

22.09.2003

**Undermining Democratic Governance in the Member States?  
The Europeanization of National Decision-Making.**

TANJA A. BÖRZEL AND CARINA SPRUNGK

*Authors' Address:*

Institute for Political Science  
University of Heidelberg  
Marshallstr. 6  
D-69117 Heidelberg

Tel: 06221 54 28 68/71

Fax: 06221 54 28 96

Email: boerzel@uni-hd.de

sprungk@uni-hd.de

Website: [www.boerzel.uni-hd.de](http://www.boerzel.uni-hd.de)

## 1. From the European to the National Democratic Deficit

The last decade has witnessed a continuous debate over the legitimacy problems of the European Union (EU). Most politicians, students of the European politics and European citizens believe that the EU suffers from a severe democratic deficit. While there is some disagreement on the extent to which the EU lacks democratic legitimacy, the problem is mainly located at the EU level. The EU is criticized for its complex and non-transparent decision-making processes and weak mechanisms of democratic representation, reinforced through the absence of a European public sphere and a collective identity as the *sine qua non* for the formation of a European *demos* (see e.g. Scharpf 1999; Schmitter 2000; Moravcsik 2002).

Some have argued that the EU's democratic deficit is related to a misfit between national conceptions of democratic power and authority, on the one hand, and the new institutions and practices of postnational or transnational governance, on the other hand (Grande 2000; Schmitter 2000; Zürn 2000; Schmidt 2003). The democratic quality of the EU as a transnational polity should not be judged by the same criteria as the nation states, which form its members.

We argue, by contrast, that neither strengthening democratic representation at the EU level nor adapting national conceptions of democratic governance to the postnational quality of the EU is likely to remedy the democratic deficit. EU governance certainly needs to become more democratic. But the current debate on how to democratize the EU and according to what criteria tends to overlook that EU institutions and processes themselves have a significant impact on democratic governance in the Member States. Our chapter will show that the Europeanization<sup>1</sup> of national decision-making undermines one of the core mechanisms for ensuring the democratic legitimacy of domestic politics: the horizontal and vertical division of power.

On the one hand, Europeanization has affected the *horizontal* division of power in the parliamentary democracies of the Member States, where decision-making powers are shared between the different branches of government. The transfer of domestic competencies to the

---

<sup>1</sup> We define Europeanization as a process by which domestic policy areas become increasingly subject to European policy-making. On the different definitions of Europeanization see (Börzel and Risse 2003; Olsen 2002).

European level strengthens the executive branch of government by resulting in the restriction or even the partial loss of traditional parliamentary functions providing for input legitimacy. Moreover, Europeanization reinforces the fusion of legislative and executive powers as it is already implied in parliamentary democracies. Some national parliaments have acquired important *ex ante* scrutiny rights as compensation for the substantial loss of competencies. However, the effective use of these rights depends on an intensive cooperation with the central government as the “gate-keeper” at the European level, which has to provide the parliament with necessary information about EU policy-making processes.

On the other hand, Europeanization has changed the *vertical* division of power in strongly decentralized Member States, where political power is shared and divided between the central state and its subnational authorities, such as regions, Länder, provinces, and communities. The transfer of domestic competencies to the European level empowers the central state vis-à-vis the subnational levels of government. Some regions have been able to cut their losses through obtaining co-decision rights in the formulation and representation of the national bargaining position in Brussels. Yet, the resort to cooperative federalism comes at a price, too. It strengthens regional governments vis-à-vis their legislatures thereby reinforcing the disempowerment of parliaments at the national level.

Europeanization undermines a core feature of democratic governance in the Member States by challenging the horizontal and vertical balance of powers in favour of the executive. Thus, the EU has infected the Member States with a major symptom of its alleged democratic deficit: executive dominance.

In order to state our argument we proceed in three steps. The first part sets out a conceptual framework to analyze the impact of Europeanization on democratic governance in the Member States. Drawing on resource-dependence approaches, we maintain that the transfer of policy competencies to the European Union has significantly changed the balance of power between the executive and legislature, on the one hand, and the central state and the regions, on the other. In the second part, we illustrate our argument using the Federal Republic of Germany as a critical case. Compared to other parliamentary democracies, the German *Bundestag* is a relatively powerful legislature; likewise the German *Länder* belong to the institutionally most entrenched regions in Europe. Therefore, a strengthening of the executive appears less likely than in Member States with a less powerful parliament and weak

subnational authorities, e.g. France, Greece or Portugal. Finally, we will summarize our findings and discuss their implications for the EU democratic deficit.

## **2. Europeanization and the Division of Power in the Member States**

The division of power is a key principle of liberal democracy. It aims at constraining and checking the use of power of the state to avoid usurpation, arbitrary action and undue expansion. The classical liberal understanding of checks and balances is based on the horizontal division of power between the different branches of government (Locke z.B. 1991; Montesquieu 1748). The Fathers of the American Constitution, however, developed a system of checks and balances, in which the horizontal division of power between legislature, executive, and judiciary is complemented by a vertical division of power between the central government and regional governments (Hamilton 1964). The vertical or federal dimension of the division of power gained prominence in the 20<sup>th</sup> century to ensure the transition to democracy of authoritarian regimes such as Germany, Austria and Spain. A powerful regional level of government was to prevent the re-emergence of a strong central state.

There is a growing literature analyzing the impact of European integration on the Member States. Several studies have identified conditions, processes and outcomes of Europeanization pressures on domestic policies, politics and polity, thus covering all dimensions of the domestic political system (Héritier, Knill, and Mingers 1996; Héritier 2001; Knill 2001; Cowles, Caporaso, and Risse 2001; Börzel 2002; Featherstone and Radaelli 2003). Most works on the domestic impact of Europe refer to certain aspects of the domestic polity by focusing on Europe-induced change in specific domestic institutions, both formal and informal (see Börzel and Risse 2003). However, only little attempts have been made so far to analyze how Europeanization has changed the domestic polity *as a whole*, examining changes in the overall „constellation of institutions, procedures and rules associated with parliamentary democracy in each of the member states“ (Anderson 2002:1).

Moreover, the few existing works strongly disagree on the system-wide effects of Europe on the nation state. While proponents of liberal intergovernmentalist approaches have argued that Europeanization has strengthened the central state vis-à-vis other domestic actors, including parliaments and regions (Moravcsik 1994), others have claimed exactly the opposite, namely that the EU tends to reinforce the separation of powers between the three branches of

government and has weakened the central state since domestic actors are able to circumvent them in EU decision-making by directly accessing the EU political arena (Marks 1993; Sandholtz 1996; Schmidt 1999, Schmidt 2003). A third group of scholars does not expect either a withering away of the state or its obstinate resilience but a fundamental transformation of the state in terms of the emergence of a European system of multi-level governance where European, national, and subnational actors share rather than compete for political power (Grande 1996; Kohler-Koch 1996; Rhodes 1997).

Finally, while there is still no consensus on whether Europe strengthens, weakens, transforms or does anything at all to the Member States (on the latter see Anderson 2002), the normative implications of the domestic impact of Europe have been hardly explored. What does Europe do to democratic governance in its Member States?

This chapter takes a broader view on the system-wide changes that the EU induced in the Member States by focusing on a key principle of liberal democratic polities: the horizontal and the vertical division of power.

The impact of Europeanization on the division of power in the Member States can be conceptualized in terms of a redistribution of resources between the different branches and levels of government (Hix and Goetz 2000; cf. Börzel 2002: 18-26). Europe constitutes a political opportunity structure, which provides domestic actors with new constraints and opportunities providing some with additional resources while depriving others. National parliaments and regions, however, face different constraints and opportunities by Europeanization.

## **2.1. Undermining the Horizontal Division of Power.**

### **National Parliamentary Scrutiny and the Challenge of Europeanization**

A basic feature of all democratic political systems is the distribution of power on a horizontal level, which aims at dividing sovereignty between the executive, the legislative and the judicial power. The respective decision-making power is based on specific *functions* attributed to each branch of government. By exerting their specific executive, legislative and judicial functions autonomously and independently from each other, the different governmental powers mutually control and eventually counteract decisions made the other

branches.<sup>2</sup> In the following, we focus on the executive-legislative relationship as a core aspect of democratic governance.<sup>3</sup>

There is an emerging literature on how the domestic legislatures participate in EU decision-making (Norton 1996; Smith 1996; Katz 1999; Maurer and Wessels 2001). Moreover, the European Convention has established a special working group on the future role of national parliaments, and the constitutional draft implies new *ex ante* scrutiny mechanisms. Both scholars and political actors perceive that the severe loss of competencies national parliaments faced in the 1990s challenges the legitimacy of European politics. In particular with the ratification of the Maastricht Treaty, several domestic policy areas have been completely or partially transferred to the European level (for details, see Raunio 1999), where members of the national government and European actors are responsible for policy-making.

However, the EU provides national parliaments not only with new constraints, but also with new opportunities. Most domestic legislatures have acquired specific scrutiny rights in EU affairs as a reaction to their disempowerment (Maurer and Wessels 2001). These new powers generally include better access to information about EU legislation processes. Yet, better access to information does not compensate for the loss of substantial influence. Moreover, national parliaments might lack the resources and even the willingness to counteract the central government by using their new rights (Sprungk 2003).

In order to assess the impact of Europeanization on the horizontal division of power between executive and legislative branches of government, we analyze to what extent the new constraints and opportunities affect the autonomous and effective exertion of parliamentary functions.<sup>4</sup>

#### *New constraints: restricting the autonomy of the parliament*

Modern parliaments usually exert an elective, a legislative, a control and a communication function. First, parliaments *elect* the government or the head of government. Second, their *legislative function* consists of the right to initiate a bill, to participate in the legislation

---

<sup>2</sup> For example, whereas one of the several parliamentary functions is to control the decisions of the executive, the judiciary has the power to examine the constitutionality of legal acts decided by the parliament.

<sup>3</sup> Whereas the qualification of a political system as democratic necessarily requires a division of sovereignty between executive and legislative power, a distinct judicial power may also exist in non-democratic systems.

<sup>4</sup> The following is based on Sprungk 2002.

process and to formally decide on each law. Third, parliaments have to *control* the politics of the government, which requires precise information, the capacity to deal with and to evaluate it and the competence to react on this information by articulation, cooperation or sanction (Schüttemeyer 1978: 270). Fourth, parliaments have to guarantee a permanent *communicative* exchange between parliament and citizens as a necessary condition for providing legitimacy to parliamentary activities (Ismayr 2001: 41; Patzelt 1995).

Domestic parliaments as national institutions have no formal competences to exert an **elective function** for political actors involved in EU policy-making processes. Concerning the **legislative function**, the transfer of domestic competencies to the European level affects its exertion in two ways. First, the participation in the EU legislation process is restricted on a legal basis. There is no legally binding provision on the European level providing for an involvement of domestic legislatures at the beginning or during the EU legislation process.<sup>5</sup> Domestic legislatures are formally involved only at the last stage of the European legislation process, in which they are supposed to ratify treaty changes or to implement European law (for details, see Raunio 1999: 189). But even these participation rights *ex post* may not be exerted in the traditional sense, since national parliaments do either not have the power to amend an EU legal act (primary law) or to reject it (secondary law). Thus, regarding formal competencies, national parliaments are not able to have an impact on the content of European legislation in the same way as on domestic legal acts.

Second, the exertion of a legislative function in EU politics by national parliaments faces structural restrictions. In contrast to domestic policy processes, European legislation processes include multiple actors on different levels of governance. National parliaments may actively contribute to this process only via one of those actors, namely the respective minister in the Council. But on the one hand, members of government are not obliged<sup>6</sup> to consider the parliament's position during Council meetings.<sup>7</sup> On the other hand, even if a Council member

---

<sup>5</sup> Their participation is only mentioned in the "Protocol on the role of national parliaments in the European Union" attached to the Amsterdam Treaty.

<sup>6</sup> Except of Denmark, where the ministers get legally binding mandates of the "marketing"-committee of the Danish parliament.

<sup>7</sup> However, its point of view might have an impact if ministers argue that they are politically bound by the decision of their parliament (Putnam 1988). But, as "executives who can tie their hands can just easily untie them" (Phare 1997: 147), the parliament's contribution to the European legislation process fully depends on the cooperation of the government.

takes the national parliament's position into account, it might not be considered in the legislation in case of majority voting or "package dealing".<sup>8</sup>

There are similar restrictions on the exertion of a **control function**. First of all, it is more difficult for national parliaments to *acquire* information about European issues, since government is favoured in the information process at the expense of the parliament. Moreover, since EU politics often concern several policy sectors (Fuchs 2001), its control requires intensive cooperation and sharing of responsibilities of domestic experts. Second, the *handling* with numerous documents which concern several policy sectors at the same time (Weber-Panariello 1995: 267) challenges the institutional organization. In addition, parliamentarians need specific "European" expertise about structures, procedures, timetables etc. (Rometsch 1996: 78). Furthermore, as EU documents correspond to a different political agenda, the deputies face temporal restrictions for their evaluation. Third, national parliamentarians are also less able to *react* on the information they get about European issues. In fact, they can neither demand *ex ante* that their position to a legislative document is considered nor sanction the government *ex post* for not having considered it. In sum, parliaments can only react on European information by articulating their position (Schüttemeyer 1978).

Equally, the exertion of a **communication function** in European issues demands increased efforts of national parliaments. The area of "European" communication exceeds the traditional policy-specific discourses, since it may also include institutional and integration-specific questions. Moreover, in European affairs, parliamentarians can only articulate citizens' demands, but they cannot guarantee that these demands will have an impact on the legislation process. Consequently, if the characteristics of EU politics do not put restrictions on the simple exertion of the traditional communication function by national parliaments, they might impede its effective use.

In sum, the transfer of competencies to the European level leads to the restriction (control and communication function) or even the partial loss (elective and legislative function) of traditional parliamentary functions providing for input legitimacy. Even for the effective

---

<sup>8</sup> In addition, institutionalist approaches (Sandholtz, Wayne, and John Zysman. 1989; Pierson 1996.) stress that EU policy processes have their own dynamics and can no longer be under the full control of executives.



exertion of the remaining functions, increased efforts and additional activities are necessary compared with domestic politics.

Thus, by restricting the autonomy of the parliament and favouring executive dominance, Europeanization undermines one important aspect of the horizontal division of power, namely the equal standing of each branch government in the decision-making process. Moreover, while providing new opportunities to counteract parliamentary disempowerment, Europe affects yet another aspect of the division of power.

*New opportunities: Towards an ever closer fusion*

As a reaction to the partial loss and substantial restriction of parliamentary functions, several mechanisms of compensation have been introduced in the 1990s. First, regular meetings of COSAC (*Conférence des organes spécialisés dans les affaires communautaires*) have been institutionalised in order to establish mutual contacts between national parliaments and to improve information exchange. Second, most domestic legislatures have acquired specific rights for information about the EU legislation process by the government and for scrutinizing European politics. Third, all national parliaments have finally created specific European Affairs Committees (EAC)<sup>9</sup> for dealing with documents and other information about the EU legislation processes.

In sum, all the mechanisms aim at enabling national parliaments to influence EU legislation *ex ante* via better access to information or improving the capacity to deal with and react on these information. They thus focus on strengthening the parliamentary function of controlling the executive branch of government.<sup>10</sup>

However, the possibility to acquire information about EU politics through exchange with EU institutions or other national parliaments does not necessarily improve the capacity of parliaments to have an impact on EU politics, since these institutions have no decision-making powers in EU legislation and might thus lack important information. For having the complete, early and precise information necessary for an effective parliamentary control, national parliaments still depend on the transmission by their respective governments as members of the Council. Therefore domestic scrutiny rights generally oblige the government to provide early and precise information about EU legislation and to take the parliament's

---

<sup>9</sup> These institutions are not always referred to as "committees". We use the term for reasons of simplicity.

<sup>10</sup> However, better and more information also improve the parliament's capacity to communicate EU affairs.

position into account (Maurer and Wessels 2001). Thus, paradoxically, (re-)enhancing the autonomy of the parliament vis-à-vis the government requires cooperation between the two branches of government.

Moreover, the new opportunities for national parliaments do also not compensate for the substantial loss of competencies, since they do not imply effective sanction mechanisms. The new powers mainly guarantee that parliaments are better informed about EU issues and can articulate their position before a legal act is decided, but represent no effective means to impose the consideration of their position. Again, this results in a stronger cooperation between executive and legislative power. On the one hand, the parliament depends on the government for having a maximal impact of national parliaments on European legislation, which can still only be achieved through the articulation of the parliament's position and its immediate transmission to the respective Council members (Laprat 1995: 8; Maurer 2001: 20). On the other hand, the government is now asked to actually transmit information to the parliament and to take its position into account during Council meetings.<sup>11</sup>

Finally, the efforts to counteract the disempowerment of domestic legislatures may intensify the relationship between legislative and executive power in yet another way. All EU Member States are parliamentary democracies which already imply the mutual dependence and strong cooperation between the two powers, i.e. the government and the parliamentary majority, whereas division of power is usually stricter in presidential systems (see Lijphart 1999). Therefore, parliamentarians belonging to the party in government or to the coalition parties might be less inclined to invoke formal powers vis-à-vis the government, even though they faced a severe loss of competencies. But since the government has the relevant information about decision-making processes, it is likely that the parliamentary majority uses its already existing informal contacts in order to have a "say" in EU policy-making - thereby intensifying the mutual exchange between the two powers.

Moreover, the likelihood that the new opportunities lead to a closer fusion between government and parliament instead of re-enhancing the autonomy of the legislature is not only determined by the willingness, but also by the level of capacity of parliamentarians (Sprungk 2003). If parliaments lack the organizational resources to effectively acquire, deal with and

---

<sup>11</sup> This refers to all national governments of the EU Member States, since it is stated in the "Protocol on the role of national parliaments in the European Union" attached to the Amsterdam Treaty.

react on information about EU issues, the most effective way of having an impact on EU legislation is to draw on informal contacts with the government.

Thus, instead of rebalancing the division of power by enhancing the autonomy of the parliament vis-à-vis the executive, the effective use new opportunities tends to favour an “ever closer fusion” between the two branches of government, thereby undermining yet another core feature of the horizontal division of power – the clear distinction and separation of the different branches of government.

## **2.2. Undermining the Vertical Division of Power Federalism and the Challenge of Europeanization**

Generally, federalism refers to a spatial or territorial division of power between two (or more) levels of government in a given political system. Both levels have to hold some autonomous decision-making powers which they can exercise independently of each other. Finally, the federal units (regions)<sup>12</sup> are represented in central decision-making processes, usually through the second chamber of the central state legislature. In a nutshell, federalism provides for a “guaranteed division of power between central and regional governments” (Lijphart 1999: 186).

The EU provides the regions with both new constraints and opportunities.<sup>13</sup> On the one hand, Europeanization creates an unequal distribution of “say” and “pay” that favours the central state over the regions. On the “say” side, the regions lose powers when national and regional competencies are transferred to the European Union where central-state executives and European actors dominate decision-making. On the “pay” side, the regions are often the main implementers of EU decisions and have to bear the implementation costs (*pay without say*).

On the other hand, European institutions, such as the Commission, the European Parliament, and the Committee of the Regions, act as additional access points to the policy process which the regions can exploit independently of, and even against the interests of, their central governments. Yet, not all regions have been able to explore these additional opportunities nor does direct access to the EU policy process provide a compensation for regional power losses.

---

<sup>12</sup> In EU Member States the (semi-)federal units are called Länder (Austria, Germany), Autonomous Communities (Spain), and regions (Belgium, Italy). For the sake of simplicity, we use the term “regions”.

<sup>13</sup> The following draws on (Börzel 2002).

As a result, the uneven distribution of say and pay changes the distribution of power in favour of the central state.

### *The Uneven Distribution of Say and Pay*

Because they enjoy a relatively high degree of legal, administrative, and fiscal autonomy, the German, Austrian, Belgian, and Spanish<sup>14</sup> regions have more powers to lose when domestic policy competencies are transferred to the European Union than do regional and local authorities with purely administrative functions. At the same time, the institutionally better entrenched regions have the resources to establish and exploit direct relations with European institutions. Subnational authorities in unitary and weakly decentralized states not only often lack the organizational capacity (e.g., manpower, financial means, and expertise) to access the European policymaking arena directly, but their constitutions also do not usually permit them to conduct external relations, including official relations with European institutions. The regions of the four federal member-states have established direct channels of access to the European policy arena. However, (informal) consultations with the Commission and the European Parliament, or with the collective representation in the Committee of the Regions together with 200 other subnational authorities, has hardly compensated for the loss of their formal, domestic decision powers.

The regions have not only lost power in absolute terms; Europeanization has also changed the relative balance of power between them and the central state. Both the central state and the regions lose policy-making power (“say”) when their competencies are transferred to the EU. Yet, unlike the central state, whose government is compensated for the loss of its competencies by decision-making powers in the Council of Ministers, the regions have no formal influence on the exercise of their former competencies at the European level. Moreover, by Europeanizing regional competencies, the central state gains access to areas of regional responsibility which were removed from its reach by the national Constitution. While the central state may be weakened vis-à-vis the EU, Europeanization strengthens its domestic position vis-à-vis the regions.

---

<sup>14</sup> Strictly speaking, Spain does not fully qualify as a federal state as Article 2 of the Spanish Constitution declares the sovereignty of the Spanish state indivisible. Yet, as territorial public corporations which have their own legislature, executive, and judiciary, the autonomous communities carry state qualities. Moreover, their right of existence is not merely derived from the Spanish Constitution but grounded in the *estatuto de autonomía* of each Autonomous Community, which do not have the status of a constitution but are not mere state laws either.

At the same time, the regions are the main implementers of EU policies. They often have to bear the lion share of the implementation costs (“pay”) of policies in whose decision-making they do formally participate (“pay without say”).

At first sight, the uneven distribution of say and pay tends to strengthen the power of the central state even vis-à-vis the powerful regions of federal Member States. Yet, at the same time, the central state depends on them for the effective implementation of EU policies. The central governments have only limited means for directly intervening in the way in which their regions apply and enforce European law. In order to ensure uniform implementation across the country, central governments have, therefore, centralized the transposition of European policies into national law and have prescribed detailed national regulations limiting the regions’ discretionary powers in implementation and reinforcing the centralization of their competencies.

The centralization of legal implementation has had little effect, however. Even detailed national legislation has only limited influence on the way in which the regions implement European policies. As the main implementers, they have to provide, or build up, the administrative infrastructure to apply, monitor, and enforce European law. High costs, both material and political (i.e., opposition by powerful societal interests), are often a major source of implementation problems. Although the central government is liable to the EU for implementation failures, it cannot command the amount of resources (i.e., manpower, expertise, technology, and money) which the regions dedicate to the implementation of European regulations. In view of rising implementation problems, the central state has been increasingly seeking the cooperation of the regions in the formal and practical implementation of European policies.

#### *Compensation through Participation*

While the central state relies on the regions’ resources for effectively implementing EU policies, the regions increasingly realized that they depend on the central state for the effective representation of their interests in EU decision-making. Direct contacts with the Commission and the European Parliament where regions have to compete with hundreds of pressure groups for access have proved have proved ineffective to compensate for the regional losses of power. As a result, the Belgian, German, Austrian, and Spanish regions have increasingly sought the cooperation with their central governments to inject their interests into the European policymaking process. As members of the national delegation, regional

representatives participate in European committees and sometimes (with the exception of Spain) even in the Council of Ministers. Domestically, they cooperate with the central government in formulating the national bargaining position on European issues.

Instead of strengthening one level of government over the other, then, Europeanization increases the mutual dependence of the central state and its regions in the four federal states in European policymaking. In all four federal member states, central state and regions have established institutions to facilitate intergovernmental cooperation in EU policy-making. Even in Spain and Belgium, where the relationship between central state and regions are traditionally ridden by conflict and tension, the Autonomous Communities and the Belgian regions participate in the formulation and implementation of EU policies (Börzel 2000; cf. Börzel 2002).

Regional co-decision rights in formulating and representing the national bargaining position provide an effective compensation of regional losses of competencies caused by Europeanization. The cooperation of the central state and regional governments should also improve effective implementation of European policies. But by providing an institutional solution to one challenge of Europeanization (the uneven distribution of say and pay), compensation through participation appears to reinforce another – executive dominance. The compensatory co-decision powers are exercised by the regional governments, which, at best, inform and consult their parliaments on important European issues. Unlike in domestic policy-making, the regional parliaments do not have any formal powers in the formulation and decision-making of European policies. The disempowerment of regional parliaments reinforces the general trend of deparlamentarization at the national level discussed in the previous section. In other words, containing the undermining effects of Europeanization on the vertical division of power, has substantially reinforced the erosion of the horizontal division of power between executive and legislature.

The next section will illustrate our general argument using Germany as a critical case. The empirical study shows that Europeanization has seriously affected the functioning of the democratic polity by strengthening the executive at both the national and the regional level.

### 3. Undermining Democratic Governance in the Member States? Germany as a Critical Case.

#### 3.1. Europeanization and the Horizontal Division of Power: Towards an Ever Closer Fusion

*New constraints: restricting the autonomy of the Bundestag*

Compared to other European parliaments, the *Bundestag* is a relatively powerful legislature. It is the only directly elected institution at the federal level and has a high level of autonomy vis-à-vis the other branches of government thanks to its important organizational, financial and human resources. Since it is fully involved in all stages of the legislation process and has to decide on each legal act, it is one of the most active legislatures in the world (Pilz and Ortwein 1997: 178). Moreover, deputies of the *Bundestag* – and especially the parliamentary opposition – dispose of numerous rights to control and sanction the politics of the government (for details, see Ismayr 2000). Yet, despite of its strong position in the institutional structure, the process of Europeanization has significantly weakened the autonomy of the *Bundestag*.

First, the transfer of domestic competencies to the European level deprives the *Bundestag* from its significant impact *ex ante* on the contents of all legal acts which are supposed to be in force at the national level. Compared to domestically “weak” parliaments, which contribute less actively to the legislation process due to the government’s frequent regulatory activity, the loss of a formal decision right in formerly domestic policy areas is more important for the powerful *Bundestag*. Moreover, the high level of autonomy of the *Bundestag* in domestic affairs is characterized by the fact that the federal government depends on the parliament’s agreement in the legislation process and thus has to consult it at every stage of the legislation process and justify for eventual position changes. Europeanization restricts this autonomy by giving more independent decision-making powers to the federal government.

Second, the difficulties in controlling EU policy-making discussed in the previous section are particularly important in the case of the German parliament. In domestic affairs, the parliamentary organization reflects exactly the functional division between ministerial departments of the federal government. Each parliamentary committee has its counterpart at the level of the executive and vice versa. Thus, the control of some 2.000 EU documents per year in average (Hölscheidt 2000)<sup>15</sup> which concern several policy sectors at the same time

---

<sup>15</sup> Adding the respective annexes and corrigenda, the *Bundestag* receives about 25.000-30.000 documents annually.

challenges the institutional structure of the *Bundestag*. The multi-sectoral character of European politics requires not only systematic coordination between several parliamentary committees. It also challenges the cooperation between *Bundestag* and the Federal government, since there is no Federal Ministry with exclusive responsibility for European Affairs. Moreover, the *Bundestag receives* information about European issues at a relatively late stage of the legislation process. The average duration for transfer of EU documents is about 40 days (Hölscheidt 2000: 27; Maurer 2001: 21). In sum, the analysis shows that even the *Bundestag* as a domestically powerful parliament is restricted in its autonomy as a result of Europeanization.

*New opportunities: Towards an ever closer fusion between Bundsetag and Federal government*

As a result to its loss of competencies, the *Bundestag* has acquired constitutionally guaranteed participatory rights in the context of the ratification of the Maastricht Treaty. The most important legal provision is Art. 23 of the Basic Law (GG), which obliges the Federal government to 1) provide “comprehensive” and “earliest possible” information about the European legislation process, 2) to enable the *Bundestag* to vote on a resolution before a decision is taken in the Council and 3) to take the parliament’s position into account. Moreover, Art. 45 GG provides the institutionalisation of a “Committee for the Affairs of the European Union” (EUA) which might be authorized to represent the *Bundestag* as a whole in order to react quickly on EU documents. Compared to other European parliaments, the *Bundestag* has thus relatively good opportunities to re-enhance its autonomy vis-à-vis the Federal government. However, it rarely invokes its new rights (Sprungk 2002).

Concerning the acquirement of information about EU issues, the *Bundestag*, i.e. the EUA is very active.<sup>16</sup> The EUA frequently holds EU expert hearings, and delegation of the committee travel regularly to EU institutions. In addition, members of the EUA frequently consult the ministers participating in the council meetings. However, according to a member of the committee, they do not insist on an earlier transmission of relevant EU documents. Moreover, parliamentarians do not frequently use their interpellation rights or initiate public debates

---

<sup>16</sup> For example, during the years 1999-2001, the EUA held 15-20 expert hearings, including EP members, Commissioners, scholars and members of foreign governments, on 26-28 meetings per year. In the same time period, delegations regularly travelled to European institutions or other European parliaments (EUA 1999; 2000; 2001).



about EU issues.<sup>17</sup> In general, most public debates on EU issues take place after a government's information about European Council meetings. The *Bundestag* not only obviously prefers to get European information by questioning experts rather than by putting additional pressure on the government. The rare use of interpellation rights also demonstrates that even the parliamentary opposition does not intensively use its opportunities to counteract the government.

Even at the stage of dealing with EU documents within parliamentary committees, the *Bundestag* tends to rely on its contacts with the Federal government than using its own resources. While the EUA has the best organizational and human resources of the parliamentary committees and is the committee with the most frequent meetings in the *Bundestag* (and even in the EU, see Maurer 2001: 22), most documents are only taken notice of in committee meetings.<sup>18</sup> The lack of intensive deliberation despite frequent meetings can be explained by the numerous hearings and the regular questioning of government members., who participate more often in EUA meetings than in other committee meetings. Indeed, the EUA has never used its right to hold special meetings for dealing with EU documents, but only for hearing the government on current EU topics (Hölscheidt 2000: 19).

Finally, the parliamentary reaction on information about EU issues is also affected by a cooperation of *Bundestag* and Federal Government rather than by confrontation. First, parliamentarians usually inform the government about their position in an *informal* way during plenary or committee meetings (Hölscheidt 2000). But even when a parliamentary resolution is officially declared, it rarely contradicts the position of the Federal Government (Fuchs 2001; Hölscheidt 2000). Second, If a resolution on an EU document is decided to be object of a public debate, this debate often takes place in connection with other, even national, bills (*verbundene Debatte*), which does not favour the consideration of the parliamentary's position on the European level. On the one hand, the position of the *Bundestag* on one specific EU document is difficult to seize for the government. On the other hand, a resolution might not be voted on before a Council's decision because the plenary is waiting for other bills until it holds a public debate (Weber-Panariello 1995: 254). Third, the EUA has only rarely made use of its special powers to officially demonstrate the parliament's autonomous

---

<sup>17</sup> Between 1993 and 1999, only 2,5 % of the so-called *Kleine Anfragen* and only 6,7% of the *Große Anfragen* concerned EU matters. During the 14<sup>th</sup> electoral term (1998-2002), only 3 out of 128 *Aktuelle Stunden* were used to get information about current EU issues.

<sup>18</sup> Only about 5% of the transferred documents enter the stage of deliberation (Hölscheidt 2000: 28).

activity by voting on a resolution at the place of the plenary. In sum, the *Bundestag* does not explicitly insist on a consideration of its own position by the government. Even in the follow up of resolutions, the *Bundestag* does not claim for a regular report by the ministers in times of heavy working load.

Thus, for having an impact in EU policy-making, the *Bundestag* relies on and intensifies its contacts with the Federal Government instead of actively using its relatively powerful opportunities vis-à-vis the executive branch of government for regaining autonomy.

### **3.2. Europeanization and the Vertical Division of Power: Reinforcing Executive Federalism<sup>19</sup>**

#### *The Uneven Distribution of Say and Pay*

The vertical distribution of power in Germany was most affected by the transfer of regional policy competencies to the European level. This process caused substantial change in the federal balance of power in favor of the central state.

First, when exclusive *Länder* competencies are transferred to the EU, the *Länder* are deprived of any formal influence on the exercise of these competencies at the European level. The central state, on the contrary, whose executive represents Germany in the Council of Ministers, is directly involved in the policy formulation and decision-making. As a result, the central state gains access to regional competencies at the European level which the German Constitution placed beyond its reach at the domestic level.

Second, when federal or shared competencies are transferred to the European level, the formal input of the *Länder* is reduced from a co-determination right in formulation and decision-making to the participation in the implementation of European policies. The central state, however, which also loses decision-making power, still has a major influence on policy formulation and decision-making in the Council of Ministers.

There is hardly any policy area in which the exclusive or shared competencies of the *Länder* have not been affected by Europeanization. 50% of all issues which are dealt with in the *Bundesrat*, the regional chamber of the national parliament, are related to European issues.

---

<sup>19</sup> On the following see (Börzel 1997; 2002).

The shift of competencies is most significant in culture, educational and vocational training, media (exclusive competencies), and research and technology, transport, environment, regional and structural policy (shared competencies).

But the *Länder* do not only lose power on the 'say' side (legislative competencies). As the *Länder* have the responsibility for implementing the vast part of European policies they have to bear the lion share of implementation costs of European policies without participating in the formulation and decision-making at the European level. Moreover, unlike in domestic policy-making, the *Länder* have little discretion in implementing European policies. Contrary to the principles of German legislation, European Regulations and Directives do not allow the *Länder* to implement legislation as they see fit.

The uneven distribution of 'say and pay' applies in favor of the central state and seriously disturbs the vertical distribution of power between central state and regions. Since European rules and procedures concentrate decision-making powers in the hands of the national governments, the transfer of domestic policy competencies to the EU results in a centralization of regional competencies not only at the European but also at the central state level.

#### *Compensation through Participation*

From the very beginning of European integration, the German *Länder* have been aware that Europeanization would cause them significant losses of power. In trying to redress the territorial balance of power, the *Länder* consequently pursued a strategy which aimed at the compensation of their losses of formal decision-making powers through a participation in European decision-making mediated through the central state. This 'intrastate' participation of the *Länder* in European decision-making is based on the cooperation of the *Länder* with the central state in the formulation and representation of the German bargaining position at the European level.

The *Länder* started asking for co-determination powers of the *Bundesrat* in European affairs already in 1951. The Federal government discarded these demands as an unconstitutional intervention into its foreign policy prerogative. Yet, the *Länder* were not completely left without any influence on European policy-making. In 1957, the Federal government granted the *Länder* some first possibilities of participating in European policy-making, which they

successfully managed to expand over the following years. These intrastate state channels of access to European institutions have been based on:

- 1) the information of the *Bundesrat* of projects, initiatives, and proposals of the European Commission;
- 2) the access to informal and formal European documents
- 3) the right of the *Bundesrat* to make recommendations the Federal government has to give due consideration
- 4) the participation of the *Länder* Observer and other *Länder* representatives in European decision-making bodies (Council, COREPER, committees) as members of the German delegation;
- 5) the ratification of European Treaty revisions by the *Bundesrat* (veto power).

In a continuous process of multilateral bargaining with the central state, the *Länder* subsequently succeeded in enhancing their intrastate participation European decision-making. But these intrastate channels of influence proved to be insufficient to compensate the *Länder* for their losses of domestic decision-making powers. Information and consultation in European decision-making is not a substitute for self-determination and co-determination rights in domestic decision-making.

In 1987, however, the *Länder* achieved substantial co-determination powers in European affairs by threatening to veto the ratification of the Single European Act (SEA) in the *Bundesrat*. A new intrastate procedure was introduced by the law ratifying the SEA. The so called '*Bundesratsverfahren*' reinforced the obligation of the Federal government to inform the *Bundesrat* comprehensively and as soon as possible of all European issues of interest for the *Länder*. The *Bundesrat* obtained the possibility of making formal recommendations on EC proposals which affected the exclusive jurisdiction or essential interests of the *Länder*, from which the Federal government could only depart for due reasons which had to be justified before the *Bundesrat*. Finally, the Federal government was obliged to call in *Länder* representatives at the negotiation stage when important interests of the *Länder* were involved. These formal co-determination rights in European decision-making provided a first step in effectively compensating the *Länder* for their losses of domestic power.

With the Maastricht Treaty, the *Länder* then definitively succeeded in redressing the territorial balance of power between them and the Federal government in European policy-making. Threatening again to veto ratification, the *Länder* finally got what they had always wanted: comprehensive, legally binding co-determination powers in EU policy-making. For the first time, the transfer of both national and regional competencies to the EU requires the consent of the *Länder* (*Bundesrat*). A two third majority of *Bundestag* and *Bundesrat* has to ratify any changes in the EU Treaty, or similar regulations. When *Länder* interest are affected by a EU decision, the Federal government has to take into account the opinion of the *Bundesrat*, which is, however, ultimately not binding. But when former administrative or legislative *Länder* competencies are involved, the *Bundesrat* has the final decision on the German bargaining position in the Council of Ministers. And whenever exclusive legislative competencies of the *Länder* are concerned, a *Länder* minister represents Germany in the Council negotiations.

The increasing intrastate participation of the *Länder* in European policy-making redressed the vertical balance of power which had been disturbed by Europeanization causing a double shift of competencies in favor of the central state. On the 'say' side, the *Länder* losses of autonomous and shared competencies are compensated by co-determination rights in European policy-making. On the 'pay side', the *Länder* are involved in the formulation and decision-making of essentially every European policy which they have to later implement.

Compensation-through-intrastate-participation resulted in an externalization of cooperative federalism to European policy-making by which the German central state has been neither strengthened nor weakened nor transformed. Rather, Europeanization has led to incremental adjustments of the system of interlocking politics, extending it to the European level, which has ultimately reinforced rather than fundamentally changed cooperative federalism.

Externalizing cooperative federalism to EU policy-making may contain the undermining effects of Europeanization on the vertical distribution of power. But it comes with a price attached: executive dominance. The Europeanization of legislative *Länder* competencies, which used to be exercised by the *Länder* parliaments, was compensated by co-decision rights for their executives exercised through the *Bundesrat*. Even compared to the *Bundestag*, the *Landtage* have hardly any role to play in European policy-making. Beside some general information rights, the *Länder* parliaments are left with an *ex-post* control of the European activities of their governments (Straub and Hrbek 1997).

#### 4. Deparliamentarization as the Price of Preventing Centralization?

Our findings confirm that the emergence of supranational governance has altered the systemic functioning of democracy in the Member States (Anderson 2002). Europeanization has affected the horizontal division of power in the Member States in two ways.

First, as domestic policy areas become increasingly subject to European policy-making, the executive branch of government is strengthened, while national parliaments face a severe loss of competencies. Domestic legislatures not only lose formal participation rights. Even in areas where parliamentary participation is required, the non-transparent character and the specific functioning of EU decision-making procedures (package dealing, QMV) as well as the complex multi-level structure of the EU impede its effective influence. In sum, the transfer of competencies to the European level leads to the restriction or even partial loss of traditional parliamentary functions providing for input legitimacy.

Second, Europeanization reinforces the fusion of legislative and executive powers as it is already implied in parliamentary democracies. Some national parliaments have acquired important *ex ante* scrutiny rights as compensation for the substantial loss of competencies. However, the effective use of these rights depends on an intensive cooperation with the central government as the “gate-keeper” at the European level, which has to provide the parliament with necessary information about EU policy-making processes.

The disempowerment of parliaments at the national level is reinforced through the impact of European integration on the vertical division of power. Like the national legislatures, Europeanization has inflicted significant losses of power on the regional level of government in the Member States. Some of the regions have been able to compensate their losses through obtaining co-decision rights in EU policy-making. This compensation through participation implies a shift towards cooperative federalism, in which central state and regional executives closely cooperate in the formulation and representation of the national bargaining position. The regional parliaments remain on the side-lines. The tendencies of executive dominance and fusion are even more pronounced at the regional level.

Our findings seem to contradict some of the Europeanization literature. A recent study claims that core features of the democratic polities of the Member States have proved “quite resilient”

(Anderson 2002: 795). Employing a comparative framework based on Arend Lijphart's analysis of democratic regimes, Anderson discovers only a modest increase in majoritarian characteristics on the executive-legislature dimension, which would still support an albeit weak strengthening of the executive. But these changes are less attributed to Europeanization but to the decline of ideology (Anderson 2002: 816). And the equally modest increase on the federal-unitary dimension point into the opposite direction, namely a strengthening of the regional level of government. The trend is due to decentralization processes found in Belgium, Italy, and the UK (Kerremans and Beyers 1997; Keating and Elcock 1998; Desideri and Santantonio 1997). Yet, these processes also have less to do with Europeanization pressures but appear to be driven by domestic politics (Keating and Elcock 1998); for a contending view see Schmidt 1999). Moreover, even or precisely if Europeanization is a main cause of decentralization, it is the regional executives rather than the parliaments that will be strengthened.

Finally the undermining effect of Europeanization on democratic governance challenge the general perception in the academic literature and the public alike that Europe has a positive impact on democratization. The EU entails a strong commitment to the preservation of democratic values in Europe and its collective identity is firmly based on democratic institutions and practices (see preamble of European Treaties; Copenhagen criteria for membership). We do not wish to deny that EU membership has played a supportive role in the transition to democracy of several European countries, including the Federal Republic of Germany, Greece, Spain, Portugal, and more recently, the former communist states in Central and Eastern Europe. But there appears to be a 'dark side' of Europeanization that has not been sufficiently paid attention to.

Moreover, if we look at the European level, one aspect of the perceived "democratic deficit" of the EU consists of the same lack of division of power. Whereas the fusion of the legislative and the executive branch of government is already implied in the Council's activities, the autonomy of the European Parliament is relatively weak within the institutional structure. However, by suggesting to introduce aspects of presidential systems in the EU (like the position of the president of the European Council and the Union Minister for Foreign Affairs) the constitutional draft provides solutions for a clearer distinction between and balance of powers. Thus, further research has to analyze if the future institutional structure of the EU will have a more positive effect on democratic governance in the Member States.

## **Bibliography**

- Anderson, Jeffrey** (2002): Europeanization and the Transformation of the Democratic Polity. *Journal of Common Market Studies* 40 (5): 793-822.
- Ausschuß für die Angelegenheiten der Europäischen Union** (1998) (ed.): *Der Ausschuss für die Angelegenheiten der Europäischen Union*, Bonn.
- Ausschuß für die Angelegenheiten der Europäischen Union** (1999): *Bilanz des Ausschusses des Deutschen Bundestages für die Angelegenheiten der Europäischen Union 1999*, <http://www.bundestag.de/gremien/a22/index.html>, accessed on April 4, 2003.
- Ausschuß für die Angelegenheiten der Europäischen Union** (2000): *Bilanz 2000 des Ausschusses für die Angelegenheiten der Europäischen Union des Deutschen Bundestages*, <http://www.bundestag.de/gremien/a22/index.html>, accessed on April 4, 2003.
- Ausschuß für die Angelegenheiten der Europäischen Union** (2001): *Bilanz 2001 des Ausschusses für die Angelegenheiten der Europäischen Union des Deutschen Bundestages*, <http://www.bundestag.de/gremien/a22/index.html>, accessed on April 4, 2003.
- Bergman, Torbjörn** (1997): National parliaments and EU Affairs Committees: notes in empirical variation and competing explanations, in: *Journal of European Public Policy* 4(3), p. 373-387.
- Börzel, Tanja A.** (1997): Does European Integration Really Strengthen the State? The Case of the Federal Republic of Germany. *Regional and Federal Studies* 7 (3): 87-113.
- Börzel, Tanja A.** (2000): From Competitive Regionalism to Cooperative Federalism. The Europeanization of the Spanish State of the Autonomies. *Publius, the Journal of Federalism* 30 (2): 17-42.
- Börzel, Tanja A.** (2002): *States and Regions in the European Union. Institutional Adaptation in Germany and Spain*. Cambridge.
- Börzel, Tanja A., and Thomas Risse.** (2003): Conceptualising the Domestic Impact of Europe. In *The Politics of Europeanisation*, edited by K. Featherstone and C. Radaelli. Oxford, 55-78.
- Cowles, Maria Green, James A. Caporaso, and Thomas Risse, eds.** (2001): *Transforming Europe. Europeanization and Domestic Change*. Ithaca, New York.
- Desideri, Carlo, and Vincenzo Santantonio.** (1997): Building a Third Level in Europe: Prospects and Difficulties in Italy. In *The Regional Dimension of the European Union. Towards a Third Level in Europe?*, edited by C. Jeffery. London, 96-116.
- Dimitrakopoulos, Dionyssi G.** (2001): Incrementalism and Path Dependence : European Integration and Institutional Change in National Parliaments, in : *Journal of Common Market Studies* 39(3), p. 405-422.
- European Parliament** (2000): *Comparison of organisational and administrative arrangements in EU national parliaments*, Working Paper, Budgetary Affairs Series BUDG 110, Luxemburg.



- Featherstone, Kevin, and Claudio Radaelli**, (eds.) (2003): *The Politics of Europeanisation*. Oxford.
- Fuchs, Michael** (2001): *Der Ausschuss für die Angelegenheiten der Europäischen Union des Deutschen Bundestags- kein Ausschuss wie jeder andere!*, <http://www.bundestag.de/gremien/a22/index.html>, accesses on April 4, 2003.
- Grande, Edgar**. (1996): The State and Interest Groups in a Framework of Multi-level Decision-making: The Case of the European Union. *Journal of European Public Policy* 3 (3): 318-338.
- Grande, Edgar**. (2000): Postnational Democracy in Europe. In: *Democracy Beyond the State: The European Dilemma and the Emerging Global Order*, edited by M. T. Greven and L. Pauly. Toronto, 115-138.
- Hamilton, Alexander** (ed) (1964): *The Federalist papers*, New York.
- Hansen, Troels Bo and Bruno Scholl** (2002): *Europeanization and domestic parliamentary adaptation. A comparative analysis of the Bundestag and the House of Commons*, in: *European integration online Papers* 6(15), <http://eiop.or.at/eiop/texte/2002015a.htm>, accessed on October, 7, 2002.
- Hegeland, Hans and Christine Neuhold** (2002): Parliamentary participation in EU affairs in Austria, Finland and Sweden: Newcomers with different approaches, in: *European integration online Papers* 6(10), <http://eiop.or.at/eiop/texte/2002-010a.htm>, accessed on August, 8, 2002.
- Héritier, Adrienne, Christoph Knill, and Susanne Mingers**. (1996): *Ringing the Changes in Europe. Regulatory Competition and the Redefinition of the State: Britain, France, Germany*. Berlin, New York.
- Héritier, Adrienne**. (2001): Differential Europe: National Administrative Responses to Community Policy. In *Transforming Europe. Europeanization and Domestic Change*, edited by M. G. Cowles, J. A. Caporaso and T. Risse. Ithaca, NY, 44-59.
- Hix, Simon, and Klaus H. Goetz**. (2000): Introduction: European Integration and National Political Systems. *West European Politics, Special Issue* 23 (4): 1-26.
- Hölscheidt, Sven** (1996): *Mitwirkung des Deutschen Bundestags in der Europäischen Union zum Wandel der Rolle der nationalen Parlamente im Integrationsverlauf*-, Ausarbeitung Nr.160/96 der Wissenschaftlichen Dienste des Deutschen Bundestages.
- Hölscheidt, Sven** (2000): Die Behandlung von Europaangelegenheiten im Deutschen Bundestag von 1993 bis 1999, *Ausarbeitung Nr. 51/00 der Wissenschaftlichen Dienste des Deutschen Bundestages*.
- Hölscheidt, Sven** (2001): The German Bundestag: From Benevolent 'Weakness' Towards Supportive Scrutiny, in: edited by Maurer, Andreas/ Wessels, Wolfgang: *National parliaments on their ways to Europe: Losers or latecomers?*, Baden-Baden, p. 117-146.
- Ismayr, Wolfgang** (2000): *Der Deutsche Bundestag*, Opladen.

- Judge, David** (1995): The Failure of National Parliaments? in: *West European Politics*, 18(3), p. 79-97.
- Katz, Richard S.** (1999) (ed.): *The European parliament, the national parliaments, and European integration*, Oxford.
- Keating, Michael, and Howard Elcock.** (1998): Devolution and the UK State. *Regional and Federal Studies, Special Issue on the "Remaking of the Union. Devolution and British Politics in the 1990s"* 8 (1): 1-9.
- Kempf, Udo** (1999): Das politische System Frankreichs, in: Ismayr, Wolfgang (eds.): *Die politischen Systeme Westeuropas*, Opladen, p. 289-330.
- Kerremans, Bart, and Jan Beyers.** (1997): The Belgian Sub-National Entities in the European Union: Second or Third Level Players? In *The Regional Dimension of the European Union. Towards a Third Level in Europe?*, edited by C. Jeffery. London, 41-55.
- Knill, Christoph.** (2001): *The Transformation of National Administrations in Europe. Patterns of Change and Persistence*. Cambridge.
- Kohler-Koch, Beate.** (1996): The Strength of Weakness. The Transformation of Governance in the EU. In *The Future of the Nation State. Essays on Cultural Pluralism and Political Integration*, edited by S. Gustavsson and L. Lewin. Stockholm, 169-210.
- Ladrech, Robert** (1994): Europeanization of Domestic Politics and Institutions: The Case of France, in: *Journal of Common Market Studies*, 32(1), p. 69-88.
- Laprat, Gérard** (1995): Parliamentary Scrutiny of Community Legislation: An Evolving Idea, in: Laursen, Finn/ Pappas, Spyros A. (eds.): *The Changing Role of Parliaments in the European Union*, Maastricht, p. 1-20.
- Lijphart, Arend.** 1999. *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*. New Haven and London.
- Lindenberg, Leon N. and Stuart A. Scheingold** (1970): *Europe's Would-Be Polity. Patterns of Change in the European Community*, New York.
- Locke, John** (ed) (1991): *Two treatises of Government*. Cambridge.
- Marks, Gary.** (1993): Structural Policy and Multilevel Governance in the European Community. In *The State of the European Community II: Maastricht Debates and Beyond*, edited by A. Cafruny and G. Rosenthal. Boulder, 391-410.
- Maurer, Andreas** (2001): *Les parlements nationaux après Amsterdam : adaptation, re calibrage et européanisation par processus*, Document destiné à la rencontre du Groupe de travail, XXIVe COSAC du 8 au 9 avril 2001, accessed on April, 3, 2003 on <http://www.cosac.org>.
- Maurer, Andreas** (2002): Nationale Parlamente in der Europäischen Union Herausforderungen für den Konvent, in: *Integration* 25(1), p. 20-34.

- Maurer, Andreas and Wolfgang Wessels** (2001) (eds.): *National parliaments on their ways to Europe: Losers or latecomers?*, Baden-Baden.
- Montesquieu**, Charles Louis: *De l'Esprit des Lois* 1748, edited by Ernst Forsthoff 1992, Tübingen.
- Moravcsik, Andrew**. (1994): Why the European Community Strengthens the State: Domestic Politics and International Cooperation. Working Paper, 52. Cambridge, Mass.: Harvard University.
- Moravcsik, Andrew**. (2002): In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union. *Journal of Common Market Studies* 40 (4): 603-624.
- Norton, Philip** (1996) (ed.): *National parliaments and the European Union*, London.
- Olsen, Johan P.** (2002): The Many Faces of Europeanization. *Journal of Common Market Studies* 40 (5): 921-950.
- Pahre, Robert** (1997): Endogenous domestic institutions in Two-Level Games and Parliamentary Oversight of the European Union, in: *Journal of Conflict Resolution* 41(1), p. 147-174.
- Patzelt, Werner J.** (1995): Vergleichende Parlamentarismusforschung als Schlüssel zum Systemvergleich. Vorschläge zu einer Theorie- und Forschungsdebatte, in: *Zeitschrift für Parlamentsfragen*, Sonderband 1/95, p. 355-385.
- Pierson, Paul** (1996): The Path to European Integration. A Historical Institutional Analysis, in: *Comparative Political Studies* 29(2), p. 123-163.
- Putnam, Robert D.** (1988): Diplomacy and domestic politics: The Logic of Two-Level Games, in: *International Organization*, 42(3), p. 427-460.
- Putnam, Robert**. (1988): Diplomacy and Domestic Politics. The Logic of Two-Level Games. *International Organization* 42 (2): 427-460.
- Radaelli, Claudio** (2000): Whither Europeanization? Concept stretching and substantive change, in: *European integration online Papers* 4(8), <http://eiop.or.at/eiop/texte/2000015a.htm>, accessed January 7, 2002.
- Raunio, Tapio** (1999): Always one Step behind? National Legislatures and the European Union, in: *Government and Opposition* 34(2), p. 180-202.
- Rhodes, R.A.W.** (1997) *Understanding Governance. Policy Networks, Governance, Reflexivity and Accountability*. Buckingham and Philadelphia.
- Rometsch, Dietrich** (1996): The Federal Republic of Germany, in: Rometsch, Dietrich/Wessels, Wolfgang (eds.): *The European Union and member states. Towards institutional fusion?*, Manchester/New York, p. 61-104.

- Saalfeld, Thomas** (1995): The German Houses of Parliament and European Legislation, in: Norton, Philip (ed.): *National parliaments and the European Union*, London, p. 12-34.
- Saalfeld, Thomas** (2002): *Europeanisation of Representation? Electoral Disincentives, Opportunity Costs and Incremental Adaptation*, Vortrag vom 9./10. Mai 2002 zur Konferenz "Germany and Europe: A 'Europeanised Germany'?", British Academy, London.
- Sandholtz, Wayne and John Zysman** (1989): 1992: Recasting the European Bargain, in: *World Politics*, 42, p. 95-128.
- Sandholtz, Wayne**. (1996): Membership Matters: Limits of the Functional Approach to European Institutions. *Journal of Common Market Studies* 34 (3): 403-429.
- Scharpf, Fritz W.** (1999): *Governing Europe. Effective and Legitimate?* Oxford.
- Schmidt, Vivien A.** (1999): "European Federalism" and its Encroachments on National Institutions. *Publius* 29 (1): 19-44.
- Schmidt, Vivien A.** (2003): The Europeanization of Governance in Larger European Democracies. *paper presented at the Biannual Conference of the European Studies Association held in Nashville, Wisconsin, March 26-29, 2003.*
- Schmitter, Philippe C.** (2000): *How To Democratize the European Union. And Why Bother?* Boulder.
- Schüttemeyer, Suzanne S.** (1978): Funktionsverluste des Bundestages durch die europäische Integration?, in: *Zeitschrift für Parlamentsfragen* 9(2), p. 261-278.
- Smith, Eivind** (1996) (ed.): *National parliaments as Cornerstones of European Integration*, London.
- Sprungk, Carina** (2002): *Die Rolle nationaler Parlamente in der Europäischen Union am Beispiel des Deutschen Bundestages und der französischen Assemblée Nationale. Zentrale Rolle vs. „Schattendasein“?* Diploma thesis submitted to the Otto-Suhr Institute for Political Science, Free University Berlin.
- Sprungk, Carina** (2003): *National Parliamentary Scrutiny in the European Union: The German Bundestag and the French Assemblée Nationale –Key Players or Side Shows?* In: *European Union Studies Association (EUSA): Biennial Conference: 2003 (8<sup>th</sup>), March 27-29, 2003, Nashville Tennessee*, available in *Archive of European Integration*, <http://aei.pitt.edu/archive/00000581/>.
- Straub, Peter, and Rudolf Hrbek**, (eds) (1997): *Die europapolitische Rolle der Landes- und Regionalparlamente in der EU*. Baden-Baden.
- Weber-Panariello, Philippe A.** (1995): *Nationale Parlamente in der Europäischen Union. Eine rechtsvergleichende Studie zur Beteiligung nationaler Parlamente an der innerstaatlichen Willensbildung in Angelegenheiten der Europäischen Union im Vereinigten Königreich, Frankreich und der Bundesrepublik Deutschland*, Ph.D. Thesis, Zürich.

**Zürn, Michael.** (2000): Democratic Governance Beyond the Nation-State. In *Democracy Beyond the State: The European Dilemma and the Emerging Global Order*, edited by M. T. Greven and L. Pauly. Toronto 91-114.