implementation stage. A written question was spotted in the Belgian House of Representative. More precisely, the question focused on the 'fond Seveso', a fund in which Seveso plants (higher level) contribute to every year and which is redistributed in case of accident or emergency. The question is technical and aims at gathering information on the number of contributors, but also on the repartition of this fund between different actors and between regional and federal levels. In the Brussels parliament, an MP (MR, opposition) asked one oral question in 2015 in the Urban planning committee to the Minister president (Brussels parliament, 2015). The main idea of the

⁸⁶ During these two stages, the Seveso topic as such was largely discussed in both the federal and regional assemblies, but the scrutiny did not focus on the EU negotiation or on the new proposal as such, but well on concrete questions on the number of sites and their identification. For this reasons, the questions were not coded as 'directly' related to the EU negotiations or implementation of the new Seveso III legislation (Senate, 2009; 2010; 2011; 2012; Walloon parliament 2010, 2010a; 2011; 2011a; 2011b; 2011c; 2011d, 2012, 2012a; Parliament of Brussels, 2011 & 2012).

questions was threefold: (a) it aims at having a count of all the Seveso sites in the Brussels region, (b) it aims to understand the impact of Seveso sites on the urban developments of the region and (c) it aims at understanding the impact of the new Directive Seveso III on the region. It is noteworthy to mention that the MP is also a 'municipal politician' of a Brussels City Council and is in charge of urbanism, land use, environment and sustainable development. Thus he asked in the Brussels parliament a question directly linked to his local competence. The answer of the minister is short and it explains that Belgium is currently transposing the Seveso III agreement.

Finally, regarding the process of transposition, after a phase of negotiation in an expert working group (*Coördinatiecomité Internationaal Milieubeleid*, CCIM) and approval by the federal and regional governments, the cooperation agreement was transposed and debated in the federal and regional parliaments. In regional parliaments, MPs discussed the Seveso III amendments in the Environment sectorial committees and all adopted their committee reports at unanimity (except for Brussels, two abstentions) when at the federal level, Seveso was discussed in the Internal and general affairs committee. This illustrates, to some extent, the division of competences in Belgium. Indeed, Seveso involves numerous executives' actors from different governance levels. At the federal level, three different ministries are involved in the implementation of the Seveso directive: the general affairs ministry, the Economy ministry and finally the employment ministry (see. Cooperation agreement of 2006 and 2016). Indeed, the federal state is responsible for the protection of the workers as well as for the preparation and coordination of the emergency plan (civil protection), in close collaboration with the federal services of the Province Governors (Seveso.be website). At the regional⁸⁷, Seveso is mostly understood as a case of environmental protection (shared competence) and of land use planning, falling into the competence of regional ministers in charge of Environment, nature and land use planning.

Overall, parliamentarians from the different levels of governance focused during the debates on the reasons behind the late transposition in Belgium, but also on the implementation costs and the possible additional administrative burden for the industry and public authorities. As such, most of the questions tackled implementation and practical issues. In the debates, the EU deal or the position that was defended by Belgium were not addressed.

⁸⁷ Please note that other actors are also involved in the smooth implementation of the Seveso directive. In Belgium, provincial governors are required to establish emergency and external intervention plans that are ratified by the Minister of the Interior. Thereby, it is interesting to note that the Seveso policy mobilises for its implementation numerous executives actors from various governance levels.

2.3 Empirical observations of explanatory factors

2.3.1 Homogeneity of preferences between Principal and Agent

On the outstanding issues of the EU negotiations, there were no divergences in the preferences between Belgian parliaments and the federal executive. Indeed, the position of Belgium on the scope of the directive, public information and access to Justice, and finally on the frequency of inspections can briefly be summarised: Belgium preferred the status-quo in comparison with the Seveso II disposition. In this sense, Belgium welcomes the harmonisation of the Seveso legal framework with the CLP international convention, but does not wish to modify other issues on the Seveso legislation. For Belgian parliaments, there were no specific opposition or positioning on these issues. Table 30 summarises the empirical observations.

Outstanding issues – EC proposal	Agent	Principal	Conflicting preferences
Scope of the directive increased by the European Commission in comparison with Seveso II	In favour of the status-quo in comparison with the directive Seveso II.	No precise position of Belgian parliaments on this issue.	No
Increased obligations in terms of public information and access to Justice	In favour of the status-quo. Not in favour of doing more than what is planned in the Aarhus Convention.	No precise position of Belgian parliaments on this issue.	No
Frequency of inspections	In favour of the status-quo in comparison with the directive Seveso II.	No precise position of Belgian parliaments on this issue but highlighted the importance to not increase the administrative burden on companies.	No

Table 30: Homogeneity of preferences between P&A – Belgium – Seveso III

2.3.2 Intra-Principal cohesiveness

Belgian parliaments did not position themselves (collectively) on the European legislative proposal. At the individual level, the few parliamentary scrutiny actions undertaken in the Walloon and Flemish parliaments do not show heterogeneity of preferences between Belgian subnational parliaments. Interestingly, the themes discussed in the Belgian parliaments during the transposition debate were relatively similar. Indeed, several questions were asked on the reasons explaining the delay in the transposition of the directive, but also, most interestingly on the issue of the 'Fonds Seveso' and for which a parliamentary question was

observed on this topic in the federal parliament. In addition, several questions focused on the concrete implementation but also on technical information such as the number of Seveso sites in the regions. Consequently, there is no empirical evidence indicating a conflict of preferences within Belgian parliaments.

The only sequence where preferences intra-Principal can be observed in the case of the Seveso directive is directly related to the transposition debate of the Seveso directive in the Belgian parliaments. In all Belgian parliaments, the cooperation agreement was adopted at unanimity, except for the Brussels region, where 12 out of 14 MPs voted in favour of the agreement and two MPs (from Groen) abstained for procedural reasons, due to a document which was not transmitted to the parliament on time. Overall, there were no disagreements between parliamentarians in the Belgian parliaments. Most of the MPs welcomed this important agreement. As an illustration, the federal MP Mr. Thiébaud (PS) declared during the transposition debate that 'The cooperation agreement shows that the different levels of governance in Belgium are still capable to conclude agreements. My political group will support the law project to validate the cooperation agreement' (Own translation). Similar comments were found in the other Belgian parliaments.

2.3.3 Informational asymmetry

Empirical evidence demonstrates that there was an imbalance of information in favour of the executive. Indeed, as indicated by Belgian regional parliamentarians, Belgian parliaments received no substantial and structural information from the government or the parliamentary administration (Interview 54, 55). This situation is similar for all Belgian parliaments. As an illustration, none of the parliamentary administration dealing with EU affairs prepared an informative note on the Seveso revision following the reception of the EU legislative proposal. This lack of structural information creates an informational asymmetry in favour of the executives. This situation is not specifically related to the Seveso directive as such, as the level of information provided to Belgian parliamentarians by their government was relatively weak for environmental policies during the 2009-2014 legislative period. This situation changed since 2014, mainly in Flanders where occasional briefings are organised with the Flemish attaché dealing with Environmental policies in the Belgian Permanent Representation (Interview 14, 36). In the federal parliament, structural written reports are prepared by the DGE before and after each Council meeting. As explained by an official of the ministry of Foreign affairs:

Since the beginning of the year, we are preparing a report for the federal parliament before and after each Council meeting. We have an annotated agenda in which we list the items on the agenda of the Council, with a little bit of explanations. (...) But, this is only for the federal parliaments. After the meeting of the Council, we prepare a report including what was decided and what Belgium told during the meeting, but in a general way. We don't go into too much detail. Yet, MPs are thus aware of what have been discussed in the Council and what Belgium said. But they don't have access to the DGE reports⁸⁸, these are for the cabinets of the ministers.

These types of evolutions are not observed in the Walloon and Brussels parliament. Finally, most specifically on the revision of the Seveso III directive, at the federal level, the Seveso directive is mentioned at five different occasions in the 'Note de politique générale' of the federal government. Most specifically, three annual reports regarding Employment policies (2014, 2015, 2016), and two annual reports dealing with Security and internal affairs (2012, 2014) mentioned briefly the Seveso revision but also the evolution of the negotiation of the cooperation agreement. Yet, in these documents, the information provided to the parliamentarians are limited.

2.3.4 Domestic salience of the EU proposal

The revision of the directive Seveso was of significant importance for Belgium for three main reasons. First, the ratio of Seveso companies per population and per area is particularly high, given the relative small size of the Country. As an illustration of this situation, the port of Antwerp includes the largest concentration of (petro) chemical companies in the EU (Interview 33).

Second, when certain parts of the Seveso legislation clearly belong to one level of competences in Belgium (e.g. land use planning) other parts belong simultaneously to several levels of government (shared competences), notably the questions related to the prevention in view of protecting the environment or the emergency planning. When this type of scenario occurs in Belgium, and according to article 92bis of the Special Law of August 8 1980, it is required that the federal state and the regions conclude a cooperation agreement in this matter. In addition, in Belgium the cooperation agreement also implements the Helsinki Convention on the transboundary effects of industrial accidents and the ILO Convention (174) on the prevention of major industrial accidents. Finally the proposal could have implications for other related regulations such as the federal and regional Aarhus conventions and regional regulations regarding environmental and spatial planning. On this matter, one of the negotiators for Belgium in the Permanent Representation explains:

⁸⁸ These reports are much more complete. They present the results of the discussion intra-executive. In the case of environmental policies, these reports are called 'Fiche CCPIE'.

For Seveso, in Belgium, this was more an ‘internal’ question. Seveso needs that we renegotiate the cooperation agreement Helsinki-Seveso. I had the impression that the main question for us was: how are we going to renegotiate the cooperation agreement for the new directive, rather than the ‘content’ of the directive as such. So, these are more problems in terms of implementation, rather than problems with the content. (Interview 42).

Finally, and to a minor extent, the proposal includes also a new liability that is a major challenge for the government in the subsequent implementation, i.e. to actively provide information to the public via the Internet. The challenge resides in the actual fragmentation of the required information between different federal and regional services.

In Belgium, the mediatisation of the Seveso directive did not trigger specific attention from national newspapers. In total, only one article specifically deals with the Seveso III directive. Published in 2015, the article is relatively short and focuses on the delay for the directive transposition in Belgium. The Seveso topic is not absent from Belgian newspapers which prefer to focus on more practical consequences of the Seveso legislation. In particular, many articles are about the test of emergency plans of Seveso plants, or minor accidents in Seveso companies and the pollution associated for these events. In Flanders, it is interesting to note that several articles deal specifically with the ‘Harbour of Antwerp’, the biggest harbour in Belgium in terms of merchandising transport. Thus when negotiations got unnoticed, the *consequences* of the Seveso directive are often discussed in the media. But the level of mediatisation is limited.

Table 31 presents the mediatisation of the Seveso III negotiation in Belgium between 2011 and 2016.

	2011	2012	2013	2014	2015	2016
<i>Le Soir</i> ⁸⁹	0	0	0	0	0	0
<i>De Standaard</i> ⁹⁰	0	0	0	0	1	0
Total per year	0	0	0	0	1	0
Total all years					1	

Table 31: Media coverage in Belgium – Directive Seveso III

89 Keywords used: Seveso, Seveso III, Seveso 3, accord de coopération Seveso, accord de coopération accidents majeurs substances dangereuses

90 Keywords used: Seveso, Seveso III, Seveso 3, samenwerkingsakkoord Seveso

3. Germany

3.1 Parliamentary activity in Germany – The Directive Seveso III

At the federal level, *the Bundesrat* adopted an opinion **at the coordination stage** early in the decision-making process (Bundesrat, 2011a). More precisely, the Bundesrat collected the the committees recommendations for internal affairs (a), Environment (b) and economy that all issued opinions during their meetings on the 31st of January 2011 (Bundesrat, 2011). Overall, for different reasons the opinions were rather critical of the legislative proposals (i.e. impact on the organisation structure of MS, duplication of rules, obligation to inform the public as counter-productive). Following the usual coordination process, the Bundesrat adopted in its plenary a compromise text on the 11th of February 2011 (Bundesrat, 2011a). The non-binding opinion is a document of 12 pages (2835 words) that tackles precise items of the EU legislative proposal. On its side, the *Bundestag* did not adopt any opinions or participated in the subsidiarity or political dialogue mechanisms during this stage. Finally, at the regional level, the Seveso proposal was not picked up by any of the German Landtage. Overall, except for the opinion of the Bundesrat, legislative assemblies in Germany did not activate any parliamentary instruments.

At the **negotiation stage**, the Bundesrat nominated a 'Bundesrat expert' that was in charge of accompanying the negotiators in Brussels and sitting with them in the Council (Interview, 12). This expert drafted several reports for the Bundesrat during the negotiations (Interview 12). Second, it was now the turn of the Bundestag to adopt an opinion directed at the federal government (Bundestag, 2011). The opinion was a short 2 pages non-binding opinion (582 words). More precisely, two proposals of resolution were on the table: one by the CDU/SCU and the FDP introduced on the 23rd of March 2011 (Bundestag, 2011a), hence the parliamentary majority. Another one by the SPD the 6th of April 2011 (Bundestag, 2011b). After discussions in the Environment committee of the Bundestag and the adoption of a report, the opinion was adopted at the plenary session of the 29th of September 2011. In the end, it was adopted majority (CDU/SCU & FDP) against opposition (Greens, Die Linke, SPD). In brief, the majority and the opposition were opposed on two items: (1) the scope of the new directive and (2) the level of information given to the public. Not surprisingly, the CSU/SCU & the FDP were supporting the line of the government that favoured a status-quo on these issues, and the parliamentary opposition that was in favour of the modifications introduced by the European Commission. Finally, at the regional level, the Seveso proposal was not picked up by any of the German Landtage where no opinions were adopted. In addition, no specific parliamentary questions or exchange of views were observed.

At the **transposition and implementation stage**, several modifications had to be introduced in German legislations. At the federal level, several amendments were necessary in the Federal Emission Control Act (BlmSchG), in the Act on the Environmental impact assessment (UVPpG) and in the Environmental Appeals act (UmwRG).

In the *Bundesrat*, the transposition took place in two steps. First, a small modification was introduced in July 2013 (Bundesrat, 2013), but the main dish was approved at the plenary of the 25th of November 2016. Before the plenary of November 2016, the Bundesrat first issued a statement on the 17th of June 2016 presenting numerous observations to the draft law of the federal government (Bundesrat, 2016a), then adopted sectorial committee reports on the 14th of November (adopted on a majority vs. opposition pattern) before the final approval in November 2016 (Bundesrat, 2016b). The *Bundestag* transposed the amendments necessary for the Seveso directive the 20th of October 2016, after discussions in the Environment committee the 19th of October (Bundestag, 2016; 2016a). The majority supported the text (CDU/CSU & SPD), the Greens voted against and Die Linke abstained. Overall, the transposition process of the Seveso III directive has been described as a long and difficult process: *'The CDU / CSU Group pointed out that the agreement on the draft law had been the end of a difficult process because it was not just about public participation and the implementation of amendments to chemicals legislation at European level, but also how to avoid and clear the issue of distance rules'* (Bundestag, 2016).

At the regional level, the transposition and implementation of the Seveso III directive also triggered attention of German Landtage. First, German Länder needed to adapt their civil protection law. This was done in most Landtage as early as 2014 for some of them (Lower Saxony, Oct 2016; Mecklenburg Vorpommern, Feb 2016; Brandenburg, May 2016; Hambourg, July 2015; Bavaria, July 2015; Bremen, April 2016; Thuringen, 2015; Baden-Württemberg, 2014)⁹¹. Second and most interestingly, several parliamentary questions and formalised exchange of information on the Seveso implementation between regional executives and German Landtage took place during the implementation stage. In total, 7 out of the 16 Länder questioned their executive regarding the implementation of the Seveso III directive, especially regarding the 'safe distance' issue. As an illustration, two rounds of written questions were asked in the Lower Saxony Landtag (CDU) about the capacity of the ministry of Environment to implement the new Seveso III directive (Lower Saxony Landtag, 2015, 2015a). In the Landtag Nordrhein-Westfalen, a 'motion of the CDU group gave, after discussions in the Environment committee, a (rejected) resolution. The CDU and FDP

⁹¹ See. EUR-Lex website, and especially the section on the National Implementation measures (NIM) for more information: <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32012L0018>

political groups were asking that the implementation of Seveso III did not modify the scope of the directives (i.e. the number of industry falling under the Seveso legislation), but also that the notion of ‘safe distance’ be interpreted cautiously (Landtag Nordrhein-Westfalen, 2015). In addition, we can also cite the parliamentary scrutiny conducted in the Bayerish Landtag. It started by a written question (CDU) (Bayerisher Landtag, 2015), and was then followed by a motion of the CSU political group (Bayerischer Landtag, 2015a). The latter stated explicitly that: *‘The state government is asked to work at the federal level to ensure the implementation of the SEVESO III Directive into German law: no regulation is made beyond the Directive, no further bureaucratic obstacles are created for the authorities and operators, and the local conditions of the installations under the SEVESO III Directive are also taken into account when necessary’* (own emphasis, Bayerish Landtag, 2015a:1). Finally, additional questions were also raised in the Hamburg (Hamburg Landtag, 2015), in Lower Saxony (Lower Saxony Landtag, 2015) Hamburg (Hamburg Landtag, 2015) and in the Rheinland-Pfalz (Rheinland-Pfalz Landtag, 2016) Landtage.

Instrument used	Coding of parliamentary actions													
<u>Coordination Stage</u> <table><tr><td>Mandate/Opinion</td><td>☒</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☒	Subsi/ Pol. Dialogue	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	- Recommendation – Bundesrat. <i>Opinion non-binding, Mandate looking.</i> Coded as: $1 + 2 (*1) = 3$ Total: 3	3
Mandate/Opinion	☒													
Subsi/ Pol. Dialogue	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Negotiation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☒</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☒</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☒	Exchange of views	☐	(de)briefing	☐	Ad locum control	☒	Parl. Questions	☐	- Opinion – Bundestag. <i>Non-binding, general guidelines.</i> Coded as: $1 + 1 = 2$ - Ad locum scrutiny – Bundesrat Expert - Direct ‘physical’ presence. Coded as: 2. Total: 4	4		
Mandate/Opinion	☒													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☒													
Parl. Questions	☐													
<u>Transposition/Implementation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☒</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr><tr><td>Transposition debate</td><td>☒</td></tr></table>	Mandate/Opinion	☒	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☒	Transposition debate	☒	- Motion Bayern – Non binding, short statement. Coded $1+1*0,5$ - Numerous parliamentary questions at the Länder level in 7 out of the 16 Länder. Coded as $1 \times 7 (*0,5) = 3,5$ - Transposition debate: <i>involvement of both regional and national parliaments.</i> Coded as 2. Total: 5,5	6,5		
Mandate/Opinion	☒													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☒													
Transposition debate	☒													
Overall parliamentary scrutiny in Germany before, during and after the negotiations of the e Seveso III directive		13,5												

Table 32: Parliamentary scrutiny in Germany – Seveso III

3.2 The autonomy of the German executive – The Directive Seveso III

I now qualitatively discuss the impact of parliamentary scrutiny conducted in Germany on the executive autonomy during the negotiation process.

First, I look at the parliamentary scrutiny patterns conducted by German parliaments. In Germany, as for all my cases, the Bundesrat was an early player and adopted an opinion on the EU proposal at the coordination stage. The opinion was relatively long and precise, with some really technical aspects of the EU proposal included in the opinion of the Bundesrat. As for the Water case, the Bundesrat also decided that it was necessary to activate ‘ad locum’ control and send a ‘Bundesrat observer’ in Brussels with the German delegation. At the negotiation stage, the Bundestag also adopted an opinion, majority versus opposition⁹². Interestingly, the debate leading to the adoption of the resolution was polarised according to the classical majority-opposition division. Thus majority and opposition were opposed on two items: (1) the scope of the new directive and (2) the level of information given to the public. Finally, at the transposition and implementation stage, the bulk of the scrutiny was conducted at the regional level. Numerous Landtage questioned their regional executive on how they intended to transpose the directive, as it has major implications for planning and urban policies.

Second, I look into greater detail at the content of the parliamentary scrutiny and question its impact on the federal executive. Regarding the scrutiny conducted by the Bundesrat, the impact on the position of the executive seems concrete. According to a member of the German delegation in Brussels, the position of Germany was impacted by the Bundesrat opinion, especially in the policy-making process like Seveso. According to the same interviewee, this is explained by the fact that the federal government needed the expertise and knowledge of the Länder to negotiate on Seveso (Interview, 12). Thus the influence of the Bundesrat was important, at least for the technical negotiations in the WPE. Another observation pointing in this direction is the length of the opinion adopted by the Bundesrat. As explained previously, the opinion was long and really precise.

In the case of the scrutiny of the Bundestag, the Seveso decision-making process is also interesting as it allowed for a polarisation of the debate within the Bundestag (majority vs. opposition) at the negotiation and at the transposition stages. Hereby both the majority and opposition parties participated in the scrutiny of the Seveso decision-making process. The opposition even proposed an alternative parliamentary opinion. Consequently, the executive

⁹² With an alternative parliamentary opinion proposed by the opposition but rejected by the majority

in the case of the Seveso directive was not supported by the entire domestic parliamentary system, but well by some political parties within parliaments. It thus diminishes to some extent his margin for manoeuvre during EU negotiations. Finally, the executive was also actively scrutinised during the transposition and implementation stage. On the one hand, the directive needed to be transposed by national and regional parliaments. On the other hand, regional parliaments scrutinised heavily their regional executive on the implementation and transposition of the directive. As such, these actions of the regional parliaments are not directly affecting the federal government. Yet, by pressuring their own executive they are giving signals to a broader audience that they care about the way the directive will be transposed.

To summarise, the German executive had a limited autonomy of negotiation from the start of the negotiation until the end of the implementation of the directive. The EU legislative proposal triggered the attention of parliaments from both the federal and regional levels. Actually, the case of Seveso in Germany is the one with the highest level of parliamentary scrutiny in the entire study. Besides, it is also a case that saw the involvement of multiple different parliaments within the parliamentary system. Indeed, not only the Bundesrat and the Bundestag scrutinised the EU legislative proposal, but also 7 Länder out of 16 actually scrutinised the implementation of the policy in German domestic law. As usual, the Bundesrat was an early player and acted *ex ante* during the coordination stage. During the negotiations, it was the turn of the Bundestag to scrutinise the Agent by adopting a non-binding opinion, in addition to the ‘ad locum’ control of the Bundesrat. Finally, at the implementation stage, both the regional and federal assemblies played an important role in discussing and pressuring the federal government in the transpositions process.

3.3 Empirical observations of explanatory factors

3.3.1 Homogeneity of preferences between Principal and Agent

During the negotiations of the Seveso III directive, there were no divergences between the preferences of German parliaments and the federal government. First, as explained in section 3.2.2, German parliaments shared common criticisms on the EU legislative proposal, criticism shared as well by the federal government. This situation is not surprising, as opinions of the Bundestag do not aim at criticising the government, but aimed at backing its position in EU negotiation. A clerk of the Bundestag commenting on the discussions that took place in the parliament on Seveso explains: *‘The opposition often not has, or do not trust the government. And the parties for the government are more trusted. As I said, they do not do*

anything that goes against the government, they work hands in hands' (Interview 20). Indeed, as we can read in the summary on the deliberations that led to the Bundestag opinion, this is clearly stated: *'The factions of the CDU / CSU and the FDP had dealt intensively with the proposal of the EU Commission. With the motion for a resolution on committee paper 17 (16) 246, the German Federal Government should be supported in its negotiations at EU level'* (Bundestag, 2011: 4).

Based on the outstanding issues of the negotiation identified in the chapter, table 32 presents shortly the position of the federal executive and of his Principal.

Outstanding issues – EC proposal	Agent	Principal	Conflicting preferences
Scope of the directive increased by the European Commission in comparison with Seveso II	The directive must only be an adaptation to CLP regulation. Status quo position.	Both the Bundesrat and the Bundestag defended the same position as the government did.	No
Increased obligations in terms of public information and access to Justice	Do not want to go beyond what is already foreseen in Aarhus (access to justice) and fears security issues regarding obligations in terms of public information.	Both the Bundesrat and the Bundestag defended the same position as the government did.	No
Frequency of inspections	System in place proved to be sufficient. No addition in inspections	Both the Bundesrat and the Bundestag defended the same position as the government did.	No

Table 32: Homogeneity of preference between P&A – Seveso III

3.3.2 intra-Principal cohesiveness

On the Seveso directive negotiations, there were no major divergences between German parliaments. Indeed, during the negotiations, only the Bundesrat and the Bundestag positioned themselves collectively, at different moments in the negotiations. Overall, from a coordination point of view, the work of the Bundestag and of the Bundesrat was disconnected from one another. As the following interview discussion illustrates, there was no formal political or administrative coordination on the Seveso negotiation between the Bundestag and the Bundesrat (Interview 20 – Clerk of the Bundestag).

Interviewer: Is there a coordination between the Bundestag and the Bundesrat? On Seveso and LIFE, both chambers adopted an opinion.

Interviewee: *We see it in Eudock, but that's all.*

Interviewer: Even on the administrative level?

Interviewee: *No, no.*

Interviewer: So it is really two separate bodies.

Interviewee: Yes, separate, totally.

Despite this apparent lack of coordination between the two legislative chambers, and when looking more closely at the position defended in both opinions, the Bundesrat and the Bundestag did defend a similar position. More precisely, the Bundestag raised 7 points in its opinion, dealing with specific issues of the EU negotiation. On these 7 issues, it is interesting to note that the Bundestag follows closely remarks previously formulated in the Bundesrat opinion (i.e. on delegated acts, on the rhythm of inspections, on the degree of public information, on administrative burden etc.). Last, during the discussions in the Bundestag, both the FDP and CDU (hence governmental parties) mentioned the position of the Bundesrat and backed it up during the discussions. Hence, based on the above information, the level of homogeneity in the preferences of the federal Principal was high.

In the Bundestag, the discussions on the Seveso directive saw a division between the opposition and the majority on several issues of the negotiations. In short, when the parties of the majority focused on the economic implication and on the administrative burden for industrials, the parties of the opposition discussed in more details the issues related to access to Justice and public participation. As explained by a clerk of the Bundestag, *'It was really important as an economic interest, no more rules for the industry, no more reports. That was the biggest problem in the discussions. And on the other side, the opposition had always wanted more information for the public etc.'* (Interview 20). On this matter, a parliamentarian of the Environment committee of the Bundestag described the discussions as: *'Lively, but limited to a few professionals'* (Written answer 1).

During the start of the transposition process, a divide between opposition and majority was also observed. The majority (CDU/CSU & SPD) supported the government legislative draft, the Greens voted against and Die Linke abstained. Overall, the transposition process of the Seveso III directive has been described as a long and difficult process: *'The CDU / CSU Group pointed out that the agreement on the draft law had been the end of a difficult process because it was not just about public participation and the implementation of amendments to chemicals legislation at European level, but also how to avoid and clear the issue of distance rules'* (Bundestag, 2016a).

At the regional level, no major divergence in the preferences of the Principal were observed. Indeed, as most of the Landtage saw limited involvement during the coordination and negotiation stages, and that the transposition process of the main modification of the directive has not started yet, there exist no empirical material demonstrating a conflict in

Landtage. The sole exception is a proposition of resolution supported by opposition parties (CDU and FDP) in North-Westphalia Landtag (Landtag Nordrhein-Westfalen, 2015) and dealing with the transposition of Seveso III. As in the Bundestag, the divide follows the line of CDU and FDP asking that no regulation beyond the scope of the directive is taken, especially regarding further development of industrial activity. The proposed resolution was rejected by the majority parties.

3.3.3 Informational asymmetry

Informational asymmetry was low at the beginning of the negotiations, which then allowed scrutiny by the parliaments to be conducted ex-ante. During the negotiations, information was available to parliamentarians, especially for federal chambers.

At the federal level, as usual the Bundesrat relied on officials from the Länder administrations to prepare their opinion. Indeed, as Seveso has implications regarding implementation competences of the Länder, their expertise is essential in the drafting of opinion on technical directives, such as the Seveso legislation. In addition, and for this legislative proposal, the Bundesrat had nominated a 'Bundesrat expert' in charge of following the negotiations of the proposal for all Länder. This person accompanied the German executive in the Council and played the role of an 'observer' during the negotiations, drafting reports for the Bundesrat on the evolution of the EU negotiations. The reports are then uploaded on the Bundesrat database (EUDYSIS) and available for all Länder executives. This allows for German Länder to stay informed on EU negotiations, in light of the Bundesrat opinion. As explained by officials from a regional ministry (Interview 16):

Interviewee I: We have about 300 persons, from the Länder level, that are going to the working groups on EU level from the Council. And their sole purpose is to watch and make sure that the representative from the national level does what the Bundesrat is saying. These are the representatives from the States. They are really looking at how the national governments is negotiating in these working groups. So the representative of the States, they draft a report and they have to say if the government actually did not do what the Bundesrat told him to do. I do not know what the effect is ... It is just a report, it is shaming.

On its side, following the adoption of its opinion during the negotiation, the Bundestag received information from the government on a regular basis in the parliamentary committee for Environment. A parliamentarian of the Environment committee (majority) evaluates the scope of information received as sufficient (Written answer 1). In addition to indirect information provided by the government, information on the Seveso directive could also found its origin in interest groups position papers and contacts, with the competent federal ministry, but also and to an important extent, in intra-party exchange of information (with MPs

in the fraction, or with German MEPs) (Written answer 1). In addition, as for the Bundesrat, the Bundestag has its own database where basic information on the proposal and position of Germany can be retrieved. As explain by a clerk from the Bundestag:

Interviewee: *I want to underline that with Eudok, we have good information, basic, and that the parliament has on the top much possibilities to inform them.(...). I think all parliamentarians have good possibilities to be informed. We have 'Eudocs', they have all reports from each Council meetings and so on. So we have all information, but information that come from officials. They can also talk with the minister 'off records', and that's not a problem, that is a small problem. Information, in legislative acts in Germany are not as transparent as EU documents, which is very, very open. (Interview 20).*

An illustration is a report drafted by the Bundestag service in 2016 and discussing in length (6 pages) the state of the transposition process of the directive Seveso III. At the regional level, desk research does not allow to observe any particular form of information exchange on the Seveso directive. The Seveso issue only appeared at the transposition and implementation stages, but with no structural information from the regional executives.

To sum up, at the start of the EU negotiations, some German parliaments could rely on the documents transmitted by the EU, on brief information available on EUdok (Bundestag) but also the expertise of the Länder administration (Bundesrat). During the negotiations, both federal chambers could rely on follow up information, whether from the Bundesrat representative in Brussels, or with systematic information given by the government and available on EUdock. Yet, information on the Seveso negotiations were not available in a structural manner in the German Landtage.

3.3.4 Domestic salience of the EU proposal

The revision of the directive Seveso III was salient in Germany for two main reasons: its number of Seveso sites and its past history with the Seveso II legislation.

First, there is more than 3000 Seveso sites in Germany, with more than 1,100 high level Seveso sites for around 2000 low-level Seveso sites. The number of Seveso sites is closely linked with two issues of the negotiations for Germany: the number of inspections of Seveso sites and the administrative burden lying on competent authorities. On this aspect, it is interesting to know that the two main players of the Bundesrat negotiations were Bremen and North-Westphalia (Interview 19). Since Bremen has a small area with a dense population, North-Westphalia has, on its territory, 20% of all German identified Seveso sites, but also has the biggest number of higher-level establishment (around 25%).

Second, Germany still has difficulties in the implementation of the Seveso legislation. Already in 2008, an evaluation report on the effectiveness of the Seveso II directive pointed out the implementation problems of the Seveso II directive in Germany, and most particularly of article 12 (Now art. 13 in Seveso III) on land-use planning in that it was insufficient (EU-Vri, 2008: 17). Article 12 of the Seveso II Directive 96/82/EC requires that land-use policies take into account the needs to prevent major accidents and to limit their consequences, by defining “appropriate distance” between Seveso establishments on the one hand, and residential areas, buildings and areas of public use, and other sensitive areas, on the other hand. This is specifically this definition of ‘appropriate distance’ that put Germany under pressure, as the Federal German Emission Control Act (BImSchG) only lays down the separation principle as a matter of land-use planning (i.e. separating residential areas from industrial and commercial sites). However, in a judgement taken by the ECJ on the Seveso II directive (case C-53/10, known as the Mücksch case) *during* the negotiations of the new Seveso III directive, the ECJ considered German implementation to be insufficient because the topic of the appropriate distance arises in each individual approval process. With the new Seveso III directive, the issue is thus ‘back on the table’ and raises concerns, especially in the Länder (Interview 19). As explained by an official of a Länder ministry: *‘you have to know that this issue is quite sensitive since we had 2 years ago an accident in the city caused by ‘Bremen’, but the establishment exploded and we had lot of casualties, and so on. So it is actually a voter sensitive issue’* (Interview 19).

In Germany, the mediatisation of the Seveso directive did not trigger specific attention from national newspapers during the period 2011-2016. In total only one article specifically deals with the Seveso III directive. Published in 2015, the article focuses on an implementing issue: inspections of Seveso site. Based on a report published by the Federal Ministry for the Environment, Nature Conservation, Construction and Reactor Safety of the Federal Republic of Germany covering the period 2012-2014, *Der Spiegel* questions the security in light of a rather low rate of inspections in Germany. *Der Spiegel* points out that 63 % of the upper-class enterprises were not controlled annually from 2012 to 2014, as foreseen in the Seveso III legislation (*Der Spiegel*, 2015).

Yet, the Seveso theme is not entirely absent from German newspapers, but often it is taken as a contextual starting point for articles discussing ‘dioxin Seveso poison’, or the security of Seveso sites following the terrorist attack in Lyon (France) and finally, relating accidents or pollution scandals in Germany (such as the dioxin crisis in 2011 and an accident in

December 2014 in Lower Saxony). Thus when the negotiations got unnoticed, the Seveso theme is often discussed in the media, but not as a primary focus.

Table 34 presents the mediatisation of the Seveso III negotiation in Germany between 2011 and 2016.

	2011	2012	2013	2014	2015	2016
Die Welt (written & Online)	0	0	0	0	0	0
Der Spiegel (written & Online)	0	0	0	0	1	0
Total per year	0	0	0	0	1	0
Total all years					1	

Table 34: Mediatisation in Germany of the negotiations of the Seveso III directive

Chapter 6: The LIFE Regulation

After LIFE I (1992-1995), LIFE II (1996-1999), LIFE III (2000-2004/6) and LIFE + (2007-2013), the LIFE 2014-2020 regulation is the fifth phase of the EU's funding instrument for the environment. The objective of the programme is '*to contribute to the implementation, updating and development of EU environmental policy and legislation by co-financing pilot or demonstration projects with European added value*' (European Commission, 2014a). Phrased differently, LIFE is intended to promote implementation and integration of environment and climate objectives in other policies and Member State practices. More precisely, LIFE is a *Framework Program* consisting of two sub programs. The first one focuses on the environment and was already in place during previous LIFE phases. The second one is a novelty and focuses Climate Action but also in the development of *Integrated projects*, targeting projects with a larger territorial scale and aimed at implementing environmental and climate strategies mobilising other EU, national and private funds. Furthermore, the Commission also proposed to remove the system of national allocations from the LIFE programme (Council of the EU, 2011). In this regard, the Commission does not include any form of national allocations, as it was the case under the LIFE +.

To understand the EU decision-making process leading to the adoption of the 2013 LIFE regulation, two distinct feature of LIFE must be highlighted. First, LIFE is the only case selected in this PhD that has a redistributive dimension, since the program aims at supporting environmental projects in the Member States by co-financing mechanisms. In practice, implementation costs for Member States are limited, with significant added value for environmental projects. Unsurprisingly, the budget of the LIFE program was an important question in the negotiations, but was dependent on the adoption of the *EU Multiannual financial framework* negotiated in parallel in the General affairs configuration of the Council. It means that LIFE was not only negotiated in the Environment configuration of the Council, but was also part of the discussions on the overall EU budget taking place in the General affairs configuration. As a result, in this case (sub) national parliaments are in a situation where they need to scrutinise the legislative proposal in both Council's configurations.

Second, Member States' role in the implementation of the LIFE regulation is indirect and limited (Interview 34, see also Randour and Wolfs, 2017). At the EU level, the European Commission, in consultation with the Member States, defines a *Multiannual work programme (MWP)*, setting up a list of priorities for a period of two years offering greater stability for potential applicants. As the EU awards LIFE funding to applicants following a grant system,

based on proposals designed by external applicants such as NGOs or private companies, Member States are not involved in the selection process of projects and cannot be attributed funding directly. Although they can still be part of some projects as co-founder or initiator, the role of the Member States and their regions is thus mainly advisory – sharing best practices with applicants. In effect, this means that once funding priorities are defined at the EU level, the margin for manoeuvre and influence on the implementation is limited.

When looking at the timing of the EU negotiation, the *(domestic) coordination stage (t0-t1)* started the 12st of December 2011 with the release of the legislative proposal of the Commission and ended the 28th of March 2012, with the subsidiarity deadline (3 months and 2 weeks). The *EU negotiation stage (t1-t2)* was then initiated on March 29th 2012 and lasted until the 5th of December 2013 with the publication of the final act. Finally, the *(domestic) implementation stage (t2-t3)* began with the EU agreement and took into consideration the implementation of the LIFE framework in EU Member States.

Additional Procedural Information – Regulation 2013/1293

EC DG responsible: DG Climate action and Environment

Presidencies: Danish 2012(1); Cyprus (2012(2); Irish (2013(1)), Lithuanian (2013(2)).

Meetings: 7 WPE meetings, 2 Coreper meetings, 4 trialogues, 3 technical tripartite meetings, 4 Council ministerial meetings.

European Parliament rapporteur (ENVI): Haug Jutta (S&D) – Germany.

COD: 2011/0428

COM: COM 2011/0874

Act: Regulation 2013/1293

Outstanding issues of the negotiations

Four outstanding issues were discussed in the negotiations leading to the implementation of the LIFE regulation.

(1) The *LIFE budget*. This issue was not negotiated in the Environment configuration of the Council and depended on the MFF (see previous section). The European Parliament was satisfied with the final compromise (3.1 billion euros), even if it had requested a bigger budget.

(2) The *(indicative) national allocations*. These were strongly discussed in the Council of the EU. On that account, while some Member States wanted to keep the indicative national allocations, other delegations were in favour of the Commission's proposal, which suppressed

national allocation and implemented a system based on the quality of projects. At the end, a compromise was found consisting of a transition towards the end of indicative allocation in the mid-term. On this regard, the EP underlines the fact that in *'the second half of the next LIFE programme, projects will be selected for funding solely on the basis of their quality and demonstration potential – a more transparent method than the current national allocations whereby a share of funds is indicatively attributed to each Member State'* (European Parliament, 2013: 1).

(3) The *co-financing rate* of projects and the *eligibility of VAT and permanent staff*. While most delegations preferred to maintain VAT and staff cost eligible, the Commission *'proposed to make VAT and permanent staff costs non-eligible for EU co-financing, linking this to an increase in the co-financing rates to cover these costs for applicants'* (Council of the European Union, 2012i: 4). Following the flow of the negotiations, the presidency proposed the following formula: *'in their proposal to re-introduce VAT and permanent staff costs as eligible costs, the Presidency proposed lower co-financing rates and as an exception a higher co-financing rate of 75 % for priority habitats and species'* (Council of the EU, 2012h: 4).

(4) The *integrated projects*. The main issue was a worry that budget would be lost for traditional projects, but also that the proposal of the Commission was not really clear on what forms the integrated projects could take. At the end, the Commission made some concessions, and less money is attributed to the integrated projects than originally intended.

1. Austria

1.1 Parliamentary activity in Austria – The Regulation LIFE

When looking at the LIFE negotiations, parliamentary scrutiny took place in the Austrian Federal Council at the domestic coordination stage only, with no scrutiny during the negotiation and implementation⁹³ stages, whether at the regional or federal levels. The parliamentary scrutiny conducted at the **coordination stage** consisted in an *exchange of views* in the EAC, at the beginning of February 2012, between MPs of the Austrian Federal Council. Following this exchange of views, MPs of the EAC did not adopt a resolution (Federal Council, 2012e). Overall, the meeting of the EAC did not exclusively focus on the

⁹³ The implementation stage for LIFE is different than for the other decision-making processes analysed in this research. In practice, the implementation covers the annual grant system organised by the European Commission.

LIFE upcoming negotiations, as five other EU proposals were on the agenda for the committee session, with some of them triggering more attention from parliamentarians than the LIFE proposal⁹⁴. More precisely, during the EAC meeting, an official of the administration shortly presented the LIFE proposal and answered the interrogations of the MPs. The questions were informational and addressed four dimensions of the proposal: *how* to apply for funding; *who* can get it; *what* kind of projects can be supported; and finally, *how* much money is available for Austria (budget, rate of co-financing).

At the ***negotiation and implementations stages***, no follow up or additional scrutiny actions were taken by Austrian parliaments. As explained by an official of the parliamentary service of Austrian federal parliaments commenting on the LIFE negotiation:

In Austria, scrutiny in the strict sense normally takes place at a very early stage and everything is very much linked to the subsidiarity issues. So we get the proposal in, then in practice you would have the scrutiny that consists of the committee session. And then, the formal thing is done. Even if there is no statement by the Committee, the minister takes from the session a certain image of what are the expectations of the parliament with regard to the negotiations. Of course, then the negotiations go on and then take off, and normally, and this is an important point, the parliament does not really take it up again. So in most cases, that is the only formal step of scrutiny that is being done. (Interview 9)

Table 35 summarises the empirical observation and related coding regarding the LIFE regulation in Austria.

⁹⁴ As an illustration, the Austrian Federal Council adopted during his meeting a subsidiarity opinion for the proposal of a directive regarding the award of concession contracts (COM/2011/089), followed by a political dialogue opinion a few months later. Overall, the COM/2011/0897 attracted attention of several national parliaments in the EU. A quick look on the IPEX database shows that 7 political opinions and three reasoned opinions were adopted on this proposal. In addition, several Member States shared important information to exchange that in some cases led to the adoption of political statements (but outside of the subsidiarity and political dialogue mechanisms). In comparison, LIFE did not trigger such a scrutiny, with only 3 legislative chambers in two Member States which adopted such opinions.

Instrument used	Coding of parliamentary actions											
<u>Coordination Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☒</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Subsi/ Pol. Dialogue	☐	Exchange of views	☒	(de)briefing	☐	Parl. Questions	☐	- One exchange of views – EAC of Austrian Federal Council, committee level: Coded as +1 Total: + 1	1
Mandate/Opinion	☐											
Subsi/ Pol. Dialogue	☐											
Exchange of views	☒											
(de)briefing	☐											
Parl. Questions	☐											
<u>Negotiation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	No parliamentary activity in any of the Austrian parliaments Total: 0	0
Mandate/Opinion	☐											
Exchange of views	☐											
(de)briefing	☐											
Ad locum control	☐											
Parl. Questions	☐											
<u>Transposition/Implementation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☐	No parliamentary activity in any of the Austrian parliaments Total: 0	0		
Mandate/Opinion	☐											
Exchange of views	☐											
(de)briefing	☐											
Parl. Questions	☐											
Overall before, during and after the LIFE negotiation		1										

Table 35: Parliamentary activity in Austria – LIFE regulation

1.2 The autonomy of the Austrian executive – The Regulation LIFE

Overall, the Austrian executive benefited from an important degree of autonomy during the negotiations on the LIFE regulation. Despite a toolbox consisting of numerous parliamentary tools, only one of them – an exchange of views between MPs – was activated in one out of 11 Austrian parliaments analysed⁹⁵. The discussions were not critical towards the EU proposal or the position of the government. Thus an official from the executive was present during the exchange of views to answer the questions of the MPs from the EAC of the Federal Council, completing the written informational note that was transmitted to the parliamentarians ex ante. As such, the discussions were mainly informative, with the aim to understand the challenges in the revision of the LIFE program, rather than critical with the objective to circumscribe the position of the government. Following the exchange of views, the members of the EAC decided not to adopt an opinion and took note of the EU legislative

⁹⁵ Please note that in one Austrian Landtag (Wien), LIFE is mentioned and discussed very shortly about one concrete project (LIFE – URBANLAKE).

proposal. Consequently, the Austrian executive enjoyed a high level of autonomy before, during and after EU negotiations leading to the adoption of the LIFE regulation.

1.3 Austria: empirical observations of explanatory factors

1.3.1 Homogeneity of preferences between Principal and Agent

In the case of the LIFE negotiations, homogeneity of preferences between the Austrian parliaments and the federal executive was high. Therefore, as explained in more details in section 1.2, Austrian parliaments did not take a collective position on this regulation. After discussing the proposal in the EAC, committee members decided not to adopt a formal position. Most committee members were in favour of the EU legislative proposal and agreed with the position of the government. Hence, the Austrian parliaments and the Austrian federal executive had similar preferences on the LIFE proposal. The following quote from an official of the parliamentary administration of the federal Austrian parliaments illustrates this statement:

‘What I can see now from my side, based on the written document prepared by the ministry, is that the federal ministry was quite ok with this proposal, so they did not see many problems, and in a majority system, this is why our parliamentary coalition majority probably decided not to raise any opinion. So that is how it works normally. If the competent ministry already sees a lot of problems coming from a proposal, then the majority in the parliament will also be more motivated to issue a statement. But it was not the case in this dossier’ (Interview 9).

In a way, what this quote reveals is the close relationship within parliament between the majority and the government. In this respect, one could argue based on the quote that *instrumentalisation* of the parliament by the executive was not considered as necessary. If the ministry sees no problem, then why should the parliamentary majority invest resources in scrutinising the EU proposal in-depth? If we compare the reports transmitted *ex ante* to the parliaments regarding the LIFE and Water cases, there is a clear difference in the length and content of the two informative reports. In the case of LIFE, the report did not mention any negative elements in the EU proposal (Austrian EU Parliamentary secretariat, 2012a). For the Water case, the situation is different and the government expressed his ‘critical view’ and presented in more details the national position (Austrian EU Parliamentary secretariat, 2012a).

1.3.2 Intra-Principal cohesiveness

In Austria, the LIFE program only saw the involvement of the Austrian Federal Council, as the other Austrian parliaments did not position themselves on the EU proposal. Since no

other parliaments in Austria issued a statement on the LIFE proposal, no conclusion can be drawn regarding the homogeneity of preferences between Austrian parliaments and the executive.

The LIFE proposal did not trigger major oppositions between the parties that makes up the EAC of the Austrian Federal Council. In this context, as a member of the Environment ministry explains, the debate on LIFE in February 2012 was rather a 'smooth process':

'I was invited at the Bundesrat, to explain to them the regulation. I do not remember very well but it was rather smooth (...). Because you know, it is different. When you are showing up as a civil servant, and you are more or less in a position to explain what is written there, they do not take political games, you know: they want to know, and you tell them, and they listen and it is rather a nice process. If the minister is there, it is a political game. It is much less information, and more political' (Interview 51).

Overall, when looking at the committee protocol, the discussions on LIFE indeed resemble more of a 'questions and answers' session, rather than a polarised debate (Federal Council, 2012e). There was no partisan positioning by political parties. This situation thus leaves less room for potential conflicts to emerge. The previous quote is also interesting, as the official of the ministry suggests that the degree of polarisation in the debate is in relation with who stands in front of the committee. As an expert from the national ministry, MPs primarily aimed at gathering information on the EU proposal. To summarise, the homogeneity of preferences intra-Principal was rather high, with the main Austrian political parties not opposing each other.

1.3.3 *Informational asymmetry*

In terms of degree of information, the Austrian parliaments could rely on several documents and sources of information, all originating from the executive. At the coordination stage, the Austrian Federal Council could rely on a short 2 pages document prepared by the Federal administration (Federal Council, 2012f). The document presented the legislative proposal and shortly addressed the position of the Austrian government in 2 lines: *'In principle, Austria is interested in a rapid agreement in order to avoid financing gaps between the current and the future LIFE program. The detailed position is still being elaborated'* (Austrian Federal Council, 2012a: 2). In addition, during the meeting of the EAC, a civil servant from the Environment ministry was present to complement this information and answer to the questions of the MPs (Interview 51).

During the negotiation stage, Austrian parliaments could rely on the reports drafted by the Austrian Permanent Representation in Brussels. For the LIFE negotiations, numerous reports were prepared and made available to MPs. Thus a total of 8 reports were available

for this negotiation on the EU parliamentary data-base (Interview 9). On this matter, an official of the parliamentary services explains: *'As I said before, we get reports from the government and the administration, and we (the parliamentary administration) prepare also overviews, and this is hopefully being read by committee members. So they know what is going on'* (Interview 9). To summarise, Austrian parliaments could rely on various – but mostly executive – source of information.

1.3.4 Domestic salience of the EU proposal

In Austria, the revision of the LIFE program was salient for the Environment ministry, as LIFE is a successful program for Austrian stakeholders and NGOs. With this in mind when looking at LIFE +, Austria had a total of 13 projects financed during the period 2010-2013, with most of the projects originating from civil society and NGOs (European Commission, 2014). Most specifically, I look at the following salience indicator: the performance of the Member States in terms of the number of LIFE projects in relation to their indicative national budget. In this regard, an official of the Austrian Permanent Representation explains: *'The LIFE instrument is also important for us, we have stakeholders engaging very actively on the LIFE instrument. So, it gives a lot of resonance back at home (...). So, we have always been good in the selection of project, and we have always come beyond our envelope'* (Interview 10). The same information is also found in the informative report prepared for the parliament (see. previous, Federal Council, 2012f). In addition, the new proposal of the Commission offered an important opportunity for Austria, as explained by an official of the Environment ministry: *'It is probably no secret, I was together with Belgium and some others strongly against the national allocations. Simply because, experience at that time with LIFE + has shown that it was for us very disadvantageous. On two occasions, we lost out (projects) because of this national allocation'* (interview 51).

Despite stakeholders, NGOs and the Environment ministry's interest, the salience of the LIFE program must be nuanced. This is why at the time of the negotiations of LIFE, other major dossiers were negotiated: the CAP reform and the Multi Annual Financial Framework. The same official comments:

Interviewer: Could we conclude on what we just said that LIFE was not a really salient issue in Austria?

Interviewee: Yes. I Agree. I mean you need to be aware of what was negotiated at the same time: the Common Agricultural Policy.

Interviewer: Indeed. A really important topic for Austria.

Interviewee: Yes. Yes. (...) But also, the whole EU budget was negotiated at that time. You know. So, I mean, this 0,3 %⁹⁶, by nature this is not the issue that makes the media, you know. You have to be realistic. CAP reform was the issue and there is, I mean, Austria has rather huge rural developments. (Interview 51).

⁹⁶ 0,3 percent is the total amount that LIFE represents in the overall EU budget.

Therefore, in comparison with other redistributive programs, another official of the Environment ministry explains: *'Life is important for us as a ministry, but if you compare LIFE to the structural fund, I mean... it is nothing in reality. Nice for us as a ministry, but it is not the 'Austria' interest'* (Interview 47). To sum up, while the LIFE negotiations were of major importance for the Environment ministry, this was not the case for other relevant departments. Thus, it decreases the overall salience of the LIFE proposal for Austria (as a whole). On the whole, it can be argued that the LIFE negotiations were not really crucial for Austria.

The negotiations of the new LIFE package and of its implementation were totally absent from Austrian newspapers. Indeed, between 2011 and 2014, there are no articles focusing on the LIFE negotiations. When we broaden the search for articles dealing with specific LIFE projects and not only the negotiations, the results differ only to a minor extent. Only one article was found. It was published before the start of the negotiation and LIFE wasn't its main concern.

	2011	2012	2013	2014
<i>Die Presse (National)</i> ⁹⁷	0	0	0	0
<i>Der Standard (National)</i>	0	0	0	0
Total per year				
Total all years 0				

Table 36: Mediatisation in Austria – LIFE Regulation

2. Belgium

2.1 Parliamentary activity in Belgium – The Regulation LIFE

During the negotiation of the LIFE regulation, there were no scrutiny actions directly related to the EU negotiations in any of the Belgian parliaments, whether before, during or after the EU negotiations. Hence, the Belgian executive enjoyed full discretion during the negotiations. Still, parliamentary questions on *LIFE projects* – tackling practical questions on the implementation of the LIFE fund – occurred on a more frequent basis, with a total of 14 parliamentary questions between 2009 and the end of 2016. Most of the parliamentary questions occurred in the Walloon parliament (12 questions), with one parliamentary question in the Brussels parliament and one in the House of Representatives. In this

⁹⁷ Keywords used on the website of both newspapers: Programms für die Umwelt und Klimapolitik ; Verordnung (Nr.) 1293/2013 ; 'LIFE' & 'Europäische Kommission' ; LIFE' &'EUROPA' ; LIFE 2014-2020 ; LIFE-Programm ; LIFE-Projekt ; LIFE-Budget. Period of search between 1.01.2011 to 31.12.2014.

research, these questions are not coded as parliamentary actions related to the EU negotiation as most of them deal with LIFE + (the previous fund) or with a specific LIFE project⁹⁸.

Instrument used	Coding of parliamentary actions													
Coordination Stage <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Subsi/ Pol. Dialogue	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	No parliamentary scrutiny at the regional or federal levels Total: 0	0
Mandate/Opinion	☐													
Subsi/ Pol. Dialogue	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
Negotiation Stage <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	No parliamentary scrutiny at the regional or federal levels Total: 0	0		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
Transposition/Implementation Stage <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☐	No parliamentary scrutiny at the regional or federal levels Total : 0	0				
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☐													
Overall parliamentary scrutiny in Belgium before, during and after the LIFE negotiations		0												

Table 37: Parliamentary activity in Belgium – LIFE regulation

2.2 The autonomy of the Belgian executive – The Regulation LIFE

I now discuss the autonomy of negotiation of the Belgian executive vis-à-vis his domestic parliamentary system before, during and after the negotiations leading to the adoption of the regulation LIFE. First, when looking at the parliamentary scrutiny conducted by the Belgian parliaments, it is clear that the executive faced no control at all on this dossier. Indeed, when Belgian regional parliaments asked parliamentary questions on LIFE, it did not focus at all on the revision of the LIFE programs. As explained in the previous section, questions tackled

⁹⁸ It is interesting to note that, out of the 14 questions, 11 of them came from the French-speaking liberals (MR), in the opposition at the regional level but present in the majority at the federal level.

specific LIFE projects or LIFE +. Overall, these questions were informational and interrogated implementing issues. As the Belgian executive received no instructions from parliaments (and knowing that EU regulation do not need to be transposed by domestic parliaments), the Belgian executive enjoyed a high level of autonomy vis-à-vis the domestic parliamentary system.

2.3 Belgium: empirical observations of explanatory factors

2.2.1 Homogeneity of preferences between Principal and Agent

Belgian parliaments did not position themselves (collectively) on the European legislative proposal. As a result, no conclusion which can be drawn regarding the homogeneity of preferences between Belgian parliaments and the executive are available.

2.2.2 Intra-Principal cohesiveness

Belgian parliaments did not collectively position themselves on the European legislative proposal. The only Belgian parliament where indirect parliamentary scrutiny occurred on several occasions is the Walloon parliament. Yet, none of the parliamentary activities specifically focused on the revision of the LIFE proposal. As a result, no conclusion which can be drawn regarding the homogeneity of preferences between Belgian parliaments and the executive are available.

2.2.3 Informational asymmetry

Empirical evidence demonstrate that there was an imbalance of information in favour of the executive. As indicated by Belgian regional parliamentarians, no substantial and structural information from the government was provided to MPs (Interview 54). As for the federal parliamentary administration, the service of the House of Representatives prepared a written information note for the Belgian federal MPs. This two-page document explains that the EU unit of the House of Representatives does not see any subsidiarity problems. Interestingly, the document outlines that other national parliaments are scrutinising the proposal (House of Representatives, 2012).

At the regional level, there was no document prepared by any of the parliamentary services. Interestingly, the LIFE regulation proposal was not listed in the bi-mensual report of the Walloon parliamentary services. In conclusion, except for the federal parliament, where MPs received a short two-page document, no other information was available. If MPs wanted to fill

in the informational gap, they needed to get information themselves and mobilise their to follow EU affairs. In the following quote (own translation), an official from a federal ministry working on LIFE explains:

Interviewer: *According to you, why were Belgian parliaments not active on the issue? Did someone asked you to prepare a report for the parliaments?*

Interviewee: *No. No. In the CCPIE - it is the cooperation agreement that binds the regions together with the federal level - we are asked to prepare the Belgian national position, this is executive business: the administration and the ministers. Thus, we have no 'necessary' relationship with the parliaments. This means that if they are not interested in the issue, ben... voilà. It's a pity, they do not think about it. (Interview 34).*

2.2.4 Domestic salience of the EU proposal

In Belgium, the revision of the LIFE program was important for two reasons. First, when looking at the LIFE + program and at Belgian applications, Belgium sees the program as successful (Interview 34). In the last year, Belgium has developed a comprehensive administrative support for applicants aimed at improving their success rate when applying for a LIFE funding. As an illustration, Belgium received EU support for a total of 25 projects in the period 2010-2013. Second, the observed evolution over the year is that Belgium has introduced valuable projects that have not been selected for final financial attribution and then put on the reserve list. This resulted from the national allocations procedure and the fact that dossiers were not evaluated on 'merit' only. On this matter, a Belgian official involved in the EU negotiation explains:

'Belgium, yes we agreed with the Commission's proposal: we had a limited national allocation budget but a lot of projects. So, we were supportive of the Commission's proposal to delete the national allocations' (Interview 34).

Despite this, the LIFE programme did not trigger much attention in Belgium, and was described a 'technical' dossier, with an important implication of national experts, and a positive image in terms of efficiency. The same official comments:

'I also believe that 'LIFE' is something positive, this is also why I like working on LIFE. (...). This is nice because your job consists in helping people doing projects and I'm there to help them, to get the money. This is not like the priority substances in the field of water policy, things that are more sensible, more dangerous' (Interview 34).

In addition, no systematic attention was given to the LIFE negotiations in the media, with no articles referring directly to the EU proposal or its negotiations⁹⁹.

⁹⁹ When looking at the mediatisation of *LIFE projects*, however, the results differ. In the period 2011-2014, *Le Soir* (francophone newspaper) published 7 articles related to LIFE questions, but these articles focused on specific LIFE projects or local situations. During the same four years, *De Standaard* (Flemish newspaper) published a total of 5 articles dealing with LIFE specific projects. Hence, while mediatisation of the negotiations of the new LIFE program was absent, mediatisation covering the practical implementation of LIFE was much more important. Interestingly, MPs questions on LIFE also focused on specific LIFE projects, when no scrutiny activities focused on the LIFE reform itself.

3. Germany

3.1 Parliamentary activity in Germany – The Regulation LIFE

The LIFE proposal triggered parliamentary attention in Germany, but mainly at the federal level, with almost no scrutiny actions taken at the regional level. Most of the parliamentary scrutiny took place at the coordination and negotiation stages. At the **coordination stage**, the Bundesrat was the first and the only federal parliament to act by adopting a non-binding opinion at his plenary session of the 10th February 2012 (Bundesrat, 2012d), after the usual committee coordination meetings (Bundesrat, 2012c). The *non-binding opinion* is a 5-page (1,276 words) document and is defining *general guidelines* for the government to follow. At the Länder level, five out of 16 Länder (Lower Saxony, Thuringen, Brandenburg, Saxe-Anhalt and Hamburg) took note of the LIFE proposal, but only Hamburg adopted a *subsidiarity opinion* (Hamburg, 2012a) observing that there was no breach of subsidiarity and that the state parliament was supportive of his executive.

During the **negotiation stage**, the Bundesrat nominated *an expert* in Brussels to assist the German national delegation during the negotiations (Interview 19). This official drafted several reports that were available for all Länder on the EUDYSIS database. The Bundesrat did not take any additional parliamentary actions during the negotiation stage. Yet, at the federal level, the Bundestag scrutinised the EU legislative proposal by adopting an opinion on the 18th of October 2012 at unanimity (Bundestag, 2012), after a first round of discussions in the Environment committee (Bundestag, 2012). The non-binding opinion is a short two page document (525 words), close to a political statement and supported unanimously by all political parties in the parliament. In addition, two follow-ups regarding the LIFE budget took place in January 2013 in the form of two written parliamentary questions by Green MPs.

Finally, during the **implementation of LIFE**, no more questions were raised in the Bundestag and in the Bundesrat. At the regional level, LIFE was discussed in two out of the 16 Länder, but the parliamentary questions tackled specific LIFE projects or focused on more general economic advantages of the LIFE program. Thus parliamentary scrutiny at the regional level is indirect – not addressing the negotiation or the annual call for projects - and informational.

Table 39 presents a summary of the empirical observations.

Instrument used	Coding of parliamentary actions													
<u>Coordination Stage</u> <table><tr><td>Recommendation/ Opinion</td><td>☒</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☒</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Recommendation/ Opinion	☒	Subsi/ Pol. Dialogue	☒	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	- Recommendation – Bundesrat. <i>Non-binding opinion, Mandate looking. Coded as: +1 +1,5</i> - Subsidiarity opinion – Hamburg State parliament - <i>Non-binding opinion – Short statement. Coded as: +1*0,5</i> Total: 3	3
Recommendation/ Opinion	☒													
Subsi/ Pol. Dialogue	☒													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Negotiation Stage</u> <table><tr><td>Recommendation/ Opinion</td><td>☒</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☒</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr></table>	Recommendation/ Opinion	☒	Exchange of views	☐	(de)briefing	☐	Ad locum control	☒	Parl. Questions	☒	- Exchange of views at committee level (ENVI) – Bundestag. Coded as: +1 - Non binding opinion – Bundestag. <i>Non-binding, short statement. Coded as: +1 +1 = + 2</i> - Ad locum scrutiny – Bundesrat Expert - Direct ‘physical’ presence. Coded as: +2. - Parliamentary question – 2 Written questions – Bundestag. Coded as: +1 +1 Total: 7	7		
Recommendation/ Opinion	☒													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☒													
Parl. Questions	☒													
<u>Transposition/Implementation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☐	- No parliamentary actions observed Total: 0	0				
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☐													
Overall parliamentary scrutiny in Germany before, during and after the negotiations of the LIFE regulation		10												

Table 39: Parliamentary scrutiny in Germany: LIFE regulation

3.2 The autonomy of the German executive – The Regulation LIFE

I now discuss the autonomy of negotiation of the German executive vis-à-vis his domestic parliaments. Overall, two resolutions were adopted by the Bundesrat and the Bundestag at the coordination and negotiation stages. In addition, the Bundesrat nominated an expert to follow the negotiations with the German national delegation in Brussels, but no additional parliamentary scrutiny was conducted afterwards. In the Bundestag, the parliamentary opposition (the greens) asked two follow-up written parliamentary questions. Finally, at the regional level, the LIFE case is the one with the weakest parliamentary activity, as only the Hamburg parliament adopted a subsidiarity opinion. As usual, no breach of subsidiarity is noted by the State parliament. With an activity score of 10 (absolute value), the parliamentary activity on the LIFE negotiation can be qualified as medium.

I now discuss whether this parliamentary activity impacted on the autonomy of negotiation of the German executive. To do so, I identify the reasons behind the parliamentary scrutiny and the reaction of the federal government. First, when looking at the Bundesrat's recommendation, the document does not tackle in details all the novelties of the EU proposal, but addresses important novelties such as the integrated projects, the VAT eligibilities, and the total budget attributed to LIFE. Interestingly, in the process of adopting its resolution, the Länder of North Rhin-Westphalia drafted a separate document just before the plenary session of the Bundesrat highlighting the importance of the budget share allocated to the LIFE programme (Bundesrat, 2012e). Yet, their proposal did not gather sufficient support among the other Länder. As a whole, the recommendation of the Bundesrat is directed at the European Commission, as its last paragraph attests: '*The Federal Council shall forward this opinion directly to the Commission*' (Bundesrat, 2012d:5). But it also refers to the government as the Länder provide important expertise to the federal government for matters that require the Länder implication during their implementation. Besides, the Bundesrat nominated an expert to go to Brussels and sit with the German national delegation in the negotiation.

The combination of the Bundesrat opinion and the Länder observer is interesting, as the Bundesrat received first-hand information directly from Brussels. Consequently, it impacted on the negotiation autonomy of the federal executive sitting in the Environment Council, as he needed the Länder expertise while consistently controlled by the Bundesrat observer. The situation of the Budget and Finance minister – negotiating the MFF in another configuration of the Council – was different as the Bundesrat could not rely on first-hand information in his case.

Now looking at the Bundestag opinion, two elements are of interest for this research. Firstly, one important common feature between the opinion of the Bundesrat and of the Bundestag is the emphasis on the budget allocation for LIFE. On this issue, the Bundestag opinion clearly asked the government to follow its recommendations. The opinion also addressed the issue of the integrated project, the illegibility of staff costs, and the issue of delegated acts. At the time of the Bundestag opinion, the overall EU budget was still negotiated in the Council of the EU. In addition, it is important to note that the opinion was instigated at the MPs of the Environment committee of the Bundestag's own initiative. Indeed, it did not rely on prior information from the federal executive and was adopted unanimously by all political parties together (opposition and majority).

Secondly, there were two follow up actions, (*written questions*) in January 2013 specifically

dealing with the LIFE Budget. In both questions, a Green Party MP asked the Federal government if the opinions of both the Bundesrat and the Bundestag had been taken into consideration, during the negotiations, especially regarding the budget of the LIFE program (Bundestag, 2012a). In both their answers, the government, represented by the State secretaries for EU affairs, claimed that *'Germany has repeatedly stressed the further strengthening of LIFE in the ongoing Council negotiations'* (Bundestag, 2012a: 65). Yet in both answers the state secretary clearly notes that this debate was linked to the negotiation of the multiannual EU financial framework, and that *'the naming of concrete claims does not correspond to the approach adopted by the Federal Government in the negotiation'* (Bundestag, 2012a: 65). Moreover, the government also points out that the LIFE budget must be understood in the broader context of other EU environmental policies, such as the greening of the CAP and must be aligned with the political demands of the Federal government to limit the overall EU framework to 1 % of the EU gross national income. In other words, the German executive actively supported the financing of the LIFE program, but 'without naming it' and without having the intention to increase the EU budget. This clearly highlights the fact that the federal government had other priorities (such as keeping the EU budget under control, or financing the greening of the CAP etc.). In conclusion, despite these two parliamentary opinions, the impact on the autonomy of the federal executive can be questioned in light of its behaviour during the EU negotiation. In fact, contrary to the written answers of the State secretary to the parliament, it seems that Germany did not actively pushed towards an increase of the overall LIFE budget.

3.3 Empirical observations of explanatory factors

3.3.1 Homogeneity of preferences Principal and Agent

During the negotiations of the LIFE regulation, German parliaments and the federal executive negotiating in Brussels disagreed on one major issue of the negotiation: the total budget that should be attributed to the LIFE fund. On the other novelties of the EU proposal or outstanding issues of the negotiation, German parliaments and the federal executive had similar or close positions. The next paragraphs present in more details these empirical observations.

One of the major differences in the positions of the federal executive and of German parliaments lies in the discussion related to the LIFE budget. Both the Bundesrat (2012d, art. 5) and the Bundestag (2012) emphasised that in its current proposal, the LIFE budget is not sufficient to meet the 2020 European biodiversity goals. The Bundestag explains that a

substantial increase in LIFE resources would be possible with regard to the small share of the programme in the EU budget. In the Bundesrat, one German Länder went even further by stating that at least 3 billion euros were necessary for the ‘biodiversity’ sub-programme Environment (Bundesrat, 2012d). Yet, this stance was not the one that the federal executive representing Germany in EU negotiations defended. Thus in terms of budget, the main rationale behind the German position on the multi-annual financial framework was to reduce the EU overall budget. As such, this makes it difficult to call for an increase in the LIFE budget.

Otherwise, on the other outstanding issues of the negotiation, the federal executive and German parliaments were mostly in line on the positions to defend. The Bundesrat (2012d: art. 16), the Bundestag and the federal executive all welcomed, in principle, the *integrated projects*. Yet, they all outlined that it shouldn’t be done at the detriment of ‘traditional’ projects. The federal executive then proposed to limit the budget of the LIFE fund that can be awarded to integrated projects (Council of the EU, 2012j). On the issue of the *geographical balance* and of *the indicative national allocations*, both the Bundesrat (Bundesrat, 2012d: art 15) and the federal executive (Council of the EU, 2012j) favoured to keep the system of indicative national allocations. Finally, on the co-financing rate, VAT illegibility and simplification of the application process for stakeholders, again, the Bundestag (2012), Bundesrat (2012d: art 12, 13, 14) and the federal executive (Council of the EU, 2012k) were on the same line. Table 40 summarises the previous arguments.

Outstanding issues –	Agent	Principal	Conflicting preferences
Total budget of LIFE fund in EU budget.	As a net contributor to the EU budget, Germany aimed at the general level to diminish the EU budget	Both the Bundesrat and the Bundestag defended the same position: LIFE’s budget must be considerably increased	Yes
Indicative national allocations / Geographical balance	In favour of keeping indicative national allocations	In favour of keeping indicative national allocations	No
Co-financing, VAT & Simplification	In favour of simplification for applicants, of VAT illegibility and of higher co-financing	In favour of simplification for applicants, of VAT illegibility and of higher co-financing	No
Integrated projects	System in place proved to be sufficient. No additional in inspections	Both the Bundesrat and the Bundestag defended the same position as the government.	No

Table 40: Homogeneity of preference between P&A – Germany - LIFE

3.3.2 Intra-Principal cohesiveness

As was shortly outlined in the previous section, both the Bundestag and the Bundesrat in their respective parliamentary opinions defended similar arguments. Yet, one of the main point of both resolutions was the LIFE budget: both parliaments defended a substantial increase of the LIFE budget in the Multi-annual financial framework.

The homogeneity of preferences intra-Principal was high for both the Bundesrat and the Bundestag. On the one hand, both resolutions came from *within the parliament*, meaning that the work on LIFE in the Environment committee of the Bundestag started at the parliaments' own initiative. As an NGO official explains:

'These were all 'initiative resolutions' basically. The parliament was not really asked to do this, the parliament did it on its own initiative and, asking the government to negotiate mainly for a bigger budget for LIFE and as you can read, this was always because of a few members of the parliament, that were really committed about it, in the Environment Committee of the German Bundestag and a few people in the Länder' (Interview 5).

In addition, both resolutions were strongly supported by the main political parties in both the Bundesrat and the Bundestag. In the Bundestag, the resolution was supported by the CDU/CSU, SPD, FDP and the Greens, hence all major German political parties. In the Bundesrat, all Länder agreed rapidly on a common position, with the NWR Länder playing a major role regarding the budget issue. Overall, as explained by an official of a Länder administration, all Länder had globally the same interest in LIFE:

There is a coordination mechanism in the Bundesrat, but every Land has to do first their own assessment. (...). It is the administration that does that, that is federalism in its strongest way. Anyway, after the subsidiarity step, we actually go into the real thing (...). We give via the Bundesrat our opinion on the legislation. Of course, every land has different opinions on a lot of things as regards to Environmental policies. LIFE is maybe a little bit different, because LIFE actually is... everybody has the same interest in LIFE (Interview 16).

3.3.3 Informational asymmetry

Regarding the level of information available to German parliaments during the negotiations, several elements indicate that there was a sufficient level of information for MPs in the Bundestag, but also in the Bundesrat, despite the overall lack of information given by the executive. While there was no preliminary note prepared *ex ante* by the executive for the parliament, debriefings with the executive were organised on two occasions in the Environment committee, discussing the LIFE negotiations (Written interview 1; Interview 20).

More precisely, a parliamentarian from the Bundestag evaluates that he had sufficient information to decide and adopt the Bundestag opinion. According to this MPs, numerous

channels of information were used, most notably contacts with German MEPs, officials from EU institutions, stakeholders and non-governmental organisations, but also from practical experiences with LIFE projects in certain cases (Written interview 1). In addition, MPs in the Bundestag were aware of the Bundesrat opinion as it was available for consultation on the parliament database (Interview 20).

Finally, an official from an NGO explains that having a German rapporteur in Brussels for the LIFE negotiation allowed for a good line of communication with the national parliament, especially with the members of the S&D and the Greens. Together with an active mobilisation of NGOs, MPs could rely on important (informal) information:

'We had one resolution passed in the National parliament on LIFE and one in the second chamber. And I know that the rapporteur in Brussels, they were in touch with the S&D and the greens in the national parliament. But the main, discussions were between the rapporteur and her office, and the ministry. There was an informal line of communication. (...) You know, most of the Länder have the green parties in the government, and we have – let's say- a relatively environment friendly atmosphere at the Länder level at the moment. But, again, the federal government did not care. And there was an informal coalition between the Ministry of Environment and the Länder, the few members of the Bundestag and the NGOs. Ah, well, the influence of the National parliament was really limited on the negotiations I would say' (Interview 5).

3.3.4 Domestic salience of the EU proposal

In Germany, the revision of the LIFE program was highly salient for the Environment ministry, as LIFE is the only environmental financing instrument and is considered a successful program. When looking at the LIFE+ program, and at the period 2010-2013, Germany received support from the EU for a total of 31 projects¹⁰⁰, out of which 13 projects were supported by NGOs, 8 by local or regional authorities and the rest by other stakeholders, such as small, medium and international enterprises (European Commission, 2014a). As explained by a member of a Länder administration: *'For LIFE, it is nothing that has been politically debated. So I do not think, it was important that way. But for the day-to-day working, it was important for the administration. LIFE, is something you put your hands on and that is really interesting'* (Interview 16).

Yet, if this EU legislative proposal triggered attention from officials in the Environment ministries (federal and Länder levels), the same observation must be nuanced at the level of Germany as a whole. As explained by an NGO official, in comparison with other EU funds dealing with agriculture or regional policies, LIFE does not represent an important share of EU funding, and must be understood in this context:

¹⁰⁰ In comparison, for the period 2010-2013, Belgium obtained support for 25 projects and Austria for 13 projects.

For Germany, for the whole country, I'm not sure. I think most people did not know what was going on. It was important for the ministry of Environment and it was important for the Ministries of the 16 regional government in the German Länder, but also for the German NGOs. But of course for Germany, in the whole context, when you come to the overall budget, other parts of the EU budget, like agriculture, or regional policies, or the all net payer or not yet payer thing was much more important than LIFE (Interview 5).

Finally, the mediatisation of the LIFE negotiations was totally absent in Germany. There are no articles focusing on the LIFE negotiations or on its implementation during the period 2011-2014. Even the double parliamentary opinions (Bundesrat and Bundestag) were not mentioned in the two newspapers analysed.

	2011	2012	2013	2014
Die Welt (written & Online)	0	0	0	0
Der Spiegel (written & Online)	0	0	0	0
Total per year				
Total all years 0				

Table 41: Media coverage – Germany - LIFE

Slightly more mediatisation is observed at the level of the LIFE projects, with 3 articles published in 2014 on specific projects.

Chapter 7: The 2014 CO₂ emissions from the new passenger cars Regulation

This proposal is part of the Commission's ***Roadmap for moving to a competitive low carbon economy in 2050*** (European Commission, 2011b), which aims at tackling global climate change. The EU objective for 2050 is to decrease transport emissions by 60% compared to 1990 (CARS 21, 2012). More particularly, the '*road transport is one of the few sectors where emissions have risen rapidly*' (European Commission, 2012d: 2). That is why 70% of transport CO₂ emissions in 2008 came from road transport. More recently, the Commission developed a roadmap focusing specifically on the transport sector, called the ***Roadmap to a single European Transport Area*** (European Commission, 2011a), which aimed at improving the competitiveness of transport while also reducing gas emissions by at least 60% by 2050.

When looking in more details at past EU legislations, one regulation is of interest: the regulation 433/2009. This regulation defines the CO₂ reduction objective for new cars to 2020 and does so in a two-step operation. First, it states the objective and modalities of CO₂ emissions reduction until 2015 with the target of maximum emissions of 130 CO₂ grams per kilometre. Second, the regulation fixes the objective to be reached by 2020 (95 grams). Nonetheless, the implementing modalities to reach the target were not fixed and had to be negotiated. This is exactly the *raison d'être* of regulation 333/2014: to define the necessary modalities for reaching the former 2020 defined EU target (European Commission, 2011b2).

On the 10th of July, the European Commission introduced two proposals aimed at decreasing carbon dioxide emissions from new cars and vans by 2020. The mandatory target set in the proposal, is for 95 grams of CO₂ per km by 2020 for passenger cars (European Commission, 2012c). The main arguments put forward by the Commission were the following: by 2020 it will contribute to the EU target of reducing greenhouse gas emissions to 20% below 1990 levels (European Commission, 2012c: 3). Second, it would allow net savings for the consumers: up to 340 euros fuel costs in the first year. Third, it would spur innovation and competitiveness of the European automotive industry. Finally, it aims at keeping and creating jobs as it is argued that '*fuel efficiency is expected to have a beneficial effect on employment*' (European Commission, 2012c: 2).

The modalities concerned elements such as super-credits, the phasing-in of the targets, derogations, inclusion of eco-innovations *etc.* (European Commission 2012b, 2012d). In this regard, the European Commission notes in its impact assessment that '*phase-in and super-*

credit are discarded from further analysis' (European Commission, 2012e: 6). As argued by the Commission, such modalities would reduce flexibility for car manufacturers and may have a perverse effect on the capacity to meet the overall target (European Commission, 2012e:6). In its legislative proposal, the Commission includes super-credits but no phase-in.

Looking at the timing of the EU decision-making process, the *(domestic) coordination stage (t0-t1)* started the 11th of July 2012 with the release of the legislative proposal of the Commission (COM(2012)0393) and ended the 12th of October 2012, with the subsidiarity deadline (3 months). Second, the *EU negotiation stage (t1-t2)* took place from the 13th of March 2012 to the 10th of March 2014, marked with the publication of the final act. Finally, the *(domestic) implementation stage (t2-t3)* began with the EU agreement and took the implementation of the new CO2 cars regulation into consideration.

Additional procedural Information - Regulation 2014/333

Commissioner responsible: Connie Hedegaard; European Commissioner for Climate Action

EC DG responsible: DG Climate action

Presidencies: Cyprus (2012/2); Ireland (2013/1); Lithuania (2013/2); Greece (2014/1).

Meetings: 4(?) WPE meetings, 3 COREPER meetings, 4 trialogues, 4 Council meetings.

European Parliament rapporteur (ENVI): Thomas Ulmer (EPP); German.

COD: 2012/0190(COD)

COM: 2012/0393

Act: Regulation 2014/333

*Outstanding issues of the negotiations*¹⁰¹

The first outstanding issue of the negotiation was the question of **super-credits**. The question of the **phasing-in** of objectives became an outstanding issue towards the end of the negotiation.

Diverging opinions existed regarding the period to be covered by the super-credits (especially for the years 2016-2020), when national delegations accepted the proposal of the Commission. This issue was especially important for Germany, making several propositions and calling for important draft modification. The important role played by Germany at the end of the negotiations is undeniable. More precisely, a first delay took place on the 27th of June, when Member States decided to postpone an agreement on new cars CO2 emission limits following pressure from the German government and the personal implication of German

¹⁰¹ The list of outstanding issues was selected based on an analysis of official documents (Council progress reports, comments from Member States' documents, EP reports) and on semi-structured interviews. To analyse the preferences of executives and parliaments in the next sections, I will rely on these outstanding issues.

Chancellor Angela Merkel (European Voice, 2013a; European Voice, 2013b). The problem seemed to concern the super-credits scheme that Germany wanted to expand during the negotiations, though without success.

The second big move of Germany started on the 27th of September 2013. Handed to the ministers of the Competitiveness Council in Brussels, Germany offered a proposal that consequently modified the deal which was previously agreed in the dialogue with the European Parliament (European Voice, 2013). Indeed, a vote on the trialogue deal was expected during a COPERER meeting on the 7th of October (European Voice, 2013c), but it was decided to raise the issue at the next Environment Council in mid-October (Council of the European Union, 2013, 2013a), which then again decided not to decide. After the Environment Council, S&D MEP K. Van Brempt declared that *'Merkel has long lobbied to get sufficient support from other European Member States. For instance, there seems to be a deal with the United Kingdom, which will defend the car-deal in exchange for German support in avoiding stricter regulations in the financial sector. Portugal promised support in return of the restructuring of his debt. Slovakia, the Czech Republic and Hungary supported Merkel because of the German car factories in their country. Merkel could also count on Poland and Estonia'* (own translation, S&D, 2013. See also S&D, 2013a for a similar reaction of a German S&D MEP – Matthias Groote).

Second, intense discussions also occurred regarding the necessity to fix a CO2 reduction **objective post 2020**. At the different WPE meetings, *'differing views were expressed on the way the long-term target is to be integrated in the revised legislation'* (Council of the European Union, 2012l: 4). Thus some delegations insisted for a specific timetable, other favoured the inclusion of mid-term targets for 2025 and finally, some delegations considered such an inclusion premature. In the European Parliament, the discussions did not focus on whether a target should be set, but on what the objective should be. In its vote of the rapporteur's report, the EP goes one step further than the Council, setting an indicative target post 2020 ranging from 68 to 78g from 2025.

1. Austria

1.1 Parliamentary activity in Austria – The CO2 cars Regulation

For the negotiations of the CO2 cars Regulation, none of the Austrian parliaments scrutinised the Austrian executive before, during or after the EU negotiations. That is to say the EU legislative proposal completely avoided the radars of Austrian parliaments. Thus the Austrian

executive enjoyed full discretion during the entire decision-making process vis-à-vis the Austrian parliaments.

Instrument used		Coding of parliamentary actions	
<u>Coordination Stage</u>		No parliamentary activity in any of the Austrian parliaments Total: 0	0
Mandate/Opinion	☐		
Subsi/ Pol. Dialogue	☐		
Exchange of views	☐		
(de)briefing	☐		
Ad locum control	☐		
Parl. Questions	☐		
<u>Negotiation Stage</u>		No parliamentary activity in any of the Austrian parliaments Total: 0	0
Mandate/Opinion	☐		
Exchange of views	☐		
(de)briefing	☐		
Ad locum control	☐		
Parl. Questions	☐		
<u>Transposition/ Implementation Stage</u>		No parliamentary activity in any of the Austrian parliaments Total: 0	0
Mandate/Opinion	☐		
Exchange of views	☐		
(de)briefing	☐		
Parl. Questions	☐		
Overall parliamentary scrutiny before, during and after the negotiations of the CO2 cars regulation			0

Table 42: Parliamentary scrutiny in Austria – CO2 cars Regulation

1.2 The autonomy of the Austrian executive - The CO2 cars Regulation

I now discuss the autonomy of negotiation of the Austrian executive vis-à-vis his domestic parliamentary system before, during and after the negotiations leading to the adoption of the Regulation 2014/333/EU. First, when looking at the parliamentary scrutiny conducted by the Austrian parliaments, it is clear that the executive faced no control at all on this dossier. As a result, the formally granted discretion of the Austrian executive was high vis-à-vis his parliaments. Indeed, neither the Nationalrat, nor the Federal council scrutinised their executive. Second, since there was no control of Austrian parliaments, the formally granted discretion is understood as equal to the autonomy of executives. As the Austrian executive received no instructions from parliaments, and knowing domestic parliaments do not need to transpose EU regulations, the Austrian executive enjoyed a high level of autonomy vis-à-vis Austrian parliaments.

1.3 Empirical observations of explanatory factors

1.3.1 Homogeneity of preferences between Principal and Agent

Austrian parliaments and parliamentarians did not position themselves on the European legislative proposal. This is why there is no data available related to the homogeneity of preferences between Austrian parliaments and the federal executive.

1.3.2 Intra-Principal cohesiveness

Austrian parliaments and parliamentarians did not position themselves on the European legislative proposal. This is why there is no data available related to the homogeneity of preferences between Austrian parliaments and the federal executive.

1.3.3 Informational asymmetry

During this negotiation, Austrian parliaments could not rely on any sources of information from the federal executive. Indeed, no informational note was prepared before the start of the EU negotiation. During the negotiations, no reports drafted by the Austrian Permanent Representation were available in the parliamentary database. The only time the CO2 cars Regulation is mentioned is in a report on the 'State of the Environment' prepared in 2016 by the Environment ministry for the Nationalrat. In the report, one paragraph shortly introduces the objectives of the new EU regulation (Nationalrat, 2016). Otherwise, there are no observations indicating that Austrian parliaments received information from third party actors. Yet to my knowledge, the Austrian federal ministry of Environment was in contact with the Austrian Chamber of Commerce (see. infra).

1.3.4 Domestic salience of the EU proposal

In Austria, the CO2 cars negotiations were described by an official of the Austrian Permanent Representation as a dossier that was '*highly political and therefore also, followed with a very close side*' (Interview 10). The CO2 cars negotiation was considered as a sensitive dossier, with important economic interests defended both by the Economics ministry and the Austrian Chamber of Commerce. As explained by an official of the Austrian ministry of environment:

Austria was active for LIFE, not on CO2 cars. You know, XO2 emissions for cars, we were in a difficult position with all these vehicles things. We do not produce vehicles in Austria, but we have 3000 workers, at least that is what the Chamber of Commerce says, working for the German car industry. So it was a bit difficult for us as a ministry of Environment to be too pushy, and the economic ministry and also the Chamber of Commerce would not allow us to (Interview 47).

More precisely, in 2013, the automotive industry in Austria employed 30,303 persons directly (ACEA, 2013) on an EU total of 2.294.104. With more than 30.000 employments in the automotive industry, Austria ranked as the 12th (on 27) among EU countries with the most workers in the sector. In addition, when looking at the number of passenger cars production per country, Austria ranked 15th in the EU with a production of 130,343 cars in 2011 (ACEA, 2013)

Finally, in Austria, the CO2 cars negotiations did not trigger important media coverage. During the 2011-2015 period, only 2 articles discussed the CO2 cars proposals. In addition, only one of them specifically focuses on the negotiations. More precisely, the 2013 article published in *Der Standard* covers the German blockage of the EU negotiation. In 2014, a general article titled 'How the EU regulates the car' published in *Die Presse*, only discusses the 2014 Regulation indirectly. Table 43 presents the media coverage of the CO2 cars negotiation during the 2011-2015 period.

	2011	2012	2013	2014	2015
<i>Die Presse (National)</i> ¹⁰²	0	0	0	1	0
<i>Der Standard (National)</i>	0	0	1	0	0
Total per year	0	0	1	1	0
Total all years					2

Table 43: Media coverage – Austria – Regulation CO2 cars

2. Belgium

2.1 Parliamentary activity – The CO2 Cars Regulation

In Belgium, there was no parliamentary scrutiny observed at the **coordination stage**. The scrutiny of the EU legislative proposal started at the **negotiation stage**, when an MP from the majority in the Walloon parliament asked an oral question on the 14th of May 2013 to the Environment minister. A second scrutiny action is observed in the Walloon parliament, also during the negotiation stage (Walloon Parliament, 2013a). Indeed, another MP from the parliamentary majority asked a written question on the EU objective of CO2 reduction of cars for 2020, but also on the potential consequences of the EU agreement on the Walloon car taxation rules (Walloon Parliament, 2014). Interestingly, the parliamentary question was

¹⁰² Keywords used: CO2-Emissionen Auto, CO2-Emissionen neuer Personenkraftwagen, CO2-Emissionen Merkel; CO2-Emissionen Auto Europa.

asked a few days after the announcement of a political agreement at the European level. Finally, it is worth noting that these two questions were addressed to two different ministers. Indeed, the oral question was asked in the Environment committee and was thus addressed to the Walloon Minister of Environment (Ecolo, Mr. Henry). The written question was addressed to the Minister of Budget and Finance (Cdh, A. Antoine).

No other scrutiny actions took place during the **implementation stage** in Belgian parliaments. The following table summarises the parliamentary scrutiny conducted in Belgium during the negotiation of the CO2 cars regulation.

Instrument used	Coding of parliamentary actions													
<u>Coordination Stage</u>¹⁰³ <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Subsi/ Pol. Dialogue	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☐	No parliamentary scrutiny at the regional or federal levels Total: 0	0
Mandate/Opinion	☐													
Subsi/ Pol. Dialogue	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☐													
<u>Negotiation Stage</u>¹⁰⁴ <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☒	- One oral question (from CdH) to the Walloon Environment minister (to Ecolo): <i>coded +2</i> - One written (from PS) to the Walloon Budget and Finance minister (to CdH); <i>Coded + 1</i> Total: 3	3		
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☒													
<u>Transposition/Implementation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☐</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☐	No parliamentary scrutiny at the regional or federal levels Total : 0	0				
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☐													
Overall parliamentary scrutiny before, during and after the negotiations of the CO2 cars negotiations		3												

Table 44: Parliamentary scrutiny in Belgium – CO2 cars Regulati

¹⁰³ Scale from 0 to 14. If all instruments are used, the Agent enjoys no discretion (0). If no instrument is used, the Agent enjoys full autonomy (14). The score is then pondered on a value from 0 to 1.

¹⁰⁴ Scale from 0 to 12. If all instruments are used, the Agent enjoys no discretion (0). If no instrument is used, the Agent enjoys full autonomy (12). The score is then pondered on a value from 0 to 1.

2.2 The autonomy of the Belgian executive – The CO2 cars Regulation

I now discuss the impact of the parliamentary scrutiny conducted in Belgium on the autonomy of the executive during the negotiation process. First, I look at the parliamentary scrutiny patterns conducted by Belgian parliaments.

The parliamentary scrutiny of the CO2 cars Regulation was limited to one regional parliament (Walloon parliament). Interestingly, the Walloon region is the only Belgian region where there is no automotive industry (Volvo is located in Flanders and Audi is present in Brussels). Still, the Walloon parliament is the only one that scrutinised the Belgian executive. In addition, the only control mechanism mobilised by Walloon parliaments were parliamentary questions with one oral and one written question. Taking this one step further, all questions originated from the parliamentary majority, but the political party asking the question differed from the party of the addressed minister. Hence, the parliamentary scrutiny was not only limited in terms of quantity of parliamentary actions, but also in terms of the variety of actors involved. It is striking that the parliamentary opposition (MR, French-speaking liberals) completely missed the EU negotiations on the revision of the CO2 cars Regulation.

Finally, the timing of the parliamentary scrutiny follows important steps in the EU decision-making process during the negotiation stage. Thus the first scrutiny action took place just after the EP vote in the ENVI committee. And the second scrutiny action took place shortly after the announcement of a political agreement at the EU level. This situation is interesting as it highlights that parliamentary control is, in this case, concentrated and conducted in parallel of the main steps of the EU negotiations. Since the Belgian executive provided no information to their parliaments (see *infra*), it means that MPs relied on their own sources of information (own personal information or information provided by their political party) or by third party actors' information (such as interest groups or the media) to conduct their scrutiny. For example, in the oral question addressed to the minister of Environment, the MP explicitly asked the minister if he already had contact with the FEBIAC¹⁰⁵. Overall, the quantity of parliament scrutiny was limited; the timing of the parliament scrutiny is circumscribed to one EU-decision making and the number of parliamentary actors involved is low. Hence, this means that the Belgian executive negotiating at the EU level started the negotiation with an *important level of granted discretion* that was only slightly diminished during the negotiations.

Now looking at the purpose behind these two scrutiny actions and the handling of this scrutiny by the Belgian executive, it is interesting to note that both questions were relatively

¹⁰⁵ Belgian car federation.

critical and both focused (in part) on the necessity to fix CO2 emission reduction objective post 2020. The measure was seen as necessary for both MPs, despite the fact that negotiations in the Council of the EU were rather sceptical on this issue. More precisely, the first oral question focused specifically on the EU negotiations and discusses post 2020 targets (Walloon Parliament, 2013), an issue that was still in negotiation at the EU level at the time of the scrutiny action. The MP also asked for a detailed explanation of the position defended by the Walloon Region and by Belgium on the specific issue of post 2020 target and most importantly, on the proposal of the EP to limit these CO2 emissions between 68 and 78 grams per kilometre. Thus, the question ends with: *'Quelle est votre position en tant que représentant de la Belgique sur l'idée d'introduire un objectif de 68 à 78?'* (Walloon parliament, 2013:26).

Interestingly, the MP seemed to know that the Walloon Environment minister was sitting at the Council of the EU table to represent Belgium at the time – there is a rotating system between regional ministers on environmental issues - and had also complete information on the evolution of the negotiations at the EU level¹⁰⁶ (EP and Council of the EU). The minister answered to the question in details and shared the position that was defended by Belgium and the Walloon region at the EU level openly with the parliamentarians, but without entering the details of the Belgian intra-executive coordination system. Indeed, the minister only states that the CCPIE (the technical coordination unit for environmental policies) and the DGE (the political coordination unit) agreed to defend an ambitious post 2020 objective. What the minister does not say, is that to get to this position, the intra-executive coordination was a difficult process, as Flanders on the one hand, and the Walloon and Brussels regions on the other hand, discussed the level of ambition and the feasibility of setting such objectives for the automotive car industry intensively. Overall, the question highlighted an issue of the negotiation – setting the post 2020 CO2 reduction target–, stating that it was a necessary step for the industry that was going in the same direction as what the regional government defended during the intra-coordination meeting. To sum up, this first parliamentary scrutiny action was well informed with a clear aim at controlling the position of Belgium at the EU level. In addition, the question was asked to the regional minister that was, during that period, representing Belgium in the Council of the EU. Yet, in terms of impact on the autonomy of negotiation of the minister, the latter was limited.

The second scrutiny action (written question) also originated from an MP of the parliamentary

¹⁰⁶ The MP makes a clear reference to discussions that took place in the Council of the EU (meeting of December 2012), but also in the European Parliament. During an interview with a member of the Environment committee of the Walloon parliament, even without precise souvenir of the scrutiny on this dossier, the MP explained that he had regular contact with one MEP of his party.

majority (PS), but was directed to the Finance and Budget minister (CdH). The question is relatively short but still critical. The MP states that the EU agreement – meaning no post 2020 target and an extended phase-in regarding 2020 objectives – is a compromise, but not the best one. The MP also points out the possible importance of the pressures of the German automotive industry on the EU. After this short introduction, the MP had two precise questions for the Finance minister. The first one asks about the possibilities for EU Member States, and especially Belgium, to be more pro-active on the issue of CO2 emissions from cars. Secondly, the MP is interested in the potential consequences of the EU agreement on the Walloon car taxation rules. When looking at the answer of the minister, it is striking to see that he does not take position on the actual EU agreement – hence avoiding to comment the most critical part of the parliamentary question – and only discusses the question related to the fiscal impact of the EU deal on the Walloon car taxation rules. This is mainly explained by the fact that the Finance and Budget minister did not participate in the EU negotiation, as his competences only tackle monetary questions. Consequently, the impact of this parliamentary question on the autonomy of the Belgian executive is limited.

2.3 Empirical observations of explanatory factors

2.2.1 Homogeneity of preferences between Principal and Agent

Belgian parliaments did not position themselves on the European legislative proposal. Consequently, there are no data available on the possible heterogeneity of preferences between Belgian parliaments and the federal executive.

2.2.2 Intra-Principal cohesiveness

Only the Walloon parliament scrutinised the EU decision-making process. Consequently, there are no observations on the possible heterogeneity of preferences between Belgian parliaments. In the Walloon parliament, the two parliamentary questions were asked by members of the parliamentary majority (PS & CdH) and directed at ministers from different political parties (CdH & Ecolo). The analysis of the two questions does not allow observing the presence of heterogeneous preferences on the EU legislative proposal.

2.2.3 Informational asymmetry

Empirical evidence demonstrates that there was an imbalance of information in favour of the Belgian executive. No substantial and structural information from the government was

provided to MPs (interviews 54, 55, 59). On the side of the parliamentary administration, the service of the House of Representatives did not prepare a written information note and no other documents from the negotiations were made available to parliamentarians. At the regional level, the situation is comparable. Hence, if MPs wanted to fill in the informational gap, they needed to get the information themselves and mobilise their own resources.

2.2.4 Domestic salience of the EU proposal

Two different visions stressing divergent interests were at stake in Belgium: on the one hand, economic interests and on the other hand, environmental ones. According to officials of the foreign ministry (interview 41, see also interview 32), this dossier also saw important mobilisation from interest groups as it was politically sensitive:

‘From the environmental perspective, you need air quality norms. From the other side, there is clearly the automotive industry that has a strong position in Belgium (second interviewee: yes, indeed), yet less strong since a couple of years. It was a dossier that lacked a clear political meaning and with a lot of lobbying, you need to look at this also, whether from the automotive industry’s side or Greenpeace’ (Interview 41)

More precisely, for the year 2010, the automotive industry employed 38,000 persons directly (ACEA 2013) on an EU total of 2.294.104. With more than 50.000 employments in the automotive industry, Belgium ranked as the 12th (on 27) among EU countries with the most workers in the sector. When looking at passenger cars production per country, Belgium (still) ranked 6th, with a production per country of 562,386 units. Hence, the car industry in Belgium still seem to represents an important employer.

As the last quote of the previous section explained: *‘This is a dossier that had a political meaning and that was mediatised. Voilà, it was in the media and it was ‘hot’ (interview 41)’*. To some extent, this previous quote is supported by the analysis of newspapers *Le Soir* and *De Standaard*. Indeed, the release of the EU legislative proposal was followed by the two newspapers, with 3 descriptive articles about the EU Commission proposal. In 2013, it is the blockage in the EU negotiations and the role of Angela Merkel that were mostly discussed in both newspapers. The following table presents the mediatisation of the CO2 cars negotiation for the 2011-2015 period.

	2011	2012	2013	2014	2015
<i>Le Soir</i>	0	1	4	0	0
<i>De Standaard</i>	0	2	1	0	0
Total per year	0	3	5	0	0
Total all years					8

Table 45: Media coverage – Belgium – CO2 cars

3. Germany

3.1 Parliamentary activity – The CO2 cars Regulation

At the **coordination stage**, the Bundesrat adopted a non-binding opinion at its plenary session of the 12th October 2012 (Bundesrat, 2012f), after discussing the legislative proposal in the sectorial committees (Bundesrat, 2012g). The opinion is shorter than usual (627 words) and seems closer to a short statement than a precise mandate. At the Länder level, the Landtag of Baden-Württemberg scrutinised the CO2 cars proposal ex ante following a communication from the Ministry of Transport and Infrastructure detailing the proposal and its foreseen impacts on Baden-Württemberg. Based on the information from the government (Baden-Württemberg, 2012c), the BW Landtag held an exchange of views between MPs of the EAC on the 27th of September 2012 (Baden-Württemberg Landtag, 2012e). The Committee adopted a draft opinion to be discussed and voted in the plenary, based also on a previous *exchange of views* that took place in the Committee on Transport and Infrastructure. This scrutiny process triggered additional controls from the parliamentary opposition, notably the FDP that issued a written question (Baden-Württemberg Landtag, 2012f). In Thüringen, the EU proposal was discussed in several sectorial committees. More precisely, three sectorial committees held an *exchange of views* on the proposal: the Committee on Economic affairs, Technology and Labour (11th of September 2012); the Committee on Agriculture, Forestry, the Environment and Nature Conservation (14th of September 2012) and the European Affairs Committee (14th of September 2012), but none of the committees adopted recommendations. Finally, the Hamburg Landtag adopted an opinion to say that there was no breach of subsidiarity (Hamburg, 2013), whereas Brandenburg, Saxe Anhalt and Lower Saxony took note of the proposal with no further actions.

At the **negotiation stage**, the Bundesrat decided not to assign an expert to follow the national delegation in Brussels during the negotiations. Doing so, the Bundesrat did not activate his ad locum control mechanism. In addition, the Bundesrat, after an *exchange of views* in the Environment Committee, *tried* to adopt a new opinion on the CO2 cars negotiation (Bundesrat, 2013a). Yet, it did not go through the plenary, where it was decided not to follow the recommendations adopted by the Environmental Committee of the Bundesrat. At the Länder level, and especially in Baden-Württemberg, opposition parties – this time the CDU – continued the scrutiny of their regional minister by using written questions to receive clarifications on the position of the regional executive (Baden-Württemberg Landtag, 2012g)

Finally, at the **implementation stage**, only one new scrutiny action related to this regulation was taken. In the Bundestag, a green MP asked a written question in 2015. The latter focused more generally on the government strategy regarding CO2 reduction, but one of the sub-questions directly dealt with the position that Germany held during the EU negotiation (Bundestag, 2015a). In addition, following the ‘Volkswagen scandal’ (Nox emissions), intensive discussions took place in German parliaments, but were not directly related to the EU regulation of the CO2 cars Regulation. The coding and measurement of the parliamentary scrutiny conducted in Germany can be consulted in the table 46.

Instrument used	Coding of parliamentary actions													
<u>Coordination Stage</u> <table><tr><td>Recommendation/ Opinion / Report</td><td>☒</td></tr><tr><td>Subsi/ Pol. Dialogue</td><td>☒</td></tr><tr><td>Exchange of views</td><td>☒</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr></table>	Recommendation/ Opinion / Report	☒	Subsi/ Pol. Dialogue	☒	Exchange of views	☒	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☒	- Recommendation – Bundesrat. Opinion non-binding, Short Statement. Coded as: +2 - Exchange of views in the Transport Committee – Baden-Württemberg. Coded as: +1 *0,5 - Exchange of views in EAC and draft opinion to be voted in plenary. Baden-Württemberg. Coded as: +1 *0,5 - Adoption of the opinion prepared by the EAC after a short exchange of views. Baden-Württemberg. Coded as: 1 (non-binding) + 1 (short statement) = + 2*0,5 - Written question FDP – Baden-Württemberg. Coded as: +1 *0,5 - Exchange of views – Thuringen Landtag – Committee level (3): Codes as: 1+1+1*0,5 - Subsidiarity opinion – Hamburg State parliament - Short statement. Coded as: +1*0,5 Total: 6,5	6,5
Recommendation/ Opinion / Report	☒													
Subsi/ Pol. Dialogue	☒													
Exchange of views	☒													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☒													
<u>Negotiation Stage</u> <table><tr><td>Recommendation/ Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☒</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Ad locum control</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr></table>	Recommendation/ Opinion	☐	Exchange of views	☒	(de)briefing	☐	Ad locum control	☐	Parl. Questions	☒	- Exchange of views at committee level, Bundesrat. Coded as: + 1 - Written question, CDU Baden-Württemberg (opposition): Coded as +1*0,5 - Exchange of views – Plenary – BW: Coded as + 2*0,5 Total: + 2,5	2,5		
Recommendation/ Opinion	☐													
Exchange of views	☒													
(de)briefing	☐													
Ad locum control	☐													
Parl. Questions	☒													
<u>Transposition/Implementation Stage</u> <table><tr><td>Mandate/Opinion</td><td>☐</td></tr><tr><td>Exchange of views</td><td>☐</td></tr><tr><td>(de)briefing</td><td>☐</td></tr><tr><td>Parl. Questions</td><td>☒</td></tr></table>	Mandate/Opinion	☐	Exchange of views	☐	(de)briefing	☐	Parl. Questions	☒	- Written parliamentary question – Bundestag. Coded as: + 1 Total: + 1	1				
Mandate/Opinion	☐													
Exchange of views	☐													
(de)briefing	☐													
Parl. Questions	☒													
Overall parliamentary scrutiny before, during and after the negotiations of the CO2 cars negotiation		10												

Table 46: Parliamentary scrutiny in Germany – CO2 cars Regulation

3.2 The autonomy of the German executive – The CO₂ cars Regulation

I now discuss the impact of the parliamentary scrutiny conducted in Germany on the autonomy of the executive during the negotiation process. First, I look at the parliamentary scrutiny patterns conducted by German parliaments.

In Germany, as usual, the Bundesrat was an early player and adopted an opinion on the EU proposal. Yet contrary to the other Bundesrat opinions analysed in this research, the recommendation was short and general (*i.e.* post 2020 targets). Also at the coordination stage, the EU legislative proposal was scrutinised at the regional level in Baden-Württemberg (exchange of views conducted in the EAC following an informational note of the regional government). This scrutiny process triggered additional parliamentary enquiries of opposition parties in Baden-Württemberg during the coordination and negotiation stages. In addition, the EU proposal was also scrutinised in Hamburg (for subsidiarity) and in the Thüringen state parliament, as several exchanges of views were held on the EC proposal. Finally, at the implementation stage, the opposition (the greens) in the Bundestag asked a written parliamentary question specifically dealing with the CO₂ cars Regulation. Hence, when parliaments of both the regional (limited to Baden-Württemberg and to a lesser extent Hamburg and Thüringen) and the federal (Bundesrat and Bundestag) levels scrutinised the EU legislative proposal, mobilising different control mechanisms.

Second, when looking more closely at the purpose behind the parliamentary scrutiny, several elements need to be highlighted. At the federal level, only two scrutiny actions were observed in the Bundesrat (coordination stage) and in the Bundestag (implementation stage). When looking more closely at the Bundesrat opinion, the latter is shorter than the other cases analysed in this research. To some extent, this can be explained by the fact that the CO₂ cars Regulation does not imply adopting or changing implementing measures at the regional level. Hence, the expertise of regional civil servants is less relevant than for cases such as Seveso, or priority substances in the field of Water policies, that both need a greater implication of the Länder in their implementation. In addition, most of the articles proposed for adoption were rejected in the plenary debate. When looking at the content of the recommendation, the latter is looser than for other Bundesrat opinions. Only two elements of the Commission's proposal are discussed in detail: the super-credits and the regression line for the calculation of allowable CO₂ consumption per vehicle fleet. Regarding these two articles, no specific instructions were given to the government. Therefore, the recommendation is considered as a political dialogue opinion on the IPEX website. This is also confirmed in the opinion of the Bundesrat, as the last paragraph states that: *'the Federal*

Council shall forward its opinion to the Commission directly' (Bundesrat, 2012f). Hence, the recommendation does not mention the Federal executive directly.

Still in the Bundesrat, a second opinion was briefly discussed in the Environment Committee, but it did not get through the plenary. The timing is important, as the discussions in the Bundesrat happened only of couple weeks after the 'Merkel breakdown' of the EU trialogues deal and only a few weeks before a compromise was found by Germany at the European level. This short one page document is more critical than others and discusses super-credits only. The draft opinion states that: *the Federal Council deplored the continuing disagreement in the negotiations to reduce the average CO2 emissions of passenger cars. The Federal Council considers that an ambitious reduction of the CO2 limit values to 95 g CO2 / km for the average new vehicle fleet in 2020 is necessary in order to achieve the emission reduction target in the transport sector as well as the climate protection targets of the EU as a whole* (Bundesrat, 2013a:1). Hence, this draft opinion is clearly critical of the government's position in Brussels. Interestingly, the EAC of the Bundesrat does not agree with its Environment Committee as it *'recommends the Federal Council to refrain from submitting a further statement pursuant to §§ 3 and 5 EUZBLG to the submission'* (Bundesrat, 2013a:2). At the end, the recommendation did not go through and was not adopted. Finally, at the implementation stage, the Greens asked two written parliamentary questions – regrouped in a 'Kleine Anfrage' of 26 questions on CO2 emissions of cars in Germany - dealing with the follow-up of the 2014 Regulation. Basically, the two questions aimed at understanding the position taken by the government in 2013 during the EU negotiations and to know if the executive had now defined a post 2020 objective of CO2 reduction.

The parliamentary scrutiny at the regional level was mainly dependent on impetus given by regional governments. In the case of Baden-Württemberg, the parliamentary scrutiny found its origin in a written information report drafted by the regional executive. Indeed, the executive considered this dossier as one that was of crucial importance to Baden-Württemberg (Baden-Württemberg, 2012b). Yet, this informational note of the government triggered additional controls from the parliamentary opposition. For example, at the coordination stage, the FDP/DVP group questioned the potential misinformation of the Landtag vis-à-vis the regional government. The MPs from FDP thus formulated a written question. The question is rather critical and asked whether it is true that the regional executive of Baden-Württemberg had pushed towards a strengthening of EU objectives regarding CO2 emissions (from 95 to 80 grams), notably during the coordination meetings at committee level in the Bundesrat.

The necessity of this action is justified, according to the MP, due to a lack of information given by the executive: *“The question is to show whether it is indeed true that Baden-Württemberg is striving for a further tightening of the existing EU limit value. It is of particular importance whether, on this important issue, the state government's Committee on Transport and Infrastructure of the State Parliament of Baden-Württemberg was not sufficiently informed”* (own translation, **Baden-Württemberg Landtag**, 2012f:2). The regional minister of Transport answered to the written questions five weeks later, hence after the adoption by the Bundesrat of his parliamentary opinion. The answers to the five questions of the MP are relatively short and can be summarised as such: *‘Since no application was submitted to the VMK, it could not be informed about this’*. (**Baden-Württemberg Landtag**, 2012f: 2). Basically, the regional executive explains that he has not pushed towards such objectives, and thus, that there was no need to inform the parliament about this situation.

In between this process, the other opposition party in Baden-Württemberg, the CDU, asked a similar critical question to the regional government. The question again concerns the position of the regional executive regarding the possible strengthening of EU objectives for CO₂ emissions from new passenger cars. More precisely, the opposition focuses on the recommendations of the Environment Committee of the Bundesrat, that discusses possible post 2020 targets and a strengthening of EU objectives for 2020 (respectively articles 5 and 8 of the draft proposal of recommendation, Bundesrat, 2012g:2-3). The MP wants to know about *‘the role played by Baden-Württemberg in the recommendations of the Federal Council's Committee on the Environment, Nature Conservation and Nuclear Safety, in particular with regards to the tightening of the target value of 80 g CO₂ / km from 2020 and 60 g CO₂ / km from 2025’* (own translation, **Baden-Württemberg Landtag** 2012f:2). In terms of timing, the question was asked shortly after the adoption by the Bundesrat of its opinion. The answer of the minister is much more complete in comparison with the answer provided to the previous enquiry. The minister explains that the regional executive did not support more stringent objectives than the ones in the EU proposal in the Bundesrat plenum, nor in the Bundesrat Environment Committee.

The strategic importance of the automotive industry of Baden-Württemberg is well-known to the state government. Although the state government supports the EU target of 95g CO₂/km for passenger cars, it is clear that the technical feasibility on this value, especially for German premier manufacturers, is a big challenge and involves considerable effort. That is why the State of Baden-Württemberg did not support the proposal for the reduction of CO₂ emissions in the Federal Council's plenum beyond what is proposed in the EU proposal (own translation, **Baden-Württemberg Landtag**, 2012g:3).

The last question of the CDU MP on answering calls for why the regional executive did not inform the Landtag about the discussions in the committees of the Bundesrat, and the

answer of the minister are particularly interesting. Indeed, the regional executive explains that it is not foreseen in the BW regional legislation (the Regional EU law) that the government informs the Landtag about deliberations in the Bundesrat's committees. More precisely, the minister states: *'The Ministry of Transport and Infrastructure informed the State Parliament of the Landtag on the 13th of August 2012, before being consulted in the committees of the Federal Council. There is no provision for informing the State Parliament about the deliberations in the committees. In the case of early warning documents pursuant to Section 3 (2) EULG, renewed information is only provided for the conclusion of the European Union legislative procedure'* (own translation, Baden-Württemberg Landtag 2012g:4). Thus the minister actually limited the transmission of information to what is foreseen in the EULG BW legislation. Interestingly, these two parliamentary questions from the FDP and the CDU were addressed to the Minister of Transport and Infrastructure (SPD), and not to the minister of Environment. Finally, regarding the report adopted by the EAC, shortly discussed and voted in the plenum of Baden-Württemberg State Parliament, the latter does not tackle any items of the EU proposal precisely. The debate is more generally framed around CO2 emissions, but also the impacts (positive and negative) of such a proposal on the German and local car industry. The report was adopted at unanimity by all parties standing in the EAC.

In the case of Hamburg - one of the most active state parliaments in Germany regarding subsidiarity opinions - the opinion is short as usual and relies on the recommendations of the regional executive. The Hamburg opinion, which only tackles the subsidiarity question, concludes that there is no subsidiarity breach with the EU proposal. That is why with a narrow focus on subsidiarity, the EAC of the Hamburg State Parliament does not specify any instructions for the regional executive regarding the Bundesrat coordination process. Its impact on the autonomy of the regional executive is thus limited. The same is true for the parliamentary scrutiny conducted in the Thüringen Landtag. Besides, it mainly consisted of a presentation of the Commission's proposal and all committees took note of the proposal after an exchange of views.

To summarise, the German executive enjoyed a growing autonomy along the negotiation process. When the scrutiny of the EU legislative proposal triggered the attention of parliamentarians of both the federal (Bundesrat) and regional (Baden-Württemberg) levels at the coordination stage, the parliamentary scrutiny progressively diminished from the negotiation to the implementation stages. Interestingly, when Germany was the most active at the EU level – with Angela Merkel's interventions – German domestic parliaments were the least active. Overall, data shows a limited involvement of German federal parliaments.

3.3 Empirical observations of explanatory factors

3.3.1 Homogeneity of preferences between Principal and Agent

As a whole, no heterogeneity of preferences is observed between German parliaments and the federal government¹⁰⁷. On the super-credit discussions, both the Bundesrat and the federal governments were in favour of the system and wanted to increase it. Indeed, the German executive *'thinks that the proposed provisions are not sufficient to create real incentives. These incentives are needed for new technologies with electric and fuel cell propulsion technologies to enter the market as early as possible'* (Council of the EU, 2013b:2). The Bundesrat uses the same argument in its opinion to defend super-credits. Another issue where both the Bundesrat and the federal executive agreed, was the calculation of CO2 consumption for new cars: both actors wanted to stick to the regression line agreed at the European level in 2009. The Bundesrat did not take position on the possibility for the EU to define post 2020 reduction targets.

	Federal executive	Domestic Parliaments	Conflicting preferences?
Super-credit	Under various forms, supported the super-credits during the entire negotiation.	The Bundesrat did not fully comprehend the restrictive proposal for the so-called super-credits. It called for extra flexibility.	No.
Target post 2020	Before setting post 2020 targets, additional information is needed from the Commission.	The Bundesrat did not take position on the issue.	No.
Regression line for the calculation of CO2 consumption (slope)	Germany is against a change of the burden sharing slope in Annex 1; the slope should be 0,0457 as laid in the Regulation in force.	The Bundesrat rejects the flattening of the regression line for the calculation of allowable CO2 consumption per vehicle fleet on a slope of 0.0333 (Annex I)	No

Table 47: Homogeneity of preferences between P&A – Germany – CO2 cars

¹⁰⁷ Yet, this conclusion must be nuanced in light of two elements. At the beginning of the negotiations, Germany took some time to coordinate and adopt a common position. The first clear positioning of the German executive took place 8 months after the start of the EU negotiations. In addition, only one parliament positioned itself on the issue: the Bundesrat. The Bundesrat's opinion was very short and general, since the competence related to the CO2 cars Regulation lies mainly at the federal level. Hence, only general information was observable on this negotiation.

3.3.2 Intra-Principal cohesiveness

Only the Bundesrat collectively took position on the EU legislative proposal, while the Baden-Württemberg Landtag only held an exchange of views. However, when looking more closely at the positions of the Baden-Württemberg Landtag and of the Bundesrat, no major divergences in preferences were observed. Despite the fact that the BW executive was composed of the Greens and the S&D, Baden-Württemberg did not support the idea of having CO₂ emissions reduction targets beyond 2020 (Baden-Württemberg, 2012e), as most of the other car-manufacturer Länder.

At the federal level, the intra-Principal homogeneity of preferences was moderate for the CO₂ cars proposal. Indeed, the opinion of the Bundesrat is shorter and more general than usual. When looking at the draft of the Bundesrat opinion and its final version, one element is clear: German Länder could not agree on what targets to propose beyond 2020 (Bundesrat, Protokoll vote, 2012). Another illustration of these difficulties is the withdrawal, before the plenary session, of the second Bundesrat opinion on the CO₂ cars negotiations. As explained by an official from the Bundesrat administration, the opinion could not gather sufficient support among Länder:

Interviewer: I would like now to discuss a bit about the CO₂ cars Regulation. So, you adopted one opinion, then I think the Environment Committee tried to push for a second one, but without success. Why?

Interviewee: We had a second round in the Environmental Committee, you are absolutely right. The main issue was the super-credit. (...) this is a pity but this was a minority decision. This was put away from the agenda of the plenary, it did not come to a decision because we did not have a majority for this. And, at this point, the 'trialogue' took place and the government thought that it would not be appropriate to pass a second assessment of the Bundesrat, and we were urged, as far as I can remember, not to pass this second resolution to give the government enough space for the final deliberation over there. This is the reason why we did not come up with a second opinion (Interview 19)¹⁰⁸

At the regional level, as usual in the Hamburg Landtag, the (non)subsidiarity opinion was supported by unanimity. In the Baden-Württemberg Landtag, there were no major divergences between political parties.

3.2.3 Informational asymmetry

At the federal level, the Bundestag did not receive any specific information from the government regarding this legislative proposal (interview 31). As usual, the Bundesrat could

¹⁰⁸ As explained previously, this second (non-adopted) opinion was pushed at a moment where Germany was blocking the negotiation at the European level. The timing is important, as it was a few weeks after the blockage of Germany and a few days before the adoption of a final agreement at the European level.

rely on civil servants from Länder ministries to draft their opinion. Länder executives also had access to reports on the Council of the European Union meetings (ministerial level) drafted by officials of 'Länder Observer Office' in Brussels. This office prepared one report for the Länder executives in which information on the CO2 proposal can be found (interview 41). The report shortly presents the EU proposal and the state of negotiations in light of the Bundesrat opinion. I have no concrete evidence that third party directly inform the Bundesrat or the Bundestag. Yet, in this dossier, several interviewees outlined the importance of lobbying from the car ministry on the executive. It is thus likely that some of the MPs were in contact with interest groups on the dossier.

Now looking at the information available in regional state parliaments, the Baden-Württemberg State Parliament could rely on an informational note prepared by the regional government (Baden-Württemberg, 2012c). Yet, in this specific case, one opposition party (FDP) criticised the government for giving insufficient information to the Landtag (BW, 2012f.). In Hamburg, the Landtag received information from the government and an assessment from the Landtag administration.

3.2.4 Domestic salience of the EU proposal

For the year 2010, in Germany the automotive industry directly employed 815.127 persons (ACEA, 2013) out of an EU total of 2 294.104. With more than 800.000 employments in the automotive industry, Germany ranked first in the EU in terms of direct employment, with almost 600.000 more workers than in France. This is why in terms of direct employment in the automotive sectors, Germany represents almost 30 % of all direct employment in the EU. Now looking at the number of passenger cars production per country, Germany ranked 1st in the EU with a total of 5,871,918 cars produced in 2011.

The CO2 cars negotiation triggered important domestic mediatisation in Germany. First, the release of the EU legislative proposal saw the publication of two articles in *Die Welt*, mainly describing the proposal of the Commission. In 2013, the most important year in the negotiation process, a total of 13 articles were published in both *Die Welt* and *Der Spiegel*. In particular, both newspapers focused on the role played by Angela Merkel in the EU negotiation and on the lobbying of the German automotive industry. This specific conflictual situation triggered huge media attention. Surprisingly, in 2014 – the year of the EU agreement – no articles discuss the end of the negotiation and the deal reached by Germany. The overall domestic mediatisation of the CO2 cars negotiation is summarised in the following table:

	2011	2012	2013	2014	2015
Die Welt (written & Online)	0	2	3	0	0
Der Spiegel (written & Online)	0	0	10	0	0
<i>Total per year</i>	0	2	13	0	0
<i>Total all years</i>					15

Table 47: Media coverage – Germany – CO2 cars

Chapter 8: Comparing cases – A qualitative comparative analysis

In the previous chapters, the empirical data for both the dependent and independent variables were presented with a short discussion on the main activity of national and subnational parliaments on EU affairs. In the present chapter, the main logic behind the *Qualitative Comparative analysis* (QCA) is shown with an overview of the main stages of a QCA procedure (section 1). Second, I translate my empirical observations presented in chapters 4 to 7 into dichotomised values (section 2. In section 3, I introduce the resulting Boolean minimisation of my cases.) Finally, section 4 focuses on the interpretation of these minimum formulae in light of my empirical data.

As a short remainder, a case has been defined as ‘a **Principal-Agent relationship taking place in a Country A for a European policy-making process B**’. Therefore, the total number of cases is composed of *all the policy-making processes* multiplied by the *number of countries*. Four EU decision-making processes have been selected as well as three European countries (Austria, Belgium and Germany), so there is a total of 12 cases. For a purpose of clarity, table 16 presents the 12 cases and their respective QCA code.

QCA Case code	Policy-making processes	Member State
Water_AT	Directive as regards priority substances in the field of water policy	Austria
Seveso_AT	Directive on the control of major-accident hazards involving dangerous substances	Austria
LIFE_AT	Regulation on the establishment of a Programme for the Environment and Climate Action	Austria
CO2_AT	Regulation to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars	Austria
Water_BE	Directive as regards priority substances in the field of water policy	Belgium
Seveso_BE	Directive on the control of major-accident hazards involving dangerous substances	Belgium
LIFE_AT	Regulation on the establishment of a Programme for the Environment and Climate Action	Belgium
CO2_AT	Regulation to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars	Belgium
Water_DE	Directive as regards priority substances in the field of water policy	Germany
Seveso_DE	Directive on the control of major-accident hazards involving dangerous substances	Germany
LIFE_DE	Regulation on the establishment of a Programme for the Environment and Climate Action	Germany
CO2_DE	Regulation to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars	Germany

Table 16: QCA code and list of cases

1. Dichotomisation of variables

2.1 Dichotomisation of the outcome

As explained in Chapter 2, the research aims to analyse the set of conditions which allows domestic parliaments to influence the autonomy of federal executives. Hence, the outcome of the research is *the autonomy of executives vis-à-vis their domestic parliaments*. To dichotomise the autonomy of federal executives vis-à-vis their (sub)national parliaments, I proceed in two steps. First, the degree of formal granted discretion of an Agent is dichotomised. As a second step, I discuss if the granted discretion of an Agent translates into a corresponding degree of negotiation autonomy. In other words, it is the combination of both the parliamentary activity score – giving a value for the formally granted discretion of executives – and the subsequent qualitative evaluation of these control mechanisms that permits to assess whether executives enjoyed a high (coded 1) or low (coded 0) level of autonomy.

In Chapter 2, I have presented the measurement of my dependent variable in detail. In brief, it is composed of two main steps. First, in measuring the degree of discretion of an agent. This first part of the measurement focused only on the principal (i.e. the domestic parliamentary system) and asked about the *institutional strength* and the *quantity* of control conducted by the domestic parliaments. The combination of these two elements gives an indication on the *formally granted discretion* given to federal executives. The rationale is the following: the stronger and active a parliament is, the less discretion the executive has.

However, in the introduction and in Chapters 1 and 2 I have argued that the degree of discretion does not equal autonomy. More precisely, it is not because a domestic parliamentary system scores well on the activity score that it does automatically impacts on the Agent's autonomy. It is not only the *quantity* of controls that matters, but also the *quality of control*. Some control mechanisms can serve other purposes than *stricto sensu* controlling the executive. For example, a parliamentary resolution can be seen as *position-taking* or *communicative tools*, therefore only partly affecting the room for manoeuvre executives held during EU negotiations. Consequently, to discuss the autonomy of negotiation, I unpacked the control mechanisms aggregated in the parliamentary activity score and discuss their impact on the autonomy of executives when negotiating at the EU level.

2.1.1 Dichotomisation of the formally granted discretion of executive

When looking at the parliamentary activity score of my 12 cases, one can notice important variations in the parliamentary activity conducted by (sub)national parliaments. A first group of cases includes situations where there is an absence or almost no parliamentary control of the EU decision-making processes. This first group of cases covers two cases (**AT CO2**, **BE LIFE**), all having an activity score of 0. The second group contains cases with lower degree of parliamentary scrutiny, with activity score ranging from 1 to 4 (**AT LIFE**, **AT Water**, **AT Seveso**; **BE Water**, **BE CO2 cars**). Interestingly, in these first two sub-groups there are no cases taking place in Germany. Finally, the last category is composed of cases having at least 7 points on the parliamentary activity score. This group includes all four German cases (**DE Water**, **DE Seveso**, **DE LIFE**, **DE CO2 cars**) and the Seveso proposal in Belgium (**BE Seveso**). As argued in the previous sections, the parliamentary activity score offers an indication of the *formally granted discretion* given to federal executive. Table 48 presents the value of the parliamentary activity score for each case and their degree of formal discretion.

	LIFE	CO2	LIFE	CO2	Water	Water	Seveso	Seveso	CO2	LIFE	Water	Seveso
	BE	AT	AT	BE	BE	AT	AT	BE	DE	DE	DE	DE
Parliamentary activity score	0	0	1	3	3	3,75	4	7	10	10	10,5	13,5
Degree of formal discretion	High	High	High	High	High	High	High	Low	Low	Low	Low	Low
	Sub-group 1		Sub-group 2					Sub-group 3				

Table 48: Dichotomisation of discretion

Based on this first step, I discuss a threshold to dichotomise the variable, in an attempt to have subsets of cases as much homogeneous and natural as possible (Delreux, 2009). The objective is to locate the threshold at a place which allows a distinction between cases with a high degree of granted discretion, and cases with a low degree of granted discretion. Based on the subset of groups discussed previously, the threshold is set between the '**AT Seveso**' case and the '**BE Seveso**'. Indeed, when looking at the parliamentary activity score, there is a clear distinction between cases with no (sub-group 1) or limited parliamentary activity (sub-group 2), and cases with a higher parliamentary activity (sub-group 3). Like the mean, more technical criteria can be used as a complementary justification. Rihoux and Ragin (2009:42) explain that '*more mechanical cut off points such as the mean or median can be used, but*

one should check whether this makes sense considering the distribution of cases'. Applying this technical cut off points to this situation gives identical results, as the mean of the activity score is of 5,25.

2.1.1 Dichotomisation of the negotiation autonomy of executive

In this section, I dichotomise the dependent variable of this research which is the autonomy of negotiation. To do so, I go back to my cases and discuss qualitatively if the formally granted discretion of an Agent is similar to **his** negotiation autonomy. For clarity purpose, I consider the dichotomisation of the negotiation autonomy according to the three groups of cases identified in the previous section.

I start by discussing the first sub-group of cases (**AT CO2**, **BE LIFE**) characterised by situations with no or low parliamentary activity. As the following table highlights, these two cases share the common characteristics of having no or almost no parliamentary activity, with an informational purpose only. Consequently, for these two cases federal executives enjoyed a higher degree of autonomy during EU negotiations. More precisely, for the cases '**AT CO2**' and '**BE LIFE**', no parliamentary scrutiny was observed. Consequently, as there was no parliamentary activity, the executive enjoyed a higher level of discretion and a *de facto* higher level of autonomy. As argued in chapter 3, the formally granted discretion and the autonomy of negotiation are considered similar when there is no parliamentary scrutiny.

	Parl. Activity Score	Formal discretion	Qualitative assessment of parliamentary activity	Outcome
AT_CO2	0	High	No parliamentary scrutiny → High granted discretion → Higher degree of autonomy	High autonomy
BE_LIFE	0	High	No parliamentary scrutiny → High granted discretion → Higher degree of autonomy	High autonomy

I now present the dichotomisation of cases included in the second sub-group identified previously. These cases are characterised by a limited level of parliamentary scrutiny (**AT LIFE**, **AT Water**, **AT Seveso**; **BE Water**, **BE CO2**). Thus, it is for situations in which federal executives enjoy an important level of granted discretion. In the following paragraph, I argue that this important level of granted discretion translates into a valuable level of negotiation autonomy. Indeed, despite the different forms of parliamentary scrutiny conducted in Austria and Belgium for these four cases, they share common characteristics. Here parliamentary scrutiny was mainly informational, and most importantly was uncritical of the governmental

stance. Strictly speaking, the domestic scrutiny aims at learning information on the EU proposal or the EU negotiation's outcome without doing a critical assessment of the executive negotiation's behaviour.

In Belgium, the cases **BE Water** and **BE CO2 cars** are quite similar. For these two cases, the parliamentary scrutiny was limited to written and oral questions taking place in only one regional parliament. As an illustration, the *Water* case consisted in a single written parliamentary question from the opposition and one oral question from the parliamentary majority at the end of the negotiation, with both questions being solely informational. Consequently, the answer of the regional environment minister was short with limited information given on the actual position of the executive on the (upcoming) EU negotiation. For the CO2 cars regulation, it was the Walloon parliament that scrutinised the EU proposal. All questions originated from the parliamentary majority, and were relatively critical on the EU negotiations, especially on the necessity to fix CO2 emission reduction targets for post-2020. Whereas these questions started with a critical assessment of the direction taken by the EU negotiation or the EU deal, they remained informational in nature and were not critical of the government's position. In its answer, the minister of Environment shared with the parliamentarians the position defended by Belgium and the Walloon region. Yet, Walloon parliamentarians took no further actions after getting this information. Therefore, the Belgian executive enjoyed a high level of autonomy vis-à-vis **his** domestic parliaments during these negotiations.

When looking at the Austrian cases, the parliamentary activity score is also relatively limited. Regarding the case '**AT LIFE**', the activity score index was really low (1). Accordingly, the Agent is thus expected to enjoy a higher degree of formally granted discretion. The parliamentary scrutiny was limited to an exchange of view in the EAC of the Austrian Federal Council. The discussions were uncritical of the government and were mainly informational. Consequently, the Austrian executive enjoyed a higher level of autonomy vis-à-vis **his** parliaments. For the '**AT Seveso**', the first scrutiny action consisted in one question asked during an exchange of views between MPs of the *Agricultural committee*. Yet, the main discussions in the committee were not on Seveso but on the reform of the Common Agricultural Policy. More precisely, the question originated from the parliamentary majority and aimed at knowing the potential effects of the upcoming Seveso III reform on Austria, without enquiring on the position of the Austrian executive (National Council, 2011). The second scrutiny action is the transposition of the directive. The transposition debates that took place in both the Nationalrat and Federal council followed a classical division between majorities and opposition parties (Nationalrat, 2015). To sum up, the Austrian executive only

slightly lost autonomy of negotiation at the end of the legislative process, enjoying full autonomy during the coordination and the negotiations stages.

For the '**AT Water**', after a first exchange of views in the EAC, the scrutiny action consisted in the adoption of a political dialogue opinion by the Federal Council. The opinion was brief, discussing general principles of the EU proposal while offering support to the government's position. Moreover, because the federal Ministry of Environment, Agriculture and Water management participated in the work together with the EAC (Interview 47), the opinion was not a surprise for the Austrian executive. To a certain extent, the Austrian executive co-determined the instructions he had to follow during the EU negotiations. Based on the following empirical elements, we can say that the Austrian executive enjoyed a high level of autonomy vis-à-vis his domestic parliaments, with limited impact from parliamentary scrutiny.

Cases	Parl. Activity Score	Formal discretion	Qualitative assessment of control mechanisms	Outcome
AT_LIFE	1	High	One exchange of views in the Federal Council, mainly informational and not critical of the government position → Higher autonomy	High autonomy
BE_Water	3	High discretion	One written and one oral parliamentary questions in the Flemish parliament. Questions were mainly informational and not critical of the government's position.	High autonomy
BE_CO2	3	High discretion	One written and one oral question in the Walloon parliament. The questions were informational and critical of the government's position.	High autonomy
AT_Water	3,25	High discretion	One parliamentary opinion in the Federal Council, following the adoption of an opinion of the regional level. The executive co-shaped, to a certain extent, the opinion. The latter was supportive of the stance of the executive.	High autonomy
AT-Seveso	4	High discretion	One exchange of views in the agricultural committee of the Nationalrat. The question asked in the exchange of views was informational and limited to one MP. Debates resulting in the transposition were not critical of the EU deal or the government.	High autonomy

I now discuss the last set characterised by a high level of parliamentary activity and which covers 5 cases (**BE Seveso**; **DE Seveso**, **DE Water**, **DE LIFE**, **DE CO2 cars**). When looking at the parliamentary score index, all five cases have at least received a value of **10**, associated with a lower level of granted discretion. However, on two occasions (**BE Seveso**

and **DE CO2 cars**) in sub-group 3, the qualitative assessment of the granted discretion does not always translates into a low level of autonomy.

I start by discussing the **two cases with a low level of granted discretion but resulting in a higher level of autonomy**. Despite a relative high value on the parliamentary score index for the **BE Seveso** and **DE CO2** cases, the impact of the parliamentary scrutiny on the autonomy of negotiations was limited. This is mainly explained by the nature of the parliamentary control. The latter was limited to informational questions and consensual transposition debates in Belgium, and to looser scrutiny than usual in the Bundesrat. More precisely, in the case of the Seveso directive in Belgium (**BE Seveso**), the actions of Belgian parliaments were limited to parliamentary questions and exchange of views during the transposition debates. The questions were on **(a)** the Belgian institutional set-up (*Accord de cooperation*) and the reasons behind the delay in the transposition process, and on **(b)** practical implementation issues. The EU deal was taken for granted and none of the questions were critical of the executive position during the EU negotiation. Therefore, the parliamentary scrutiny conducted in Belgian parliaments did not aim at constraining the executive in **its** positioning during EU negotiations, but was directed towards the internal use of the directive. Despite an important amount of parliamentary scrutiny, the executive enjoyed an important degree of autonomy in the negotiations. In addition to the weak institutional strength of Belgian parliaments in EU affairs, it does not translate into a lower level of autonomy.

The second counter-intuitive case is the negotiations of the CO2 cars regulation in Germany (**DE CO2**). Two observations allow to draw such a conclusion. On the one hand, the scrutiny in the Bundestag was limited to a single parliamentary question, which was asked a year after the EU agreement. Hence, the Bundestag did not control at all the executive before and during the EU negotiations. On the other hand, on the four cases analysed in Germany, the CO2 cars regulation is the one with the weakest involvement of the Bundesrat. Indeed, the parliamentary opinion of the Bundesrat was shorter and less precise than usual and, contrary to the other cases, no representative of the Länder (called Bundesrat's observer) was nominated to sit with the German delegation in Brussels. Another striking example is the failure of the Bundesrat in its attempt to adopt a second parliamentary opinion at the end of the EU negotiations. Indeed, the Bundesrat tried to adopt a second statement but was discouraged to do so by the federal government.

Finally, I discuss the cases **DE LIFE**, **DE Water** and **DE Seveso** characterised by **lower level of granted discretion translated in the lower autonomy of negotiation**. First, all the

three cases share the characteristics of having an important involvement of the Bundesrat, with parliamentary opinions and ad-locum scrutiny mechanisms. Hence, the Bundesrat used a combination of ex-ante control instruments – the parliamentary opinion highlighting the main concerns of the Bundesrat – and of ad-locum mechanisms, with a representative of the Länder sitting next to the German negotiators in Brussels. Second, the LIFE and Seveso cases both share the Bundestag active scrutiny over the EU negotiations, and both have adopted parliamentary resolutions. In addition, parliamentary questions were given about the respect of the resolution by the federal government (LIFE) or on specific modalities linked to the implementation of the new Seveso rules both at the regional and federal levels. The following tables summarises the empirical observations.

Cases	Parl. Activity Score	Formal discretion	Qualitative assessment of control mechanisms	Outcome
BE_ Seveso	7	<i>Low discretion</i>	One oral and two written parliamentary questions with an informational focus whether on the EU proposal or on specific internal implementation issue. The transposition debates were not critical of the positions defended by Belgium in the negotiation.	High autonomy
DE_ CO2	10	<i>Low discretion</i>	Opinion of the Bundesrat, but larger/looser than usual. No ad-locum control by the Bundesrat. Attempt to adopt a second opinion in the course of the negotiation, but no majority. Absence of scrutiny in the Bundestag, except a parliamentary question one year after the adoption of the EU at the EU level.	High autonomy
DE_ LIFE	10	<i>Low discretion</i>	One opinion of the Bundestag followed up by parliamentary questions of the opposition (greens) on the respect of the resolution by the government. One opinion of the Bundesrat associated with the presence of ad-locum control.	Low autonomy
DE_ Water	10,5	<i>Low discretion</i>	Visible impact of the Bundesrat opinion on the position of the executive (see chapter 4 for more details) and use of ad locum control. Important scrutiny in Baden-Württemberg landtag, but position aimed at endorsing the regional executive position before coordination in the Bundesrat.	Low autonomy
DE_ Seveso	12,5	<i>Low discretion</i>	Precise opinion of the Bundesrat associated with ad-locum control. Opinion of the Bundestag supported adopted majority against opposition. In addition, numerous follow up parliamentary questions at the implementation stage.	Low autonomy

2.2 Dichotomisation of causal conditions

2.2.1 Causal condition 1: Homogeneity of preferences between Principal and Agent

In the previous chapters, empirical observations related to the homogeneity of preferences between domestic parliaments and the federal executive were presented. This process was done in two steps. First, the main outstanding issues of each EU negotiations were identified. Second, the positions of domestic parliaments and the federal executive were pinned for each of the outstanding issues. A case is considered as non-homogenous when there is a difference in the preferences of the Principal and the Agent on at least one outstanding issue. On the contrary, preferences on all outstanding issues must be similar between Principal and Agent to be considered as homogeneous. Overall, a situation of non-homogenous preferences between Principal and Agent only existed for the Water and LIFE cases in Germany. All the other cases were showing characteristics of homogenous preferences.

More specifically, the value '1' (presence of homogenous preferences) was given for two large groups of cases. The first one numbered seven cases – **BE** *Water, Seveso, LIFE, CO2*; **AT** *Seveso, LIFE, CO2* - a situation in which diverging preferences between the parliaments and the executive were not observed. The reason is that domestic parliaments did not collectively position themselves on the EU proposal. Following the rationale that parliaments and parliamentarians invest their limited resources on cases with expected benefits for their careers, and that no such actions were undertaken for these cases, it is assumed that the preferences between the parliament and the executive are homogeneous. For the other group three cases were highlighted – **AT** *Water*; **DE** *Seveso, CO2 cars* – in which homogeneous preferences were observed when analysing parliamentary opinions adopted before or during the EU negotiations. In Austria, both the Federal Council and the lower Austria State parliament's opinions shared similar concerns about the EU proposal, fearing a significant increase in the cost of water treatment. In Germany, both the Bundesrat (ex-ante) and the Bundestag (ad-locum) positioned themselves on the Seveso proposal and shared similar preferences with the federal executive on all outstanding issues. For the CO2 cars, only the German Bundesrat positioned itself on the EU proposal, with no diverging preferences in comparison to the German federal executive. To sum up, all these cases have the following characteristics: whether parliaments did not position themselves on the EU proposal and are thus considered as having homogeneous preferences with the executive or parliamentary opinions do not express diverging preferences with the executive.

I now discuss the attribution of the '0' value, that is cases with an absence of homogenous preferences between domestic parliaments and the executive (**DE LIFE, Water**). These two cases are similar, as they both have for one of the outstanding issue a different position than the one defended by the executive. The **DE Water** case is the most illustrative in this regard. At the start of the negotiations, the German federal executive was more ambitious than the Bundesrat for the inclusion of pharmaceuticals in the revised list of priority substances. The Bundesrat was opposed to it and wanted to transfer the substances to the newly created watch list mechanism. Indeed, the latter mechanism only necessitated the monitoring of the substances in the water when their inclusion in the list of priority substances entails the definition of maximum limit value and consequently, costly end of pipe water treatment solutions. On the LIFE legislation proposal (**DE LIFE**), both the Bundesrat and the Bundestag disagree, to a certain extent, with the preferences of the German executive regarding the LIFE budget. German parliaments considered that an important increase in the LIFE budget was necessary. Yet, the position of the executive on the LIFE budget was linked with the negotiations of the Multi-annual financial framework (MFF). On this matter, the main rationale behind the German position as a net contributor to the EU budget, was to limit and reduce additional financial contributions. This situation makes it difficult to call for an increase in the LIFE budget during EU negotiations. To sum up, these two cases have the following characteristics: parliamentary opinions do not share similar preferences with the executive on at least one outstanding issue of the EU negotiation. Table 49 presents a summary of the empirical observations and their related dichotomisation.

	Austria			Belgium			Germany		
	<i>Hom_ pref.</i>	<i>Additional comments</i>		<i>Hom – pref.</i>	<i>Additional comments</i>		<i>Hom – pref.</i>	<i>Additional comments</i>	
Water	High	No divergences on outstanding issues	1	High	No positioning of domestic parliaments	1	Low	Divergences on the issue of pharmaceuticals	0
Seveso	High	No positioning of domestic parliaments	1	High	No positioning of domestic parliaments	1	High	No divergences on outstanding issues	1
LIFE	High	No positioning of domestic parliaments	1	High	No positioning of domestic parliaments	1	Low	Divergences on the question of the LIFE Budget	0
CO2 cars	High	No positioning of domestic parliaments	1	High	No positioning of domestic parliaments	1	High	No divergences on outstanding issues	1

Table 49: Dichotomisation of Homogeneity of preferences between Principal and Agent

2.2.2 Causal condition 2: Intra-Principal cohesiveness

In the chapters 4 to 7, I described empirical data related to the cohesiveness intra-Principal. In this research, the Principal is defined as the *domestic parliamentary system*, acting as a collective Principal. As a short remainder in this study, I argue that the degree of cohesion of a collective Principal impacts on the autonomy of an Agent; the more cohesive the parliamentary system is, the higher the autonomy of an Agent will be.

Due to a higher number of parliaments, in federal countries the probability of having several parliaments acting on the same EU proposal is higher than in centralised Member States. In addition, parliamentary majorities between and among governance levels may also vary, increasing the chances of having diverging preferences between domestic actors. On the other side, the multi-level nature of the EU decision-making process creates new constraints on the parliamentary opposition but also on the parliamentary majority (Winzen, 2010). This is because EU decision-making processes increase situations of asymmetrical information for both the parliamentary majority and the opposition (Sprungk, 2010). To give weight to the executive position, it is thus preferable that both opposition and majority parties combine their actions in the attempt for scrutiny of EU affairs.

In brief, to assess the cohesiveness intra-Principal, I look at two dimensions: **(a)** the cohesion between domestic parliaments and **(b)** within domestic parliaments. To be considered as cohesive and be coded '1', there must be no major differences in the preferences between domestic parliaments and within parliaments (i.e. between the main political parties). On the contrary, the value '0' is attributed to cases for which divergent preferences are observed on a least one of the two dimensions. Overall, the distribution of cases on this causal condition is the following: 8 cases present characteristics of homogenous preferences between parliaments, and within parliaments 4 cases are categorised as having a weaker degree of cohesion. The following paragraphs discuss in details the attribution of the '1' and '0' value for the 12 cases.

As for the previous causal conditions, cases coded as '1' are part of two broad groups and covers 8 cases. In brief, all these cases have the following characteristics: **(1)** whether parliaments did not position themselves on the EU proposal or **(2)** no major divergences were observed between parliaments, or within them. Firstly, for five cases - **BE** *Water*, *LIFE*, *CO2*; **AT**, *LIFE*, *CO2* – a situation with diverging preferences between and within parliaments was not observed. Indeed, domestic parliaments did not collectively position themselves on the EU proposal. At the level of political parties, no divergences between parliamentarians

were observed. Following the same rationale as for the causal condition 1, I consider these cases as presenting characteristics of homogenous preferences between parliaments and within parliaments, as a situation with diverging preferences is not observable.

Secondly, for three cases – **AT Seveso**, **BE Seveso** and **DE LIFE** –, several parliaments in a same Member States positioned themselves on the EU proposal, whether during the transposition stage (**AT**, **BE Seveso**) or during the EU negotiations (**DE LIFE**). In Belgium and Austria, the Seveso directive did not trigger intense debate at the transposition stage. In all Belgian parliaments, the transposition of the new Cooperation Agreement was adopted at unanimity, except for the Brussels region where 12 out of 14 MPs voted in favour, and two MPs abstained for procedural reasons¹⁰⁹. In addition, there were no divergences observed between Belgian parliaments. On the contrary, some parliamentarians highlighted the good collaborations between Belgian regions on issues such as Seveso. Therefore, the Belgian parliamentary system can be considered as being cohesive. In Austria, the transposition process at the regional level did not trigger more attention from parliamentarians. At the federal level, for one out of the two main transposition acts, the discussions were slightly more animated between the parliamentary majority and the opposition. Still, the debate was largely focused on technical issues so as to be circumscribed to a few MPs in the plenary. Despite this slight divergence observed for one of the transposition, the limited degree of divergence is not considered sufficient for coding the **AT Seveso** case as presenting characteristics of a non-cohesive parliamentary system. Finally, for the **DE LIFE**, there were no divergences within parliaments – the Bundestag's opinion was adopted at unanimity and the LIFE Bundesrat's opinion did not trigger intense debate either – and there were no divergences between the two federal parliaments.

To end with, I discuss the cases which show characteristics of a non-cohesive parliamentary system: the **DE Water**, **Seveso**, **CO2 cars** cases and the **AT Water** case. They all share the fact that important discussions were observed between political parties or Länder representatives *within* the domestic parliaments. The **AT Water** case is the only one for which divergences were observed both *between* and *within* domestic parliaments. On that premise, the main issue in Austria was to decide whether the EU legislative proposal could be considered as a breach in the principle of subsidiarity. Indeed, the reception by the Austrian Federal Council on the 'subsidiarity' opinion adopted by the Lower Austria State parliaments triggered tensions between the MPs of the EAC, and to a broader extent between the Federal Council and the Lower Austria State parliament.

¹⁰⁹ A document was not transmitted to the parliament in time.

Regarding the three German cases, disagreements *within* domestic parliaments are observed. However these disagreements are of different nature. For the case **DE Water**, the cohesion was weak within the Bundesrat on the issue related to the inclusion of pharmaceuticals in the list of priority substances. The difference in the positions of Baden-Württemberg (against the inclusion of pharmaceuticals) and of North Rhine-Westphalia (defending their inclusion) is illustrative in this regard. For the case **DE Seveso**, it is at the transposition and implementation stages that divergences were observed within the Bundesrat. Indeed, the transposition process of the Seveso directive faced serious difficulties, with diverging positions on the 'safe distance' issue among and within Länder, but also with the federal administration. Additionally, a division on the public participation issue was present between the parliamentary majority and the opposition. Finally, the **DE CO2** case exemplifies the state of disagreements within the Bundesrat. Two observations are of interest for this research. The most striking example is the failed attempt of the Bundesrat to adopt a second motion in the course of the negotiations. Despite some pressures originating from the Environment committee of the Bundesrat, the plenary session could not agree on a common text and dropped the resolution. In addition, the difficulties within the Bundesrat to agree on whether the opinion should include a paragraph on 'post 2020 CO2 reduction target' is also another indication for the presence of diverging preferences among Länder. In brief, all these cases share the characteristic of having diverging positions within a domestic parliament on at least one outstanding issue of the EU negotiation.

Table 50 summarises the empirical observations and their related dichotomisation.

	Austria			Belgium			Germany		
	<i>Cohesi – veness</i>	<i>Additional comments</i>		<i>Cohesi – veness</i>	<i>Additional comments</i>		<i>Cohesi – veness</i>	<i>Additional comments.</i>	
Water	Low	Divergences <i>between</i> and within parliaments	0	High	No observation of divergences	1	Low	Divergences <i>within</i> parliaments	0
Seveso	High	No divergences observed.	1	High	No divergences observed.	1	Low	Divergences <i>within</i> parliaments	0
LIFE	High	No observation of divergences	1	High	No observation of divergences	1	High	No divergences observed.	1
CO2 cars	High	No observation of divergences	1	High	No observation of divergences	1	Low	Divergences <i>within</i> parliaments	0

Table 50: Dichotomisation of Homogeneity of preferences Intra-Principal

2.2.3 Causal condition 3: Informational asymmetry

Previously, I introduced several ways for parliaments and parliamentarians to get information on EU decision-making processes. More precisely, I looked systematically at three sources of information. Information provided by the parliamentary services, information produced by the executive and finally, information collected through contacts with third party actors (e.g. NGOs, Trade Unions, interest groups). Indeed, in the Principal-Agent literature, one of the costs of delegating a task to an Agent is the difficulties the Principal will have to get direct first-hand information on the Agent behaviour. In this research, a situation of informational asymmetry (coded as '1') is observed when domestic parliaments received no information from any of the three sources previously identified. Indeed, in such a situation, the only resource available for MPs are their own informational network. On the contrary, if MPs receive information from at least one source of information, I argue that these are cases with less asymmetrical information in favour of the Agent (coded 0).

In terms of the QCA threshold, MPs will usually have an informational disadvantage vis-à-vis the executive, especially during the negotiations at the EU level. That being said, getting information on what is happening in the Council working groups or during trialogue negotiations is difficult and costly for MPs. According to my research, what matters is the

activation role from the information that parliamentarians receive. **to governmental information.**

Table 51 presents a summary of the empirical observations and their related dichotomisation.

	Austria			Belgium			Germany		
	Info_asy	Comments		Info_asy	Comments		Info_asy	Comments	
Water	Low	Government written report and input from third actors	0	High	No information provided	1	Low	- Bundesrat expertise (regional administration) - Reports from the Länder Observer office	0
Seveso	High	No information provided	1	High	No information provided ¹¹⁰	1	Low	- Bundesrat expertise (regional administration) - Bundestag (EUDok) - Third party	0
LIFE	Low	Government written report and input from third actors	0	Low	A note of the administration of the House of Representatives	0	Low	- Bundesrat expertise (regional administration) - Bundestag (EUDok) - Third party.	0
CO2 cars	High	No information provided	1	High	No information provided	1	Low	- Bundesrat expertise (regional administration) - Reports from the Länder Observer office	0

Table 51: Dichotomisation of Informational asymmetry

2.2.4 Causal condition 4: Domestic salience of the EU proposal

In the previous chapters, I presented salience indicators and conducted an analysis of the domestic media coverage for each EU decision-making process. In this research, a decision-making process is considered 'salient' when key national interests of Member States are at stake, linked to a significant mediatisation of the decision-making process. I argue that both dimensions are necessary for a case to be salient. Indeed, when the first dimension allows us to grasp the importance given to an issue by decision-makers (executives or

¹¹⁰ Since 2014, the Belgian federal government provides succinct information on EU dossiers in annual reports available for parliaments. Seveso is mentioned in two of them. Yet, as the negotiations of Seveso ended in 2012, I consider that no information were provided to federal chambers, and is consequently coded as 'presence of asymmetrical information'.

parliamentarians), looking at the media coverage gives us an idea about the extent to which the issue is spread among civil society.

First, I analysed the media coverage of two newspapers¹¹¹ per Member States, by identifying articles published in the period 2011-2015 and having *as their main focus* the studied cases. In short, the media coverage of these four EU negotiations is rather modest, with 40 hits in total and presents important variation between the EU decision-making processes. For example, when 25 articles (out of 40) covered the CO2 cars negotiations, national newspapers fully neglected the negotiations of the LIFE regulation (0 article) while covering little of the Seveso directive (2 articles). Finally, the revision of the list of priority substances directive received a moderate attention in the national media, with 13 articles published. The next table presents the distribution of articles for the 12 cases.

	DE- LIFE	BE- LIFE	AT- LIFE	AT- Seve so	DE- Seve so	BE- Seve so	BE- Water	AT- CO2	AT- Water	BE- CO2	DE- Water	DE- CO2
Nb. of art.	0	0	0	0	1	1	1	2	4	8	8	15

Table 52: Dichotomisation of media coverage

In terms of the QCA threshold, how can we differentiate between cases that received significant media attention and others? A first option to make the distinction is to look at the average of articles per case. As I have a total of 40 articles for 12 cases, it gives an average of 3,3 articles. Following this logic, cases having less than 3,3 articles are considered as having a low media coverage and on the opposite, cases with more than 3,3 articles are seen as having received important media attention. Thus the threshold could be positioned between the '**AT CO2**' and the '**AT Water**' cases. A second option is to discuss the threshold qualitatively. From this perspective and in light of the previous option, to consider that a case covered by four articles (**AT Water**) for an entire decision-making process is having a significant media coverage can be questionable. So, what about the **AT Water** case? I argue that despite a moderate mediatisation, the case presents characteristics of a highly mediated issue. Indeed, despite a weak attention on the revision of the list of Priority Substances, one element stands out. There is a broad media coverage related to the presence of pharmaceuticals in Austrian water (but without mentioning the directive or its revision). As the inclusion of pharmaceuticals was one of the novelties of the EU proposal, I

¹¹¹ La Libre & De Standaard for Belgium; Die Welt (written & Online) & Spiegel (online) for Germany; Die Presse and Der Standard for Austria.

consider that these articles need to be taken into account when evaluating the situation of the **AT Water** case. Therefore, I set the threshold between the **AT CO2** and the **AT Water** cases.

Second, I examined salience indicators. For the directive revising the list of priority substances in the field of water policy, I consider the potential costs of the EU legislative proposal for Member States. These costs can take several forms: additional efforts for Member States to reach EU water quality target by 2027, financial costs to upgrade water facilities if needed, and finally, costs in terms of image towards the inhabitants. In practice, all three countries had important national interests at stake. They shared concerns about the extra costs associated with the addition of new substances on the list of priority substances. Also each countries had specific concerns. Germany feared the cost in terms of 'image' vis-à-vis the public opinion, as some water surface could become categorised as polluted despite all the necessary efforts undertaken by the authorities (Constance Lake in Baden-Württemberg). In Belgium, the Walloon region already faced serious delay in its general water treatment policy in the last years (notably on residual water treatment).

For the Seveso negotiation, I rely on the number of Seveso installations per country and I discuss the strategic interests of the industry sector for the Member States. More precisely, Germany has the most Seveso installations in the entire EU (2405 plants, 1st), followed by Belgium (381 Seveso sites, 7th) and Austria (158 units, 17th). In light of these numbers, it is clear that the revision of the directive represented a salient issue for Germany, as they have numerous Seveso companies. The same conclusion can be drawn for Belgium. The country has the largest concentration of (petro)chemical companies (mostly Seveso sites) in the port of Antwerp, making Seveso a salient issue for Belgium.

For the LIFE regulation, I look at the performance of the Member States in terms of number of LIFE projects in relation to their *indicative* national budget. In addition, I discuss the weight of the LIFE program in light of the other redistributive program of the EU (CAP, FEDER, Interreg etc.). The revision of the LIFE program was seen as important for Belgium and Austria. When looking at their past performance, Belgium and Austria would benefit of additional financing for their projects with the new EU proposal, when the situation is more contrasted in Germany. This being the case, the LIFE program was considered as a minor issue in most Member States, as it is a lightweight when mirrored with other redistributive policies such as the CAP (negotiated in parallel) or the FEDER programs.

For the CO2 cars regulation, I look at the presence and weight of the automotive industry in the country. A direct presence of the automotive industry is observed in Germany (e.g. VW,

Audi, BMW) and to a lesser extent in Belgium (Audi and Volvo). Austria does not produce cars *per se*, but has an important industry in the production of automotive parts. When looking at the statistics produced by the *European Automobile Manufacturers Association*, two key numbers are needed for this research. The numbers related to the direct employment rate of the sector and the amount of *passenger* cars produced per country.

	Austria	Belgium	Germany
<i>Direct automotive employment (2010)</i>	30.000 (13 th on 27)	38.000 (12 th on 27)	775.000 (1 st on 27)
<i>Passenger cars production per country (2011)</i>	130,343 (15 on 27)	562,386 (6 th on 27)	5, 871,918 (1 st on 27)

Table 53: Regulation CO2 cars – salience indicator

Based on these numbers, it is clear that Germany had important interests in the revision of the regulation and the setting of modalities to reach the 2020 CO2 reduction targets. In contrast, Austria is not a major player in Europe and has second circle industries specialised in the development of automotive parts. And Belgium also has important national interests, as the country was in 2010 the sixth car manufacturer in the EU in terms of total production. However since the last 20 years, a constant decrease in the rate of direct employment in the sector was seen after the closing or reduction in activity of several production sites (Renaults (1997); Ford Genk; Audi Brussels etc.). Moreover, in terms of direct employment in the sector, Belgium is only the 12th EU country. Despite its historical legacy in the sector, the revision of the CO2 cars negotiation should not be considered as a salient case. The following table summarises the coding of the salient causal condition for the 12 cases.

“	Austria			Belgium			Germany		
	<i>Nat. Interest</i>	<i>Media Cov.</i>		<i>Nat. Interest</i>	<i>Media Cov.</i>		<i>Nat. Interest</i>	<i>Media Cov.</i>	
Water	Yes. Important financial cost expected.	4	1	Yes. Important financial cost expected and past difficulties in reaching good water chemical statuses.	1	0	Yes. Important financial and image costs expected.	8	1
Seveso	No. 158 Seveso sites in 2001 (17 th on 27)	0	0	Yes. 381 Seveso sites in Belgium in 2011 (7 th on 27)	1	0	Yes. 2405 Seveso sites in Germany in 2011 (1 st on 27)	1	0

LIFE	No. Small program in comparison with other EU funds.	0	0	No. Small program in comparison with other EU funds.	0	0	No. Small program in comparison with other EU funds.	0	0
CO2 cars	No. Second order industry	2	0	No. Moderate and declining automotive industry.	8	1	Yes. Important automotive industry.	15	1

Table 54: Dichotomisation domestic salience

2.2.5 Causal condition 5: Implementing powers

I now discuss the dichotomisation of my last causal condition named ‘implementing powers’. As previously explained, this variable looks at the extent to which domestic parliaments and executives authorities are involved in the transposition and implementation of the EU legislation. Are any actions necessary at the domestic level to fulfil EU obligations? If yes, how important are these necessary actions? For a decision-making process to be considered as needing important implementing actions, it must need the adaptation of domestic legislations to cope with EU legislation (a transposition act) and an involvement of executive authorities in the follow up of the EU legislation (i.e. an inspection program to be conducted by domestic authorities).

Indeed, if domestic actors anticipate important modifications in their practice due to a forthcoming EU legislation, they tend to seek information and scrutinise the executive during EU negotiations. In federal countries, the general division of competences between the domestic political levels and more specifically, the potential of influence of parliaments in the implementation stage (policy-seeking goal) must be considered. If a negotiation does not primarily concerns an issue on which parliaments can exert influence during the implementation process, parliamentary control activities are expected to stay relatively low. The rest of this section discusses the setting of thresholds for the variable ‘implementing powers’.

To differentiate between the four decision-making processes, I look at the type of legislative acts resulting from the EU negotiations. On the one hand, EU regulations do not need transposition *per se*, since regulations follow the direct effect principle. Therefore, EU legislation is directly applicable to domestic law. On the other hand, EU directives need to be transposed into domestic legislation. This does not mean that parliaments are systematically

involved in this process, as some EU legislations are transposed using executive decrees (Zbiral, 2017). Despite this, in the case of directives domestic actors, whether executive or parliaments, need to handle the EU legislation and notify the EU Commission on the evolution of the transposition process. However, the type of legislative act in itself does not explain the degree of parliamentary scrutiny. Taking this into account, I discuss the room for manoeuvre and the responsibilities of Member States in properly implementing EU legislation. Indeed, the most important the involvement of domestic actors in the transposition and in the implementation processes will be, the more parliaments will scrutinise their executive. To put it in another way, to which extent does the implementation of the EU legislation requires the involvement of domestic authorities?

For the type of legislative acts, there is a distinction between the two directives and the two regulations. When looking at the Seveso and PS in the field of the Water directive, there are no doubts that executive's authorities have important responsibilities in the implementation of the EU legislation. Regular inspections of Seveso sites, and drafting of reports for the Commission are parts of the domestic authorities' responsibilities. For the priority substances in the field of the Water policy directive, regional authorities are in charge of monitoring the limit value of the listed substances. In addition, it is the public authorities that need to bear the cost of water treatment plants management. Nonetheless, the two regulations demand less involvement from domestic actors in the implementation of the EU legislation. A good example is the CO₂ cars regulation. Indeed, the definition of the CO₂ reduction target or the conditions to reach such goals do not directly aim at the Member States authorities, as it is up to the industry such as car producers to take such measures. In the case of LIFE, Austria, Belgium and Germany have all developed in the last years contact points and administrative support helping candidates to fill in the LIFE application form. Public authorities can also apply for LIFE funding but in collaboration with private companies or civil society. Yet, when looking at my 12 cases, the involvement of executives (e.g the number of civil servants involved for these programs) is relatively limited when compared with other EU decision-making processes.

Based on the above argumentation, I consider that LIFE and CO₂ cars regulations necessitate less involvement from domestic actors for their implementation (and are thus coded '0') than the directives Seveso and PS in the field of water policy (coded '1'). On the one hand, the CO₂ cars and LIFE do not need transposition acts with a limited involvement of domestic actors in its implementation. On the other hand, the directives Seveso and PS in the field of water policy are given the value of '1', as they both required transposition acts, whether by executives and parliaments, and implies important responsibilities in the

implementation of the EU legislation. Thus, the coding of this variable is specific to policy proposal and does not vary between Member States.

Table 55 proposes a short summary of the above argumentation and presents the dichotomisation of the causal condition.

	Austria, Belgium and Germany	
PS in the field of Water policy	Transposition acts and important involvement of domestic actors in the implementation	1
Seveso III	Transposition acts and important involvement of domestic actors in the implementation	1
LIFE	No transposition act with limited involvement of domestic actors in the implementation.	0
CO2 cars	No transposition act with limited involvement of domestic actors in the implementation.	0

Table 55: Dichotomisation of implementing powers

2.3 Dichotomised outcome, causal conditions and truth table

The following truth table (see. infra table 56) shows the dichotomised causal conditions and outcome corresponding to the 12 cases.

We can observe that there are cases with a positive and a negative outcome as well as important cross-condition diversity. As a first step to synthesise observations, we find out that there are no contradictions and a total of 8 causal configurations. More precisely, there are five distinct configurations with a '1' outcome representing a total of 9 cases and corresponding to 4 cases in Austria and Belgium (Water, Seveso, LIFE, CO2), and one in Germany (CO2 cars). Finally, there are 3 distinct configurations with a '0' outcome explaining the three last German cases (Water, Seveso, LIFE). A first element outlined by the truth table is the case-specific nature of the results. Indeed, all cases in Belgium and Austria are considered as 'low' autonomy cases. On the contrary, all the 'low autonomy' cases are situated in Germany. This finding is discussed in length in Chapter 9 of the study.

Cases	HOM_PA	INTRA	INFO_AS Y	SAL	IMP_PO W	Outcome
AT Water	1	0	0	1	1	1
AT Seveso, BE Water, BE Seveso	1	1	1	0	1	1
AT LIFE, BE LIFE	1	1	0	0	0	1
AT CO2, BE CO2	1	1	1	0	0	1
DE Water	0	0	0	1	1	0
DE Seveso	1	0	0	0	1	0
DE LIFE	0	1	0	0	0	0
DE CO2	1	0	0	1	0	1

Table 56: Truth table

A first minor caveat occurs when looking at the variation within conditions. As a general rule, at least 1/3 of the cases should present variation (Rihoux and Ragin, 2009). Yet, this is not the case for the causal condition ‘homogeneity of preferences between Principal and Agent’, which has a ratio of 10 cases with a ‘1’ value, and 2 cases with a ‘0’ value. The lack of variation is explained by the way I operationalise this causal condition. As parliamentary activity on EU affairs is often weak in most EU Countries (see. Auel *et al.* 2015), and knowing that regional parliaments are only starting to engage in EU scrutiny, a situation where several national and regional parliaments within a Member State positioned themselves collectively (by adopting an opinion for example) is the exception rather than the rule. Therefore, I considered that a situation with ‘no collective positioning from domestic parliaments’ meant that they formally ‘agree’ with the executive. In such a situation, the variable is considered to present characteristics of homogeneous preferences between Principal and Agent.

The previous truth table can also be visualised in the form of a Venn diagram in figure 4.

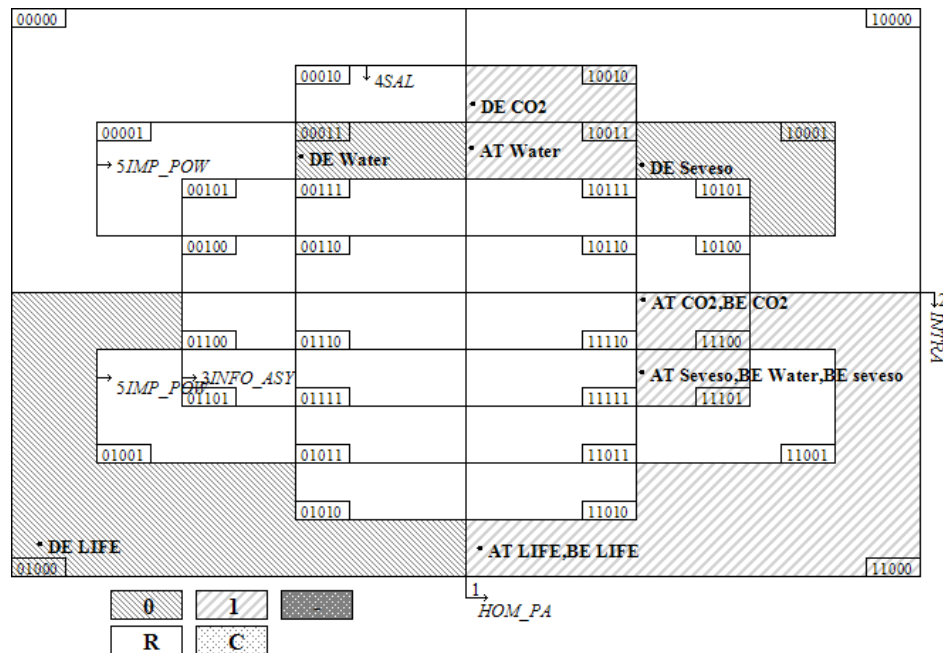


Figure 4: Venn diagram

3. Boolean minimisation

The second step in a QCA procedure is called the Boolean minimisation. This minimisation process is done both for the 0 and 1 outcomes, with the inclusion of logical remainders. More precisely, by minimising the 1 and 0 outcomes values of ‘autonomy’, I examine respectively the causal paths leading to a ‘high degree of autonomy’ and the causal paths leading to situations with a ‘low degree of autonomy’. Using the software *Tosmana* (version 1.4) (Cronqvist, 2017), the following section presents the minimal formulae resulting from the Boolean minimisation.

For clarity and transparency purposes, the complete *Tosmana* reports (and their simplifying assumptions) for the minimisation of both the ‘0’ and ‘1’ outcomes are available in the annexe 6 of this document. I present the QCA procedure with and without logical remainders, so that the reader can see the increase in the parsimony of my formulae. I also present how I resolved the contradictory simplifying assumption that is seen when running the QCA procedure for the first time.

What are the results of the QCA procedure? At first the results were not valid, as one of the logical remainders used by the software was present when analysing the ‘1’ and ‘0’ outcome.

As explained by Delreux and Hesters (2010:7), '*accepting the same remainder to be included in both analyses would mean agreeing with two assumptions that are contradictory*'. How can we solve this problem? I follow Delreux and Hesters's best practice. The first step is to identify the CSA and to attribute a value '1' or '0' to the remainders. In other words, by giving a value to the logical remainder, I identify the *most plausible outcome* for the combination of conditions. In this study, the CSA is the following and is attributed the value '1', high autonomy of negotiation (identified in green in the Tosmana reports).

CSA1: HOM_PA(1) INTRA(1) INFO_ASY (0) SAL (0) IMP POW (1) = High autonomy (1)

How does one attribute a value to a fictive case? The most plausible outcome must be given based on the case-specific and theoretical knowledge of the researcher. For this combination of conditions, I decided to attribute the value '1' as the *most plausible outcome*.

When looking at the causal conditions and their value, one can notice that both the conditions 'HOM_PA' et 'INTRA' have the value 1. In Chapter 2, I argued that when the agent and the principal have homogenous preferences (HOM_PA(1)) and when the principal is internally cohesive, the agent enjoys a higher degree of autonomy. Hence, according to the two first components, it is plausible that the agent will enjoy a high degree of autonomy. In addition, in Chapter 2, I also theoretically hypothesised that a low level of salience of the EU legislative proposal will lead to a higher degree of autonomy of the agent. Indeed, a Principal will tend to control his Agent for issues that matters to him. It is possible that the degree of control will go down if the case is not salient, giving a high level of autonomy to the agent.

After having followed the hypothesis presented in the research design, situations for which an Agent enjoys a high degree of autonomy should appear for the last two conditions. Nevertheless, as illustrated in chapters 4 to 7, the Principal's right of access to all-information does not automatically translate into affirmative action to access that very same information. As a short remainder, in Chapter 4, the following quote of an official from the Environment minister cabinet was used: '*Parliamentarians can access all documents of the Flemish government. If they wanted, they could you know* (Interview 36)'. Clerks of the Austrian national parliaments also pointed at this situation (Interview 9). Based on the previous argumentation, I decided to attribute the value '1' to the combination of conditions included in the logical remainder.

What is next? Once *the most plausible outcome* has been attributed to the CSA, the second step goes as follows. Delreux and Hesters (2010:11) '*propose not to create a fictive case to add to the empirical cases, but to explicitly assign the plausible outcome to the configuration, only in the minimisation process of the non-plausible outcome, so where these remainders should not be included*'. It means that the researcher needs to create two different truth tables, one for the '1' outcome and one for the '0' outcome. In this study, and following the rationale of Delreux and Hesters (2010), I included for the '0' outcome in the QCA procedure the combination of conditions leading to the '1' plausible outcome. After this process, I did not had CSA anymore. I can thus present the result of the minimal formulae.

3.1 Minimisation of a 'high' degree of autonomy of negotiation (1)

The minimisation of the outcome '1' gives the following formula. According to the results of the Boolean minimisation, there are two causal paths leading to a 'high' degree of autonomy of federal executives vis-à-vis their domestic parliamentary system.

HOM_PA{1} * INTRA {1} (AT Seveso, BE Water, BE Seveso + AT LIFE, BE LIFE + AT CO2, BE CO2)	+ HOM_PA{1}*SAL{1} (AT Water + DE CO2)

Hence, a situation where the executive enjoys a high degree of autonomy is observed when:

- (1) The Principal and the Agent have homogeneous preferences **AND** Principal are internally cohesive (like the cases **AT** Seveso, *LIFE*, CO2; **BE** Water, Seveso, *LIFE*, CO2).

OR

- (2) When Principal and the Agent have homogeneous preferences **AND** the domestic salience of the EU decision-making process is high (like the cases **AT** Water and **DE** CO2)

3.2 Minimisation of 'low' degree of autonomy of negotiation (0)

The minimisation of the outcome '0' - a low degree of autonomy - gives two formulae. In the first formula, two causal paths can lead to situations with a low degree of autonomy of executives vis-à-vis their domestic parliamentary system.

HOM_PA {0} (DE Water + DE LIFE)	+	INTRA {0} * SAL {0} (DE Seveso)

More precisely, a low degree of autonomy is observed when:

(1) Principal and Agent have heterogeneous preferences (like the case **DE Water** and **DE LIFE**)

OR

(2) The cohesiveness intra-Principal is low **AND** combined with a low domestic salience of the EU decision-making process (like the case **DE Seveso**)

For the cases **DE Water** and **DE LIFE**, the absence of the condition 'HOM_PA' is a necessary and sufficient condition to explain situations where the executive enjoys a low degree of negotiation autonomy. For the case **DE Seveso**, it is the combination of a low degree of domestic salience and of a low degree of cohesiveness Intra_Principal that explains a low degree of negotiation autonomy for federal executives. These two conditions are necessary but not sufficient.

4.1 Interpreting causal paths leading to a high autonomy of negotiation

As the QCA results show, two causal paths lead to a 'high' degree of autonomy for executive. The first causal path is the presence of homogeneous preferences between executive and the parliamentary system combined with a high domestic salience of the decision-making process. It covers two cases: **AT Water** and **DE CO2**. The second path is the presence of homogeneous preferences between executive and the domestic parliamentary system combined with a high degree of cohesiveness intra-Principal. This second causal path covers 7 cases (**BE LIFE**, **BE CO2**, **BE Seveso**, **BE Water** and **AT LIFE**, **AT CO2**, **AT Seveso**).

4.1.1 Causal path 1: HOM_PA{1} SAL {1}

What are the links between the presence of homogenous preferences among executive and the domestic parliamentary system combined with high domestic salience on one side, and a high degree of autonomy for federal executive on the other? As a short reminder, the minimal formula and the cases covered by this causal path can be consulted below.

HOM_PA {1} * SAL {1} (AT Water + DE CO2)

The high autonomy enjoyed by the Austrian and German executives revealed itself in the fact that both executives received the support of their parliaments. Strong from these similar preferences with their Principal, the Austrian and German federal executives enjoyed a high degree of autonomy during the negotiations. Since the domestic parliamentary system and

executive shared similar preferences, the likelihood of a follow-up parliamentary scrutiny diminished, thus giving more room for manoeuvre to the executives during EU negotiations. The EU decision-making process must be salient at the domestic level if executives want to enjoy a higher level of autonomy. More specifically, a higher saliency of the EU decision-making process reinforces the autonomy of the federal executives vis-à-vis their parliaments.

The Principal and the executive have similar preferences, and EU decision-making touches upon major national interests with a moderate to high media coverage. With this in mind, the rationale leads parliaments not wanting to negatively affect the negotiation autonomy of their executive vis-à-vis the other EU Member States. As a result, the executive enjoys a higher level of autonomy in the negotiations of the EU proposal. This situation is described by Auel and Benz (2005) as one of the dilemma that parliaments face when controlling their government in EU affairs. Control of the executive is necessary, yet total control leaves no room for the executive to have some degree in autonomy to successfully negotiate and reach a deal. In other words, the issue at stake is so important that it is better to leave the government to handle the EU negotiation how it sees fit. Therefore, a high degree of salience – with homogeneous preferences - diminishes the likelihood of having domestic political debate, especially in situations when the domestic parliamentary system and the executive have similar preferences. The next paragraph presents in more details the empirical data of the cases **AT Water** and **DE CO2**.

I discuss the '**DE CO2**' case. The German Bundesrat and the federal executive had similar preferences on the main outstanding issues of the EU negotiations. The German federal executive received a vague but clear support from the Bundesrat. This is partly explained by the fact that the Bundesrat and the Länder do not have direct competences for the definition of CO2 reduction target for cars. Moreover, the German executive further increased his degree of autonomy during the EU negotiations. Indeed, the national interests at stake in this dossier were so high for Germany (1st car producer in the EU) that it hindered additional parliamentary scrutiny during the negotiations. Therefore, the German executive enjoyed a higher level of autonomy.

As an illustration, following a blockage in the European negotiations, the Bundesrat tried to adopt a second statement but failed to do so. The blockage was mainly the result of Chancellor Angela Merkel who stepped in the negotiations and broke down the first result of the trialogue negotiations. In the unadopted motion of the Bundesrat, the following can be read: '*The Federal Council deplores the continuing disagreement in the negotiations to reduce the average CO2 emissions of passenger cars*' (Bundesrat, 2013a). With this

sentence, the Bundesrat Environment committee is specifically targeting the federal government negotiating stance in Brussels. Yet, the plenary of the Bundesrat, on the advice of the EAC, decided not to follow the opinion of its Environment committee. On this matter, officials of the Bundesrat (Interview 19) have explained that the willingness to give enough space to the government to negotiate in Brussels strongly motivated this decision.

Interviewer: I would like now to discuss about the CO2 cars regulation. So, you adopted one opinion really early in the EU decision-making process. Then I think the Environment committee tried to push for a second opinion, during the negotiation, but without success. Why?

Interviewee: We had a second round in the environmental committee, you are absolutely right. The main issue was the super credit. (...). This was put away from the agenda of the plenary. It did not come to a decision because we did not have the majority for this. And, at this point, the 'trialogues' took place and the government thought that it would not be appropriate to pass a second assessment of the Bundesrat. We were urged, as far as I can remember, not to pass this second resolution to give the government enough space for the final deliberation over there. This is the reason why we did not come up with a second opinion (Interview 19)

Finally, taking place at the regional level, another illustration supports the argument that a higher salience at the domestic level increases the autonomy of the federal executive. Let's zoom on the Baden-Württemberg. At the time the regulation was negotiated, the governmental coalition in Baden-Württemberg was composed, by order of importance, of the Greens and the SPD. Intuitively, we could have expected that the regional executive (and the Greens in particular) would have pushed for more ambitious post-2020 targets or would have disliked systems such as super credits. Yet, during the coordination stage in the Bundesrat, the land of Baden-Württemberg voted against the adoption of a post-2020 target. Here the higher salience of the EU decision-making process, that is the economic interests of the car industry in the Länder, pushed the regional executive (Green and SPD) to support the rationale of the federal government (CDU/CSU and FDP). Reasoning from this fact, nobody wants to be seen as the 'traitor' going against national interests.

In the **AT Water** case, the Federal Council shared with the executive concerns regarding the EU proposal, notably in terms of persistent substances and potential important implementation costs. In addition, the earlier a parliament position itself on an EU proposal, the higher is the chance that both executive and legislative actors work together – as a country – *against* an EU proposal. When both the Principal and the Agent have homogeneous preferences, which is understood as a critical stance on the EU legislative proposal – and that the EU proposal is considered salient in terms of national interests, the parliament is not positioning itself *against* the government or to control the latter, but well in reaction to an official EU document *before* the start of the negotiation. The following quote of

an official of the Austrian federal Environment ministry is particularly illustrative in this regard: *'We considered this statement to be supportive, and it was meant to be supportive. The direction was clear, but the details were lacking'* (Interview 52).

Taking this argument one step further, the earlier a parliament is positioning itself on an EU proposal, the most important is the role of the executive in sharing expertise with parliament, hence *de facto* influencing the content of the parliamentary opinion but also the perceived salience of MPs. In the informative note prepared by the executive for the parliaments, they clearly shared a critical view on the EU proposal. Since the Federal Council shared the view of the government, they adopted an opinion aiming at supporting the government **in the 'tuff'** upcoming EU negotiations. According to an official of the Austrian parliamentary administration, those are the workings of parliamentary scrutiny in Austria. Please note that the following citation is not specific to the case of Water, but also for the LIFE case. Yet, it explains very well what happened in the water case (**bold** in the quote). It goes as follows:

*'What I can see now from my side, based on the written document prepared by the ministry, is that the federal ministry was quite ok with this proposal, so they did not see many problems, and euh, in a majority system, this is why our parliamentary coalition majority probably decided not to raise any opinion. So that is how it works normally. **If the competent ministry already sees a lot of problems coming from a proposal, then the majority in the parliament will also be more motivated to issue a statement.**'* (Interview 9).

That being said, strict limitation of the negotiator autonomy can translate into a worse EU deal than if the executive had fewer domestic constraints. This reasoning helps explain the very scarce use of binding mandates or additional scrutiny around negotiations that parliaments in Austria make, especially if an opinion had already been adopted at the start of the negotiation. As a member of the Environment ministry puts it, *'As I said, they (the parliaments) understood that it is totally useless to have detailed positions, they want the government to negotiate, they do not want to take away this power from the government'* (Interview 47).

To sum up, this causal path relates to situations in which similar preferences are observed between the executive and their parliaments. While on the other side, the EU decision-making process is salient at the domestic level. The combination of these two causal conditions explains the higher level of autonomy enjoyed by federal executives vis-à-vis their parliaments.

4.1.2 Causal path 2: HOM_PA{1} INTRA {1}

What are the links between the presence of homogeneous preferences between executive and domestic parliaments combined with a high cohesion intra-Principal on the one hand,

and a higher degree of autonomy for federal executive on the other hand? Before unpacking the causal mechanisms behind this formula, the causal path is shortly reminded below. This formula covers cases taking place in Austria (3 out of 4) and in Belgium (4 out of 4).

$\text{HOM\_PA} \{1\} * \text{INTRA} \{1\}$ (AT Seveso, BE Seveso, BE Water, + AT LIFE, BE LIFE + AT CO2, BE CO2)

The higher degree of autonomy enjoyed by federal executives in these negotiations was revealed as the Austrian and Belgian executives faced almost no parliamentary scrutiny before, during and to a lesser extent, after the negotiations. From the beginning, executives enjoyed a high level of autonomy that they kept throughout the negotiations. Two causal mechanisms are at work to explain this causal relationship: **(a)** parliaments have not adopted a common position on the EU draft¹¹² or they share similar preferences together with the executive, and **(b)** there is no disagreement among the parliaments and between the parliaments of the parliamentary system, *de facto* reinforcing the stability of the parliamentary system and the strength of executives in the EU negotiations.

The rationale goes as follows: since the Principal and the Agent have similar preferences (or, in some cases, do not have a position at all, see *infra*) and that the parliamentary system is cohesive (in the sense that there are no disagreement within and across parliaments), there are no reasons for the agent to worry about a potential control of the principal on his action. Thus the Agent enjoys a high degree of autonomy.

This formula explains very well the cases in Belgium, and to some extent Austria. Indeed, Delreux and Randour (2015) highlighted the pro-European nature of political elites on the process of European integration as one explanation, among others, of the low level of activity of Belgian parliaments. To some extent, the weak strength of Belgian parliaments in EU affairs helps explain the limited use of parliamentary opinions (see. Chapter 9). Thus, when parliamentary scrutiny occurs, it is confined to individual and one-shot actions from parliamentarians (i.e. parliamentary questions). In the case of **BE Water**, the parliamentary questions aimed at learning general information on the EU proposal and at evaluating the consequences of proposal for Belgium. For the case '**BE Water**', a parliamentary assistant of the LLD group (opposition party) in the Flemish parliament tells us:

¹¹² This situation is in reality the most frequent one. In only one of the cases above, domestic parliaments collectively positioned themselves. So it is also the absence of position by parliaments that matters.

*'During that period, we, as the LDD group, followed the theme of drinking water quite intensively, and from various aspect.; It is also in the margin of this interest that the written question of 15 February 12 was developed, rather than actively following the relevant European negotiations. The technique of the written question was widely used by us as an opposition group, with the intention of further developing dossiers for oral questions in committee or plenary interventions. **But specifically this written question, I remembered no further initiative**' (Written answers, 3).*

In this case, in light of the answer of the Flemish environment minister, the RMP of the opposition was satisfied with the answer of the minister and concluded that no further action was needed. The RMPs does not see any reason for controlling further the executive. Knowing that it is quite rare for the parliamentary majority to contest they minister publicly, it *de facto* strengthens the executive even more since it can rely on a cohesive and 'silent' domestic parliamentary system. A cabinet member of a Belgian regional environment minister also commented on the parliamentary scrutiny in Brussels:

'Overall, I'm disappointed about the level of Brussels RMPs. They hear about something, then they think: "let's ask a question". We answer to the question then there is nothing more, there are no reactions to the answer. This is not like if they were defending something, or that they had an alternative or an idea' (Interview 32).

In other words, even when some parliamentary control exists, the likelihood of additional scrutiny decreases if the answer of the minister satisfies the RMP. This is even more visible in weaker parliaments with a strong party discipline such as in Belgium. Thus, the minister knows that no additional scrutiny is to be expected and can negotiate freely at the EU level.

In Austria, there was a collective *action* of a parliament at the coordination stage but without a collective *result*, in the sense of a parliamentary opinion (**AT LIFE**). In the case of the LIFE negotiation, the EAC of the Austrian Federal Council held a short collective debate on the LIFE proposal with a member of the executive (i.e. a civil servant). The same rationale used for parliamentary questions in the previous paragraph is applicable in this case. The members of the EAC held a debate focusing mostly on gathering information on the consequences of the EU proposal for Austria (i.e. budget, national allocations, and the usual performance of Austria). Following the answers of the executive, parliamentarians did not see the necessity to adopt a written statement. Since they were all cohesive and that MPs (even the opposition) agreed on the position defended by the executive, there is no more reason to scrutinise the policy-making process. This is well illustrated in the quote used to explain the impact of homogenous preferences for the first causal path.

Finally, for the rest of the cases, there was simply no parliamentary scrutiny at all (i.e. **BE LIFE**, **AT CO2**), whether at the coordination, negotiation or implementation stages. What does these situations tell on the preferences of the domestic parliaments and the executive? These cases illustrate situations where there is a *latent* agreement of domestic parliaments.

Since there is no follow up parliamentary actions and that the original parliamentary action is mainly informational, it can be concluded that the preferences of both actors are sufficiently similar to diminish the probability of additional parliamentary control. After this preliminary ‘check’ of the parliamentarians, the executive thus enjoys a higher level of autonomy during and after the EU negotiations.

To sum up, this causal path relates to situations in which, on the one hand, *latent* similar preferences are observed between the executive and their parliaments and, on the other hand, a stable and cohesive parliamentary system is in place. The combination of these two causal conditions explains the higher level of autonomy enjoyed by federal executives vis-à-vis their parliaments.

4.2 Interpreting causal paths leading to a ‘low’ autonomy of negotiation

As the QCA results show, two causal paths lead to a lower degree of autonomy of executive. The first path is the absence of homogeneous preferences between the German executive and the domestic parliaments, and covers the cases **DE Water** and **LIFE**. The second causal path is covering the case Seveso. The causal path goes as follows: the absence of cohesion among German parliaments and the low salience of the decision-making process lead to a low level of autonomy.

4.2.1 Causal path 1: *HOM_PA(0)*

What is the link between the absence of homogeneous preferences between executive and parliaments on the one hand, and situations with lower degree of autonomy for executive on the other hand. As a short reminder, the minimal formula and the case covered by this causal part can be consulted below.

HOM_PA {0} (DE Water + DE LIFE)

The causal path relates to situations in which non-homogenous preferences are observed between the executive and their parliaments. By taking a clear position, German parliaments highlighted differences in their understanding of the EU proposal vis-à-vis their executives. In light of these parliamentary opinions, the German executive had to modify its negotiation position or to explain to the parliaments the reasons why they negotiated the way they did. Consequently, these statements acted as a *position-taking* instrument of parliaments towards their executive. In light of these preferences, executive had to adopt a more cautious

negotiation strategy to avoid potential resistances of parliaments or additional parliamentary scrutiny. In the next paragraphs, I discuss in more details the **DE Water** and *LIFE* cases.

In the case of the PS in the field of water policy directive, there is a clear observable impact of the Bundesrat opinion on the German negotiation position. When the Bundesrat adopted its opinion, the federal executive had already taken position on some of the outstanding issues of the negotiation. Moreover, at the start of the negotiations the German executive was the only Member State in favour of including the three pharmaceuticals in the list of priority substances. The opinion of the Bundesrat, adopted a few weeks later (still at the coordination stage), favoured the inclusion of these new substances in the *watch list mechanism*, but not in the list of priority substances. Interestingly, after the opinion of the Bundesrat, one can observe a change in the position of the German executive. An official of the delegation explains:

Interviewer: When looking at this issue and the German position, tell me if I'm wrong, but at the beginning of the negotiations, Germany defended the inclusion of the three pharmaceuticals in the list. Then, in light of the EU negotiations – with most MS against it – the position evolved. Right?

Interviewee: *It was because of the opinion of the Bundesrat, we had to end (...). The position of the environment ministry in Berlin was first to get the pharmaceuticals into the list, but after the opinion from the Bundesrat and after the opinion of the ministry of Economy and others, we had to change this position.* (Interview 25).

Afterwards the German federal executive modified its negotiation position and stopped defending the inclusion of the pharmaceuticals in the list of PS. **The rationale goes as follows:** in the case of water policies in Germany, the main bulk of the concrete implementation of the directive (monitoring, scientific analysis) is situated at the Länder level. As the opinion is expressed by the Bundesrat, – which represents the Länder – not listening to the parliament's opinion and expertise (especially when the Finance ministry is on the side of the parliament) creates important risks regarding the concrete implementation of the directive at the regional level. In addition, the Bundesrat also activated his 'ad locum' control mechanism. Hence, there was no possibility for the executive to act without the Bundesrat not knowing it. Consequently, the German agent enjoys less autonomy. Phrased differently: the combination of diverging preferences with the ad-locum control mechanisms of the Bundesrat clearly diminishes the autonomy of negotiation of the executive.

The pattern was slightly different for the LIFE negotiations. Contrary to the PS in the field of water policies proposal, both the Bundesrat and the Bundestag positioned themselves on the LIFE reform, but at different stages of the EU decision-making process. The Bundesrat acted as an early player, and combined the adoption of an opinion at the coordination stage with ad locum control during the negotiations. The first action of the Bundestag arrived at the

negotiation stage, with the adoption of an opinion at unanimity and additional follow-up scrutiny on the respect of the opinion by the executive (i.e. parliamentary questions). The division of the parliamentary scrutiny between the different stages of the negotiation constantly pressured the German executive during the EU negotiations. Interestingly, all these parliamentary actions share one important element, they all pushed towards an increase of the LIFE budget. This constant scrutiny and follow-up actions is explained by diverging preferences with and *within* the German executive.

Yet, this demand was not fitting with the German executive rationale. The German ministry of Finance, as a net contributor to the EU budget, aimed at diminishing the German contribution to the overall EU budget (i.e. Multi Annual Financial Framework). As long as the EU budget was minimal, during the coordination process the ministry of Finance had no precise opinion on how to share the EU budget between the different policies (i.e. agriculture, fisheries, environment etc.). Contrary to what had the Agriculture ministry who feared that if there were additional funds transferred to LIFE program, it would affect negatively the budget allocated to agricultural policies. Indeed, LIFE, the CAP and fisheries policies are in the same section of the EU budget. Consequently, the position of Germany at the European level on this issue was ambiguous. The German executive had to balance the unanimous call of German parliaments to increase the LIFE budget and the rationale that the EU budget should not increase and not affect the budget allocated to agricultural policies.

To sum up, the German executive was in a situation where he enjoyed a lower degree of autonomy vis-à-vis their domestic parliaments. The German executive faced continuous scrutiny by both its national parliaments, with a specific attention on the budget issue. Therefore, the German executive had to adopt a cautious position on this issue and compromise between the different domestic actors to balance the interests of different policy fields (Environment, Agriculture, and Budget). As a result, the German executive had an ambiguous position. The government claimed that they have defended '*the further strengthening of LIFE in the Council negotiations*', but that '*the naming of concrete claims does not correspond to the approach adopted by the Federal Government in the negotiation*' (Bundestag, 2012b: 65).

As a result, when German parliaments increased the pressure on the government to negotiate an ambitious deal for the LIFE fund, lowering the autonomy of the executive in the Environment configuration of the Council, the concrete outcome of the parliamentary scrutiny

on the position defended by Germany on the EU budget¹¹³ was more limited. As such, in the three cases where a lower degree of autonomy of negotiation was observed (**DE Water, Seveso, LIFE**), the LIFE case is the one where the impact of parliamentary scrutiny was the most mitigated. Indeed, the multi-sectorial nature of the policy (Budget and Environment) resulted in an ambivalent position of the German executive.

4.2.2 Causal path 2: INTRA {0} SAL {0}

What is the link between a lower domestic salience of the EU decision-making process combined with a lower cohesion among the parliamentary system on the one hand, and situations with a lower degree of autonomy for executive on the other hand? As a short reminder, the minimal formula and the case covered by this causal part can be consulted below.

INTRA {0} *SAL {0} (DE Seveso)

The causal mechanisms behind these formulae are the following: the moderate to low level of salience (see. supra) creates a favourable situation for political contestation to occur within parliaments. Indeed, the Seveso proposal saw a division among parties of the Bundestag during the discussions of the resolution, with the CDU/CSU and the FDP on the one side, and the SPD, the Greens and die Linke on the other side. The moderate salience of the EU decision-making process allowed for a more classical majority vs. opposition debate. By doing so, the number of actors involved in the parliamentary scrutiny was higher, increasing the political contestation and diminishing the room for manoeuvre of the federal executive vis-à-vis his Principal.

The rationale goes as follows: the low mediatisation of the policy proposal – yet with major industrial interest at stake – allowed for a political polarisation of the debates. The parliaments within the parliamentary system had important divergences in their position, notably on how to implement Seveso question and the safe distance issue. Moreover, Seveso is clearly a policy that needs to be implemented by national and regional actors, so as to reduce the room for manoeuvre of the executives. Indeed, with the divergences of preferences within the principal, the executive must adopt a cautious negotiation position to ensure the implementation of the policy.

¹¹³ The question of the LIFE budget was not negotiated in the Environment configuration of the Council of the EU but in the General affairs Council. Hence, when the parliamentary opinions had an impact on the position defended in the Environment Council, this was less the case on the budget issue.

Indeed, Germany faced important disagreement during the coordination process of the transposition and implementation of the Seveso III directive. More precisely, the problem concerns specific articles regarding 'land-use' planning and the notion of 'safe distance rule' and was both observed at the federal and regional levels. An official that participated in the coordination process explains:

Beginning of 2014, there was the first meeting of the federal and the states. I was quite surprised. You know the name of the federal ministry: BMUB – the federal ministry of environment and building. They told us: we could not agree in our house, and we want to ask you some question of what we should do. They got 16 different answers. (...) So, in one ministry, they had the environmental side, and on the other side, building. Until now, they have not agreed on one proposal. (...) (Interview 16).

Inside the same ministry discussions at the federal level were difficult. Indeed, the Federal ministry for Environment held competences for buildings. Two competences closely related to the Seveso directive. Once adopted at the federal level, and depending on the approach taken by the latter, the same administrative blockage could be expected in some of the Länder administrations. The same officials continues:

This first meeting, this was still unbelievable for me. There were 32 people there. For example, Hessen was represented by two people and they said different things, one from the building perspective, and one from the emission control perspective. The one from the emission control said: 'you have to implement it in the building law', and people from the building law side they said: 'you have to implement it in the emission control law side'. There was very controversy opinions there. I had never had such an experiment. They were arguing at each other, almost yelling. (Interview 16).

Since Germany already had problems regarding the implementation of the Seveso II directive, these implementation problems were clearly expected by the German federal executive.

2. Intermediate conclusion

This chapter showed that the level of autonomy of federal executive is closely bound up to the presence or absence of homogenous preferences, a causal condition that appears in 3 out of 4 minimal formulae. Indeed, the absence of homogenous preferences between the executive and the parliamentary system is a sufficient and necessary condition for two out of three cases explaining a lower level of autonomy for executives. On the contrary, the presence of homogeneous preferences between the Agent and the Principal is a necessary condition (but not sufficient) to explain a higher level of autonomy. However, the causal condition 'HOM_PA' does not explain the whole picture. Indeed, in situations where executive enjoy a high level of autonomy, the presence of homogeneous preferences must

be combined whether with **(a)** the presence of a cohesive Principal or **(b)** a high domestic salience of the EU decision-making.

Most particularly, the causal condition 'salience' offers interesting (counter-intuitive) results. Contrary to what was expected in theory, a higher level of salience does not necessarily mean a lower level of autonomy for federal executives. Indeed, results show that in some cases, the domestic saliency is so high that it diminishes the parliamentary scrutiny, hence increasing the autonomy of negotiation of executive. On the contrary, a lower level of salience does lead to a lower autonomy of negotiation. Interestingly, a lower domestic salience creates a favourable context for political contestation within parliaments, allowing both majority and opposition parties to discuss the content of the EU proposal. Finally, the causal condition "cohesiveness intra_Principal" also matter to explain the degree of autonomy given to federal executives, but only to a limited extent. Finally, surprisingly, the informational asymmetry' (INFO_ASY) and 'Implementing powers' (IMP) conditions are not included in the minimal formulae.

Chapter 9: Discussion

The discussion chapter is organised around three main questions (and related sections) that serve as starting points to examine empirical and theoretical findings of this study in more detail. These questions are closely linked to the main research agendas identified in Chapter 1. In particular, the first question focuses primarily on the Principal side and examines whether and to what extent the institutional strength of the Austrian, Belgian and German parliamentary system correlates with the level of parliamentary activity in the four EU decision-making processes analysed in this study. Thus, I walk in the steps of Auel *et al.* (2015), whose quantitative analysis questioned whether there was a correlation between the institutional strength of parliaments and their overall level of parliamentary activity. This first question is closely linked to the first two steps (out of 3) measuring the dependent variable presented in Chapter 2: (1) measuring the institutional strength of parliaments in a country-specific way (delegation setting); and (2) measuring the degree of activity of the domestic parliamentary system quantitatively, and in a case-specific way (controls).

In the second section, I bring together the Principal and Agent of the study by discussing to what extent the institutional strength of parliaments and their degree of activity directly impact on the autonomy of executives in EU negotiations. This question is also linked to the measurement of my dependent variable and tackles the last and third step in its operationalisation: a qualitative assessment of the impact parliamentary scrutiny has on the autonomy of executives in EU negotiations. In terms of findings on the role of (sub)national parliaments and the European Union, the study offers the opportunity to discuss the *effectiveness* of parliamentary scrutiny on executives. From a Principal-Agent perspective, this second question tackles what Delreux and Adriaensen (2017) called the '*Politics of discretion*'.

The third and last section discusses the determinants explaining the degree of negotiation autonomy enjoyed by executives in more detail. In Chapter 8, the *Qualitative Comparative Analysis* allowed identifying causal paths leading to 'low' or 'high' degree of autonomy. The results were presented as a *combination* of causal conditions (conjunctural causality). In this chapter, I come back to the initial mono-causal independent variables presented in Chapter 3. For the five independent variables, I consider *if* and *how* the use of QCA brings new insights from what scholars and mono-causal analysis have found.

1. Parliamentary activity in Austria, Belgium and Germany: reflections on the relationship between institutional strength and parliamentary activity

The section is divided into two parts. The first subsection presents and discusses the link between the institutional strength of a parliamentary system and the overall level of parliamentary activity. The second subsection unpacks the concept of parliamentary activity and considers the differences in *scrutiny patterns*, the *timing* of parliamentary scrutiny and the *type of actors* involved in the scrutiny of EU environmental policies.

As presented in Chapter 1, studies on (sub)national parliaments and the European Union can be grouped in two research agendas: institutional and behavioural Europeanisation (Auel, 2016). The first research agenda aimed at measuring the *formal strength* of oversight institutions. The second focused on the *degree of activity* and opened the black box of parliaments. Auel *et al.* (2015) linked these two agendas by quantitatively analysing if, and to what extent, the institutional strength of parliaments correlates with their level of activity in EU affairs. The authors found a ‘*good, but not a perfect match*’ (Auel *et al.* 2015:78). In light of these findings, it is interesting to consider if the *tendencies* spotted in the analysis of Auel *et al.* (2015) can be observed in a case-specific and small N research design. I thus address the following question: **To what extent does the institutional strength of Austrian, Belgian and German parliamentary system correlate with the degree of parliamentary activity observed for EU environmental policies?**

For purposes of clarity, at the beginning of the next two sections, a recapitulative table reminds the reader of the question tackled in the section, its theoretical background, the link with the research, and most importantly, the main findings of the analysis.

Question 1	To what extent does the institutional strength of Austrian, Belgian and German parliamentary system correlate with the degree of parliamentary activity for EU environmental policies?
Theoretical background	1. (sub)national parliaments and the EU: Linking the first research agenda (institutional Europeanisation) with the second research agenda (behavioural Europeanisation). 2. Principal-Agent model: Analysis of the link between the delegation setting (‘the politics of delegation’) and the activation of control mechanisms by the Principal (‘the politics of discretion’)
Link with the research	1. This first question is closely linked to the measurement of the dependent variable: the negotiation autonomy of executives. As a short reminder, the two first steps of the measurement of the dependent variable aimed at measuring the <i>discretion</i> of executives in EU affairs

	2. Overall, the focus of the section is mainly directed towards the Principal.
Empirical findings	1. When looking only at the involvement of national parliaments, a correlation between institutional strength and parliamentary activity is observed 2. Yet, my study highlights that the correlation is weaker when activity scores also include parliamentary questions and regional parliaments. The picture is indeed more nuanced for Austria and Belgium. My activity measurement scale thus provides complementary information to the previous findings of Auel. <i>et al.</i> (2015). 3. When unpacking the parliamentary activity score, empirical evidence suggests that the institutional strength of parliaments impacts on the <i>scrutiny patterns</i> of (sub)national parliaments. The stronger the institutional strength of domestic parliaments, the more diverse the use of control mechanisms is. 4. The institutional strength of parliaments also impacts, to a certain extent, the <i>timing</i> of the parliamentary scrutiny. The stronger the parliamentary system, the faster parliaments activate their scrutiny mechanisms. 5. The study highlights the major (but understudied) role of upper legislative chambers in Germany and Austria in the scrutiny of EU environmental policies. 6. There are important differences in the degree of activity of regional parliaments within Member States and between Member States.
Theoretical finding	1. Overall, Agent enjoys an important degree of <i>discretion</i> in EU negotiation vis-à-vis their Principal. 2. The delegation setting, understood as the institutional strength of parliaments, correlates to some extent with the degree of activity of parliaments (controls). 3. The delegation setting also impacts on the type and use of control mechanisms activated by the Principal.

Table 57: Discussion on the relationship between institutional strength and parliamentary activity

1.1 Institutional strength and parliamentary activity of EU environmental policies in Austria, Belgium and Germany

As a brief reminder, Auel *et al.* (2015) measured the institutional strength of parliaments and their level of activity, and classified national parliaments according to different models of parliamentary activity¹¹⁴. More precisely, according to the authors, the German Bundestag and Bundesrat are the strongest and most active parliaments in the EU among the countries I have studied. At the other extreme, the authors found that Belgian parliaments have a weak institutional strength and a really low level of activity. Austrian parliaments are situated between Belgian and German parliaments, with a moderate to strong institutional strength and related level of parliamentary activity (Auel *et. al.* 2015)¹¹⁵. Are these patterns also

¹¹⁴ For a discussion on the modes of parliamentary activity observed in this study, see section 1.2.2 of this chapter.

¹¹⁵ Out of the 42 national chambers analysed in the OPAL index, the *Bundestag* ranks 2nd, the *Bundesrat* 8th, the *Nationalrat* 18th position, and the *Federal Council* 27th; finally, the House of Representatives is ranked 40th, while the Belgian Senate is considered the weakest of all national parliaments (42 on 42).

observed in my analysis?¹¹⁶ Yes, but only to a certain degree. The same patterns are observed when only focusing on the national level and collective scrutiny mechanisms (*i.e.* parliamentary opinions, EWS, political dialogue, debates), hence when staying as close as possible to the operationalisation of parliamentary activity proposed by Auel *et. al* (2015). The picture is more nuanced when including regional parliaments and parliamentary questions in the activity score.

Table 58 presents the case-specific parliamentary activity score for all domestic *parliamentary systems* at the coordination, negotiation and implementation stages.

	Austria	Belgium	Germany	
<i>Domestic coordination stage</i>	3,25	1	5,25	Water
<i>Negotiation stage</i>	0	0	4,25	
<i>Domestic implementation stage</i>	0	2	1	
Total activity	3,25	3	10,5	16,75
<i>Domestic coordination stage</i>	0	0	3	Seveso
<i>Negotiation stage</i>	1	0	4	
<i>Domestic implementation stage</i>	2	7	5,5	
Total activity	3	7	12,25	22,5
<i>Domestic coordination stage</i>	1	0	3	LIFE
<i>Negotiation stage</i>	0	0	7	
<i>Domestic implementation stage</i>	0	0	0	
Total activity	1	0	10	11
<i>Domestic coordination stage</i>	0	0	6,5	CO2 cars
<i>Negotiation stage</i>	0	2	2,5	
<i>Domestic implementation stage</i>	0	1	1	
Total activity	0	3	10	13
Total activity per country @ coordination stage	4,25	1	17,75	23
Total activity per country @ negotiation stage	1	2	17,75	20,75
Total activity per country @ implementation stage	2	10	7,5	19,5
Total activity per country overall	7,25	13	43	

Table 58: Parliamentary activity score of Austrian, Belgian and German parliamentary system

¹¹⁶ My results are not comparable as such with the OPAL activity scores, notably because the scope (Large N vs. Small N) and objective of the comparison are different. On the one hand, my case-specific activity score includes additional parliamentary tools (such as parliamentary questions and ad locum control) and parliaments from both the national and subnational levels. On the other hand, certain indicators of Auel *et al.* (2015) are missing from my analysis. For example, I do not look at the *duration* of debates or the number of '*hearings with the PM*', but I do consider the type of (de)briefing of the executive, the person who attends the (de)briefing, and the type of (de)briefing (oral vs. written). Despite these differences in measuring parliamentary activity, both studies and rankings do offer interesting and complementary perspectives.

1.1.1 The degree of activity of (sub)national parliaments in EU environmental decision-making process

Overall, the amount of scrutiny conducted in Austrian, Belgian and German (sub)national parliaments on the four EU decision-making processes is rather low, with scores ranging from an absolute value of 0 to a maximum of 12,25 points.

First, one can observe variations in the general level of parliamentary activity between decision-making processes. On the one hand, the two directives were more scrutinised than the two regulations. The higher degree of parliamentary activity is not just the result of the inclusion of *transposition debates* in the activity scores, since for the PS in the field of Water Policy directive, parliaments were not needed for the implementation of the EU legislation. In fact, without taking into account transposition debates, the degree of parliamentary scrutiny for the Water and Seveso directives were globally the same (around 16 points for each). On the other hand, there is less parliamentary scrutiny for the LIFE and CO2 car regulations. Interestingly, the degree of parliamentary scrutiny diminishes at the implementation stage. This is explained, among other things, by the direct effect of regulations in domestic politics. Indeed, once a deal on a regulation is reached at the European level, there is no more room in the implementation process for Member States to manoeuvre. Consequently, parliaments mostly scrutinise EU decision-making processes when they can have an influence (*i.e.* at the coordination or negotiation stages). On the opposite, when looking at the scrutiny of directives at the implementation stage, it goes further than just transposition debates. Numerous questions were raised on *how* the government will transpose the directive and reach its objectives, and thus how it impacts the Member State¹¹⁷ along with the margin for manoeuvre available at the implementation of the EU proposal.

Taking this one step further, a complementary explanation for the higher degree of scrutiny of the two directives is their stronger multi-level and - to a lesser extent - multi-sectorial nature in comparison with the two regulations studied. That is why in the Seveso directive case, policy implementation involves many actors from different levels of governance (national, regional and local). It also has a clear multi-sectorial focus, dealing whether with civil protection, worker protection, environment protection or land use planning. Indeed, Seveso is not only considered as an environmental policy in the literature, but is mostly analysed either for its impact on Member States' land use planning (see for example,

¹¹⁷ Also 'internal' specific implementation questions (impact on urban policies and land use planning, such as in Germany and in Belgium).

Christou *et al.* 2011; Demichela *et al.* 2014; Evers & Tennekes, 2016; Pilone *et al.*, 2017) or for the so-called risk policies (see for example, Simoncini, 2013; Kirchsteiger, 1998). The multi-level and multi-sectorial nature of the policy results in a substantial increase of actors whom are already informed. In my study, there are clear evidences that this situation has played a role for growing awareness around the Seveso revision, *de facto* increasing the degree of parliamentary scrutiny for the policy.

For example, **in Germany** the German Administrative Court played a major role on the issue of land use and ‘appropriate distance’. Germany faced problems with the implementation of the Seveso II directive, especially regarding the question of land use planning and ‘appropriate distance rule’. More precisely, Article 12 of the Seveso II Directive 96/82/EC requires Member States to ensure that their land-use policies include the need to prevent major accidents and to limit their consequences. To reach this goal, an ‘appropriate distance’ should be maintained between hazardous-incident-prone establishments on the one hand, and residential areas, buildings and areas of public use, major transport routes and other sensitive areas, on the other hand. The question of ‘appropriate distance’ was raised during negotiations for the Seveso III directive, as the German Federal Administrative Court submitted a question on this matter to the ECJ in 2011. The question aimed at knowing whether Article 12 of the Seveso II Directive is applicable only to planning procedures or also to building permit procedures. In this context, regional executives and the Bundesrat actively followed the EU decision-making process by adopting a precise opinion ex-ante, associated with ad locum control during the EU negotiation and important debates at the transposition stage. The main rationale behind the Bundesrat and States parliament scrutiny was to anticipate potential problems at the transposition and implementation stage. **In Belgium**, as explained in Chapter 5, it is local administrations that raised the degree of awareness for the Seveso III revision to regional parliamentarians. Indeed, the only parliamentary action in the Brussels parliament focused on land use planning. During an interview the RMP explained that it is his land-use local administration that raised concerns on the implication of the Seveso III directive for future urban developments. Thus it led the RMP to ask a parliamentary question on the implementation of the Seveso III directive in Belgium (Interview 54).

The same rationale can also be applied – but to a lesser extent¹¹⁸ – to the directive on priority substances in the field of water policy. In fact, in Austria, Belgium and Germany, the regional level has important competences in the field of Water policy, especially regarding the

¹¹⁸ Contrary to the Seveso directive, the directive on the priority substances in the field of water policy is not as much multi-sectorial as the Seveso directive.

implementation of the directive (e.g. monitoring of water quality). Consequently, there are more actors involved for this policy implementation than for the two regulations analysed in the study. Hence, there are more chances that parliamentarians will be warned by their own administrations or external actors about a policy revision. For example, in Austria the Chamber of Commerce but also regional interest groups were really active in pinpointing the important impact of the directive for regional and local authorities (e.g. foreseen increased implementation costs) (Interview 46, 50). To sum up, the degree of activity for parliaments is closely linked to the multi-level and multi-sectorial nature of the policy: the more multi-level and multi-sectorial the policy is, the more activity of parliaments there will be. Despite the fact that the 'implementing powers' causal condition does not stand out of the QCA analysis, it seems that it has an impact on the quantity of parliamentary actions. However, the small number of cases considered in the study does not allow for broader generalisations.

Second, there is variation in the degree of parliamentary activity between Member States. At the national level, the data shows that German parliaments were more active than their Austrian and Belgian counterparts¹¹⁹. As an illustration, the Bundesrat adopted an opinion on the four cases analysed and the Bundestag on two occasions. In comparison, Belgian national parliaments did not adopt any parliamentary opinions and in Austria, only the *Federal Council* adopted one parliamentary opinion. In this regard, and when looking at the activity of national parliaments in my four decision-making processes, the results go in the same direction than Auel *et. al.* (2015).

However, when looking at the overall level of activity of *domestic parliamentary systems* – thus including the regional level – table 58 shows that having stronger institutional activity scores in EU affairs is not necessarily linked to a higher level of parliaments' activity, at least for environmental policies negotiated between 2010 and 2014. This is especially true when parliamentary questions are included in the analysis. As an illustration, European environmental policies in Belgium were almost exclusively examined at the regional level, with an important use of parliamentary questions. When adding up these individual scrutiny actions and the regional level, the Belgian domestic parliamentary system does not perform as poorly as expected. On the contrary, Austrian regional parliaments were just occasionally active in the scrutiny of EU environmental policies, with a limited use of parliamentary questions. In Germany, the inclusion of the regional level and of parliamentary questions does not significantly modify the trends observed in Auel *et al.* (2015). Interestingly, the most active regional parliament in Germany was the one of *Baden-Württemberg*, which is also the

¹¹⁹ Even with more parliaments in total (2 national and 16 subnational parliaments), Germany still is the most active parliamentary system.

strongest regional parliament in Germany (Buzogany and Häsing, 2016; see also, Abels 2012, 2016).

This can be explained by two main *raisons*. As Chapter 1 highlighted, there is a lot of variation in the ways regional parliaments adapt to European integration. As such, the wake-up ‘call’ for regional parliaments – at least for the one with legislative competences – only arrived in 2009 with the Lisbon Treaty. In the study, the policy-making processes I analysed are very close to the acknowledgment of the potential role of regional parliaments in EU affairs. Yet, we know from previous studies that there is variation in the *institutional adaptations* (institutional Europeanisation) of regional parliaments between Member States, but also *within* Member States. My study highlights the fact that, despite some improvement in the strength of regional parliaments, *behavioural* Europeanisation of most regional assemblies still has a long way to go. In addition, at a general level, the variation observed between Austrian regional parliaments on the one hand, and Belgian and German ones on the other hand, correlates to a certain extent with the strength of the regional authorities within their Member States, independently of European affairs. In this respect, the Regional Authority Index (Hooghe *et al.*, 2016) shows that the delegation of authority to the regional level is more developed in Germany and Belgium than in Austria¹²⁰.

To summarise, two conclusions can be drawn from my study. On one side, the correlation between institutional strength and parliamentary activity spotted by Auel *et al.* (2015) is observed in my empirical analysis, but only for national parliaments. From a Principal-Agent perspective, these observations indicate that the delegation setting, understood as the institutional strength of parliaments, correlates to some extent with the degree of activity of parliaments (controls). In other words, the Principal controls his Agent to a lesser extent when he has weaker institutional strength. On the other side, my study highlights that the correlation is weaker when parliamentary questions and regional parliaments are included in the measurement of activity. Indeed, while the inclusion of the regional level and parliamentary questions does not impact the position of Germany – definitively the strongest and most active parliamentary system in this research, the measurement of parliamentary activity in Austria and Belgium shows more contrasted results. Thus, when looking at the entire domestic parliamentary system in a case specific way rather than just the national level, this study offers a more nuanced and complete picture of the parliamentary activity of (sub)national parliaments in federal countries.

¹²⁰ Whether regarding the range of policies for which a government is responsible; the degree to which a region has an independent legislative and executive branch and finally, the extent to which a regional government is autonomous rather than deconcentrated.

1.1.2 Parliamentary scrutiny of environmental policies following the ordinary legislative procedure: an example of re-parliamentarisation of the EU?

Can we talk about a re-parliamentarisation of the EU when looking at the activity of domestic parliaments on EU Environmental policies adopted following the ordinary legislative procedure? In the introduction and state of the art of the doctorate, I explained that there are still important discussions on the capacity of parliaments in adapting to European integration while playing their role in democratic legitimisation of the European Union. A debate then began between scholars supporting the '*de-parliamentarisation*' thesis and those arguing that parliaments were steadily fighting back, seeing signs of a '*re-parliamentarisation*' of the EU (Goetz and Meyer-Sahling, 2008).

Yet, previous studies have several limitations when discussing whether or not (sub)national parliaments are thus participating in a process of '*re-parliamentarisation*'. First, as explained on several occasions, previous studies are mostly focusing on the formal institutional strength and degree of activity of parliaments. Second, most of the case studies conducted on the topic target visible and salient cases such as the EU budget (see. among other De Wilde, 2008, 2012), the financial crisis (Auel and Hoing, 2014, 2015) and even on crucial pieces of EU legislations such as the latest CAP reform (Randour and Wolfs, 2017) or the Water Framework directive (Sprungk, 2010). Finally, as argued by Rozenberg and Heffler (2015:25), '*in order to convincingly address the debate on de-parliamentarisation, research has to focus on the impact of parliaments on the EU policy of their governments, and on EU legislation more generally*'. As my study tackles these shortcomings, I can discuss in an innovative way the extent to which there is a process of re-parliamentarisation of the EU. Indeed, one of the novelties of my study is to focus comparatively on cases following the ordinary legislative procedure that were not selected for their visibility or foreseen salience. Therefore, my PhD dissertation allows for a discussion on the parliamentarisation of the EU for day-to-day decision-making processes (yet limited to environmental policies). In addition, the study goes beyond the analysis of activity and examines the *effectiveness* of parliamentary control. Based on the analysis of these four EU decision-making processes, several elements must be highlighted.

Can we talk about a process of re-parliamentarisation of the EU then? Yes, but to a very limited extent. Undeniably Austrian, Belgian and German parliaments have undergone a process of institutional Europeanisation – all parliaments have adapted their formal rules regarding EU affairs and have created EACs¹²¹ – the picture is more nuanced regarding the

¹²¹ Even if there are also important variations in the institutional strength of parliaments (see. Auel *et al.* 2015).

behavioural Europeanisation, at least for environmental policies adopted under the ordinary legislative procedure. As discussed in section 1.1.1, the overall degree of activity is weak with some EU decision-making processes that were not addressed at all by (sub)national parliaments (CO2 cars in Austria and LIFE in Belgium). In addition, when looking at the *effectiveness* of parliamentary control – understood in this study as the impact on the negotiation autonomy of federal executive in the Council of the EU – the picture is even darker. Indeed, federal executives enjoyed overall a high degree of autonomy vis-à-vis their domestic parliaments (see. Section 2 of this chapter). Does it mean that the involvement of national parliaments in EU decision-making processes is a failure? The answer to this question must be nuanced.

MPs struggle in finding the right balance between controlling their executives while leaving enough room for manoeuvre during EU negotiations. Actually, what is clear from the analysis is that regional and national parliaments do not know precisely what their role should be in the scrutiny of EU affairs. Should domestic parliaments control the position of their executive with the aim to influence their position in EU negotiations? Should domestic parliaments only aim at making their executive accountable ex post and to justify their behaviour during EU negotiations? Is the role of domestic parliaments to communicate Europe, hence making Europe closer to EU citizens? Is the role of domestic parliaments to support their government in EU negotiations vis-à-vis the other Member States and EU institutions? Or finally, is the role of national and regional parliaments to control Europe? The following statement of a RMP highlights the impact of the perceived role of parliamentarians on the scrutiny of EU affairs.

Interviewer: If I understand you well, everyone has a job to do. MEPs control Europe, and for RMPs, you control your region. Right?

Interviewee: Yes, absolutely. We are not encouraged, as RMPs, to go out of our regional framework and that is sometimes a bit frustrating since EU policies also has an impact on the regional level. (...). When I was claiming that we should make Europe closer to the regional priorities, this has triggered a lot of smiles in the parliament. Until recently, we asked for more Europe in the Brussels parliaments, the authorities were telling us: alright, we will create a 'Bio market' not far from the EU institutions. It is nice but well... (Interview 54).

All these interrogations highlight the broader yet fundamental question of how scholars and parliamentarians define what 'scrutiny' of EU affairs is. Depending on the definition of scrutiny, the answer on the re-parliamentarisation debate may change. Indeed, in Austria, Belgium and Germany, the way MPs handle Europe and perceive their role is motivated by different reasons. It is thus difficult to assess the *quality* of the re-parliamentarisation process when what scholars analyse is different in nature. Overall, in this study, all these different

roles have been observed empirically. Indeed, when the opinion adopted by the Austrian Federal Council on the water case clearly aims at supporting their government in EU negotiations, the scrutiny conducted by German parliaments closely resemble a process of influencing the German executive position during EU negotiations (with or without success). In Belgium, the picture is more difficult to grasp yet it can be considered that parliaments aimed at making their government accountable ex post, but that they still strive to find their role in controlling EU affairs, especially for regional parliaments (Interview 54, 55). To summarise and answer to the question on how domestic parliaments can participate in the re-parliamentarisation of the EU, scholars should not only investigate parliamentary control *effectiveness*, but should also seek to define more precisely what the role of national parliaments in EU decision-making processes should be. Indeed, there are important differences between making a government accountable of his behaviour during EU negotiations ex post, communicating European policies to citizens or influencing the position of governments during EU negotiations. However, as presented in the state of the art, we know little so far on the ‘attitudinal’ Europeanisation of parliamentarians.

1.2 Unpacking parliamentary activity: Scrutiny patterns (how), the timing of scrutiny (when), and the main actors involved in the scrutiny process (who)

The empirical data allows for a more detailed analysis of the parliamentary activity of (sub)national parliaments. Indeed, one can observe interesting patterns in the type of control instruments used by (sub)national parliaments, in the timing of the scrutiny, and finally in the distribution of activity between regional and national parliaments in the scrutiny of EU environmental policies.

Table 59 presents a short summary of the empirical observations discussed in the section.

	Belgium	Austria	Germany
<i>Institutional strength</i>	Weak	Medium to Strong	Strong
<i>Scrutiny patterns</i>	Individual scrutiny actions only. No involvement of the EAC, higher involvement of sectorial committee.	Collective scrutiny actions only. Important role of EAC, limited involvement of sectorial committee.	Both collective and individual scrutiny actions (+ ad locum control). Involvement of both EACs and sectorial committee
<i>Timing of scrutiny</i>	Absence of scrutiny ex ante. Limited scrutiny during EU negotiations. Higher level of scrutiny after EU negotiations.	Focus on ex ante scrutiny. Limited scrutiny during and after EU negotiations.	From the start to the end of the EU negotiations.

Actors involved	Almost exclusively regional parliaments. No major role for the upper chamber.	Mainly national parliaments, with the occasional input of regional parliaments. Important role of upper chamber.	Mainly national parliaments, with more regular input of regional parliaments. Important role of upper chamber.

Table 59: Patterns of scrutiny, timing and actors involved in scrutiny of EU environmental policies

1.2.1 Different scrutiny patterns: *The weaker the institutional setting, the less diverse the use of control mechanisms is*

There are clearly distinct patterns in the use of control mechanisms in Austria, Belgium and Germany. Overall, both the German and Austrian parliaments relied on collective scrutiny mechanisms as a main strategy, using tools such as recommendations, political dialogue or subsidiarity opinions, and debates (whether in plenary or in committees). Yet, the Austrian and German parliamentary systems differ on the extent to which they use the full range of scrutiny instruments at their disposal. Indeed, the Austrian parliaments acted almost entirely in the framework of the EWM and political dialogue mechanisms (hence, collectively); whereas, parliaments in Germany have a mixed scrutiny strategy, consisting of scrutiny actions at both collective and individual level. German parliaments also acted in the framework of the EWM and political dialogue mechanisms, but opted for more ‘classical’ parliamentary tools such as recommendations and parliamentary questions. In addition, the Bundesrat also used *ad locum* controls (*i.e.* Bundesrat *observer*) on a regular basis. In Belgium, the scrutiny solely consisted of parliamentary questions (oral and written), therefore only involving individual MPs.

The differences in the scrutiny patterns observed in Austria, Belgium and Germany correlates to some extent with the institutional strength of the parliamentary systems. Overall, the rationale goes as follows: the weaker the institutional strength of the domestic parliamentary system, the less diverse is the use of control mechanisms. Indeed, weaker parliaments, such as the Belgian ones, mainly rely on traditional control instruments and rarely discuss EU proposals collectively. On the contrary, stronger parliaments such as the German ones, use a more diverse set of control instruments (political dialogue opinion, parliamentary opinions, debates, *ad locum* control and parliamentary questions) and discuss EU proposals both collectively and individually. Austrian parliaments – considered as moderately strong – also show a more diverse use of collective scrutiny instruments. Therefore, the empirical analysis supports the argument that parliaments with a stronger delegation setting in EU affairs make use of control mechanisms specifically designed for the

scrutiny of EU affairs in addition to their traditional domestic parliamentary control instruments. This observation mirrors the finding of Raunio (2005) in which strength of a parliament in EU affairs is closely linked to his prior domestic strength. In this study, I also observed that stronger parliaments in EU affairs tend to be stronger in domestic politics. As an illustration, the use of resolutions in Belgian regional parliaments is quite rare in domestic politics (Randour and Wolfs, 2017), it is thus not surprising to observe a similar pattern for European dossiers.

Lastly, when looking at the division of work between EACs and sectorial committees in the Austrian, Belgian and German parliamentary system, there is a clear trend in Germany to involve both European affairs and sectorial committees in the parliamentary scrutiny of EU affairs (both at national and regional levels). As Högenauer, Gattermann and Huff's (2015) argue, are we witnessing a process of mainstreaming EU affairs in national parliaments? According to the authors, the mainstreaming of national parliaments is captured in four dimensions, with one of them being sectorial committees gradually getting more involved in the scrutiny of EU policies. Moreover, the authors discuss the growing adaptation of parliamentary staff to European integration, the developments of inter-parliamentary cooperation beyond EU affairs specialists¹²² and finally, the increasing salience of the EU in plenary debates. In the sense that the scrutiny of EU affairs goes beyond the sphere of the EACs in German parliaments, the answer is then yes, there is a tendency towards a mainstreaming of EU affairs in German parliaments. In Austria, my data show that most of the scrutiny is taking place in EACs (both at national and regional levels), with a limited involvement of sectorial committees. In Belgian parliaments, the EACs were not active at all on any of the four policy-making processes and most of the scrutiny is located in sectorial committees (Environment and Land Use planning committees).

I argue that studying the mainstreaming of EU affairs should not be limited to the sole analysis of the greater involvement from sectorial committees or of the use of plenary debates. Scholars should question whether a blurring of the border between EU and domestic politics is also observed regarding the dynamics between parliamentary actors

¹²² Yet, in a case specific research design such as mine, focusing on only 4 policy-making processes adopted following the ordinary legislative procedure, it is difficult to evaluate the involvement of parliaments in inter-parliamentary cooperation (one indicator of the authors to evaluate the degree of mainstreaming). According to the activity report of the Environment committee of the EP (7th term; European Parliament, 2014), only three meetings were organized between MEPs and MPs: on climate change, equal and effective application of EU environmental law and on Rio+20 (United Nations conference on sustainable developments). Hence, not on any of the four policy-making processes in this research. In this regard, interestingly, the EP organised a workshop during the EU negotiations of the Seveso III Directive. The workshop allowed for an exchange of views between the European Commission, MEPs and stakeholders. MPs were not invited. Yet, one of the few experts invited to talk was an official from the German federal ministry for the environment, nature conservation and nuclear safety. Indeed, around 21% of all EU Seveso sites are located in Germany (European Parliament, 2011)

within parliaments (e.g. between the parliamentary political groups). When a mainstreaming of EU affairs is observed in terms of the scrutiny processes (how and where parliaments scrutinise EU affairs), there is a clear lack of mainstreaming in terms of political dynamics. So far, the literature has underlined the important role of political dynamics within parliaments. However, several scholars highlighted what they call an '*opposition deficit in EU accountability*' (Rauh, 2015; Rauh and de Wilde, 2017). According to Rauh and de Wilde (2017), '*it is opposition parties in particular that are dropping the ball by not debating Europe to a similar extent as government parties in plenary*' (Rauh and de Wilde, 2017:18). In this study, there are clear evidences that the EU does not trigger classical opposition vs. majority debates. At the exception of the Seveso case in Germany¹²³, opposition parties were absent of the debates and only used to a limited extent parliamentary tools such as written and oral parliamentary questions. On the contrary, majority parties were the most active in scrutinizing their executive in EU affairs. Taking this one step further, in federal Member States with multiple parliaments, political dynamics or contestation between parliaments composing the parliamentary system can be expected. Yet, in all but one case the domestic parliaments did not oppose each other on EU affairs (see. Chapter 8).

1.2.2 The timing of parliamentary scrutiny: the stronger the institutional setting, the faster parliaments activate their scrutiny mechanisms

Different patterns in the timing of the parliamentary scrutiny are observed between Austria, Belgium and Germany. In Germany, the parliamentary scrutiny is conducted at every stage of the EU decision-making process, yet the degree of parliamentary activity tends to diminish towards the end of the decision-making process (*i.e.* at the implementation stage). In Austria, the scrutiny of EU decision-making processes is mainly conducted at the coordination stage, with almost no follow up scrutiny during the negotiation and implementation stages. In Belgium, the parliamentary scrutiny increases as the EU negotiations evolve, with an intensification of the scrutiny at the implementation stage.

On the timing of parliamentary scrutiny, Miklin's empirical analysis of the Service Directive negotiations in Germany, Austria and Sweden (2008, see also Miklin, 2009), highlights that the sooner parliaments start scrutinising an EU proposal, the weaker is the likelihood that the government deviates from the wishes of the Principal. The author explains that an Agent is more likely to push forward his own preference at the beginning of the legislative process

¹²³ One could also think about the PS in the field of water directive in Germany that was considered as a case with a low cohesion within parliament (*i.e.* the Bundesrat). However, due to the composition of the Bundesrat, it is difficult to speak about opposition between majority and opposition. One should better described it as opposition between Länder.

rather than at the end of the negotiation. Indeed, once the Principals focused their attention on the Directive – in other words, when they ‘entered’ the legislative process - the author observed that the representatives in the Council ‘*had to pay considerable attention to economic and institutional adaptation costs*’ (Miklin, 2008: 3). In light of Miklin’s observation (2008, 2009), it is therefore not surprising to see a higher degree of activity at the coordination and negotiation stages in the Austrian and German parliaments. Following this rationale, the higher activity of Austrian and German parliaments at the coordination and negotiations stages can, to some extent, be seen as a compensation for their lack of influence at the policy-formulation stage. In this study, this is especially true for the Austrian Federal Council and the German Bundesrat, which acted as early players in the EU decision-making process. Indeed, as an interviewee from an environmental NGO explain, the timing of the scrutiny is important (not being too late or too early) (Interview 13). Yet, contrary to Miklin’s findings, my analysis reveals that the timing alone does not matter to impact on the negotiation autonomy of executive. It is indeed possible to have early parliamentary scrutiny (such as in the **AT Water**, **DE CO2**, or **BE Water** cases), yet without impact on the negotiation autonomy of executive. What matters over the timing of scrutiny is the consistency, the quality of the parliamentary scrutiny and finally, as the QCA analysis highlighted, the absence or presence of homogeneous preferences and the domestic salience of the EU decision-making process.

To sum up, the weak ex post sanctions of domestic parliamentary system in EU affairs combined with the new (collective) opportunities associated with the Lisbon Treaty clearly impacted on the type (*i.e.* mostly collective scrutiny instruments) and the timing (*i.e.* the earlier, the better) of parliamentary scrutiny in the Austrian, Belgian and German domestic parliamentary system. The stronger the parliamentary system, the faster parliaments activate their scrutiny mechanisms

1.2.3 Who is acting? The importance of upper houses in Austria and Germany and of regional parliaments in Belgium

There are also differences in the number of parliamentary actors involved in the scrutiny of EU environmental policies. In Belgium, regional assemblies clearly had the lead in the scrutiny process, with a limited involvement of national parliaments. On the contrary, in Austria, national parliaments were the most active, with a weaker role for regional parliaments. In Germany, when national parliaments also played a predominant role in the scrutiny of EU environmental policies, regional parliaments seemed to progressively question

EU legislative proposals more systematically, thus providing German national parliaments and especially the Bundesrat with more regular input.

What is interesting to outline is the type of actors involved in EU scrutiny: there seems to be a division of tasks between the Bundesrat and the Bundestag. In Germany, parliamentary scrutiny *ex ante* is clearly the job of the Bundesrat, when the Bundestag usually enters the scrutiny process later during the negotiation stage. But the Bundesrat is not leaving his Agent out of control. Most of the time, a *Bundesrat observer*¹²⁴ goes in Brussels to sit with the German delegation in EU negotiations. In Austria, a similar pattern is observed, with a strong role for the *Federal Council* (and regional parliaments) *ex ante*, with the Nationalrat scrutinising EU proposals later in the process.

In this respect, the literature underlines that stronger parliamentary systems - such as the ones of Austria and Germany - tend to seize the benefits and opportunities deriving from the post-Lisbon era more frequently (*i.e.* the opportunities offered by the political dialogue and EWM mechanisms). Neuhold and Strelkov (2012) expected that the new Lisbon Treaty provisions would reinvigorate the activism of 'weak' upper houses on European themes, especially with regards to bicameral systems. On this matter, Wolfs and Cigala (2015) demonstrated that, during the period 2009-2014, both the German Bundesrat and the Austrian Federal Council were more active than their lower chambers in terms of political dialogue and subsidiarity opinions.

This pattern is also observed in this study. The German Bundesrat and the Austrian Federal Council were central players in the early scrutiny of environmental policies. This is explained, among other things, by the 'gatekeeping' role of national parliaments in these countries. Raunio (2016) notes that *'even MPs from Member States with regional parliaments do not really demand that subnational legislatures should be more actively involved in EU governance or in interparliamentary networks'* (Raunio, 2016: 2772 on 9300¹²⁵). Indeed, in Austria and Germany, there is no *'automatic communication of decisions on subsidiarity of regional parliaments to the EU institutions'* (Vara Arribas, 2016: 3084 on 9300)¹²⁶. As an illustration, most of the scrutiny conducted in the Baden-Württemberg Landtag was in close relation to the positioning of the regional government in the Bundesrat. In Austria, the *Federal Council* took the opinion of the Lower Austria state parliament into consideration in its own discussions, but adopted its own opinion in the end. These observations illustrate the

¹²⁴ As explained previously, the role of this official is to report to the federal government on the respect of the Bundesrat's wishes.

¹²⁵ I do not have the exact page of the quote. The version of my book is a 'kindle format', without page numbers. The preview on Google books does not allow tracing the page number. The reference in Kindle is 2772 on 9300.

¹²⁶ On the contrary, in Belgium, all opinions of parliaments (regional and federal) are collected and sent to the European Commission (Vara Arribas, 2016) in the name of the *'Belgian parliamentary system'*.

importance of upper houses in federal Member States for the scrutiny of EU affairs, at least for environmental policies. Clearly, upper houses in Austria and Germany seized the opportunity offered by the EWM and political dialogue mechanisms. As outlined by an Austrian official of the Federal Environment ministry, the *Federal Council* seized the Lisbon opportunities to increase its strength and position within the Austrian parliamentary system (interview 47).

Paradoxically, what we observe is that despite a progressive increase of regional parliaments' involvement in EU affairs, it is the federal level (e.g. upper houses) that is reinforced. This phenomena was already highlighted in the literature on federal Member States but regarding executive cooperation. Indeed, discussion on the European Union's impact on the Belgian federation, Beyers and Bursens (2013: 276, see. also Beyers and Bursens, 2006) found that the '*institutional interpenetration of the Belgian and the European levels, in combination with some features of the Belgian federation, does not result in hollowing out the Belgian state, but that it rather reaffirms, yet at the same time also transforms, the role of the federal level*'. In other words, despite the European Integration and regionalisation process in Belgium, the Belgian federal level still is one of the main players for EU policy coordination processes across executive actors. Interestingly, the same process can be seen in Austria and Germany, but for legislative actors. As discussed previously, in Austria and Germany upper houses saw their power increased with the progressive adaptations of regional parliaments. This means that despite an increased role for regional parliaments (i.e. according to the Lisbon Treaty, regional parliaments must be consulted when appropriate), it is well the federal well and especially upper houses that are reinforced. What is interesting is that this process does not occur in Belgium, where the Belgian Senate is totally absent and inactive regarding EU environmental policies. Why don't we see a higher involvement of the Belgian senate? The answer to this question is closely linked to the federal structure of the Belgian federation. Indeed, in Belgium, there is an absence of norm hierarchy, understood for international policies as the *in foro interno, in foro externo principle* (Bursens *et al.*, 2016; Randour and Bursens, 2016). Consequently, Belgian parliaments act in EU affairs according to what they are used to in general: bilateral scrutiny of their own executive and very little engagement in intra-Belgian cooperation. In practice, while in Austria and Germany there is a coordination mechanism between regional parliaments and their federal counterpart, this is not the case in Belgium where the control is limited to their level of governance.

Against this background, this increased strength of Austrian and German upper houses leaves several questions open. The most interesting one is the following: Austrian and

German upper houses saw their **formal strength** reinforced after the Lisbon treaty, but vis-à-vis who? Does it mean that upper houses are now stronger vis-à-vis their own government? Or stronger vis-à-vis other national parliaments, for instance the Bundestag in Germany and the Nationalrat in Austria? Or vis-à-vis external actors such as the European Commission or other EU institutions? The answer to this question must be nuanced and needs further research. Nevertheless, preliminary findings of the study demonstrate that there is a differentiated impact of this centralisation process. Thus, while the German Bundesrat took this opportunity to further increase its policy-shaping capacity as the Bundesrat was already an influential player in Germany, the Austrian Federal Council saw an opportunity to gain more weight as the parliament that deals with EU affairs in Austria. Consequently, following the slow but steady involvement of regional parliaments in the EU, we observe a reaffirmation from federal parliaments. Yet, the impact on the parliament-executive relationship differs.

Finally, the empirical data also show that the involvement and activity of regional parliaments in Austria, Belgium and Germany on EU affairs is relatively modest, even when EU proposals touch upon shared or regionalised policies. In addition, there are important variations in the level of activity between and within Member States. In Austria, the parliamentary activity of regional parliaments was mostly limited to the intervention of the Lower Austrian state parliament. This is not surprising, as Austrian regional parliaments are only gradually adapting their scrutiny oversight institutions to cope with EU affairs and have limited resources (Miklin, 2016; also confirmed by parliamentary clerks of the regional and federal levels: Interviews 9, 48, 50, 56). In Belgium, all regional parliaments were at least active on one of the policy-making processes analysed, but rarely at the same time. For example, the scrutiny of the CO2 cars regulation was exclusively conducted in the Walloon parliament, when the PS in the field of Water policy negotiation was exclusively scrutinised in the Flemish parliament. In Germany, there was a regular involvement of regional parliaments, yet with important variations in the extent and quality of the scrutiny. For example, the parliament of Hamburg is the 'champion' of (non)subsidiarity opinions - yet greatly influenced by the regional executive and the parliamentary administration (Interview 16, 17), but the Landtag of Baden-Württemberg conducted a more systematic and in-depth scrutiny of two out of four EU policy-making processes. The Seveso case is a bit of an exception, as seven German Landtage scrutinised their regional executive at the implementation stage (see Chapter 5, section 3.1). These empirical observations support the previous (non-case specific) arguments of scholars on the differentiated Europeanisation of regional parliaments (Borońska-Hryniewiecka, 2013; Buzogany and Häsing, 2016; Ladrech, 2012; 2016; Schneider, Rittberger & Wonka, 2014).

Yet, are there specific scrutiny patterns for regionalised policies in Austria, Belgium and Germany? To some extent, yes! Indeed, the greater involvement of upper houses and of regional parliaments for environmental policies shows that for regionalised competencies, the centre of gravity for parliamentary control is slowly being taken by actors from these levels. That is to say parliamentary actors who represent specific territorial and regional interests are progressively taking their responsibility, at least in terms of the *quantity* of parliamentary scrutiny. This situation is particularly well illustrated by the Austrian and Belgian cases. In Belgium, when the cases analysed were importantly regionalised or at least shared between the different governance levels, there is a clear trend towards less parliamentary control at the federal level and more parliamentary control at the regional level. This is also the case in Austria, with a progressive yet real increase in the scrutiny of regional parliaments and of the Federal Council. This argument can be held for Germany, yet the Bundestag remains an active and important player.

To summarise, the empirical data presented in the research outlines the important role of upper houses in the scrutiny of EU environmental policies in Austria and Germany, and of the regional parliaments in Belgium. Overall, the scrutiny conducted at the regional level can be considered as relatively low. From a Principal-Agent perspective, it shows that facing a collective Principal (*i.e.* multiple domestic parliaments) does not drastically increase the degree of control conducted by the Principal. The study also highlights the hierarchical organisation *within* the Austrian and German Principal, with upper houses taking the lead over parliamentary scrutiny. On the contrary, in Belgium the control is dispersed between the different regional parliaments, with a limited involvement of national parliaments. This observation goes in the direction of the Bursens *et al.* (2016) article: 'Belgian Regional Assemblies in EU Policy-Making: The More parliaments, the Less Participation in EU affairs?'.

Accordingly, additional research should be conducted on the role of upper houses in the European Union, especially in federal Member States and for those policy fields that are regionalised.

2. Institutional strength, parliamentary activity and the resulting autonomy of executives in Austria, Belgium and Germany: A good but not a perfect match

In the previous sections, I have discussed the first two components of my measurement of the autonomy of negotiation: delegation and control mechanisms of the Principal. Yet, as I

argued previously, these first two steps mainly focus on the Principal but do not allow investigating the impact of the control mechanisms on the executive. Consequently, as a third and last step, I qualitatively assessed the efficiency of the control mechanisms of the parliaments on the autonomy of negotiation of the executives (*qualitative case specific measurement*). Therefore, in this section I address my second discussion question: **To what extent does the strength of parliaments and their degree of activity directly impact the autonomy of executives in EU negotiations?**

As for the previous section, table 59 summarises the main empirical and theoretical findings.

Question 2	To what extent does the strength of parliaments and their degree of activity directly impact the autonomy of executives in EU negotiations?
Theoretical background	• (sub)national parliaments and the EU: To comprehensively assess the impact of parliaments on executives, one needs to assess the <i>effectiveness</i> of the scrutiny conducted by the Principal on the Agent. Not only the quantity, but also the quality of scrutiny matters. • Principal-Agent model: The Principal is not the only actor in a Principal-Agent relationship. Agents matter as well.
Link with my research	• This second question is linked to the dependent variable and tackles the third and last step in its measurement. More precisely, it consists of qualitatively assessing if the scrutiny conducted by the Principal impacted the Agent's autonomy of negotiation. • The focus of this section includes both the Principal and Agent perspectives.
Main empirical findings	1. Executives in EU affairs enjoy a high level of autonomy of negotiation vis-à-vis their parliamentary system. 2. The degree of autonomy enjoyed by executives is country specific to a large extent.
Theoretical findings	1. The parliament-executive relationship in EU affairs is characterised by a high level of autonomy for the Agent (vis-à-vis their parliamentary system). 2. A high level of controls by the Principal (<i>i.e.</i> the domestic parliamentary system) does not automatically translate to a decrease in the autonomy of executives in EU negotiations.

Table 59: Discussion: The relationship between (a) institutional strength and parliamentary activity and (b) the autonomy of negotiation of executives

As a short reminder, in 9 cases (out of 12), executives enjoyed a high level of autonomy. With one exception, all of these cases are situated in Austria and Belgium. On the contrary, the three cases with low autonomy are all found in Germany.

Table 60 presents the three steps in the measurement of the autonomy of negotiation of executives.

	AT CO2	AT LIFE	AT Water	AT Seve so	BE CO2	BE LIFE	BE Water	BE Seve so	DE CO2	DE LIFE	DE Water	DE Seve so
Step 1: Delegation setting - Country specific measurement	Moderate to strong institutional strength in EU affairs				Weak institutional strength in EU affairs				Strong institutional strength in EU affairs			
Step 2: Activity score - Quantitative case specific measurement	0	1	3,75	3	3	0	3	7	10	10	10,5	13,25
<i>Country specific and quantitative case specific measurement</i>												
Discretion of executives (Principal's side)	High	High	High	High	High	High	High	Low	Low	Low	Low	Low
<i>Qualitative assessment</i>												
Step 3: Autonomy of executives (Principal and Agent's sides)	High	High	High	High	High	High	High	High	High	Low	Low	Low

Table 60: Three steps measurement of the autonomy of negotiation of executive

What do we learn from these observations? First, in most cases, executives enjoyed a high level of autonomy vis-à-vis their domestic parliamentary system. In addition, there is a correlation between the strength of the institutional setting and the activity of the parliamentary system on the one hand, and the autonomy of executives on the other hand. However, this is not a perfect match. Indeed, the data supports the idea that, in some cases, having a high level of parliamentary activity does not always translate to a corresponding lower level of autonomy. From a Principal-Agent perspective, it means that **(a)** Agents enjoyed a relatively high level of autonomy in EU affairs, even bigger than the formal level of granted *discretion* and **(b)**, in some cases, the controls of the Principal do not impact on the autonomy of negotiation.

As shown in the table, despite a relatively high value on the parliamentary score index for the **BE** Seveso and **DE** CO2 cases (indicated in yellow), the impact of the parliamentary scrutiny

on the autonomy of negotiation of Belgian and German executives was limited. In Belgium, the parliamentary scrutiny was restricted to consensual transposition debates and three parliamentary questions. The parliamentarians did not (critically) question the position of the executive during the EU negotiation and mainly focused on internal politics and general informative questions¹²⁷. In Germany, the Bundestag did not control the executive at all before or during the EU negotiations. At the implementation stage, only one parliamentary question was asked in the Bundestag regarding the position held by the executive during the negotiations. In addition, the involvement of the Bundesrat was weaker as for the other cases: there was no *ad locum* control and the Bundesrat recommendations to the federal government were shorter and less detailed than for the other EU legislative proposals. Hence, the *quantity of parliamentary* scrutiny is not sufficient to explain the degree of autonomy of executives.

Second, the results show that the degree of autonomy of executives is, to a major extent, *country specific*. This finding is noteworthy and outlines the importance of the delegation setting on the dynamic of a Principal-Agent relationship. For the Austrian parliamentary system, it shows that despite a moderate to strong level of institutional strength, domestic parliaments still face difficulties in scrutinising EU legislative proposals in a systematic way. Hence, the existence of formal powers of parliaments does not mean that control mechanisms are activated. Despite Miklin's observation (2015:389) that the Austrian parliament (*i.e.* the *Nationalrat*) is '*gradually living up to its legal potential*', my empirical data nuances this statement and finds little evidence of the Nationalrat acting as a *Policy Shaper*. In fact, only the *Federal Council* was really active, but its mode of parliamentary scrutiny shows more features of a *European Player* than of a *Policy Shaper* (Rozenberg and Hefftl, 2015). Finally, even when Austrian parliaments seized their formal powers, the impact on the autonomy of the executive is limited. Indeed, the Austrian Federal Council did not act in an 'opposition mode' (Sprungk, 2010) but worked in collaboration with the executive on the parliamentary opinion.

In Belgium, the weak institutional strength of Belgian parliaments in EU affairs, the weak level of parliamentary scrutiny, and the type of parliamentary instruments used are hardly influencing the executive in EU negotiations. In addition, most of the parliamentary scrutiny takes place at the implementation stage, thus after the end of the negotiations. Consequently, and in light of the weak ex post powers of (sub)national parliaments in EU

¹²⁷ For example, why is Belgium running late in the transposition of the Seveso directive? In addition, parliamentarians congratulate themselves, as the implementation of Seveso directives in Belgium is seen as a good example of regional and federal cooperation.

affairs, there are few incentives for the executive to take his domestic parliaments seriously. The mode of parliamentary activity in EU affairs of Belgian parliaments is as expected a *Scrutiny Laggards* (Auel *et al.* 2015). Regarding the modes of parliamentary scrutiny identified by Rozenberg and Heffler (2015), it is difficult to categorize the Belgian parliamentary system. Belgian parliaments are neither *Policy Shaper* nor *European Player*. The important use of parliamentary questions, mostly taking place in sectorial committees, does not allow classifying Belgian parliaments as a *Public Forum*. For the same reasons, Belgian parliaments cannot be considered as *Expert*. Finally, some characteristics of the parliamentary scrutiny conducted in Belgium (mostly its *ex post* focus) points in the direction of the *Government Watchdogs* mode.

Finally, in Germany, the Bundesrat and the Bundestag are clearly *Policy Shapers*. German national parliaments are indeed acting quite early on in the EU decision-making process and they make full use of their institutional capabilities, by using both EU specific control mechanisms, along with more traditional parliamentary instruments. They involve both sectorial committees and European Affairs committees, and the outcome of the parliamentary scrutiny process is equally oriented towards EU institutions and at the executive. Overall, German national parliaments mainly aim at influencing the government's position of negotiation through mandates or resolutions together with *ad locum* control during the EU negotiations. At the regional level, the most active parliament in the study – the State parliament of Baden-Württemberg - is better described as a *Policy Shaper*. Indeed, the main objective of the regional parliament was to control and, to some extent, bind the regional executive before the start of the coordination process within the Bundesrat.

Compared to other cases, the scrutiny of German parliaments was more effective than the ones of Austria and Belgium. There are clear evidence pointing in the direction of a direct impact of parliamentary opinions on the autonomy of negotiation of German executives. Yet, one has to know that in the group of cases characterised by a low level of autonomy of executives (**DE Seveso**, **DE Water**, **DE LIFE**), for some issues of the negotiation, there is variation in the extent to which the scrutiny of German parliaments was truly effective (alone). For example, the scrutiny of German parliaments on the PS in the field of Water policy-making process was efficient, but must be understood in the broader context of **(a)** pressures within the Agent (diverging positions of the Federal Ministry of Environment and of the Ministry of Economic affairs) and **(b)** pressures within the Council of the European Union, as Germany was isolated (on the pharmaceutical issue) from the win-sets of the other Member States. For the LIFE case, the scrutiny process was effective in making the federal government accountable vis-à-vis German parliaments (*i.e.* *ex-post* justification of the

negotiation position on the LIFE budget issue) with both parties from the majority and opposition acting in an 'opposition mode'. Yet, doubts exist on the impact on the position of the federal government in EU negotiations. This is explained by the fact that the budget of LIFE was linked with the broader discussion on the EU budget 2014-2020. Hence, the position of German parliaments on LIFE was taken up by the executive but integrated in the broader rationale of Germany on budget issues: the EU needs to spend less money. Hence, this highlights the fact that the impact of parliamentary scrutiny is also dependent on factors situated *within* the Agent (conflicts in coordination process) and *outside* the Principal-Agent relationship (pressures from other Member States and issue linkage). In addition, as discussed in section 1.1.2, the evaluation of the *effectiveness* the parliamentary scrutiny also depends on how we define what the purpose of parliamentary should be. Indeed, the group of cases considered as 'low autonomy' for the executive, we can see that the impact of the parliaments on the negotiation autonomy takes different forms.

This short discussion on the different modes and country specific characteristics of parliaments scrutiny open the question of the different functions of national parliaments in EU decision-making processes. Have we really well mapped the potential role or use of parliaments in EU decision-making process? Have we not too much adapted our (domestic) typologies of role of national parliaments in domestic politics to EU affairs? Are there not specific functions for parliaments in EU affairs? Indeed, when executives seem to have adapted quite well to the multi-level environment by developing executive coordination mechanism (Kassim and Hussein, 2001, 2001a), parliamentary actors still face troubles to identify their role. This situation is even more the case regarding regional parliaments.

Traditionally, three main functions are identified in the literature. The first one is the policy formulation function. Yet, as we have discussed in the introduction of the doctoral dissertation, the right of initiative of policy proposals is now in the hands of the European Commission. The second main function of parliaments is the classical control function. However, as the results of this dissertation highlights, national parliaments faced difficulties to *effectively* impact on their executive during EU negotiations. The last function that is increasingly studied in the literature at the moment is the communication function of national parliaments. Yet, the final beneficiaries of this function are the citizens and not the executive. Thus, one question remains: does identified functions allow to capture the entire spectrum of actions of domestic parliaments in EU affairs? According to me, the answer is no! I argue that in addition to the classical control and communicative functions, one must consider the existence an additional role for national parliaments in EU affairs: supporting their

government vis-à-vis external actors. Indeed, there is a clear tendency – at least in Austria – to adopt opinion in order to support the position of the government in EU affairs.

To summarise, from a Principal-Agent perspective, the first interesting observation is that the parliament-executive relationship in EU affairs is characterised by a *de facto* high degree of autonomy for the Agent at the start of the negotiation. Indeed, if domestic parliaments do not – or only to a minor extent - activate their control mechanisms, the executive enjoys a high level of discretion that automatically translates to a high level of autonomy. As witnessed in this study, it is not rare that EU legislative proposals totally avoid the radar of parliaments, and this is particularly the case for parliaments that have weak institutional powers. This situation puts the Agent in a comfortable situation for negotiating at the European level, especially when knowing that parliaments have no direct access to the EU negotiation¹²⁸ and that the risk of ex post sanctions (at the implementation stage) is limited. It is only in situations where parliaments activate their control mechanisms and that the scrutiny process is efficient, that executives pay attention to the position of their Principal, which in turn limits their autonomy of negotiation.

This goes in the direction of Miklin's findings (2008, 2009), which outlined that when parliaments enter the EU legislative process, the representatives in the Council have '*to pay considerable attention to economic and institutional adaptation costs*' (Miklin, 2008:3). This is precisely where the most important dilemma occurs: if parliaments strictly control the national government by drafting precise instructions associated with follow-up scrutiny actions, the parliaments take the risk of their ministers being outvoted in EU negotiations (*i.e.* use of QMV in the Council of the EU). The negotiations of the regulation 'CO2 cars' is particularly interesting in this regard, as it illustrates a situation where the Principal (*i.e.* the Bundesrat) decided not to scrutinise the executive during the EU negotiations, as he feared that it could weaken his position. As such, studies on (sub)national parliaments and the European Union are interesting as they illustrate situations of 'loose contracting' (*i.e.* weak institutional setting) between an Agent and his Principal, with the subsequent consequences that the parliament has difficulties winning back their lost influence resulting from EU integration.

3. Coming back to the research design: what QCA offers to previous mono causal studies

To understand the determinants impacting on the degree of autonomy of executive, I conducted a *Qualitative Comparative Analysis*. I explored the impact of five causal conditions

¹²⁸ Except for the German Bundesrat.

on the autonomy of the executive vis-à-vis their domestic parliamentary system: **(1)** the homogeneity of preferences between the Principal and the Agent, **(2)** the cohesion of the domestic parliamentary system, **(3)** the informational asymmetry between the Principal and the Agent, **(4)** the domestic salience of the EU decision-making process and finally, **(5)** the impact of implementing powers of domestic actors. In this section, I come back to the mono-causal hypotheses presented in Chapter 3 and discuss what the QCA technique offered to their understanding.

In other words, the objective of this section is not to draw the mono-causal effect of the independent variables on the autonomy of negotiation of executives, but to discuss how the conjunctural effect of these IVs allows to refine the understanding of the independent variable. I thus ask the subsequent question: **How and to which extent does the QCA procedure allow to refine our understanding of mono-causal variable?**

3.1 Homogeneity of preferences between Principal and Agent

The empirical analysis reveals that the distribution of preferences between a Principal and his Agent is an important factor in explaining the autonomy of negotiation of the executive. The presence of homogeneous preferences between the Agent and the Principal is a necessary condition (but not sufficient) to explain a high level of autonomy of the executive. My results tend to go in the direction of the hypothesis formulated in Chapter 3. More precisely, the (mono-causal) hypothesis was the following: ***the higher the homogeneity of preferences between an Agent and his Principal, the higher the autonomy of the Agent.***

On the one hand, in situations where the executive enjoyed a high level of autonomy, the causal condition ‘homogeneous preferences’ was present, but combined with either **(a)** the presence of a cohesive Principal (explains 7 cases out of 9) or **(b)** a high domestic salience of the EU decision-making (explains 2 cases out of 9, see previous paragraphs). On the other hand, the presence of heterogeneous preferences between the Agent and the Principal is a *necessary* and *sufficient* condition to explain lower level of autonomy. It thus explains in itself the lower degree of autonomy enjoyed by executives in EU affairs. These results go in the direction of the literature on the Principal-Agent model.

Yet, one can still question how it is possible that 9 cases out of 12 were actually considered as presenting characteristics of ‘homogeneous preferences’. There are two possible explanations for this situation. First, in some cases, there is an important *co-shaping role* of

the national win-set by the Agent together with the Principal. This also goes in the direction of the Principal-Agent literature that emphasised that Agent matters and also have strategies to weaken the incentives of control of their Principal (Delreux and Kerremans, 2010). Proposing a national win set or providing expertise to their parliaments could be one of these strategies.

This confirms claims made by authors such as Rozenberg (2017), de Wilde and Raunio (2015) or Miklin (2016, for Austria and the regional level)¹²⁹. Indeed, commenting on the EWM, Rozenberg observed a *'high degree of proximity between executive and legislative power at national level. (...) Yet, the frequent fusion between the parliamentary majority and the executive power raises the suspicion that the whole EWM process could be, at least in some cases, manipulated by members of the Council of the EU'* (Rozenberg, 2017: 29; see also de Wilde and Raunio, 2015). Second, there is also a methodological reason to this observation. Indeed, there are cases where there is no official positioning of parliaments on an EU legislative proposal. In such cases, I considered that the preferences between a Principal and an Agent were similar¹³⁰.

3.2 Intra-Principal Cohesiveness

The empirical analysis reveals that the distribution of preferences within a Principal and his Agent is also an important factor in explaining the autonomy of negotiation of the executive. Yet, having a cohesive Principal is a necessary condition, but not a sufficient one to explain the degree of autonomy of executive. In Chapter 3, I argued that ***the higher the cohesion between political parties in parliaments and between parliaments is, the higher the level of autonomy of the Agent***. Yet, I also explained in the research design that the causal direction was not clear. Indeed, a weak cohesion within the parliamentary system could also lead to a reduced degree of autonomy of the Agent.

The configurational analysis nuances this assumption. Indeed, the empirical analysis demonstrates that to enjoy a high level of autonomy, the cohesion within the Principal must be high AND combined with the presence of homogeneous preferences with the Principal. In addition, an absence of cohesion within the Principal associated with a low salience decreases the autonomy of negotiation.

¹²⁹ This is also confirmed by claims made in my interviews from officials of Austrian and German parliamentary administrations (Interview 20, 9 and C) as well as officials from Austrian ministries (Interview 52)

¹³⁰ See Chapter 8 for a discussion on the coding of this causal condition.

3.3 Informational asymmetry and implementing powers: promise unfulfilled¹³¹?

To end the discussion, I now examine the absence in causal paths of the ‘informational asymmetry’ and ‘implementing powers’ conditions. Are the explanatory powers of these conditions an *unfulfilled promise*?

First, I had hypothesised that **the higher degree of informational asymmetry, the higher degree of autonomy of the Agent**. The absence of the ‘informational asymmetry’ condition in the causal paths is surprising. Indeed, the degree and access to information of MPs is considered as one of the most important factors to assess the role of domestic parliaments in EU affairs (Winzen, 2012). More precisely, information given to the parliaments can serve as a *stimulus* to engage in parliamentary scrutiny. For example, the (external) role of NGOs in the activation of parliamentary scrutiny in the Bundestag is illustrative. The parliamentary opinion adopted at unanimity in the Bundestag was indeed closely linked to the lobbying of German environmental NGOs. In the case of Seveso, German parliaments could rely on the expertise of Länder administrations, but also on the (visible) actions of German regional governments¹³² and finally, on the role of German courts¹³³. At the opposite, the presence of a high degree of informational asymmetry in favour of the Principal provides a good explanation for the really low (and late) activation of parliamentary scrutiny in Belgium (**BE Seveso**, **BE Water**, **BE CO2**). Yet, in some cases, even when the Principal relies on at least one source of information (information stimulus), it does not automatically activate its control mechanisms. Information in itself is important. Yet what matters the most is the necessity to receive information where problems are highlighted (e.g. explanatory memorandum). As argued by an Austrian parliamentary clerk (Interview 9), parliaments act when the government highlight potential problems. As a consequence, most of the time parliaments end up supporting their government’s position in EU negotiations.

The information origin and the content of the informational note seem more important than getting information in itself, as most national parliaments receive the same documents since the Lisbon Treaty. Therefore, what matters for impacting on the executive’s autonomy is to receive information coming from outside of the Principal-Agent relationship. As illustrated by the **DE LIFE** or **DE Seveso** cases (such as NGOs, or Administrative courts), it is when

¹³¹ The title of the section is inspired by the title of the article of Kassim and Menon (2003): ‘The Principal-Agent approach and the study of the European Union: promise unfulfilled?’

¹³² See Coordination meetings of German regional ministers on the implementation of the Seveso III directive in Germany.

¹³³ On the issue of ‘safe distance rule’.

external actors provide independent information to parliamentarians that it is possible to control and impact the negotiation autonomy of executives.

Finally, the causal condition ‘implementing powers of domestic actors’ is absent in the results of the configurational analysis. I hypothesised that ***the weaker the implementing powers of domestic actors, the higher the level of autonomy of the Agent***. The only causal path where the variable is present (covering only one case), yet combined with other causal condition, confirms the condition of the mono-causal hypothesis formulated in Chapter 3. More precisely, what my empirical data suggests is that it may have some explanatory power to understand the involvement of regional parliaments within the domestic parliamentary system. The Seveso and Water proposals - the cases with the most concrete implications in terms of implementation of the EU directive by domestic actors - are also the ones that triggered the higher degree of parliamentary control at the regional level in Austria, Belgium and Germany¹³⁴, especially regarding the implementation of the Seveso directive.

3.4 Domestic salience of a policy-making process

The findings of the study are particularly interesting regarding the causal condition ‘salience’. This condition is *necessary* but not sufficient to explain the degree of autonomy of executive. Consequently, the causal condition ‘salience’ is always combined with other explanatory factors. That being known, my empirical results contradict to some extent the hypothesis formulated in Chapter 3. More precisely, the (mono-causal) hypothesis was the following: ***the less salient the policy-making process for the Principal, the higher the level of autonomy of the Agent is***. My analysis actually depicts conflicting results: a high level of salience (combined with homogenous preferences between the Agent and the Principal) is actually leading to a higher autonomy of negotiation of the executive. Phrased differently, combined with homogenous preferences, it reinforces the dominance of the executive (the Agent) on his parliamentary system (the Principal). What can be learned on the concept of salience for forthcoming studies?

Let’s unpack the concept of salience to understand how it reinforces the autonomy of executives in EU negotiations. More precisely, two components were included in the measurement of salience: **(a)** the media coverage and **(b)** the degree to which major national interests were impacted by the EU proposal. In the analysis, the amount of mediatisation and the framing of the issue affect how the Principal perceives national interests. For example, in

¹³⁴ The sole exception is the important level of scrutiny conducted on the CO2 cars regulation in Baden-Württemberg.

the '**DE CO2**' case, important national interests (German car industry) were combined with a media coverage emphasising the intergovernmental aspect of the EU negotiation. The analysis actually shows that combined with homogeneous preferences, a high level of salience actually diminishes the likelihood of (critical) parliamentary scrutiny. This result allows nuancing the findings of de Ruiter's (2013) quantitative analysis of media coverage and parliamentary activity in the Netherlands and in England. Contrary to de Ruiter's finding, I demonstrate that in some cases, even with high media coverage, the parliamentary activity does not increase.

When looking at the content of newspaper articles, it is important to note that domestic parliamentary actors or their actions were rarely mentioned in media. In fact, the media coverage reinforced the predominance of executive actors with more visibility for their actions than the ones of domestic parliaments. De Wilde (2008, 2009, 2011, and 2012) observed similar patterns in the media coverage of EU budget negotiations in the Netherlands and Denmark. In addition, the attention of German media increased when the negotiations took an intergovernmental turn, which in turn gave additional leverage to the executive at the domestic level by helping the German executive to communicate the pressure of the EU negotiations on his domestic parliamentary system. This finding is stimulating and should be further analysed in upcoming studies. Indeed, Delreux and Kerremans (2010) found that an Agent could use strategies to weaken the incentive of the Principal, for example, by 'transmitting' pressure of the international negotiation environment to the national level. To sum up, my preliminary empirical evidence support the claim that in EU affairs, Agents matter and deserve additional attention in the literature (see on this matter Delreux, 2011; Delreux and Kerremans, 2010; Hawkins & Jacoby, 2006; Lake & Mccubbins, 2006; Woll, 2006).

Furthermore, the configurational analysis reveals that a lower level of salience, combined with a non-cohesive Principal, lead to a lower autonomy of negotiation (in one case only, '**DE Seveso**'). More precisely, concerning the impact of mediatisation on the degree of parliamentary activity, the empirical data shows that even in the case of a low level of mediatisation, the level of parliamentary activity can be high and also impacts on the autonomy of negotiation of executives. This is also a surprising result in light of results presented in previous studies. Actually, the low level of mediatisation (of course, in combination with) does not mean that no important interest is at stake with the EU negotiations. The comparative analysis shows that if national interests are at stake, even with a low level of mediatisation, it is sufficient to trigger political polarisation within the parliamentary system, which in turns affects the autonomy of negotiation of executives

negatively. This observation goes in the direction of previous observations of the *domesticisation* trends of EU policy-making processes within national parliaments.

More generally, what do we learn about salience and the scrutiny of EU affairs? In reality, an issue is salient when the intensity of the national interest is high. As a consequence the issue is more visible for parliamentary actors as well as for citizens. More precisely, when national interests are high but that the media coverage is low, it then creates favourable conditions for parliamentary actors to get involved in the scrutiny of the EU decision-making process. As the issue is salient (in the sense of having high national interests), it increases the visibility of the EU proposal in the parliament and allows parliamentary actors to take a position on the outstanding issues of the negotiation. For example, for the '**DE** Seveso' case, the enhanced visibility of the EU proposal allowed for a higher polarisation of parliamentary debates between opposition and majority within the parliament. Yet, depending on the combination of the dimension 'national interests' with other dimensions (mediatisation) and causal conditions, the effect of salience on the autonomy of negotiation varies. As developed in the previous paragraph presenting the results of the QCA analysis, it can whether reinforce the dominance of the executive over parliamentary actors or diminish its room for manoeuvre.

In addition, the research shows that overall, Europe seems to have slowly grown more salient within national and regional assemblies. Indeed, Europe is discussed within parliaments, even for technical environmental dossiers such as the one studied in this doctoral dissertation. However, the cases analysed in this research were certainly not the most salient during the 2009-2014 period. In terms of external relations and economic affairs, one may think about the first negotiations of economic international trade agreements (TTIP or CETA) or the international and European economic and financial crisis (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union). Several EU dossiers were also linked with the negotiations of the 2014-2020 multi-annual financial framework (EU budget), such as the reform of the CAP agreed in 2013. In environmental policies, the preparation of the COP21 and the subsequent 2015 Paris agreement also gathered important attention, at least from the media. Overall, the analysis of the agenda setting in the European Council (period 2009-2014) reveals that 50,56% of the Council's attention was allocated to three policy fields: macroeconomics, foreign policy, and business and finance (Alexandrova, 2015: 26). Environmental topics only ranked 11th (on 21) with less than 3% of the European Council's attention. Officials from environment ministries also explained that they observed an overall decline – at least in terms of ambition – in the attention given to environmental politics at the European level (Interviews 25, 37).

Now looking at the Principal side, to my knowledge there is no recent quantitative analysis measuring the variation in the degree of parliamentary activity between or within policy-fields. Nonetheless, in the past other EU legislative proposals and EU dossiers seem to have triggered more parliamentary activity than the four analysed in this research. As an illustration, during the same time period, Randour and Wolfs (2017) conducted an analysis of parliamentary scrutiny conducted on the reform of the *Common Agricultural Policy* (CAP) in Belgian regional parliaments. An important level of parliamentary activity on the EU decision-making processes in both the Walloon and Flemish parliaments was measured. During the same period of analysis, Auel and Höing (2014, 2014a) outlined that the economic crisis also triggered scrutiny in national parliaments, though with important variations between Member States.

4. Coming back to the theoretical framework: lessons learned on agency theory and studies on national parliaments

4.1 A hierarchical and dyadic relationship: domestic parliaments facing the challenges of multi-level governance

In the state of the art for the doctoral dissertation, I discussed extensively the theoretical framework of the study: the Principal-Agent model. More specifically, I explained that the Principal-Agent model requires a precise delegation act (also called *contract*) which in turn entails a **hierarchical and dyadic relationship**. I also highlighted the impacts of multi-level governance on the executive-parliament relationship in EU affairs. As a brief reminder, **three impacts** are identified (Auel, 2007; Auel and Benz, 2005; Saalfeld, 2005; Sprungk, 2010): **(1)** parliaments have less influence on the executive at the delegation stage; **(2)** they have more difficulties to control and monitor the actions of the executive; and **(3)** they have less credible sanction mechanisms ex post.

The results of the doctoral dissertation allow questioning whether there still exist a hierarchical and dyadic relationship between the domestic parliamentary system and federal executives in EU affairs. As discussed in section 2, overall federal executives enjoyed a relative high degree of negotiation autonomy, at least in the case of environmental policies. First, Austrian, Belgian and German domestic parliaments had less influence on executives at the delegation stage. As argued in Chapter 1, subnational and national parliaments do not directly delegate a 'specific' mandate to the executive for negotiating at the EU level (i.e. giving a mandate for each negotiation). This is clearly illustrated by the Belgian and to a limited extent, by the Austrian cases where no specific mandate were adopted at the start of

EU negotiations (at the exception of **AT Water**). The situation is a bit different in Germany, where the Bundesrat adopted for each decision-making process a parliamentary opinion. Second, domestic parliaments clearly faced difficulties in the control and monitoring of executives during negotiations. Again, the pattern is the same: Austrian and Belgian parliaments were inactive and thus gave an important margin for manoeuvre to their executive whereas in Germany, the Bundesrat and on some occasions, the Bundestag controlled their federal executive during EU negotiations. Third, the doctoral dissertation stressed the weak ex post sanctions of domestic parliaments on their executives once negotiations were over. This situation was clearly observed in Austria, Belgium and Germany, where controls at the transposition/implementation stages were relatively absent. Last but not least, the study highlighted that the activation of scrutiny mechanisms were not always independent of the executive (i.e. the executive can to some extent co-design his own instructions, like in **AT Water**) and that some scrutiny actions did not aimed at controlling the executive but rather aimed at supporting the Agent in EU negotiations vis-à-vis external actors.

In light of these results, can we still consider that the parliament-executive relationship in EU affairs is totally hierarchical and dyadic? If so, what makes the parliament-executive relationship in EU affairs hierarchical and dyadic? The answer is twofold: **(1)** despite the problems encountered by domestic parliaments to control their executive in EU affairs, there remains a dyadic and hierarchical relationship but **(2)** some relationships are more hierarchical than others. This is especially the case in Germany, and most notably in the three cases where German executives enjoyed a low degree of negotiation autonomy. What makes Germany a special case then? Three reasons can explain the higher degree of hierarchy between the German domestic parliamentary system and the federal executive.

First, for each of the decision-making processes analysed in the study, the German Bundesrat adopted at an early stage parliamentary opinions. Moreover, the degree of precision of the opinions was relatively high (and technical) in comparison with the opinions adopted by the German Bundestag (but also by the Austrian federal Council). Therefore, German parliaments – and most specifically the Bundesrat – succeeded in developing strong ex ante control. Interestingly, in the **DE CO2 cars**, the German executive enjoyed a high level of autonomy. Then what is the difference with the three other cases (**DE Seveso**, *Water and LIFE*)? The explanation is straightforward: the parliamentary opinion of the Bundesrat was the least detailed of all four opinions of the Bundesrat. Second, German parliaments and especially the Bundesrat found noteworthy ad locum control mechanisms to monitor and control German executives during the negotiations. Contrary to Austrian and Belgian

parliaments, the German Bundesrat is receiving first-hand information on the EU negotiation and is physically present with the German delegation in Brussels during the negotiation. Thus, this reinforces the pressure and reminds the Agent that he needs to be accountable on his behaviour to his Principal. Once again, in the **DE** CO2 cars case where the German executive enjoyed more negotiation autonomy, in reality the Bundesrat did not activate his ad locum control mechanisms (contrary to the other three cases). Third, it is more frequent in Germany that several parliaments within the collective principal act during the same EU negotiation. Even if there is no formal cooperation across the various parliaments, the activation of scrutiny instruments from more than one parliament tends to increase the pressure on the Agent, thus reminding the Agent that 'his' Principal back home is looking over his shoulder. To sum up, the main difference between German parliaments and Austrian and Belgian ones is that both the Bundesrat and the Bundestag activate their scrutiny instruments, in addition to the fact that the Bundesrat developed an innovative ad locum control mechanism, here the Bundesrat observer.

4.2 Collective principal and intra-principal coordination

Another interesting insight taken from the doctoral dissertation lies in the analysis of the 'collective principal' understood as 'the parliamentary system'. Indeed, the doctoral dissertation emphasised that it is the combined actions of national and regional parliaments (the parliamentary system) that explain to some extent the degree of negotiation autonomy of federal executives. This finding raises interesting questions on how a collective Principal can coordinate to impact on the negotiation autonomy of his Agent. In other words, are there intra-Principal coordination mechanisms that allow for a more efficient control of the Agent, thus reducing the negotiation autonomy of executives?

The results of the doctoral dissertation highlight one particular coordination mechanism that has an effect on the negotiation autonomy of executives: formalised coordination intra-Principal through Upper Houses (i.e. the German Bundesrat and Austrian federal Council). Indeed, as discussed in section 1.2.3 of this chapter, in Austria and Germany, there exist a formalised coordination mechanism within the collective Principal to centralise the opinions of all the parliaments that made up the collective Principal. This mechanism seems to allow for the parliaments to speak with one voice, allowing for their position to be heard by the Agent.

Conclusion

The objective of the doctoral dissertation was to measure and explain the level of autonomy of Austrian, Belgian and German executives in the Council of the European Union vis-à-vis their domestic parliamentary system. As a theoretical framework, I used the Principal-Agent model to conceptualise this delegation process as a relationship between a Principal (i.e. *the domestic parliamentary system*) and an Agent (i.e. *the executive*). In other words, the study analysed the delegation of EU affairs by the *domestic parliamentary system* to their *executive* acting as a representative of his Member State in the Council of the European Union. This situation is commonly described in the literature as a ‘two-level’ game (Putman, 1988). Taking this ‘two-level’ game one step further, I included in the analysis subnational parliaments, thereby adding a third level of analysis (European, national and subnational).

This ‘three-level’ situation questions the *balancing acts* of executives and domestic parliaments in EU affairs. On the one hand, executives have to strike a balance between collective action and the representation of national interests. At the European level, the executive must strive towards the adoption of a legislative act together with 27 other Member States (collective action) while simultaneously taking into account the potential scrutiny conducted by his domestic parliamentary system (national and regional parliaments). On the other hand, parliaments have to strike a balance between controlling their executive in EU negotiations without undermining their negotiation autonomy vis-à-vis the other Member States.

However, as explained in the state of the art, in previous literature there are several gaps. Up until now, scholars analysed the domestic involvement of (sub)national parliaments in EU affairs mostly in *isolation* from their Agent¹³⁵. Raunio (2009) formerly outlined this *isolation* phenomenon for another aspect, as he held that EU matters were too often analysed in isolation from parliamentary scrutiny in other policy areas. Indeed, parliamentary scrutiny of EU affairs is often analysed independently of domestic politics, consequently making it difficult for scholars to ‘*measure the effectiveness or comprehensiveness of EU scrutiny vis-à-vis control of the government in either « domestic » or « global » matters*’¹³⁶. I applied the

¹³⁵ As a short reminder, in the introduction regarding empirical analysis on (sub)national parliaments and the EU, I outlined the tendency to focus on only one level of governance, whether regional or national but rarely both at the same time.

¹³⁶ I do not specifically answer to this isolation phenomenon and cannot compare the scrutiny conducted in EU environmental policies with so-called domestic politics. This is one of the limits of adopting a case-specific research design (EU decision-making processes). Yet, some authors, mainly in quantitative analysis, are now answering to this problem. The recent article of Zbiral (2017), but also the analyses of parliamentary debates in

same rationale to the parliament-executive relationship in federal Member States and argued that to evaluate the effectiveness of EU scrutiny on executives, one has to link the world of the Principal with the world of the Agent. It is only by systematically tracing back the actions of executives in the Council of the EU at the light of the scrutiny conducted by domestic parliaments that studies can comprehensively evaluate the extent to which parliamentary scrutiny impact on executives. This question is crucial if one wants to assess whether we are witnessing a process of re-parliamentarisation of the European Union.

One way to do so is to take as a starting point a new dependent variable: the negotiation autonomy of executives. Contrary to previous studies taking as dependent variable the strength of parliaments or their degree of activity, analysing the resulting *autonomy* of an Agent negotiating at the EU level vis-à-vis his domestic parliamentary system allows to take into consideration both the actions of domestic parliaments (bottom up) in light of the Agent's actions at the EU level (top down). It is thus possible to measure whether and to what extent parliamentary activity at the domestic level impacts on the actual level of autonomy of executives. As a result, the research question of the study was formulated as follows: ***What factors influence the autonomy of executives from Austria, Belgium and Germany vis-à-vis their domestic parliamentary system when negotiating in the Council of the European Union?***

To answer this question, I measured the autonomy of Austrian, Belgian and German executives in EU negotiations during the 7th EU legislative term (2009-2014), and focused on four EU policy-making processes negotiated following the ordinary legislative procedure in the environmental policy field. I proceeded in several steps. First, I did a state of the art on the two main literature mobilised in the study: Agency theory and studies on national and regional parliaments in the European Union (Chapter 1). Second, I introduced the research design of the study in which I discuss the conceptualisation and measurement of the dependent variable: the autonomy of executives in EU negotiations vis-à-vis their parliamentary system. I distinguished between two types of situation for an executive: a 'high' level of autonomy and a 'low' level of autonomy. I also presented a set of hypotheses aiming at explaining the level of autonomy enjoyed by executives (Chapter 2). Third, I discussed in a method chapter the reasons behind the choice of Austria, Belgium and Germany, and on the selection of policy-making processes in the environmental domain. I also addressed in more details the comparative method used in the research: the *Qualitative Comparative Analysis* (Chapter 3). Fourth, I presented my empirical observations for each EU policy-making

Germany, the UK, the Netherlands and Spain conducted by Rauh (2015) and Rauh and De Wilde (2017) are good illustrations of this trend.

processes and for the respective Principal-Agent relationships in Austria, Belgium and Germany. More precisely, I presented empirical data on the dependent and independent variables of the study (Chapters 4 to 7). Fifth, to compare my 12 cases (four policy-making processes in three countries) and explain the degree of autonomy enjoyed by executives, a QCA procedure was executed. It allowed for a systematic comparison of the cases and the identification of combinations from causal conditions leading to a 'high' or 'low' level of autonomy of negotiation (Chapter 8). Finally, I discussed in greater detail the main empirical and theoretical findings of the study (Chapter 9).

In the following pages of the conclusion, I present the main findings of the study and identify the main contributions to the literature on (sub)national parliaments and the European Union and from the Principal-Agent model. Finally, I discuss the limitations and caveats of the research and discuss leads for forthcoming studies.

1. Summary of the main findings

Before presenting the main findings of the study, I start by discussing the internal and external validity of the study. Phrased differently: to which extent can the findings be generalised to a broader population of cases? As a short reminder, a case is defined in this research as a *Principal-Agent relationship between the executive and the parliamentary system of a Country A before, during and after an EU policy-making process*. In other words, a case has three characteristics: it is *country specific*; it is limited to the analysis of certain *policy-making processes* following the ordinary legislative procedure and finally, it focuses on one *specific policy field*: the environment. Such a selection procedure has implications for the internal and external validity of the following findings.

On the one side, the selection process ensured an important level of internal validity by enhancing the contextual control of the cases. This was a necessary step, especially when analysing the scrutiny of national and subnational parliaments in a comparative perspective. Indeed, adding the subnational level in the analysis increased the potential variation across Member States but also within Member States (e.g. electoral cycles, formal rules etc.). On the other side, the external validity of the study and findings are limited to federal Member States, environmental policies and finally, decision-making processes following the ordinary legislative procedure. This is especially true when analysing EU environmental policies. In this regard, Wallace *et al.* (2010) highlighted that the dynamics within the Environment Council can be considered as relatively independent from the other Council's configurations. Finally, the study analysed only decision-making processes leading to directives and

regulations. It therefore does not cover other forms of decision-making such as Commission decisions, Council's decisions, Comitology decisions, Treaty revision or international Treaty making.

Nonetheless, within this framework, the study still allows to tackle interesting issues such as the involvement of regional parliaments in EU affairs and the extent to which they control policies that are regionalised; the impact of the European Union on the executive-parliament relationship but also EU decision-making processes following the ordinary legislative procedure. Last but not least, the study also offers interesting insights on the use of Agency theory and its application to empirical research.

1.1 The discretion of executives: delegation and control of the Principal

I measured the negotiation autonomy of executives in two steps. First, I looked at the room for manoeuvre of an Agent in order to realise the Principal's wishes, hence the degree of *discretion* enjoyed by an Agent in a defined delegation setting. However, I argued that this does not allow to fully understand the impact of the Agent's actions on the Principal's wishes. I thus discussed, as a second step, whether this degree of discretion equals the overall autonomy of an Agent.

I first discuss the degree of *discretion* of executive vis-à-vis their domestic parliamentary systems. More precisely, I followed Pollack's rationale (2003) and measured *discretion* as the net of the delegation win-set and of the control mechanisms activated by the Principal (**Discretion = Delegation – Controls**). In the research, I considered that the discretion of an executive could be operationalised as the net of the *institutional strength* in EU affairs of parliaments (Delegation) and of *the degree of parliamentary scrutiny* of parliaments (controls). Walking in the steps of Auel *et al.* (2015), I questioned whether there was a relationship between the institutional strength of parliaments and their level of activity on EU affairs.

The study shows that there is indeed a link between the strength of parliaments and the degree of activity. However, the degree to which there is a correlation between these two elements varies depending on **(a)** whether both national and regional parliaments are included in the analysis, and **(b)** on the definition of what parliamentary 'activity' is. Most specifically, when looking at *national parliaments and at collective scrutiny instruments only*, German national parliaments were by far the most active and had the strongest institutional rights in EU affairs. On the contrary, Belgian national parliaments were the least active and

also the ‘weakest’ parliaments regarding EU affairs. Austrian national parliaments are considered as moderately strong, and the parliamentary activity was higher than in Belgium and lower than in Germany. This pattern emphasises the important role of the institutional strength of parliaments on the level of parliamentary activity, at least in the field of environmental policies¹³⁷. When looking at the activity of the entire *domestic parliamentary system* (the combined actions of regional and national parliaments), and including oral and written parliamentary questions (individual scrutiny actions), the results offer a more nuanced picture. Overall, the Belgian and German *parliamentary systems* were more active than the Austrian one. This more nuanced picture is explained to a large extent by the variation in the activity of regional parliaments in Austria, Belgium and Germany, especially when looking at parliamentary questions.

The variation observed between Austrian regional parliaments on the one hand, and Belgian and German ones on the other hand, correlates to a certain extent with the strength of regional authorities within their Member State and on the slower yet improving adaptation of Austrian State parliaments to the European integration. In this respect, the Regional Authority Index (Hooghe *et al.*, 2016) shows that the delegation of authority to the regional level is more developed in Germany and Belgium than in Austria¹³⁸. Indeed, numerous authors outlined the weak form of Austrian federalism (Erk, 2004; Müller, 2003;) considered as a ‘centralised federation’ (Lijphart, 1999) and described as a form of ‘executive federalism’ (Majone, 2017). It is thus not surprising to see that Austrian regional parliaments perform weakly on the scrutiny of specific EU policy-making processes. This observation should be explored in a more systematic manner in forthcoming studies. Indeed, in the literature on National parliaments and the European Union, the causal condition - strength of parliaments independent of EU affairs – was found to be a necessary condition for tighter oversight institutions in EU affairs of national parliaments (Raunio, 2005). As argued by Ladrech (2016:1995¹³⁹) discussing the research agenda of studies on subnational parliaments, ‘*From the Europeanisation research perspective, one could expect similar dynamics as those identified in the literature on the EU and national parliaments*’.

The empirical data enabled to uncover the concept of parliamentary activity while identifying different patterns in the use of scrutiny instruments, in the timing of the scrutiny and in the

¹³⁷ As noted in the chapter 9, this is also closely linked to the prior strength of parliaments independently of European affairs, hence confirming previous findings of Raunio (2005).

¹³⁸ Whether regarding the range of policies for which a government is responsible; the degree to which a region has an independent legislative and executive branch and finally, the extent to which a regional government is autonomous rather than deconcentrated.

¹³⁹ Kindle references.

involvement of domestic parliaments within Member States. First, stronger parliaments such as the German ones, used a more diverse set of control instruments (political dialogue opinion, parliamentary opinion, debates, ad locum control and parliamentary questions) and involved both EACs and sectorial committees to scrutinise EU affairs. As discussed in Chapter 9, this goes in the direction of a mainstreaming of EU affairs within German parliaments (see. Högenauer *et al.* 2015). On the contrary, Belgian parliaments – the weakest in terms of formal rights in EU affairs – used only one control instrument (parliamentary questions), with a total absence of activity in EACs. The moderately strong Austrian parliaments mainly focused on EU specific scrutiny instruments (EWS and political dialogue), with a greater involvement of EACs in this process. Second, the empirical analysis shows that weaker parliaments such as Belgian ones enter the EU policy-making processes at a later stage, whereas parliaments with stronger EU rights enter the policy-making processes earlier. Yet, the small number of cases does not allow for generalizing these results outside of this study and thus needs further research.

Last but not least, the study emphasised the major role of upper houses in the scrutiny of EU environmental policies in Austria and Germany and of regional parliaments in Belgium. As discussed in Chapter 9, the German Bundesrat and the Austrian Federal Council were central players in the scrutiny of environmental policies. Thus the progressive involvement of regional parliaments in these Member States goes along a reinforcement of the federal level, in this case the upper houses. Such a phenomena was already highlighted previously in the literature but for the executive side of the picture. Despite a relative important activity of regional parliaments, this process does not occur in Belgium. Further research should aim at assessing more consistently the relationship between the increased role of upper houses in federal Member States and the scrutiny of regionalised policies.

1.2 The autonomy of executives: institutional strength, parliamentary activity and effectiveness of parliamentary scrutiny

In the previous section, I summarised the findings related to the first step in the measurement of the autonomy of negotiation of executives: measuring the *discretion of executive*. The second step of the study was to measure the *autonomy* of executive vis-à-vis their domestic parliamentary systems. Indeed, it is not because a parliament asks a question or adopts a resolution that the executive follows the parliaments' wishes in a blindfold manner. One must also consider '*the range of action available to the Agent, including the ability to set policy goals*' (Niemann and Huigens, 2011). Consequently, just looking at the formally granted discretion of an Agent – understood in the study as the opposite of the

degree of parliamentary activity - is not satisfactory enough to assess comprehensively the impact of parliamentary scrutiny on the negotiation autonomy of executives. To measure and analyse the 'autonomy of negotiation' of an Agent, one has to assess the *quality* of parliamentary scrutiny and include both the Principal and Agent perspectives. This step led me to the fourth conclusion of the study.

Conclusion 1: A high level of activity of the domestic parliamentary system on EU environmental policies does not automatically translate to a decrease in the autonomy of the executive.

Indeed, the degree of parliamentary activity – understood in the delegation setting of Austria, Belgium and Germany – is not sufficient to explain the degree of autonomy of executives. Overall, there is a positive correlation between the strength of the institutional setting and the degree of activity of parliaments on the one hand, and the degree of autonomy enjoyed by executives. Yet, my study also highlighted that for some cases, taking the degree of activity of parliaments as an indicator of parliamentary influence is not satisfactory. Thus, a high level of parliamentary activity does not automatically translate to a decrease in the autonomy of executives. Overall, the study found that Austrian, Belgian and German executives enjoyed a rather high level of autonomy of negotiation vis-à-vis their parliamentary system, at least in environmental policies negotiated following the ordinary legislative procedure.

Conclusion 2: The parliament-executive relationship in EU affairs regarding the negotiations of environmental policies is characterised by a high level of negotiation autonomy for federal executives

In light of the debates on the democratic deficit of the European Union, this finding is particularly appealing and deserves attention. In most cases analysed, federal executives enjoyed a high level of autonomy in EU negotiations. Yet, another finding of the study is that this degree of autonomy is, to a major extent, *country-specific*.

This finding outlines the importance of the delegation setting on the dynamic of a Principal-Agent relationship. All the cases considered as presenting characteristics of low autonomy of negotiation are located in Germany. This is actually not so surprising, as German parliaments were characterised most as *Policy Shapers* (in addition to a strong institutional setting and an important level of parliamentary activity before, during and after EU negotiations). On the contrary, Belgian parliaments are clearly *scrutiny laggards*, but only have limited formal powers in EU affairs in comparison to Austrian and German parliaments. Finally, in Austria the study concludes that despite a moderate to strong level of institutional strength, domestic parliaments still face difficulties in scrutinising EU proposal in a systematic way and even when it does, the impact on the autonomy of negotiation is limited. Yet, how

can we explain more systematically the variation in the degree of autonomy of executives? The next section summarises the main conclusion learned from the *Qualitative Comparative Analysis*.

1.3 Explaining the degree of autonomy of executives vis-à-vis their domestic parliamentary system

The results of the QCA procedure as elaborated in Chapter 8, allow deducing two main conclusions: one conclusion on the situation in which an Agent enjoyed a high degree of autonomy and another one about situations presenting the characteristics of a 'low' degree of autonomy. The impact of five causal conditions on the degree of autonomy was examined. More precisely, these were mostly based on key assumptions of the Principal-Agent Model: *goal conflicts* understood as the homogeneity of preferences between the Principal and the Agent but also *informational asymmetry*, as executive act in a negotiation environment difficult to access for (sub)national parliaments. The study also opened the 'black box' of parliaments and looked at the *cohesion of the parliamentary system* (between parliaments and within parliaments). Finally, the study also analysed the influence of the domestic *salience* of the EU decision-making processes as well as the impact of the *implementing powers* of domestic actors. More precisely, the explanatory analysis of cases of 'high' autonomy of negotiations leads to the following conclusions.

Conclusion 3a: When the Principal and the Agent have homogeneous preferences AND the domestic salience of the EU decision-making process is high, the Agent enjoys a high degree of autonomy. Conclusion 3b: When the Principal and the Agent have homogeneous preferences AND that the Principal is internally cohesive, the Agent enjoys a high degree of autonomy.

For its part the rationale behind the *conclusion 3a* is the following. Since Principal and Agent have similar preferences, and that EU decision-making touches upon major national interests with a high media coverage, parliaments do not wish to negatively affect the negotiation's autonomy of their executive vis-à-vis other EU Member States. In the case of the *conclusion 3b*, the causal mechanisms work the following way: since Principal and Agent have homogenous preferences, in addition to a parliamentary system that is cohesive, the likelihood of observing follow-up parliamentary scrutiny and ex post sanctions decreases even further. In light of the scarce resources available for parliaments, if no divergences are observed with the position of the executive or within parliaments, the interest for MPs to scrutinise the executive diminishes, therefore giving a higher level of autonomy to federal executives. After all, why would one spend resources in order to control an Agent when there is mutual agreement between Principal and Agent?

A second set of conclusions concerned the situation in which the Agent enjoyed a 'low' degree of autonomy.

Conclusion 4a: When the Principal and the Agent have heterogeneous preferences, the Agent enjoys a low degree of autonomy.

Conclusion 4b: When the cohesiveness intra-Principal is low **AND** the domestic salience of the EU decision-making process is low, the Agent enjoys a low degree of autonomy.

The rationale behind *conclusion 4a* is the following: when the Principal and the Agent have heterogeneous preferences, the executive knows that he might have to justify his (deviating) position afterwards in front of his parliaments and thus adopts a more cautious negotiation strategy to avoid potential resistances and implementation problems. Regarding *conclusion 4b*, the limited degree of salience of the proposal (in this case, an absence of mediatisation despite important national interests) allows for more partisan debate within parliaments (majority vs. opposition). As a consequence, the federal executive enjoyed a lower level of autonomy vis-à-vis his parliaments.

In the previous sections, I have presented the main conclusions stemming out from my empirical analysis. In the following section, I identify more precisely the main contributions of my study to the literature on National and subnational parliaments and the European Union and to the Principal-Agent model.

2. Contributions to the literature on (Sub)National parliaments and the European Union and to the Principal-Agent model

2.1 Agents matter! Linking EU and National policy-making processes

The first major contribution of the study is that it integrates the analysis of both domestic and EU policy-making processes by linking the world of the Agent (the Council of the EU) with the world of the Principal (the domestic parliamentary system). The study thus offered a multi-level understanding of European policy-making processes by analysing empirically what Moravcsik (2002) called the *symbiotic relationship* between the national and the European policy-making process. This contribution was only possible thanks to previous studies on *how* and *why* parliaments scrutinised EU affairs. Thus before questioning the effectiveness of the parliamentary scrutiny on executives during Council's negotiations, scholars first needed to know how (and why) parliaments adapted to European integration and how (and why) they specifically acted to control executives in EU affairs. Yet, these studies mostly focused on the Principal (i.e. the parliaments) without linking it to the Agent's actions. Until recently, the

Council of the European Union was considered as one of the ‘black boxes’ in studies examining EU decision-making processes. This situation started to change with the Lisbon Treaty since there is an increasing amount of information available on negotiations taking place in the Council of the EU¹⁴⁰. Even if the process of analysing such (sometimes really technical) documents is time-consuming, it does help open to some extent the ‘black box’ of the Council’s negotiations¹⁴¹. The greater access to documents has direct consequences on the type of studies that can be conducted on the role of (sub)national parliaments in EU policy-making processes. Indeed, linking the world of the Agent to the world of the Principal allows studying the *effectiveness* of parliamentary scrutiny and the resulting autonomy of negotiation of an executive vis-à-vis his domestic parliamentary system.

Taking this one step further, the study also contributed to the literature on national and regional parliaments by zooming in on the Agent’s perspective. As explained in Chapter 1, recent studies in the Principal-Agent literature emphasised the idea that ‘Agents matter’. By taking the Agent’s perspective, this study contributed to the literature in a twofold way. First, the study contributed in understanding the *balancing acts* that both the Agent (i.e. collective action in the Council vs. National interest representation) and the Principal (i.e. controlling the government but leaving room for manoeuvre to negotiation with other Member States) must perform in the context of EU affairs. Second, the study offered new insights on the understanding of the scrutiny processes of (sub)national parliaments in light of the actions of an Agent. Indeed, the study found empirical evidence that Agents can co-shape to a certain extent their own instructions by getting involved in the developments of parliamentary opinions. Agents can also transmit pressures from the EU negotiations to the domestic parliamentary system. These actions also impact on the degree of autonomy enjoyed by the Agent.

2.2 The added value of Agency theory in empirically analysing the effectiveness of EU related activities

Another contribution of my study is that it empirically used the Principal-Agent model to analyse the *effectiveness* of EU-related activities on executive. According to Rozenberg and

¹⁴⁰ Introduction of *public* debates at the ministerial level, publication of minutes of Council meetings and of the votes of Member States on legislative acts. In addition to the publications of (progress) report of EU negotiations by the Council rotating presidencies, the regulation 1049/2001 on access to documents also made possible to access ‘*limité document*’ consisting of ‘*written comments from Member States*’ and of documents preparing the trilogue negotiations.

¹⁴¹ Yet, these documents are not always representatives of the activity of executives when negotiating in the different levels of the Council of the EU. An executive may indeed play an important role in EU negotiations but without drafting written documents such as ‘comments from member states’. It is thus essential to complete the analysis of official documents by other sources of information, such as semi-structured interviews.

Hefftlar (2015:20), *'there has been a certain lack of connection between the empirical research on the issue (effectiveness of EU related activities) and the conceptual approaches using agency theory'*. My study also contributed to the literature in the respect. Following the steps of Auel (2007) and Sprungk (2010), I discussed the conceptualisation of the parliament-executive relationship in the specific case of federal Member States and EU affairs using agency theory. I also reflected on the conditions allowing for a collective Principal to coordinate and effectively impact on the negotiation autonomy of executive (see. Chapter 9, section 4.2).

First, I conceptualised the Agent as the 'executive'. This means that the following actors were included in the study's analysis: the ministers representing their Member States at the ministerial level of the Council of the EU, the officials acting in the lower levels of the Council (COREPER and working party) and finally, the officials involved in the domestic coordination processes in the capital city. This is of utmost importance as according to Häge (2008), an important share of decisions in environmental politics are taken to a large extent in the lower levels of the Council. By conceptualising the Agent of the research as the 'executive', the study can go deeper in the analysis of the behaviour of executives and thus can take into consideration the combined actions of Member State representatives acting at lower and higher levels of the Council of the EU, as well in their capital city. Second, the Principal of the study was conceptualised as *the domestic parliamentary system* in Austria, Belgium and Germany. This allowed assessing the combined impact of both regional and national parliaments on federal executives. Yet, the study did not leave the 'black box' of parliaments closed, as the relationship between domestic parliaments and within parliaments (majority vs. opposition) was taken as an independent variable in the study. In addition, the study also highlights the importance of formalised coordination mechanism within the collective Principal to effectively impact on the negotiation autonomy of executive.

2.3 A focus on regional parliaments in the European Union

The analysis of federal Member States offered an opportunity to illustrate the impact of a collective Principal on the autonomy of an Agent. It is indeed interesting to analyse federal states since the institutional distance between the subnational parliaments (which possess competences that are also significantly Europeanised) and the national government (which represents the entire Member State in the Council) is larger. By taking federal Member States, the study contributed to the understanding of the relationship of parliaments within Member States. In other words, does the inclusion of regional parliaments in the analysis change the overall relationship between federal executive – defending the national position in

Overall, my results show a modest, and at best, indirect influence of regional parliaments on the federal government during EU negotiations. Hence, the collective role of national and regional parliaments does seem to affect the negotiation autonomy of a federal executive in the Council of the EU. More precisely, in terms of direct influence on EU policy-making processes or on the position of the federal government, the empirical data of my study show almost no effect at all. This results goes in the direction of the conclusions of Patzelt (2016) and Crum (2016) who critically question the role and functions of regional parliaments in the European Union (in Abels and Eppler, 2016). This situation triggers numerous questions on the role of regional parliaments within their Member States and within the EU multilevel parliamentary system. My argument in this debate is based on empirical data and is presented below in four points.

First, when looking at the relations of Austrian, Belgian and German regional parliaments with the European Commission (i.e. EWM, political dialogue) the activity of regional parliaments in such mechanisms is (so far) limited. In Germany, the activity of the Hamburg State parliament is illustrative in this regard. The process was described by a RMP as costly and highly dependent on the expertise of the regional government (Interview 16). Even in Baden-Württemberg, interviewees (RMPs from the majority and the opposition) admitted that the EU scrutiny system needed some improvements to work efficiently (Interview 27, written answers 4). The same (negative) assessment was also shared by an official of the Lower Austrian State parliament (Interview 50) and by officials of Belgian parliamentary administrations (Interview 58, Interview D). This is not surprising knowing that regional parliaments are facing the same problems with the EWM as the national parliaments: the time frame to act in the EWM is even shorter than for regional parliaments, the administrative resources available for regional parliaments are lower than for national parliaments (Schmitt, Ruys and Marx, 2013) and the interest of RMPs for subsidiarity questions remain in general low (Vara Arribas, 2016). To summarise on the role of subnational parliaments in the EWM, I agree with Raunio (2010), de Wilde (2012) and de Wilde and Raunio (2015) who consider the EWM as too costly in terms of resources. The EWM therefore only has limited added value for subnational parliaments in the European Union¹⁴². Especially in this research, the involvement of regional parliaments in the EWM did not impact on the autonomy of negotiations of federal executives.

¹⁴² Yet, the opportunities of the EWM and more generally of the Lisbon Treaty have an indirect impact as it opened a window of opportunity for subnational parliaments to enhance their awareness of the European Union and to bring, in a more systematic way, the European Union within subnational parliamentary arenas.

Second, regional parliaments could try to directly influence the federal government. Once again, my study shows that if there is an impact, it is at best indirect. This is especially true for Austria and Germany since, as explained in Chapter 9, Austrian and German upper houses have seized the opportunity offered in the Lisbon Treaty to reinforce their position within the domestic parliamentary system, and this was done at the detriment of regional parliaments. Indeed, if a German or an Austrian regional parliament wants to influence the federal executive, they need to do so via the Upper house. In Belgium, a regional parliament could actually impact on the position of the federal government. When a Belgian regional parliament adopts a precise (but non-binding) opinion on an EU legislative proposal in a policy field where it has decision-making competences, and presuming that the regional executive adds the opinion on the agenda of the executive coordination process, the opinion of the regional parliament could ultimately affect the Belgian position defended at the European stage. Yet, my analysis shows that Belgian regional parliaments do not yet make use of this opportunity.

Third, subnational parliaments can also concentrate on making their regional executive accountable. In my view, this is one of the most promising avenues to further develop the role of regional parliaments in EU affairs. As argued by Auel and Hüttmann (2016), regional parliaments can contribute to the EU's legitimacy by concentrating on EU politics at their own level. My analysis thus shows the German Landtage of Baden-Württemberg played an important role in controlling their regional executive involvement in the Bundesrat proceedings and by communicating Europe to their citizens. To some extent, this was also observed in Belgium: RMPs used parliamentary questions to follow up on EU policy-making processes and on the position of the regional and national government in these processes. Finally, one could also question whether the presence of Belgian regional ministers in the Council of the European Union impacts on the type and degree of activity of Belgian RMPs in comparison to Austrian and German one? Phrased differently, do Belgian RMPs – thanks to the opportunity of having their regional minister in the Council – adopt different patterns of scrutiny? The data collected in the study does not allow drawing conclusions on this question but it seems that it has only limited influence¹⁴³.

Fourth, subnational parliament can play a role in the implementation of EU policies. Besides policy-making, the implementation of EU policies needs to be subject to democratic norms

¹⁴³ When analysing parliamentary questions in Belgian parliaments, two elements can be noticed. In the Walloon parliament, the oral question asked on the Regulation CO2 cars makes a clear reference to the fact that it was the Walloon minister that seated in the Council of the EU during the negotiations. Hence, the RMP knew that it was the Walloon minister that represented Belgium at the time. Second, in the Flemish parliament, one parliamentary question was asked on the revision of the Seveso directive. Interestingly, the question was asked less than 15 days before a Council of the EU meeting in which the Flemish minister was the Belgian representative.

(Auel and Hüttmann, 2016). This point, highlighted by Auel and Hüttmann is really interesting and is observed, to some extent, in my empirical analysis. The involvement and activity of Belgian and German regional parliaments in the implementation process of the Seveso III directive strongly support this idea. Belgian and German parliaments were thus active players in scrutinising the implementation of the Seveso directive. As pointed out by the authors, the importance of the implementation of EU policies is particularly relevant for environment policies. Most often, such a type of policies requires national and subnational authorities to formulate specific measures and in some cases, to develop monitoring programs in order to reach the objective of the directive or regulation. Overall, based on my analysis of the involvement of both national and regional parliaments in the European Union, the third and fourth ways of involvement of regional parliaments described in the previous paragraphs better fit with my empirical findings. Interestingly, these ways of involvement are distinct to the regional level, in the sense that a greater involvement of regional parliaments is not hindering the power of national parliaments in the scrutiny of EU affairs. The functions of subnational parliaments in EU affairs must therefore be interpreted as complementary to the national parliaments' functions rather than as competing with national parliaments.

To summarise, regional parliaments in Member States only impact indirectly on the federal executive in EU negotiations. This is explained by the fact that in Austria and Germany, within the collective Principal, the national parliaments dominate the EU game vis-à-vis the regional parliaments. Yet, as explained previously, the 'domination' of upper houses over regional parliaments allows to have an efficient intra-collective Principal coordination mechanism. Even though it diminishes the direct impact of regional parliaments on the negotiation autonomy of federal executives, it permits regional parliaments to make their voice heard, even though they need to deal with the other regional parliaments and their national parliaments. The situation is slightly more complex in the Belgian system. However, Belgian regional parliamentarians do not perceive the EU as a salient issue for their political careers (Randour and Bursens, 2016) and this affects the willingness of RMPs to engage their scarce resources on scrutinising EU affairs, despite the untapped potential to influence the federal government in more direct ways.

2.4 An outcome-oriented, case-specific and comparative research design

The last contribution of this study is linked to methodological choices. In particular, two aspects of my methodological design contribute to the literature on national and subnational parliaments and the European Union: the case-specific and outcome-oriented design and the use of a QCA procedure to compare my 12 cases.

First, a small- or medium-N research design, such as this one, combined with an outcome-oriented research, is particularly suited for conducting (preliminary) analysis of parliamentary influence on executives. Yet, as rightly noted by Saalfeld (2005:347-349): *‘one of the key methodological challenges in the study of legislative behaviour has always been that parliamentary influence – especially influence exerted by government backbenchers – may not be directly observable’* and concludes that *‘studies of activity alone are insufficient for testing claims about influence; patterns of outcomes will be more revealing’*. First, the relative limited number of cases enables an in-depth analysis of the parliamentary activities (sub)national parliaments have, by including a broader range of control mechanisms in the analysis rather than just a classical quantitative analysis (such as the inclusion of parliamentary questions) and the related activities of national executives negotiating at the EU level. The second advantage of such design is its case-specific orientation. Indeed, the study did not look at the ‘overall’ autonomy of the executive in EU affairs, but focused on four specific EU decision-making processes. Doing so is of great interest for tracing back and discussing qualitatively the effectiveness of parliamentary scrutiny on the autonomy of negotiation of executive. Case-oriented designs are a necessary step to unpack the relationship between parliamentary activities on the one hand, and specific influence on the executive on the other hand.

Second, the use of QCA is also an important contribution to the field for three reasons. The first argument is the classical – yet not less important – ‘filling’ the gap argument. Indeed, at the exception of the studies of Raunio (2005), Karlas (2011) and Spreitzer and Pigeonnier (2012) for national parliaments and of Buzogany and Häsing (2016) on German regional parliaments, QCA was hardly used in the studies analysing (sub)national parliaments and the European Union. In addition, these analyses were not case-specific but aimed mainly at explaining the variation in the strength of EU oversight institution between Member States or between German State parliaments in the case of Buzogany and Häsing’s (2016) article. Therefore, my study is an attempt to fill this gap while using QCA in a case-specific way. Second, QCA is certainly a useful method to compare data in a systematic way, especially for ‘small to intermediate-N’ situations. As explained in Chapter 3, one of the advantages of using the QCA is that it allows giving justice to within-case complexity (case-oriented) while giving results that can be generalised to a certain extent. In this study, thanks to QCA it is thus possible to generalise up to a certain extent my findings to environmental decision-making processes following the ordinary legislative procedure in federal Member States, hence increasing the external validity of the study. Yet, generalising outside of this population should be further investigated. Last but not least, QCA offers more nuanced explanations

since the results of a QCA procedure are not mono-causal explanations. Instead this study showed that combinations of causal conditions affect the executive's degree of autonomy to a varying extent. This characteristic of QCA is certainly a great added value to refine explanations of parliamentary involvement, activity and influence on executive in EU affairs.

3. Limitations of the present study and future research agendas

As for most studies, the research also has some theoretical and empirical limitations. **A first batch of limitations** comes from the (EU) case-specific design of the study – which, depending on the reader's point of interest, can also be considered as one of the study's strengths. First, since the study focuses on four European decision-making processes, it is difficult to assess if the autonomy enjoyed by executives in EU affairs vis-à-vis their parliamentary system differs from domestic politics. Phrased differently, the study cannot compare and make conclusions on the autonomy of executive vis-à-vis their parliamentary system in domestic affairs. This limitation was already highlighted by Raunio (2009) who explained that most studies were conducted in isolation of domestic politics. In this respect, a parliamentary clerk of the German Bundestag actually noted that German MPs had, to some extent, more information on European Affairs and EU negotiations than on domestic issues (Interview 27). This is anecdotal – not confirmed by other interviewees – but could actually suggest that German MPs secured more (formal) informational rights in EU affairs than in domestic politics. What this observation implies cannot find a proper answer in the framework of this study but can still raise numerous questions.

Second, the study is circumscribed to the analysis of environmental policies in the Council of the European Union in three federal Member States, and tackled only legislative acts adopted with the ordinary legislative procedure. Hence the external validity and the potential for generalisation of the study are limited on these dimensions (see. previous). Indeed, other types of policy-making processes, such as the ones leading to international Treaties (e.g. CETA, TTIP, TSCG) or legislative acts adopted at second or third readings were not covered in the analysis. Yet, the strength of parliaments in these types of decision-making processes differs, as they have stronger ex post powers when it comes to the ratification of international agreements. The recent (Belgian) story and the activity of the Walloon parliament on the CETA negotiations and ratification process is particularly illustrative in this regard. Also, in the case of EU treaty negotiations and their ratification, the role and powers of national parliaments (and of Belgian regional parliaments) is also different. It is still unclear how this affects the Principal-Agent relationship.

Third, the study only focuses on the Council of the European Union and on one of its configurations (environment). This also raises numerous questions. Is there a variation in the negotiation autonomy of executives depending on the Council configuration? What happens to the autonomy of executives when economic policies or employment policies are negotiated? Finally, the autonomy of executive could also vary when looking at the parliamentary scrutiny conducted on another major player in EU politics: the European Council. For example, the visibility of the Prime Minister or head of States (vs. a minister), the mediatization of such meetings, the salience understood as national interests, but also the scrutiny of (sub)national parliaments could differ greatly. How does it affect the relationship between domestic parliaments and their executives? In brief, further research should investigate in more details the potential variation in the autonomy of executives when negotiating other types of legislative acts, but also focus on other policy fields and encompassing additional major EU actors, such as the European Council.

Overall, a last and fourth limitation linked to the case-specific design of the research is the availability of key actors for interviews. Due to my methodological choices, data availability was intrinsically bound with the personal willingness of a limited number of key actors to participate in the present study. Finding the right persons, getting their contact details and most importantly, succeeding in having semi-structured interviews was particularly challenging, especially when focusing on four negotiations in three countries - with many regions – and when analysing the behaviour of collective Agent (ministers, officials working in the Member States, officials working in Brussels) and Principal (regional and national parliaments). Consequently, and to my biggest disappointment, I'm lacking some 'first hand' information on the policy-formation processes that took place in the German executive. In addition, I have a slight bias in the number of interviews conducted with persons from the 'Agent side', although information from their hand was needed the most in order to link domestic and EU decision-making processes.

A second batch of limitations is linked to the conceptualisation of the 'Agent' in the research. Despite the fact that my study takes as a starting point the Agent's perspective and goes one step further in analysing the influence of domestic parliaments on executives in EU affairs, my study only partially unpacked the 'Agent'. First, the study does not make a difference for the various actors whom are the executive and represent Member States in EU negotiations (vertical coordination). Yet, in terms of accountability mechanisms, this has further consequences. An official negotiating in working groups or in COREPER only

indirectly feels the parliament '*looking over his shoulder*'¹⁴⁴. To which extent is pressure from domestic parliaments felt by the national representative officials in Brussels? How does this vertical coordination impacts on the effectiveness of parliamentary scrutiny?

Second, what is true for vertical coordination is also true for horizontal coordination. My study could not systematically evaluate the impact of horizontal coordination within the Agent, i.e. between different ministries¹⁴⁵. Indeed, conflict in executive coordination processes could explain, to some extent, the quantity of parliamentary activity but also the effectiveness of the parliamentary activity on the executive. Some of my empirical observations point in this direction, although it would be too premature to consider this as a systematic given. For example, the only parliamentary action – on all four EU legislative proposals analysed - located in the Belgian House of Representatives was linked to a disagreement in the negotiations of the Cooperation Agreement between the different regional and federal authorities. Other examples are also found in Germany. More precisely, the scrutiny of German parliaments on the Priority substances in the field of Water policy negotiations had an impact on the autonomy of negotiation of German executives. Yet, this impact must be understood in the broader context of **(a)** pressures within the Agent (diverging positions of the Federal Ministry of Environment and of the Ministry of Economic affairs, the latter being on the same line than the Bundesrat opinion) and **(b)** pressures within the Council of the European Union, as Germany was isolated (on the pharmaceutical issue) from the win-sets of the other Member States. The above examples suggest that conflicts within the Agent may impact on the quantity or on the effectiveness of parliamentary control. Additional research studies should be conducted on both the vertical and horizontal dimensions of the Agent and its potential impact on the activation and effectiveness of parliamentary scrutiny on executive.

Third, the strategies of the Agent to weaken the incentives of control of the Principal are only timidly touched upon in the study. This is mainly explained by data collection limits (i.e. finding the right persons to interview, see. *infra*). In addition, the study did not focus on the use of parliamentary scrutiny by the executive in EU negotiations. Phrased differently, '*can national parliaments help ministers to gain influence in Council negotiations?*' (Rozenberg

¹⁴⁴ For this study, I have interviewed one German regional minister of Environment, one German State Secretary in EU affairs and one Belgian regional minister (also. Environment). From what I perceived, and in comparison with the interviews realised with officials in the working party in the Council, not surprisingly, the 'elected' members of the executive are more interested in the position of the domestic parliaments. Actually, for the officials negotiating in the lower level of the Council, what matters is the precise instructions received by the capital,

¹⁴⁵ This variable was initially integrated in the research design of the PhD. Unfortunately, the data collected during the field work was not case specific enough and could not systematically be analysed and coded for the QCA procedure.

and Heffttler, 2015: 26). On this matter, Finke and Dannwolf (2013) found that ministers were, to some extent, playing this card in EU negotiations. In the study, the empirical evidence suggests that the executive in EU negotiation did not had to play the 'domestic parliamentary' constrain card to secure more influence in EU negotiations. Yet, additional research is needed on this aspect.

Fourth, little is known on the impact of factors situated outside of the Principal-Agent relationship. For example, the impact of Interest groups on the parliament-executive relationship could be investigated. Particularly for the CO2 cars Regulation and Priority substances in the field of Water Policy directive, some interviewees went off-record and outlined the major impact of Interest groups on the direction taken by the European Union or by certain Member States during the negotiations. This may have an impact on the *effectiveness* of parliamentary scrutiny on executives and thus explain certain situations of agency slack. In this respect, the literature on National and subnational parliaments in the European Union has a lot to learn on Agency theory. Thus external factors linked to the Agent's negotiation environment also impact on the resulting discretion of an Agent. For example, Delreux (2009, 2011) analysed the role of the European Commission in international environmental negotiations and found that the compellingness of the external environment - understood as the political pressure on the Agent not to jeopardise the negotiations – impacted on an Agent's discretion. By opening its toolbox to both internal and external variables, the Principal-Agent model expanded its theoretical foundations and the scope of their analysis.

A third batch of limitations is linked to the focus on formal scrutiny mechanisms. Indeed, the doctoral dissertation did not analyse informal forms of parliamentary scrutiny. As noted by Auel, *'parliamentary system are characterized by a "new dualism" between the executive and its supportive majority, on the one hand, and the parliamentary opposition, on the other* (Auel, 2007: 491). Most specifically, governing parties often prefer to informally discuss with the government rather than to publicly criticise it. Yet, the doctoral dissertation could not investigate these forms of control.

To conclude, this PhD has analysed the negotiation autonomy of executives vis-à-vis their domestic parliaments. One of the key arguments of the research was that parliamentary activity *alone* does not tell much about parliamentary effectiveness. Overall, the findings demonstrate that executives enjoy a high degree of autonomy in EU negotiations. The *country-specific* feature of the results shows that there is important variation in the degree autonomy between Member States. On this basis, two observations can be made: **(1)** on the

negative side, as highlighted by authors focusing on the Euro Crisis (Auel and Höing, 2014, 2015), the gap between 'weak' parliaments and 'strong' parliaments is even more visible when taking as a dependent variable the negotiation autonomy of executive. **(2)** Yet, at the same time, it also means that some domestic parliaments manage to increase accountability for their federal executive in Affairs, despite the limited impact on the position of executives during EU negotiations.

This study is ambitious enough to help significantly contribute to the understanding and analysis of the concrete *impact* of parliamentary scrutiny on the behaviour of federal executive when negotiating in the Council of the European Union. However, there is still much to be learned in order to assess the democratic quality of EU policy-making.

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List of Interviews

Reference	Function / Organisation	Actors	Date	Pays
Interview A	Parliamentary clerk - Belgian National parliaments	<i>Principal</i>	10.06.2013	BE
Interview B	Parliamentary clerk - Belgian National parliaments	<i>Principal</i>	11.09.2013	BE
Interview C	Parliamentary clerks (2) - Austrian national parliament	<i>Principal</i>	10.12.2014	AT
Interview D	Parliamentary clerk - Belgian regional parliament	<i>Principal</i>	10.12.2014	BE
Interview 1	EU Environmental NGO	<i>Outside PA</i>	12.02.2015	EU
Interview 2	EU Environmental NGO	<i>Outside PA</i>	13.02.2015	EU
Interview 3	European Commission Official	<i>Outside PA</i>	19.02.2015	EU
Interview 4	European Commission Official	<i>Outside PA</i>	20.02.2015	EU
Interview 5	German Environmental NGO	<i>Outside PA</i>	26.02.2015	DE
Interview 6	European Commission official	<i>Outside PA</i>	02.03.2015	EU
Interview 7	Administrator Council of the EU secretariat	<i>Outside PA</i>	13.03.2015	EU
Interview 8	Administrator Council of the EU secretariat	<i>Outside PA</i>	17.03.2015	EU
Interview 9	Parliamentary clerks - Austrian national parliament	<i>Principal</i>	19.03.2015	AT
Interview 10	Austrian Permanent Representation	<i>Agent</i>	19.03.2015	AT
Interview 11	Parliamentary clerk - German Bundesrat	<i>Principal</i>	23.03.2015	DE
Interview 12	Bundesrat observer	<i>Principal</i>		DE
Interview 13	EU Environmental NGO	<i>Outside PA</i>	08.04.2015	EU

Interview				
14	Belgian Permanent Representation	<i>Agent</i>	08.10.2015	BE
Interview				
15	German Regional Representation office (Brussels)	<i>Agent</i>	15.10.2015	DE
Interview				
16	Officials - Hamburg Environment Ministry (2)	<i>Agent</i>	26.10.2015	DE
Interview				
17	(Former) German RMP - Majority - Hamburg	<i>Principal</i>	27.10.2015	DE
Interview				
18	German Regional Minister of Environment	<i>Agent</i>	29.10.2015	DE
Interview				
19	Parliamentary clerk - German Bundesrat	<i>Principal</i>	29.10.2015	DE
Interview				
20	Parliamentary clerk - German Bundestag	<i>Agent</i>	30.10.2015	DE
Interview				
21	German Regional Representation office (Brussels)	<i>Agent</i>	30.10.2015	DE
Interview				
22	German Regional Representation office (Brussels)	<i>Agent</i>	02.11.2015	DE
Interview				
23	German experts (scientific) Off the record	<i>Outside PA</i>	04.11.2015	DE
Interview				
24	German experts (scientific) Off the record	<i>Outside PA</i>	04.11.2015	DE
Interview				
25	Bundesrat observer	<i>Principal</i>	05.11.2015	DE
Interview				
26	German RMPs (3) - Majority - Hessen	<i>Principal</i>	06.11.2015	DE
Interview				
27	German RMP - Majority - Baden-Württemberg	<i>Principal</i>	19.11.2015	DE
Interview				
28	Officials (3) - Baden-Württemberg Environment ministry	<i>Agent</i>	20.11.2015	DE
Interview				
29	German Landtag Liaison officer in Brussels	<i>Principal</i>	26.11.2015	DE
Interview				
30	German Landtag Liaison officer in Brussels	<i>Principal</i>	16.12.2015	DE
Interview				
31	Bundestag Office in Brussels	<i>Principal</i>	16.12.2015	DE
Interview				
32	EU attaché - Belgian Regional Minister of Environment	<i>Agent</i>	21.12.2015	BE
Interview				
33	Official - Belgian Federal ministry employment	<i>Agent</i>	21.12.2015	BE

Interview				
34	Official - Belgian Federal ministry of Environment	<i>Agent</i>	21.12.2015	BE
Interview				
35	German Landtag Liaison officer in Brussels	<i>Agent</i>	05.01.2016	DE
Interview				
36	EU attaché - Belgian Regional Minister of Environment	<i>Agent</i>	11.01.2016	BE
Interview				
37	Official - Belgian regional ministry of Environment	<i>Agent</i>	12.01.2016	BE
Interview				
38	EU attaché - Belgian Regional Minister of Environment	<i>Agent</i>	12.01.2016	BE
Interview				
39	German Landtag Liaison officer in Brussels	<i>Agent</i>	19.01.2016	DE
Interview				
40	Office of Lander Observer in Brussels	<i>Principal</i>	13.01.2016	DE
Interview				
41	Officials (2) - Belgian Federal ministry of Foreign affairs	<i>Agent</i>	14.01.2016	BE
Written 1	A parliamentarian of the Bundestag - Majority	<i>Principal</i>		DE
Interview				
42	Belgian Permanent Representation	<i>Agent</i>	19.01.2016	BE
Interview				
43	Officials (2) - Austrian Federal Environment ministry	<i>Agent</i>	27.01.2016	AT
Interview				
44	Austrian parliamentary Clerk - Regional Landtag	<i>Principal</i>	27.01.2016	AT
Interview				
45	Official - Austrian Länder Liaison office (Vienna)	<i>Agent/Prin</i>	28.01.2016	AT
Interview				
46	Stakeholder - Austrian Chamber of Commerce	<i>Outside PA</i>	28.01.2016	AT
Interview				
47	Officials - Austrian Federal Environment ministry	<i>Agent</i>	29.01.2016	AT
Interview				
48	Former Landtag director - Vorarlberg	<i>Principal</i>	04.02.2016	AT
Interview				
49	Austrian MP – Majority – Federal Council	<i>Principal</i>	08.02.2016	AT
Written 2	Written Answers (agreed) - Austrian RMP	<i>Principal</i>	/	AT
Interview				
50	Austrian parliamentary Clerk - Regional Landtag	<i>Principal</i>	29.01.2016	AT
Interview				
51	Austrian Permanent Representation	<i>Agent</i>	19.02.2016	AT
Interview				
	Officials (2) - Austrian Federal Environment ministry	<i>Agent</i>	27.01.2016	AT

52				
Interview				
53	German Regional State Secretary for EU Affairs	<i>Agent</i>	03.03.2016	DE
Interview				
54	Belgian RMP - Opposition - Brussels	<i>Principal</i>	13.04.2016	BE
Interview				
55	Belgian RMP- Majority - Walloon	<i>Principal</i>	14.04.2016	BE
Written 3	Belgian RMP - Opposition - Flemish	<i>Principal</i>	/	BE
Interview				
56	Austrian parliamentary Clerk - Regional Landtag	<i>Principal</i>	23.04.2016	AT
Interview				
57	Former Belgian Regional Minister of Environment	<i>Agent</i>	28.04.2016	BE
Interview				
58	Parliamentary clerk - Belgian regional parliament	<i>Principal</i>	07.12.2016	BE
Written 4	German RMP - Opposition - Bade-Württemberg	<i>Principal</i>	/	DE
Interview				
59	Off the record – Belgian RMP – Majority Brussel	<i>Principal</i>	18.04.2017	BE
Interview				
60	Off the record – Belgian RMP – Opposition Walloon	<i>Principal</i>	18.04.2017	BE

Annexes

Annex 1: Ideal-typical Patterns in Oral and Written PQs

	Oral Questions	Written Questions
Input	MP, whips, party leaders	MP, MP assistant, interest groups
Control	Strict institutional constraints, whip	Low institutional constraints
Content	Party conflict, governmental priorities, question of the day	Detail of the implementation of public policies, local issues
Validity of the answer	Temperance and performance of the minister, applause, laughter	Administrative respect of the timing, precision of the answer
Recipients	TV, national media, MPs, whips, party leaders, voters	Local media, voters, interest groups
Accountability	Limited delegation, ex-ante and ex-post control	Delegation for both questions and answers, ex-post control

Ideal-typical Patterns in Oral and Written PQs (Rozenberg, Martin, 2011).

Source: Rozenberg, O., Martin, S. (2011)

Annex 2: OPAL ranking - Institutional strength and activity scores

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Table 3.5 Ranking of the 40 chambers according to institutional strength score and activity score

Chamber	OPAL score institutional strength	OPAL activity score	Chamber
Finland	0.84	0.60	Finland
Germany Bundestag	0.78	0.56	Sweden
Lithuania	0.73	0.39	Denmark
Sweden	0.72	0.34	Portugal
Denmark	0.69	0.34	Germany Bundestag
Estonia	0.67	0.33	Czech Senate
NL Tweede Kamer	0.66	0.30	NL Tweede Kamer
Germany Bundesrat	0.62	0.30	Estonia
Slovenia Chamber	0.60	0.29	Italy Camera
Czech Senate	0.59	0.28	UK House of Lords
Czech Chamber	0.58	0.26	Lithuania
France Senate	0.56	0.25	Italy Senate
France AN	0.55	0.24	Germany Bundesrat
NL Eerste Kamer	0.54	0.23	Spain Congreso
Italy Senate	0.54	0.22	Austria Nationalrat
Latvia	0.53	0.22	Spain Senate
UK House of Commons	0.52	0.21	France AN
Austria Nationalrat	0.51	0.21	Slovakia
Slovakia	0.49	0.19	Slovenia Chamber
Hungary	0.48	0.19	Ireland Dáil 6/2011-
Ireland Senate 6/2011-	0.47	0.18	Belgium Chamber
UK House of Lords	0.47	0.16	Belgium Senate
Italy Camera	0.46	0.16	France Senate
Malta	0.46	0.16	Luxemburg
Ireland Dáil 6/2011-	0.46	0.16	Romania Chamber
Poland Senate	0.45	0.15	Latvia
Austria Bundesrat	0.45	0.15	Ireland Senate 6/2011-
Poland Sejm	0.44	0.14	UK House of Commons
Portugal	0.43	0.14	Poland Sejm
Bulgaria	0.41	0.13	Romania Senate
Spain Congreso	0.40	0.12	Ireland Dáil -6/2011
Luxemburg	0.40	0.10	Bulgaria
Spain Senate	0.39	0.10	Czech Chamber
Romania Chamber	0.35	0.10	Austria Bundesrat
Romania Senate	0.34	0.10	Hungary
Ireland Senate -6/2011	0.33	0.10	Cyprus
Ireland Dáil -6/2011	0.33	0.08	Greece
Cyprus	0.27	0.08	Ireland Senate -6/2011
Greece	0.26	0.07	Poland Senate
Belgium Chamber	0.24	0.07	Malta
Slovenia Senate	0.21	0.06	NL Eerste Kamer
Belgium Senate	0.16	0.03	Slovenia Senate

Source: Auel. et al. (2015: 79)

Annex 3: Modes of parliamentary scrutiny

Table 1.5 Models of parliamentary scrutiny of EU affairs

	Timing	Sources of information	Instruments	Parliamentary body	Transparency	Audience
<i>Policy shaper</i>	Focus on ex ante	Government, EU institutions, independent sources	Mandates and binding opinions	EAC and other committees	Inter-mediate	National decision-makers
<i>Government watchdog</i>	Focus on ex post	Explanatory memoranda from the government	Mainly oral	Plenary	Open door	National decision-makers
<i>Public forum</i>	Ex ante and ex post	From government	Oral	Plenary	Open door	Citizens
<i>Expert</i>	Early in the process	Comprehensive	Comprehensive reports	EAC and other committees	Inter-mediate	Various
<i>European player</i>	Early in the process	From the EU level	Opinions to the Commission and meetings with the EP	EAC and National Parliamentary Representatives	Rather closed doors	EU decision-makers

Source: Rozenberg, O., Hefftl, C. (2015: 30)

Annex 4: OPAL – Model of parliamentary activity

Source: Auel. et al. (2015: 83)

Table 3.6 Modes of parliamentary activity in EU affairs

Mode of activity	Chambers
Scrutiny laggards	BE CdR, BE SEN, CZ CdR, IR DAIL 2011, IR SEN –2011, NL EK, PL SEN, RO SEN, SL SEN
Scrutinizers	BU, CY, F AN, F SEN, GR, RO CdR, SP CON, SP SEN
Debating arenas ¹	A NR, A BR, CZ SEN, D BT, HU, IR DAIL 2011, IR SEN 2011-, IT CdD, LU, MA, NL TK, PL SEJM, UK HOC, UK HOL
Policy shapers	DK, EST, FI, D BR, LI, LV, SK, SL CdR, SE
Commission watchdogs	IT SEN, PO

Note: ¹The term *debating arenas* refers only to the relative importance of debates compared to other types of activity. Even in the most active debating arenas, the share of plenary time devoted to EU issues remains below 15 per cent.

Annex 5: Germanic State tradition typology

Source: Loughlin, J., Hendriks, F., Lidström, A. (2011:11)

Features	State tradition			
	Anglo-Saxon	Germanic	French	Scandinavia
Is there a legal basis for the 'State'	No	Yes	Yes	Yes
State–society relations	Pluralistic	Organicist	Antagonistic	Organicist
Form of political organization	Union state/ limited federalist	Integral/ organic federalist	Jacobin, 'one and indivisible'	Decentralize unitary
Basis of policy style	Incrementalist 'muddling through'	Legal corporatist	Legal technocratic	Consensual
Form of decentralization	'State power' (US); devolution/ local government (UK)	Cooperative federalism	Regionalized unitary state	Strong local autonomy
Dominant approach to discipline of public administration	Political science/sociology	Public law	Public law	Public law (Sweden); organization theory (Norway)
Countries	UK; US; Canada (but not Quebec); Ireland	Germany; Austria; Netherlands; Spain (after 1978); Belgium (after 1988)	France; Italy; Spain (until 1978); Portugal; Quebec; Greece; Belgium (until 1988)	Sweden; Norway; Denmark

Annex 6: Tosmana CsQCA reports

Tosmana Report 1 - Minimisation of 0 with logical remainders

Algorithm: Graph-based Agent

File: C:\Users\frandour\Desktop\QCA_PhD_N2.xml / Created with Tosmana Version 1.400

Settings:

Minimizing Value 0
including R

Truth Table:

v1: HOM_PA v2: INTRA
v3: INFO_ASY v4: SAL
v5: IMP_POW

O:	Autonomy			id:	Cases	
v1	v2	v3	v4	v5	O	id
1	0	0	1	1	1	AT Water
1	1	1	0	1	1	AT Seveso, BE Water ,BE seveso
1	1	0	0	0	1	AT LIFE,BE LIFE
1	1	1	0	0	1	AT CO2,BE CO2
0	0	0	1	1	0	DE Water
1	0	0	0	1	0	DE Seveso
0	1	0	0	0	0	DE LIFE
1	0	0	1	0	1	DE CO2

Result: (all)

HOM_PA{0}+ INTRA{0}SAL{0}
(DE Water+DE LIFE) (DE Seveso)

Simplifying Assumptions:

HOM_PA{0}INTRA{0}INFO_ASY{0}SAL{0}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{0}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{0}INFO_ASY{0}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{1}IMP_POW{1} +
HOM_PA{0}INTRA{1}INFO_ASY{0}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{1}INFO_ASY{0}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{1}INFO_ASY{0}SAL{1}IMP_POW{1} +
HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{0}IMP_POW{0} +
HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{1}IMP_POW{1} +
HOM_PA{1}INTRA{0}INFO_ASY{0}SAL{0}IMP_POW{0} +
HOM_PA{1}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{0} +
HOM_PA{1}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{1}

Number of Simplifying Assumptions: 17

HOM_PA{0}+ INFO_ASY{0}SAL{0}IMP_POW{1}
(DE Water+DE LIFE) (DE Seveso)

Simplifying Assumptions:

HOM_PA{0}INTRA{0}INFO_ASY{0}SAL{0}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{0}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{0}INFO_ASY{0}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{1}IMP_POW{1} +
HOM_PA{0}INTRA{1}INFO_ASY{0}SAL{0}IMP_POW{1} +

HOM_PA{0}INTRA{1}INFO_ASY{0}SAL{1}IMP_POW{0} +
 HOM_PA{0}INTRA{1}INFO_ASY{0}SAL{1}IMP_POW{1} +
 HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{0}IMP_POW{0} +
 HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{0}IMP_POW{1} +
 HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{1}IMP_POW{0} +
 HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{1}IMP_POW{1} +
 HOM_PA{1}INTRA{1}INFO_ASY{0}SAL{0}IMP_POW{1}

Number of Simplifying Assumptions: 15

Tosmana Report 2 - Minimisation of 1 with logical remainders

Algorithm: Graph-based Agent

File: C:\Users\frandour\Desktop\Tosmana_Final_1.xml / Created with Tosmana Version 1.400

Settings:

Minimizing Value 1
including R

Truth Table:

v1: HOM_PA v2: INTRA
 v3: INFO_ASY v4: SAL
 v5: IMP_POW

O:	Autonomy		id:	Cases		
v1	v2	v3	v4	v5	O	id
1	0	0	1	1	1	AT Water
1	1	1	0	1	1	AT Seveso, BE Water, BE seveso
1	1	0	0	0	1	AT LIFE, BE LIFE
1	1	1	0	0	1	AT CO2, BE CO2
0	0	0	1	1	0	DE Water
1	0	0	0	1	0	DE Seveso
0	1	0	0	0	0	DE LIFE
1	0	0	1	0	1	DE CO2

Result: (all)

HOM_PA{1}INTRA{1}+
 (AT Seveso, BE Water, BE seveso+AT LIFE, BE LIFE+AT CO2, BE CO2)

HOM_PA{1}SAL{1}
 (AT Water+DE CO2)

Simplifying Assumptions:

HOM_PA{1}INTRA{0}INFO_ASY{1}SAL{1}IMP_POW{0} +
 HOM_PA{1}INTRA{0}INFO_ASY{1}SAL{1}IMP_POW{1} +
 HOM_PA{1}INTRA{1}INFO_ASY{0}SAL{0}IMP_POW{1} +
 HOM_PA{1}INTRA{1}INFO_ASY{0}SAL{1}IMP_POW{0} +
 HOM_PA{1}INTRA{1}INFO_ASY{0}SAL{1}IMP_POW{1} +
 HOM_PA{1}INTRA{1}INFO_ASY{1}SAL{1}IMP_POW{0} +
 HOM_PA{1}INTRA{1}INFO_ASY{1}SAL{1}IMP_POW{1}

Number of Simplifying Assumptions: 7

!!! One CSA assumption when running the analysis.!!!

HOM_PA(1) INTRA(1) INFO_ASY (0) SAL (0) IMP POW (1). To this formula, the value '1'
 High autonomy is given to the logical remainder. Justification, see. Chapter 8.

Tosmana Report 1a - Minimisation of 0 with logical remainders and solving the CSA

Algorithm: Graph-based Agent

File: C:\Users\frandour\Desktop\Tosmana_Final_0.xml

/ Created with Tosmana Version 1.400

Settings:

Minimizing Value 0
including R

Truth Table:

v1: HOM_PA v2: INTRA
v3: INFO_ASY v4: SAL
v5: IMP_POW

O:	Autonomy			id:	Cases	
v1	v2	v3	v4	v5	O	id
1	0	0	1	1	1	AT Water
1	1	1	0	1	1	AT Seveso, BE Water ,BE seveso
1	1	0	0	0	1	AT LIFE, BE LIFE
1	1	1	0	0	1	AT CO2, BE CO2
0	0	0	1	1	0	DE Water
1	0	0	0	1	0	DE Seveso
0	1	0	0	0	0	DE LIFE
1	0	0	1	0	1	DE CO2
1	1	0	0	1	1	Fictive 1

Result: (all)

HOM_PA{0}+ INTRA{0}SAL{0}
(DE Water+DE LIFE) (DE Seveso)

Simplifying Assumptions:

HOM_PA{0}INTRA{0}INFO_ASY{0}SAL{0}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{0}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{0}INFO_ASY{0}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{0}INFO_ASY{1}SAL{1}IMP_POW{1} +
HOM_PA{0}INTRA{1}INFO_ASY{0}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{1}INFO_ASY{0}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{1}INFO_ASY{0}SAL{1}IMP_POW{1} +
HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{0}IMP_POW{0} +
HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{0}IMP_POW{1} +
HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{1}IMP_POW{0} +
HOM_PA{0}INTRA{1}INFO_ASY{1}SAL{1}IMP_POW{1} +
HOM_PA{1}INTRA{0}INFO_ASY{0}SAL{0}IMP_POW{0} +
HOM_PA{1}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{0} +
HOM_PA{1}INTRA{0}INFO_ASY{1}SAL{0}IMP_POW{1} +

Number of Simplifying Assumptions: 17

Check 2: Comparison of the new logical remainders for '0', with the logical remainder of '1'. No more CSA.

Tosmana Report - Minimisation of 1, without logical remainders

Tosmana Report

Algorithm: Quine

File: C:\Users\frandour\Desktop\QCA__PhD_N2.xml

Settings:

Minimizing Value 1
including

Truth Table:

v1: HOM_PA v2: INTRA
v3: INFO_ASY v4: SAL
v5: IMP_POW

O:	Autonomy			id:	Cases	
v1	v2	v3	v4	v5	O	id
1	0	0	1	1	1	AT Water
1	1	1	0	1	1	AT Seveso,BE Water,BE seveso
1	1	0	0	0	1	AT LIFE,BE LIFE
1	1	1	0	0	1	AT CO2,BE CO2
0	0	0	1	1	0	DE Water
1	0	0	0	1	0	DE Seveso
0	1	0	0	0	0	DE LIFE
1	0	0	1	0	1	DE CO2

Result:

HOM_PA{1} * INTRA{0} * INFO_ASY{0} * SAL{1} + (AT Water+DE CO2)
HOM_PA{1} * INTRA{1} * INFO_ASY{1} * SAL{0} + (AT Seveso,BE Water,BE seveso+AT CO2,BE CO2)
HOM_PA{1} * INTRA{1} * SAL{0} * IMP_POW{0} (AT LIFE,BE LIFE+AT CO2,BE CO2)

Tosmana Report - Minimisation of 0, without logical remainders

Algorithm: Quine / Created with Tosmana Version 1.400

Settings:

Minimizing Value 0
including

Truth Table:

v1: HOM_PA v2: INTRA
v3: INFO_ASY v4: SAL
v5: IMP_POW

O:	Autonomy			id:	Cases	
v1	v2	v3	v4	v5	O	id
1	0	0	1	1	1	AT Water
1	1	1	0	1	1	AT Seveso,BE Water,BE seveso
1	1	0	0	0	1	AT LIFE,BE LIFE
1	1	1	0	0	1	AT CO2,BE CO2
0	0	0	1	1	0	DE Water
1	0	0	0	1	0	DE Seveso
0	1	0	0	0	0	DE LIFE
1	0	0	1	0	1	DE CO2

Result:

HOM_PA{0} * INTRA{0} * INFO_ASY{0} * SAL{1} * IMP_POW{1} + (DE Water)
HOM_PA{1} * INTRA{0} * INFO_ASY{0} * SAL{0} * IMP_POW{1} + (DE Seveso)
HOM_PA{0} * INTRA{1} * INFO_ASY{0} * SAL{0} * IMP_POW{0} (DE LIFE)

Annex 7: Questionnaire for semi-structured interviews

Open questions Theme 1: The negotiation in the Council of the European Union

1. The main outstanding issues at the EU and Domestic levels

	Agent	Principal	Others
1.1 Identification of outstanding issues	From what I know about the negotiations in the Council and in the Working Party on the Environment (WPE), the following issues seem to have triggered the attention of the <u>negotiators</u>: - For the Seveso III directive (2012/18/EU), my impression is that (1) <i>the scope of the directive</i>, (2) <i>the level of information to the public</i>, (3) <i>and the access to justice</i> were the main outstanding issues in these negotiations. Do you agree with the list and could you briefly explain the main tensions on these issues? Do you see additional issues to add to the list?	From what I know about the discussion in your parliament and in the Environment committee, the followings issues seem to have triggered the attention of the <u>parliamentarians</u>: - For the Seveso III directive (2012/18/EU), my impression is that (1) <i>the scope of the directive</i>, (2) <i>the level of information to the public</i>, (3) <i>and the access to justice</i> were the main outstanding issues in these negotiations. Do you agree with the list and could you briefly explain the main tensions on these issues? Do you see additional issues to add to the list?	From what I know about the negotiations in the Council and in the Working Party on the Environment, the followings issues seem to have triggered the attention of the <u>negotiators</u>: - For the Seveso III directive (2012/18/EU), my impression is that (1) <i>the scope of the directive</i>, (2) <i>the level of information to the public</i>, (3) <i>and the access to justice</i> were the main outstanding issues in these negotiations. Do you agree with the list and could you briefly explain the main tensions on these issues? Do you see additional issues to add to the list?

2. Salience

	Agent	Principal	Others
Closed questions – Salience			
2.1 Salience - Comparison	- According to you, when considering the original proposal of the European Commission, <u>which Member States</u> had a lot at stake in the negotiations of the Seveso III directive?		- According to you, when considering the original proposal of the European Commission, <u>which Member States</u> had a lot at stake in the negotiations of the Seveso III directive? - More particularly, were the negotiations on the revision of the Seveso III directive important for <u>Austria, Belgium and Germany</u>? Explain why?

2.2 Salience – Country level	- Were the negotiations of the Seveso III directive important <u>for your country</u>? - If yes, what were the main outstanding issues <u>for Austria</u>?	- Was the negotiation of the Seveso III directive an important issue <u>for your parliament</u>? - If yes, what were the main questions identified by your parliament?	

3. The national position and its evolution

	Agent	Principal	Others
3.1 National positions	- What was the first reaction of <u>Austria</u> vis-à-vis the original proposal of the European Commission? - More particularly, which positions did you adopt on the outstanding issues identified in the first question?	- What was the position of <u>your parliament</u> vis-à-vis the original proposal of the European Commission? - More particularly, did <u>your parliament</u> have a clear position on the outstanding issues identified in the first question? - Was <u>your parliament's</u> position different from the one adopted by the Austrian executive? If yes, what were the main differences?	- At the start of the negotiations in the WPE and in Coreper, what were the first reactions of <u>Austria, Belgium and Germany</u> vis-à-vis the original proposal of the European Commission? - More particularly, could you describe the positions of <u>Austria, Belgium and Germany</u> at the start of the negotiation vis-à-vis the outstanding issues identified in the first question?
3.2 Evolution of national positions	- What aspects of the Seveso III directive are the most satisfying for <u>Austria</u>? How did the negotiations go on these elements? - According to you, what are the three main differences between the position adopted <u>by Austria</u> at the start of the negotiations and the final text approved by the Council of the European Union in 2012? - Specifically on these three differences, how and why did Austria decide to adjust its position on these matters?	- Did the national position evolved during the negotiations? If yes, do you know the reasons that motivated those changes? - At the end of the day, do you think that the final text adopted by the Council is positive <u>for Austria</u>?	- Did you observe a change in the positions of the <u>Austrian, Belgian and German</u> delegations regarding the previously identified outstanding issues? - If yes, what are the reasons explaining the modifications in the positions of <u>Austria, Belgium and Germany</u> during the negotiations?

4. Institutional density in the Council of the European Union

	Agent	Principal	Others
4.1 Negotiation Atmosphere Seveso	- How would you describe the atmosphere in the Council during the negotiations of the Seveso III directive: were these tough negotiations with lots of tensions or did the negotiation process go relatively smoothly? - If you had to identify three key moments of the negotiations of the Seveso III directive in the Council, what would they be? Explain why.	/ /	- How would you describe the atmosphere in the Council during the negotiations of the Seveso III directive: were these tough negotiations with lots of tensions or did the negotiation process go relatively smoothly? - If you had to identify three key moments of the negotiations of the Seveso III directive in the Council, what would they be? Explain why.
4.2 Negotiation Atmosphere comparison	- In comparison with these 3 other legislations (i.e. CO2 cars, LIFE, Water Quality): for which legislative proposals was it the most difficult to reach an agreement and, <i>a contrario</i>, which negotiation was the least difficult? Explain why.	/	- In comparison with these 3 other legislations (i.e. CO2 cars, LIFE, Water Quality): for which legislative proposals was it the most difficult to reach an agreement and, <i>a contrario</i>, which negotiation was the least difficult? Explain why.
4.3 Institutional density	- During the negotiations of the Seveso III directive, did one of the Member States exposed real difficulties in the council concerning one aspect of the Seveso III proposal? If yes, what where the reactions of the other delegations? Did they adapt their position? - On the outstanding issues identified previously, did Austria face difficulties at some point during the negotiations? If yes, how did you handle the situation and what were the reactions of the other delegations?	/	- During the negotiations of the Seveso III directive, did one of the Member States exposed real difficulties in the council concerning one aspect of the Seveso III proposal? If yes, what where the reactions of the other delegations? Did they adapt their position? - On the outstanding issues identified previously, what were the main arguments presented by the Austrian, Belgian and German delegations in the negotiations? What were the reactions of the other delegations?

4.4 Complementary question	- Do you see anything else that we did not discuss yet that helped to reach an agreement in the negotiations on the Seveso III directive?	/	- Do you see anything else that we did not discuss yet that helped to reach an agreement in the negotiations on the Seveso III directive?

Open questions Theme 2: The relationship between the executive and the parliament(s)

5. National coordination mechanisms and involvement of parliaments in the definition of the national position

	Agent	Principal	Others
5.1 National coordination – definition of the national position	- Could you shortly explain, by taking the example of the Seveso negotiation, how the Austrian executive defines the national position prior to EU negotiations? - Is there a coordination mechanism in order to gather the opinions of the <u>Länder executives</u> prior to EU negotiations? - More precisely, do you know if the <u>federal government and the governments of the Länder</u> had the same position (if any) on the Seveso proposal? If no, what were the main differences?	- Could you shortly explain, by taking the example of the Seveso negotiation, how the Austrian executive defines the national position prior to EU negotiations? - Is there a coordination mechanism in order to gather the opinions of the <u>Länder executives</u> prior to EU negotiations? - More precisely, do you know if the <u>federal government and the governments of the Länder</u> had the same position (if any) on the Seveso proposal? If no, what were the main differences?	/
5.2 Involvement in the definition of the national position	- In your opinion, to what extent were the MPs from (A) the <u>Bundesrat and the Nationalrat</u> and from (B) the <u>parliaments of the Länder involved in the definition</u> of the national position that was defended in the Environment Council regarding the Seveso III directive directive?	- In your opinion, to what extent were the MPs from (A) the <u>Bundesrat and the Nationalrat</u> and from (B) the <u>parliaments of the Länder involved in the definition</u> of the national position that was defended in the Environment Council regarding the Seveso directive III directive?	/

5.3 Positions of the federal and Länder parliaments	- Did the <u>Bundesrat</u> and the <u>Nationalrat</u> have similar or different positions regarding the Seveso proposal? • What were the main differences between the positions? • In your opinion, did it impact the way the executive negotiated in the Council? How? - Did the <u>Länder parliaments</u> have similar or different positions regarding the Seveso proposal? • What were the main differences between the positions? • In your opinion, did it impact the way the executive negotiated in the Council? How? - Did the <u>federal parliaments</u> and the <u>Länder parliaments</u> have similar or different positions regarding the Seveso proposal? • What were the main differences between the positions? • In your opinion, did it impact on the way the executive negotiated in the Council? How?	- Did the <u>Bundesrat</u> and the <u>Nationalrat</u> have similar or different positions regarding the Seveso proposal? • What were the main differences between the positions? • In your opinion, did it impact the way the executive negotiated in the Council? How? - Did the <u>Länder parliaments</u> have similar or different positions regarding the Seveso proposal? • What were the main differences between the positions? • In your opinion, did it impact the way the executive negotiated in the Council? How? - Did the <u>federal parliaments</u> and the <u>Länder parliaments</u> have similar or different positions regarding the Seveso proposal? • What were the main differences between the positions? • In your opinion, did it impact on the way the executive negotiated in the Council? How?	/

6. Scrutiny of the executive by (sub)national parliaments

	Agent	Principal	Others
6.1 Prior	- Can you tell me if and how your national parliament and/or the parliaments of the Länder scrutinised your involvement in these negotiations? - Do you know if an explanatory memorandum	- Can you tell me if and how your national parliament and/or the parliaments of the Länder scrutinised the government in these negotiations? - Do you know if an explanatory memorandum	

information - Memorandum	presenting the Austrian position was prepared for the <u>Bundesrat and the Nationalrat</u>? If yes, how detailed was the document? - Was the memorandum also transferred to the <u>parliaments of the Länder</u>? If yes, to whom and how was the memorandum transmitted?	explaining the Austrian national position was prepared for this dossier? If yes, was it available for <u>the members of your parliament</u>? How detailed was the document?	
6.2 Mandate/ Resolution/ guidelines	- Do you know if some Member States in the Council had a mandate or precise guidelines from their parliament regarding the revision of the Seveso III directive? If yes, was it clearly explained by the national delegations? - Did you receive guidelines (such as a mandate or a resolution) from your <u>domestic parliaments</u> on the Seveso proposal? If yes, how detailed was the document?	- More precisely, did <u>your parliament</u> adopt guidelines (such as a mandate or a resolution) on the Seveso III proposal? If yes, when and how did you adopt the document? How detailed was the document?	- Do you know if some Member States in the Council had a mandate or precise guidelines from their parliament regarding the revision of the Seveso III directive? If yes, was it clearly explained by the national delegations? - Do you remember if the <u>Austrian, Belgian or German</u> delegations evoked possible difficulties with their <u>domestic parliaments</u> during the discussions? If yes, what were the reactions of the other delegations? - In your opinion, did it impact the negotiations? If yes, how?
6.3 Information	- Did the Austrian executive keep the <u>Bundesrat and the Nationalrat and/or the Länder parliaments</u> regularly informed on the evolution of the Seveso negotiations? If yes, • How and how frequently did the Austrian executive inform the Austrian Parliaments? • Were the contacts more developed for the Seveso negotiations or was it 'business as usual'? - More precisely, regarding the negotiations of the	- Did the Austrian executive keep the <u>Bundesrat and the Nationalrat and/or the Länder parliaments</u> regularly informed on the evolution of the Seveso negotiations? If yes, • How and how frequently did the Austrian executive inform the Austrian Parliaments? • Were the contacts more developed for the Seveso negotiations than for other dossier, or was it 'business as usual'? More precisely, regarding the negotiations of the	

and debates	Seveso III directive, did the <u>minister in charge of the dossier</u> (or an official from the Permanent Representation) come before and/or after the meetings of the Environment Council? - Was the Austrian position defended in the Council during the negotiations debated in the <u>Austrian Parliament or in Länder parliaments</u>? If yes • Were the debates animated, or did it go smoothly? • What were the positions of the parties of the majority and of the opposition? - Following the debates, has the Austrian position been modified? Explain how.	Seveso III directive, <u>did the minister in charge of the dossier</u> (or an official from the Permanent Representation) come before and/or after the meetings of the Environment Council? - Was the Austrian position defended in the Council during the negotiations debated in the <u>Austrian Parliament or in Länder parliaments</u>? If yes • Were the debates animated, or did it go smoothly? Could you illustrate? • What were the positions of the parties of the majority and of the opposition? Following the debates, has the Austrian position been modified? Explain how.	
6.4 Reference to parliaments in Council's negotiations	- Did <u>you or your minister</u> evoked concerns about possible difficulties with <u>your parliaments</u> during the discussions in the Council? If yes, what were the reactions of the other delegations? - Do you remember if the <u>Belgian or German</u> delegations evoked possible difficulties with their domestic parliaments during the discussions? - In your opinion, did it impact the negotiations?		

6.5 Scrutiny @ personal level		- More precisely, at <u>your personal level</u>, you participated in the debates in the parliaments and you asked several written and oral questions. Could you explain how and why you formulated these interventions? • On what type of information did you rely to prepare your interventions? • Is there a reason regarding the <i>timing</i> of your intervention? • According to you, did your interventions impact on the national position of the executive?	
	- Have you been in contact (formal and informal) <u>prior to the start of the negotiations</u> with (1) European Affairs Committees of the domestic parliaments, (2) Sectorial committees (Environment), (3) parliamentary assistants or officials from the Walloon parliament; (4) members of political parties; (5) Belgian MEPs? • When and how frequent were the contacts?	- As regards the revision of the Seveso III directive, have you been in contact (formal and informal) with (1) officials from the PR, (2) officials from the Ministry in charge of the dossier, (3) your political group or parliamentarians from your party, (4) officials from European institutions, (5) NGOs and citizens? • When and how frequent were the contacts? In your opinion, did it impact on the position defended by the Austrian representative in the Council?	

7. Interparliamentary cooperation and relations with the European Commission

	Agent	Principal	Others
7.1 Contacts between the Commission and (sub)national parliamentarians			- EC: Did you receive a subsidiarity or political dialogue opinion regarding the directive Seveso III from the parliaments of Austria, Belgium or Germany? If yes, can you tell me who sent you the opinion and how you replied to the latter? - Prior to the start of the negotiations, were you aware of contacts (formal or informal) between your department and the (sub)national parliaments or MPs from <u>Austria, Belgium and Germany</u> regarding the negotiations of the Seveso III directive? - Have you been in contact with (sub)national parliamentarians or officials from the parliaments of <u>Austria, Belgium or Germany</u> on the Seveso III directive? • If yes, at which stage of the negotiations? • Were those contacts frequent? • Is it usual to have frequent contact with MPs/subnational parliaments on specific negotiations or was it particular to this negotiation?
7.2 (sub)national information exchange	- Are you aware of any information exchange or collaboration between (a) The Länder parliaments and the Bundesrat and Nationalrat and (b) between the Länder parliaments? If yes, could elaborate on this? Did it have an impact on the Austrian position defended in the Council?	- Are you aware of any information exchange or collaboration between (a) The Länder parliaments and the Bundesrat and Nationalrat and (b) between the Länder parliaments? If yes, could elaborate and this? Did it have an impact on the Austrian position defended in the Council?	/

7.3 Contacts with the European Parliament	/	- Did you have contact with the European Parliament on the Seveso III dossier: either with a MEP from your Country or with the EP committee in charge of the dossier? - To what extent did you exchange information with parliamentarians/parliaments of other Member States? - Did you gain any new information on the negotiations by exchanging information with other MS parliaments that you did not have yourself?	/

8. Transposition

	Agent	Principal	Others
8.1 Transposition and implementation	- Did you take possible difficulties in the <u>Bundesrat, the Nationalrat and the Länder parliaments</u> as regards the transposition of the agreement into consideration during the negotiations of the Seveso III directive? - More precisely, could you describe the transposition process of the directive Seveso III in Austria with more details? • Were the debates in the parliaments animated? • Does/did the transposition or implementation of the Seveso III directive face difficulties? Are you aware of the existence of coordination mechanisms between <u>the government</u> of the Länder and the federal government as regards the	- Could briefly describe the transposition process of the Seveso III directive in your Parliament? • Were the debates in the parliaments animated? • Does/did the transposition or implementation of the Seveso III directive face difficulties? - Did you use coordination mechanisms between the Bundesrat, the Nationalrat and the Länder parliaments as regards the transposition and implementation of the Seveso III directive?	- Could you describe the state of the transposition processes in <u>Austria, Belgium and Germany</u> for the Seveso III directive? - Are you aware of any difficulties in the transposition processes of the Seveso III directive in Austria, Belgium and Germany?

	transposition and implementation of the Seveso III directive?		

Closed questions

1. Salience

	Agent	Principal	Others
1.1 Salience @ the proposal level	On the following scales, indicate the extent to which you agree with the following statements and explain your choice: - 'A lot was at stake for my country in the negotiations of Directive 2012/18/EU (SEVESOIII)' Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree	On the following scales, indicate the extent to which you agree with the following statements and explain your choice: - 'A lot was at stake for my country/Länder in the negotiations of Directive 2012/18/EU (SEVESOIII)' Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree	On the following scales, indicate the extent to which you agree with the following statements and explain your choice: - 'A lot was at stake for Austria in the negotiations of Directive 2012/18/EU (SEVESOIII)' Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree
1.2 Salience @ the individual level		- 'I personally considered the negotiations of Directive 2012/18/EU as important' Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree	
1.3 Salience / Comparison	On the following list, how would rank, from one to four (four being the most important), the importance of the following proposals for <u>Austria</u>? Explain your choice Directive 2012/18/EU of 4 July 2012 on the control of major-accident hazards involving	On the following list, how would rank, from one to four (four being the most important), the importance of the following proposals for <u>your parliament</u>? Explain your choice Directive 2012/18/EU of 4 July 2012 on the control of major-accident hazards involving	On the following list, how would rank, from one to four (four being the most important), the importance of the following proposals during the period 2009-2014? Explain your choice Directive 2012/18/EU of 4 July 2012 on the control of major-accident hazards involving

	dangerous substances (Seveso III) • Directive 2013/39/EU of 12 August 2013 as regards priority substances in the field of water policy • Regulation No 1293/2013 of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) • Regulation No 333/2014 of 11 March 2014 to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars	dangerous substances (Seveso III) • Directive 2013/39/EU of 12 August 2013 as regards priority substances in the field of water policy • Regulation No 1293/2013 of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) • Regulation No 333/2014 of 11 March 2014 to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars	dangerous substances (Seveso III) • Directive 2013/39/EU of 12 August 2013 as regards priority substances in the field of water policy • Regulation No 1293/2013 of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) • Regulation No 333/2014 of 11 March 2014 to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars

2. Institutional density

2.4 Institutional density	On the following scales, indicate the extent to which you agree with the following statements and explain your choice: <i>'During the negotiations of the Seveso III directive in the Council, arguments aiming at protecting national interests prevailed in the discussions'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>'During the discussions on the Seveso III directive in the Council, all national delegations have expressed their opinion freely and presented a detailed argumentation for their position'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>'During the discussions on the Seveso III directive in</i>		On the following scales, indicate the extent to which you agree with the following statements and explain your choice: <i>'During the negotiations on the Seveso III directive, arguments aiming at protecting national interests dominated the discussions'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>'During the discussions on the Seveso III directive, all national delegations have expressed their opinion freely and presented a detailed argumentation for their position'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree

	<i>the Council, the national delegations favored arguments proposing common solutions and helping to get a comprise'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree		<i>'During the discussions on the Seveso III directive in the Council, the national delegations favored arguments proposing common solutions and helping to get a comprise'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree

3. Parliamentary-Executive relationship

	Agent	Principal
3.1 Perceived influence of Principal (general level)		<i>'The influence of national and subnational parliaments on the European decision-making processes is important'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>'As parliamentarian, <u>my influence</u> on the EU decision-making processes is important'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree
3.2 Guidelines (prior)	On the following scales, indicate the extent to which you agree with the following statements and explain your choice: <i>'At the start of the discussions on the Seveso III directive, the minister representing Austria in the Council received precise guidelines from the national and Länder parliaments on the position to defend'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>'At the start of the discussions on the Seveso III directive, I received precise guidelines from the government on the position to defend'</i>	On the following scales, indicate the extent to which you agree with the following statements and explain your choice: <i>'National and subnational parliaments have been actively involved with the executive in the definition of the national position regarding the Seveso III directive'</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>'At the start of the discussions on the Seveso III directive, the national official representing Austria in the Council received precise guidelines from the government on the position to defend'</i>

	Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree	Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree
3.1 Information Executive - Parliaments	On the following scales, indicate the extent to which you agree with the following statements and explain your choice: <i>‘The executive informed the parliaments regularly on the state of the negotiations in the Council as regards the Seveso III directive’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>‘During the discussions in the Council on the Seveso III directive, I reported back to my minister after each Council meeting’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>‘During the discussions in the Council on the Seveso III directive, I reported back to the domestic parliaments after each Council meeting’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree	On the following scales, indicate the extent to which you agree with the following statements and explain your choice: <i>‘ During the discussions in the Council on the Seveso III directive, the minister reported back after each Council meeting’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>‘During the discussions in the Council on the Seveso III directive, officials negotiating for Austria in the COREPER reported back after each Council meeting’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>‘I was well informed on the negotiations in the Council of the Seveso III directive’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree
3.2 Information other		<i>‘I had regular contacts with MEPs on the negotiations of the Seveso III directive’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>‘I had regular contacts with parliamentarians from other Member States during the negotiations of the Seveso III directive’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree

3.3 Scrutiny by Principal	<i>‘ The national and subnational parliaments actively scrutinised the Austrian executive during the discussions on the Seveso III directive’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>‘ Following discussions in the domestic parliaments on the Seveso III proposal, I had to modify the national position during the European negotiations ’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>‘ When negotiating in the Council, I take the position that I think is best according to my professional judgment’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree	<i>‘The national and subnational parliaments actively scrutinised the Austrian executive during the discussions on the Seveso III directive’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree <i>‘Following discussions in your parliament on the Seveso III directive, it was asked to the executive to adapt the national position to better take into consideration the parliament’s concerns’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree
3.4 Parliament- Executive relationship	<i>‘The relationship between the executive and the parliamentary majority as regards the negotiation of the Seveso III directive was conflictual’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree	<i>‘The relationship between the executive and the parliamentary majority as regards the negotiation of the Seveso III directive was conflictual’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree
3.5 Ex post	<i>When agreeing upon the directive in the Council, I was confident that the transposition processes of the Seveso III directive by the Länder and federal parliaments would not face any resistances’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree	<i>‘When agreeing upon the directive in the Council, the executive was confident that the transposition processes of the Seveso III directive by the Länder and federal parliaments would not face any resistances’</i> Agree – Partly Agree – Neither Agree nor disagree - Partly Disagree – Disagree

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