National Parliaments after Lisbon: Administrations on the Rise? post-review version of the article published in West European Politics, 38(2), pp. 335-354.

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Abstract

In the wake of the Lisbon Treaty, much of the academic debate on national parliaments in EU politics has focused on the new powers of national parliaments and the potential for the

politicisation and parliamentarisation of EU politics. In the process, the role of administrators in the parliamentary control of EU affairs has been neglected. This article addresses this gap by comparing parliamentary administrations to a set of ideal types on the basis of in-depth interviews and a comparative survey of parliamentary staff. This leads to the observation that the roles of parliamentary administrators have been further expanded after Lisbon to a range of tasks that go beyond technical support and include elements of agenda-setting.

Keywords: National parliaments, European Union, Europeanisation, Administration, Delegation bureaucratisation

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Introduction

The role of administrators in the functioning of national parliaments is routinely overlooked in the European integration literature. This is to some extent natural. Parliaments are seen as political arenas, and commentators thus focus on the political actors and their activities – control of the executive, debates and party politics – often with an emphasis on electoral incentives (cf. Introduction to this volume). This article argues that such a focus obscures the roles of administrators in the functioning of parliaments. This is problematic for two reasons: On the one hand, administrators contribute to the functioning of parliaments through the provision of supporting tasks and are thus part of their capacity for action. Thus, while the European Treaties and national constitutions define the formal powers of parliaments and their margin of manoeuvre, the availability of administrative support affects to what extent committees and plenaries are able to make use of those powers (ibid.). On the other hand, if the activity of administrators goes beyond the merely technical or secretarial, it may lead to the "bureaucratisation" of legislative institutions and diminish the extent to which parliamentary control is in fact *political* in nature (cf. Christiansen et al. 2014).

The Lisbon Treaty has provided national parliaments with a set of opportunities. The protocol on the role of national parliaments guarantees parliaments wide-ranging information rights with regard to Commission consultation documents, instruments of legislative planning and draft legislative acts as well as the agendas and minutes of Council meetings (Articles 1 and 2). In addition, the control and participation rights of national parliaments are improved, especially with the introduction of the Political Dialogue with the Commission in 2006 and under the new "Early Warning system" (EWS) (cf. introduction to this volume). The introduction of the EWS triggered a vibrant debate about the level of influence that parliaments can have in practice, the

coordination problems between national parliaments and the new procedures put in place by parliament in response to the Lisbon provisions (e.g. Kiiver 2012, Cooper 2012, Raunio 2010, Christiansen et.al. 2014). However, a question that was largely eclipsed within the academic debate is the question of the role parliamentary administrators in the use of these procedures.

This article thus raises the question as to the extent to which parliamentary administrations play an active part in the scrutiny of EU politics with a particular emphasis on the question to what extent their tasks are purely "technical" or have the potential to shape the actual outcome of parliamentary scrutiny. While the debate and research on the role of the administrations of national parliaments in European affairs scrutiny is very recent and does not allow for a detailed comparison over time, due to a lack of data or literature on the pre-Lisbon state of affairs, the article will as far as possible try to address the question whether the attempts to politicise and "democratise" European policy-making by way of the Lisbon Treaty were in fact accompanied by a tendency of bureaucratisation as argued by Christiansen et al. (2014). In order to address these questions, we attempt to classify and capture the tasks and roles of the various administrations in order to be able to see the extent to which they are in fact merely technocratic (or not).

For this purpose, the first section will review the existing literature on delegation to bureaucratic actors and the literature on administrative roles. The second section develops a set of ideal-typical roles that allows for an assessment of the degree of administrative involvement by distinguishing between a range of technical and non-technical tasks. Although the definition of administrative roles in the current literature cannot be applied one to one to parliaments - as opposed to governments - it can be instructive when reflecting on the roles that administrators (could) play in national legislatures. The third section then discusses the findings of the first

comparative study of parliamentary administrations in European policy-making in the context of the ideal-typical roles. It argues that parliamentary administrations play an active role in parliamentary scrutiny that goes beyond technical tasks and that can include even agenda-shaping. In conclusion the extent of bureaucratisation of parliamentary scrutiny of EU affairs is discussed and an agenda for further research is presented.

In this quest the study focuses on parliamentary staff itself rather than the experts employed by party groups or individual MPs. Whereas party group staff or personal assistants are meant to interpret policy issues according to a political stance, parliamentary administrators face the challenge of having to remain un-biased. The research was conducted in two stages: it comprises 39 semi-structured interviews with committee clerks and MPs from eleven member states between September 2010 and June 2013 in the framework of a larger project on national parliaments after Lisbon (OPAL): the UK (House of Commons), France, Belgium, Germany (Bundesrat), the Netherlands, Sweden, Austria, Poland, Italy, Slovakia and Romania as well as Parliamentary Representatives in Brussels also from Slovenia, Finland and Ireland. These cases cover a wide range of parliaments characterised by marked differences as regards to geographical location and the size of the respective parliament and the activity of the legislature in EU affairs in general. In addition, the authors have received written replies to a questionnaire from 21 chambers that allow for a broader overview. By way of this data collection 28 chambers in 21 member states are covered.[i]

The Problem of Delegation to Administrators and Their Roles

The literature on delegation to bureaucrats postulates that the complexity of the modern state and the issues at stake in policy-making require politicians to delegate some tasks and decisions due

to a lack of time and expertise. However, the empowerment of bureaucratic actors results in a tension between the desire for political control and the value of bureaucratic expertise (Huber and McCarty 2004). Prime examples are delegation to executive agencies or delegation inside executives, where policies are in practice often drawn up and managed by the bureaucratic layers rather than by politicians.

A similar dilemma befalls politicians in legislatures, who also need to delegate certain decisions due to time constraints (Arnold, 1987: 279). Delegation to staff within parliaments is also necessitated by the fact that these relatively small institutions have a disadvantage when it comes to expertise compared to the much larger ministries that they are supposed to control.

For political actors, the main risk is that "the very skills and expertise that bureaucrats enjoy create the possibility that bureaucrats will usurp the rightful role of politicians in policy-making processes" (Huber and McCarty 2004). An "excessive" amount of bureaucratic influence can ultimately challenge democratic principles, which is why the literature has devoted much attention to questions of political control and oversight. A distinction has been made between measures that can *prevent* transgressions on the part of bureaucrats, such as tight laws authorizing administrative action and rules on administrative behaviour and measures that *correct* transgressions after they have occurred, such as hearings and appeals to courts (Arnold 1987; McCubbins and Schwartz 1984; Huber 2000).

However, such measures, which have been developed in the literature on oversight over *executives*, cannot easily be applied to *legislative staff*. Most of them are simply too formal and cumbersome to work in the context of delegation within an institution. The main form of control and oversight available to politicians in parliaments is trust. Accordingly it is in the power of political actors not to accept advice provided by officials if it becomes apparent that the latter are

politically "biased". Administrators, in turn, will anticipate that their influence depends on the extent to which they are trusted and will try to avoid any blatant bias (De Gregorio 1994: 2; Winzen 2011). Trust is strongest where administrators adhere to a written or unwritten professional code that includes transparency and neutrality as its core principles. However, lack of trust is more likely to have negative consequences on the influence of administrators if bigger – and especially governing – parties mistrust them. Manely's study of politically biased committee staff in Congress illustrates that the opposition can do little to check staff as long as the staff is supported by the majority (1968).

The fact that political oversight in parliaments thus relies predominantly on informal mechanisms highlights two other aspects about delegation: Firstly, in order for a positive relationship between politicians and staff to develop, it is important that staff acts to at least some extent on a *logic of appropriateness* and accepts and internalises principles of neutrality and transparency (Olsen 2006). Secondly, when studying these processes it is particularly important to know whether extensive delegation to administrators - beyond merely "technical" tasks - takes place in the first place. This is where this article comes in; by seeking to establish what types of tasks are delegated to administrators and to what extent the role of administrators goes beyond technical support.

The literature on delegation suggests that delegation is particularly likely to occur on complex issues and on issues of low salience (Manley 1968) – which would imply a high level of delegation to administrators as EU affairs are perceived by parliaments as complex and of low (electoral) salience. In addition, a further incentive lies in the opportunity to become less dependent from information from the government, which can lead even governing parties to be in favour of independent information gathering (Dutch Lower House, VVD MP, 28/03/2012).

Finally, the Lisbon changes and especially the EWS require parliaments to digest an increased amount of information, identify priorities and problems and react within a very narrow time span of only eight weeks. As the EWS is limited to objections on grounds of subsidiarity, the reasoned opinions need to include legal justifications. Thus, if parliaments want to use the new opportunities effectively as means to maximise their influence within EU affairs, delegation to administrators may be necessary (cf. Christiansen et.al. 2014).

However, the literature on national parliaments in Europe provides few insights into the *roles* that administrators might play. Parliamentary administrations in Western Europe have thus-far been the subject of mainly descriptive analysis (Campbell and Laporte, 1981; Ryle, 1981, Harfst and Schnapp 2003, Perez 2007). Baron highlights the emphasis on political neutrality in the French system and mentions both an advisory role and an increasing involvement in the drafting of laws, amendments and reports (2013). Independence and autonomy from governments are essential characteristics of not only of the French but also of the British parliamentary administrative system (Campbell and Laporte, 1981; Ryle, 1981; Perez, 2007). By contrast, in Germany, the civil service of parliament is covered by the same legal framework as the federal bureaucracy, which is to provide for mobility between the legislative and executive bureaucracy (Schramm 1965, in: Blischke 1981). For the administration of the US Congress, Patterson describes the tasks as information-gathering, the planning of hearings and drafting (Patterson, 1970: 26)

Alternative resources in the literature are the typologies that have been developed with regard to bureaucrats in executives and the nascent literature on the European Parliament (EP). Page and Jenkins, for example, develop a typology of policy roles in the context of mid-level bureaucrats in the UK. They distinguish between three roles: A production role, which encompasses the

drafting of policy-related documents, a maintenance role, which relates to the management of policies (i.e. that policies run according to agreed principles) and a service role, which implies that administrators provide advice to politicians (Page and Jenkins, 2005: 60-75). However, while the production and service role are likely to also be relevant in a parliamentary context, the maintenance role seems to be a typical executive role.

The literature on the European Parliament (EP) may also be instructive. Even if it is a trans-national body, it is a legislative body. Officials both in the EP and national parliaments have to grapple with the technicalities and complexities of EU legislation and the decision-making process. According to Provan (2001; cited in Neunreither, 2006: 55) assistance to EP Committees and MEPs can be broken down into technical-administrative assistance, which consists of organisational support, technical-substantive assistance, which involves procedural advice and assistance with drafting, research assistance and, lastly, political assistance, which is defined as political co-ordination within or across political groups and policy definition. Provan recommended that political assistance be left to the staff of political groups and the assistants of MEPs (ibid). This breakdown is detailed, but the description of all tasks that might fall to the parliamentary administration as "technical" might downplay the role of administrators and hide the extent to which decisions are delegated. Winzen questions more openly the extent to which the work of the EP staff is merely technical or also of relevance to public policy, and in the process defines two roles: managing the process and informing the process (Winzen, 2011). This distinction between 'technical' and 'non-technical' is however rather blunt at least at first glance. Egeberg, Gornitzka, Trondal and Johannessen (2013) also examine the activities of EP staff by way of an online survey (N=118) When zooming in on what officials actually do, i.e. what tasks

they (say they) perform, it becomes apparent that providing background information for MEPs ranks at the top, followed by drafting documents (Egeberg et.al 2013).

Finally, Dobbels and Neuhold (2013) have attempted to apply the roles developed by Page and Jenkins to the EP: For the EP the *production role* would imply mainly the drawing up of meeting documents, whereas a *service role* would also involve supplying personal knowledge to MEPs on the substance of the draft reports and procedural guidance. Finally, the authors posit that EP officials could perform a *steering role*. This would imply that EP civil servants are substantially influencing the item at stake beyond the instructions of MEPs (or because of the lack thereof).

The concept of the 'steering role' which would suggest that administrators can exercise influence on policy-making might also be of relevance for national parliaments. However, it would be interesting to take the potential tasks of civil servants in the domain of information processing more explicitly into account, as this is likely to play an important role for national parliaments, who now receive thousands of EU documents every year.

Overall it seems that most of the existing typologies only partially fit the purpose of describing parliamentary staff. Either they are too descriptive or miss distinctions that could be relevant for the role of parliamentary staff in European affairs scrutiny. As a result, we decided to follow a largely inductive approach to develop a refined typology of roles on the basis of our empirical insights on what administrators actually *do* in the practical political process.

How to Study the Roles of Parliamentary Administrations

If we want to capture the differences between parliamentary administrations in a meaningful way, we need to step back from overly-broad and catch-all categories, such as "technical" and

"non-technical". Firstly, all cases might fall into the same category. Secondly, we would not be able to capture nuances in the extent to which tasks of parliamentary administrations really are non-technical. Instead, we need a fine-tuned distinction between different administrative roles especially for the "non-technical" functions, which might be potentially problematic from a delegation perspective.

As much of the Early Warning System and Political Dialogue, but also mandating, increasingly revolves around the provision of large amounts of information by the European institutions directly to national parliaments, information-processing is likely to form a central part of the tasks of parliamentary administrations. However, this could take different forms that have different implications for administrative input. We essentially distinguish between five ideal types of roles related to information-processing (cf. Table 1). This distinction is based on an analysis of the Lisbon provisions and possible implications for administrations and our interview data:

Firstly, under an administrative analyst model, the administration would either simply forward the information from the European level or government to the relevant committees and to MPs without further comment, or provide politicians with very short summaries as regards to content of the respective measure. In both cases, the opportunities for steering the discussion in a certain direction would be absent or limited.

Secondly, an analyst-type administration would offer legal and procedural advice on the options available to parliament. In addition, they could be involved in drafting documents on the basis of debates and in the provision of limited advice, for example in the form of balanced arguments. This would allow the administration some room to influence parliamentary scrutiny, for example by highlighting certain possible courses of action. However, the political actors would still be in

charge of actively selecting priorities and formulating the actual position through deliberation amongst themselves.

Thirdly, the administration could play an advisory role in which its tasks might include the provision of specific content-related advice (for example on whether something constitutes a breach of subsidiarity), which would allow the administration to promote a certain scrutiny outcome. Drafts of opinions and resolutions *prior* to debates would of course also fall into that category of content-related interpretation.

Fourthly, an administration could play the role of agenda-shaper if it were tasked with the pre-selection of documents that are particularly relevant for parliament or specific committees. By recommending certain documents for further consideration, the staff would effectively influence what kind of issues are likely to make it onto the parliamentary agenda.

Finally, a fifth – and slightly distinct – role would be that of coordinator. As the Early Warning System and Political Dialogue are most likely to result in influence if several parliaments push in the same direction, inter-parliamentary coordination becomes increasingly important. Hence, one can expect parliamentary administrations to play a role in the exchange of information between parliaments on who is planning what type of action. The level of influence depends on the precise tasks: Coordination can mean information gathering, but it could also imply a representational function vis-à-vis other actors in Brussels or at "home" and can in the best of cases imply that issues are "pre-cooked" across national boundaries (French Senate, senior EU clerk, 25/05/2012; Swedish NPR, 17/11/2010; Irish NPR, 13/01/2010).

It is also important to note that the first four roles are likely to be incremental. In other words, staff playing an advisory role may well also perform the tasks in the categories of analyst and assistant.

Table 1: Roles and tasks of parliamentary administrators in EU Affairs

Parliamentary Administrations in EU Affairs: Mere Paper-Pushers?

As flagged up in the introduction, our empirical data is based on semi-structured interviews that explored the tasks of parliamentary administrations in depth for a number of parliaments. In addition, a written questionnaire tested to what extent a basic set of tasks applied to a wider range of chambers. The main results of the questionnaire are presented in Table 2. They will be discussed in greater depth in connection with the interview data in the following sub-sections.

The background data reflects that the vast majority of administrations have a very extensive set of tasks and play an important supporting role in the scrutiny process. Moreover, we can also discern a general trend of officials providing both procedural guidance and advice as regards to content. It is noteworthy that this trend of a certain degree of empowerment of officials not only prevails in Member States that have been are seen as "proactive and engaged" within EU decision-making such as Denmark (O'Brennan and Raunio 2007: 21) but also in Member States that have joined the European Union in the more recent rounds of enlargement. This is in line with the more general verdict that parliaments of the (relative) newcomers to the EU face shortcomings but these are expected to diminish over time (Szalay 2005; Vehar 2007). There thus seems to be a trend of convergence leaving officials to play rather substantial roles in parliaments across the Union, at least when it comes to parliamentary scrutiny of EU affairs in the post-Lisbon EU.

Table 2: The Tasks of Staff in EU Affairs

Procedural Advice and Pre-Selection

As Table 2 shows, the provision of procedural advice is one of the key responsibilities of the administrations of all chambers for which information is available. Thus, due to the complex and legalistic nature of parliamentary involvement especially under the EWS, all of the administrations play an important role as *analysts* who have to inform MPs of the options that are available to them.

In addition, the new rules on information provision led to national parliaments being swamped with information. Thus, national parliaments receive about 1000 policy documents (e.g. legislative proposals) per year accompanied by about 24.000 supporting documents (e.g EP opinions) per year (Höing 2014; Belgian House of Representatives, EAC clerk, 25/05/2012). As a result, all parliaments channel this information flow via their administration.

The European Affairs staff does not just act as a "mailbox", but – in at least 21 cases – preselects documents based on their relevance for the Member State and political salience, either based on the Commission Work Program, the weekly list of proposals or both (cf. Table 2). In quantitative terms, the Belgian European Affairs clerk estimates that about 100-200 out of 1000 documents are short-listed by the parliamentary staff (Belgian House of Representatives, EAC clerk, 25/05/2012). The Dutch parliament selects about 80 "priority dossiers" on an annual basis (Dutch parliament, NPR, 09/12/2010). These lists of priorities are of course of an advisory nature and usually subject to the approval of the European Affairs Committee, Specialised Committees

or the Chair of the European Affairs Committee. Thus, in most cases, parliamentary administrations preselect the documents in accordance with the relevant committees, and administrators agree that their lists are generally accepted by their political masters (House of Commons, EAC clerk, 23/05/2012; French Senate, advisor, 4/05/2012, Dutch parliament, NPR, 09/12/2010; Italian House of Representatives 9/11/2012; Danish parliament, EU advisor, 19/11/2012; Austrian parliament, NPR, 22/11/2010). The Sejm has for example never issued a reasoned opinion without an earlier suggestion from the Research Bureau (Polish Sejm, Research Bureau, 19/04/2013). In practice, this filtering role thus provides parliamentary staff with an opportunity to act as *agenda-shaper*. In order to ensure that important dossiers get noticed, some parliamentary staff in addition provide specific procedural advice on how to follow the issue up (Dutch Lower House, EU Affairs clerk, 09/12/2011; Romanian parliament, Former EU Staff, 17/11/2011).

It should be noted that the role of the administration in pre-selection issues is specific to the Early Warning System and document-based scrutiny. In the case of mandating, which is based on the agenda of the Council of Ministers and the draft position of the government on these issues, the tasks of the administration are based around preparatory information provision and analysis rather than selection (Dutch Lower House, EU Affairs clerk, 09/12/2011; Swedish parliament, EAC clerk, 13/03/2012). Nevertheless also in mandating systems the role of administrators is strengthened insofar as there is now a clear list of priorities that the parliament will focus on and that administrators can prepare for.

Drafting and Advice

As in the case of the filtering of documents, the practices on information provision vary across chambers. Overall, at least 17 chambers allow their administrations to draft the final documents and 21 to provide content-related advice (cf. Table 2).

The interviews revealed finer variations. The administration of the Dutch Lower House, the Swedish parliament and the French parliament generally provide committees with balanced arguments on an issue. The administration of the Romanian House of Representatives provides an analysis only upon request (Dutch Lower House, EU Affairs clerk, 09/12/2011; Swedish parliament, Social Insurance Committee clerks, 06/03/2012; French Senate, senior EU clerk, 25/05/2012). The advantage of such a system is that administrators support the activities of MPs, but by providing them with a range of arguments and alternatives they remain relatively neutral (cf. Meller, 1952: 116). In the case of the Dutch Lower House, this provision of balanced arguments is part of an attempt to get politicians more actively involved in the scrutiny of EU affairs. Before the reform in 2006, the administrators often drafted the actual document before the debate, which could result in the committee simply approving a pre-prepared draft. As the committees are now confronted with potentially contradictory arguments, they have at the very least to choose from amongst the list of arguments (Dutch Lower House, EU Affairs clerk, 09/12/2011).

Those administrations that only provide summaries of documents or a list of different arguments usually also only draft parliamentary documents *after* the debates in the committees. The EAC staff of the German Bundesrat, for example, drafts reasoned opinions based on the debates in the Bundesrat (German Bundesrat, EAC clerk, 4/05/2012).

In rare cases parliamentary administrations already provide drafts *prior* to debates in the committee, for example the European Affairs clerks of the Belgian House of Representatives, the Romanian Senate and the Polish Sejm (Belgian House of Representatives, EAC clerk, 25/05/2012; Romanian Senate, EAC clerk, 5/04/2012; Polish Sejm, EAC clerk, 23/04/2013), as well as the French parliamentary administration for reasoned opinions (French Senate, senior EU clerk, 25/05/2012) or the Slovak parliament upon request of the chair (Slovak parliament, EAC clerk, 29/05/2013). In the Romanian case, the lack of interest on the part of politicians can often either render administrative preparatory work useless due to lack of political activity, or lead to a simple rubber-stamping of drafts provided by staff (cf. Strelkov this volume).

The duties of parliamentary staff with regard to mandating are similar to those under parliamentary scrutiny in this regard. Administrators gather information on the Council meeting and government position and advise the relevant committee (Swedish parliament, EAC clerk, 13/03/2012). In the case of the Dutch parliament – and sometimes also the Polish Senate – the administration sometimes even drafts possible questions to the minister (Dutch Lower House, EU Affairs clerk, 09/12/2011; Polish Senate, EAC advisor, 10/04/2013).

A Coordination Function

In addition to the tasks outlined above and in Table 2, parliamentary administrations play an important coordinating function across national parliaments. The key players with regard to inter-parliamentary coordination and exchange between EU institutions and national parliaments are not so much the EU staff in the national parliaments, but the permanent representatives of the

respective national legislatures in the EP (hereafter: NPRs) in Brussels. Each parliament has a representative at the EP, and some bicameral parliaments have one for each chamber.

The Danish parliament is a forerunner in this respect as it has sent a permanent representative to Brussels to cover EU affairs since 1990. The reason behind this was that the Danish parliament was the first to deal with EU issues quite intensively by way of their system of mandating the respective minister in the Council, so this came rather naturally (Danish NPR, 09/11/2010). The Finnish parliament followed in 1996 (Hegeland 2007). A majority of the representatives have worked in their respective parliaments before, so they have a first comprehensive insight into their respective legislative system (Swedish NPR, 17/11/2010).

Building on the provisions of the Lisbon Treaty as a legal basis, national parliamentary representatives to the EP have derived the common task of coordinators for themselves, which is the exchange of information on the stance of their respective parliament towards a possible breach of the principle of subsidiarity from the perspective of one or more Member States. The informal network of NPRs is beginning to function by way of the regular "Monday morning meetings". It is in this setting that national parliamentary representatives exchange information and "alert" other parliaments to proposals that could be problematic both from the perspective of the subsidiarity principle or from a more political stance. They thus can perform an informal agenda-setting and advisory role. Moreover, the fact that all representatives work in the same building builds a basis for informal information exchange, where this "bridge-building function" across national parliaments is flagged up as one of the main functions of NPRs (Dutch NPR, 9/12/2010; Slovenian NPR, 16/11/2010).

Apart from contributing to a fruitful information-exchange between national parliamentary representatives, the respective parliamentary officials have the main tasks of creating a network

of contacts with the European institutions and to participate in their respective meetings as well as in meetings of their respective national parliaments. The direct contact with the EU executive is *inter alia* facilitated by the fact that representatives of the services of the Commission regularly attend the meetings of NPRs (Commission 2010, 7; COSAC clerk, 09/11/2010). Moreover representatives are to supply data for the scrutiny activities of their respective parliaments and in some cases to ensure cooperation with their respective Permanent Representation to the European Union (French NPR, 14/09/2010).

The EU experts in the national parliaments, by contrast, do not have many direct contacts to other national parliaments and only some contacts to EU institutions. They are in regular contact with officials in the national ministries, but rely mostly on the NPRs for the contacts with other parliaments and EU institutions (e.g. French Senate, EAC clerk, 12/05/2012; Dutch Senate, 2 EAC clerks, 11/01/2011; Dutch Lower House, EU Affairs clerk, 09/12/2011; House of Commons, EAC clerk, 23/05/2012). This means that de facto most interparliamentary cooperation and requests for information run via the NPR network. As the Early Warning System encourages inter-parliamentary cooperation, parliamentary staff have started to see the advantage of an enhanced network of administrators. As a result, due to a Dutch initiative, a meeting of EAC clerks took place after the COSAC meeting of April 2012 (COSAC, 24/05/2012). It was the first meeting in many years and was motivated by the increased need for coordination (Folketing, EU Advisor, 19/11/2012).

In the Netherlands, cooperation between the two chambers is also ensured mainly via administrative cooperation. Thus, the EU staff of the Senate takes part regularly in the Tuesday morning meetings of the EU staff of the Lower House. Even when the two chambers issue joint reasoned opinions, the coordination takes place mostly via the administration. However, this

close cooperation is specific to the Netherlands. Neither the French nor the Belgian chambers work so closely together and thus neither do their administrations (Dutch Senate, 2 EAC clerks, 11/01/2011; Dutch Lower House, EU Affairs clerk, 09/12/2011; Belgian Senate, EAC clerk, 16/04/2012; French Senate, EAC clerk (1), 25/05/2012).

However, parliamentary clerks also play a role in *intraparliamentary* cooperation: The Dutch EU advisors of all standing committees coordinate horizontally which committees should best discuss a certain issue. If several committees are involved, they facilitate the communication between those fora. In Denmark, where sectoral committees are consulted before the EAC mandates the government, the EU and committee staff is also responsible for compiling the different views and ensuring that the various parliamentary actors are aware of their activities (Danish parliament, Environment Clerk, 20/11/2012; Danish parliament, Food, Agriculture and Fisheries Clerk, 27/11/2012). Of course the multiple memberships in committees mean that there is usually also at least one MP on the EAC who also sits on the relevant sectoral committee. In addition, committee staff also acts as "institutional memory", as some EU legislative processes span several years (Danish parliament, EAC clerk, 21/11/2012).

Summary

Overall, the empirical analysis of the tasks of the EU staff of national parliaments confirms the criticism of existing typologies of staff roles. Firstly, the parliamentary administrations of all 28 chambers were *all* found to perform at least some functions that go beyond the merely technical. Secondly, the differences between parliamentary administrations are fairly nuanced and thus require a nuanced typology.

Interestingly, empirically *none* of the parliamentary administrations falls exclusively into the category of administrative assistant. All parliaments rely on their administrations for additional "non-technical" support and thus allow their administrators to play some role in the scrutiny of EU affairs. In addition, only the administration of the Dutch Upper House was limited to the role of analyst, by way of giving procedural advice, for example. Five parliamentary administrations also provided content-related advice and/or drafts prior to debates and thus act as *advisors*. The vast majority of administrations, however, falls into the category of *agenda-shaper*: 21 chambers allowed their administrations to pre-select documents for parliamentary scrutiny. Finally, administrators can fulfil a coordinating function vis-à-vis other national parliaments, European institutions or their own government.

Table 3 reflects the relative homogeneity of tasks that officials perform across parliaments.

Table 3: Roles of Parliamentary Administrations (in 2013)

Overall, the preparation for and implementation of the Treaty of Lisbon has allowed administrators to play a more active role in EU affairs. Administrators have become active advisors and even "steer" parliamentary business to some extent. Despite the fact that national parliaments are often seen to invest less energy into European issues rather than into domestic issues, the EU units are comparatively well staffed (e.g. in terms of EAC staff compared to sectoral committee staff) (Högenauer and Christiansen 2014). Moreover, EU staff can have more powers than domestic staff, the pre-selection role being a case in point (Spreitzer 2013). Both of these features are of course in line with delegation theory, which suggests that delegation is more likely on complex issues and on issues that are perceived as being less salient.

However, the question is also if this "bureaucratisation" is necessarily problematic from a normative point of view, which would only be the case if officials would in fact evade the instructions of their political principals. So far, this does not appear to be the case as most interviewees agree, for instance, that the pre-selection of documents by administrators is rarely contested.

While most parliamentary administrations perform similar roles to begin with, the remaining variation between parliaments is difficult to conclusively explain on the basis of this first comparative data collection on parliamentary administrations and in the absence of prior studies. There are however some patterns that one might logically expect:

One hypothesis would be that the size and tasks of parliamentary administrations might depend on the size of the parliament. Smaller parliaments or parliaments from economically weaker member states may not have the resources for a large bureaucratic apparatus which would limit the amount of support that the administration could provide.

Alternatively, one might expect mandating systems giving rise to more political contestation as they touch upon the relationship between opposition parties, the executive and parties in government. Delegation to the administration can be expected to be more limited as political actors would be expected to want to stay in control of issues that are attributed political importance (Wlezien 2005).

Lastly, one might expect a link between pro-active and engaged parliaments (O'Brennan and Raunio 2007) and strong administrations, although with a different causal direction: A strong administration might *enable* a parliament to engage actively and effectively in parliamentary scrutiny.

However, even a cursory comparison of the data in Table 3 with data on the ratio between staff numbers and MPs (Högenauer and Christiansen 2014), the level of activity of parliaments (Auel et al. 2014) or the existing mandating systems shows that the most extensive type of role is performed both by cases that are in fact in line with the hypotheses *and* by cases that clearly contradict them (e.g. Estonia, Slovakia, Belgium and Cyprus). Similarly, the group of somewhat weaker administrations also contains very different cases (e.g. the British House of Commons shares few characteristics with the Dutch Upper House).

The fact that many of the "obvious" variables such as resources do not have a clear relationship with the typology of the roles of administration suggests that there may be deeper reasons for the variation: This could be less about constraints and opportunities, but rather about *choice and administrative traditions*. What *is* an appropriate role for a parliamentary administration? What *should* it do? It is possible that there is a gap between parliaments that emphasize *efficiency* (i.e. the administration carries the main burden) and parliaments that emphasize *political* control (i.e. certain tasks should fall within the scope of political masters). Our interviews reflect that the decision of the Dutch Tweede Kamer to only provide balanced arguments - rather than concrete recommendations - is rooted in the desire to stimulate political debate (Dutch Lower House, EU Affairs clerk, 09/12/2011). However, to assess these logics of appropriateness across a wider range of cases would require further in-depth studies. Ideally, in order to provide further explanation(s), the comparison should focus on the variance between parliamentary administrations that perform a comprehensive range of tasks and administrations whose tasks are limited in the context of parliaments that are otherwise very similar (when it comes to size and system of scrutiny for example).

Conclusion: Administrations on the Rise?

The Treaty of Lisbon has created new opportunities for national parliaments, but also for their administrations. In particular the work-intensive system of document-based scrutiny under the new Early Warning System has led to the delegation of certain tasks to administrators; for example the filtering and pre-selection of relevant documents. The majority of parliamentary administrations do have the opportunity to shape the agenda of their respective legislature, at least to some extent. This can be explained by the very nature of parliamentary scrutiny of EU affairs as these issues are pre-dominantly complex and touch upon issues of low salience (Manley 1968).

In addition, EU staff plays an important role in the coordination between national parliaments. The Permanent Representatives of the respective national parliaments in the European Parliament are best placed to engage in information exchange on a regular basis and alert other parliaments to important proposals coming out of the EU's machinery.

The extent of delegation does raise the question whether bureaucratic activity is *facilitating* political control or *replacing* it. However, while parliamentary administrations play a crucial role in parliamentary scrutiny, this bureaucratisation does not necessarily present a threat to political control. The final decisions are taken by MPs in the (European Affairs or sectoral) committees and plenary, and so far the coordination between MPs and administrations is by and large devoid of conflict. As a result, parliamentary administrations can indeed be seen as a pillar of support in the context of national parliamentary control of EU policy-making. The greatest impact of administrators on the scrutiny of EU affairs stems ultimately from their attempts to promote the discussion of important European issues within their parliaments.

Nevertheless, this first comparative study of the role of parliamentary administrations in EU affairs scrutiny ends in a puzzle. There is relatively little cross-national variation, but the variation that exists does not follow any obvious patterns. One of the tasks for future research will thus be to explore further the differences between national systems of parliamentary administrative support as well as the factors explaining the variation in administrative organisation and tasks.

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Annex: Tables

Table 1: Roles and tasks of parliamentary administrators in EU Affairs

Roles	Administrative Assistant	Analyst	Advisor	Agenda-Shaper	Coordinator
Tasks	• Gathers and forwards information • Summarises information • Organises committee meetings	• Provides choice of balanced arguments* • Drafts after debates* • Procedural and legal advice	• Content-related advice • Drafts before debates*	• Pre-selection of documents	• Coordination with executive • other parliaments • EU institutions • Internal coordination
Extent of involvement in scrutiny	Low	Low- medium	Medium	Medium-High	

*These tasks and distinctions were derived from the in-depth interview data.

Table 2: The Tasks of Staff in EU Affairs

		Tasks of EU staff			
		Selection documents	*Procedural advice*	*Drafting of the final position*	*Content advice*
Austria	Both chambers	Pre-check for subsidiarity	Yes	No	Yes
Belgium	Upper House	Yes	Yes	No	No
	Lower House	Yes	Yes	Yes	Yes
Bulgaria		Yes	Yes	Yes	Yes
Cyprus		Yes	Yes	No	Yes
Czech	Upper House	Yes	n.i.	n.i.	Yes
	Lower House	Yes	Yes	Yes	Yes
Denmark		Yes	Yes	No	Yes
Estonia		Yes	Yes	Yes	Yes
Finland		No	Yes	Yes	Yes
France	Upper House	Yes	Yes	Yes	Yes
	Lower House	Yes	Yes	n.i.	Yes
Germany	Upper House	Yes	Yes	No	Yes
	Lower House	Yes	Yes	Yes	No
Hungary		Yes	Yes	Yes	Yes

Italy	Lower House	Yes	Yes	Yes	Yes
Lithuania		n.i.	Yes	n.i.	Yes
Luxembourg		Yes	Yes	No	No
Netherlands	Upper House	No	Yes	Yes	On request
	Lower House	Yes	Yes	Yes	Yes, but balanced
Poland	Upper House	Yes	Yes	Yes	Yes
	Lower House	Yes	Yes	Yes	Yes
Portugal		No	Yes	Sometimes	Yes
Romania	Lower House	Yes	Yes	Yes	Yes
Slovakia		Yes	Yes	Yes	Yes
Sweden		Yes	Yes	Yes, but only on request	No
UK	Lower House	No	Yes	Yes	Yes

n.i. = no information

Table 3: Roles of Parliamentary Administrations (in 2013)*

Administrative Assistant	Analyst	Advisor	Agenda-Shaper
	Dutch Upper House	Austria (both)**, Finland, Portugal,	Belgium (both), Bulgaria, Cyprus, Czech (both),

		UK (Lower House) (Lithuania?)***	Denmark, Estonia, France (both), Germany (both), Hungary, Italian Lower House, Luxemburg, Dutch Lower House, Poland (both), Romanian Lower House, Slovakia, Sweden

*The coordination function is not listed here, all parliamentary administrations play this role. Variation exists only as to the range of coordination tasks.

**The Austrian parliament has an administrative unit that conducts a pre-check for subsidiarity concerns. However, its activities are narrowly circumscribed (e.g. through politically defined key words), which makes it a border line case between pre-selection and advice. As the drafting function of the EU staff is also limited, we count it as a strong advisor.

*** The Lithuanian parliament is at least an advisor. However as information is missing on pre-selection, for example, it cannot be assessed whether it is also an agenda-shaper.

[i] Among the administration, interviews were primarily conducted with the EU advisors or clerks of the European affairs committee. In some cases, where sectoral committees play an important role in parliamentary scrutiny, interviews with sectoral committee staff were added. The interview questions covered the tasks of parliamentary administrations at different stages of the process, the interaction between parliamentary staff and politicians,party staff and MP assistants, the role of staff in inter-parliamentary cooperation and the key challenges for them and their parliaments in EU affairs.