

Chapter 5: Parliamentary Administrations in the Scrutiny of EU

Decision-making

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Introduction

In liberal democracies, parliaments are generally perceived as the epitome of majoritarian politics. In the academic literature, as in the public debate, the focus is inevitably on the party political dimension of their work: the adoption of legislation or annual budgets, the election and scrutiny of the executive, and their important role in the political system as a forum for debate on key issues. The study of parliaments is usually about either the work of individual members of parliament (MPs) or that of groups of parliamentarians, be it the factions of political parties or the broader concepts of a governing majority and the opposition, but parliaments are more than the collective sum of their elected members. In order to function as institutions and exercise their functions, they also rely on administrative structures and appointed officials. In fact, in all parliaments the non-elected staff probably significantly outnumber the elected members.

Parliamentary administrations, in the way these are conceived in the context of this chapter, provide a wide variety of services, involving units such as the secretariats of committees, legal services, research divisions, library and archival staff, advisers to political groups and assistants to MPs. While most of these services are usually classed as ‘technical’, and hence appear unimportant, many of the tasks carried out by administrators have either a strong political dimension or the potential to affect parliamentary decision-making (cf. Gailmard and Patty 2007).¹ At the very least, the quality of work

¹ Gailmard and Patty (2007) argue, for instance, that there is a dilemma in that bureaucrats are most likely to develop expertise in a given policy area if they are interested in the issues at stake. At the same time, this

provided by parliamentary administrators contributes to the effectiveness of legislatures, and thus also impacts on their relative strength vis-à-vis the executive and other institutions. The question arises whether administrators have a significant influence in terms of institutional performance on the way in which parliaments carry out their constitutional responsibilities.

Beyond the question of effectiveness, the potential influence that parliamentary administrators may have on internal decision-making and inter-institutional relations also raises important normative issues. To the extent that the work of *elected* politicians depends on the input of *unelected* officials, purists of democratic theory may ask whether the representation of the popular will is fully served. Just as note has been taken in studies of the executive of the power of bureaucrats vis-à-vis their ‘political masters’ at the head of ministries – the *Yes Minister* syndrome – the same question could be asked in the context of legislatures: Are elected members in control of their agenda? Or is it possible that, under certain circumstances, civil servants working within parliamentary administrations call the shots when it comes to parliamentary work?

Recognizing the potential significance that parliamentary administrations have, this chapter seeks to illuminate their role in a particular area of their work – the support that appointed officials provide with the scrutiny of European Union (EU) affairs. The scrutiny of EU affairs has, at least in the older member states, been a mainstay of parliamentary activity, as the other contributions to this Handbook demonstrate. However, over time, with the growing complexity of EU affairs and the greater role that national parliaments have gained in the process, the demand for EU-related expertise within parliaments has grown. This chapter explores the contribution that administrators in national parliaments can and do make in the context of EU affairs. Section 2 examines the conceptual questions surrounding the role of unelected officials in the context of an elected chamber. Section 3 discusses the empirical findings on the work of parliamentary administrations across the EU, on the

means that they usually have preferences of their own in these policy areas, which creates a risk of political bias.

basis of data collected for the OPAL project, including a survey of EU staff in parliamentary administrations, interview data from 12 EU member states and the handbook chapters on individual parliaments.² The chapter concludes by highlighting the ways in which parliamentary administrators can have an impact on the handling of EU affairs within and among the national parliaments, while also highlighting the limitations they face in carrying out their duties.

Conceptualizing the Administration of Parliaments

The Paradox of 'Parliamentary Administration'

At first sight, the idea of 'parliamentary administration' might seem like a contradiction in terms. In liberal democracies, parliaments are set up, conceptually, in opposition to the administration of the state. In a system of constitutional checks and balances, if not an actual separation of powers, it is the role of the legislature to scrutinize and control the executive, to which the administration of the polity has been delegated. Parliaments are there for debating and decision-making, while administration – the application and implementation of laws, the regulation of industry and the management of public funds – is the task of the government and the civil service.

However, in something of an irony of parliamentary evolution, parliaments have over time developed the need to build up administrative structures of their own. The complexity of the modern state, and the technical expertise that its governance requires, mean that parliaments have had to develop specialist knowledge – knowledge of a kind that goes beyond the capacity of elected members. MPs do specialize, most obviously through the committee structures that parliaments have adopted, but the very nature of parliamentary work – the limited terms of MPs, the time spent campaigning and in constituencies, the turnover among members from one term to another – curtails the capacity of individual members to develop the kind of technical expertise that could match that of civil servants working in government ministries and executive agencies.

² Interviews were conducted in: Germany, France, the UK, Italy, the Netherlands, Belgium, Denmark, Poland, Slovakia, Sweden, the Czech Republic and Romania.

MPs, even if they are knowledgeable and interested in a particular dossier, can only ever pay part-time attention, given the many calls on their time and their need to prioritize among conflicting demands. At the same time, the – at most – hundreds of MPs in a national parliament are dealing with legislative dossiers that result from the work of thousands, if not tens of thousands, of civil servants who are all experts in their particular field and work full-time on a particular issue. As a result, parliaments, even though they are conceptually at the top of the democratic pyramid in representing the popular will, are inevitably at a structural disadvantage vis-à-vis the executive.

More recent developments have exacerbated this conundrum. The processes of globalization and Europeanization, through which nation states are increasingly caught up in international processes, have empowered the executive and put ever greater strains on the capacity of parliaments to respond to these demands. Whether it is the growing power of global markets or the increasing tendency to delegate functions to international or transnational regimes, parliaments, with their focus on domestic channels of accountability, are easily bypassed and left out.

In response to these pressures, parliaments have resorted to developing their own ‘in-house’ sources of expertise, which are designed to counterbalance such structural disadvantages. In this regard, it is possible to distinguish between three kinds of expertise of which national parliaments make use: first, substantive expertise in a range of policy areas, such as the environment, transport and taxation, which is required in order to understand and make informed decisions about legislative proposals and carry out related scrutiny of the executive; second, procedural knowledge, which is required in order to be able to follow the policy process and intervene in it effectively; and, third, expertise in international cooperation and networking, to enable national parliaments to link up with their counterparts in other countries and at the regional level in order to respond to the internationalization of policymaking.

Dimensions of Administrative Support in National Parliaments

In discussing the tasks that parliaments tend to assign to officials, a distinction needs to be made between those officials who work for parliament as a whole – or for one of its chambers in bicameral systems – and those assigned to a specific committee secretariat. With regard to the former, there are usually a number of officers that legislatures employ in order to provide general support for the work of their elected members, and which might have special significance in the case of EU affairs. Chief among these are legal officers, who provide opinions and advice on legal and constitutional matters. In the area of EU affairs, where there are often uncertainties about the legal dimension of EU initiatives and proposals, such advice is important and potentially influential. Given that one key aspect of the scrutiny of EU affairs is to check whether EU legislative proposals are in conformity with the principle of subsidiarity – a principle that is frequently contested – the advice that a parliament’s legal service provides is important in deciding whether to raise objections.

A related role is played by research divisions, which can be asked to produce studies about particular topics on the parliamentary agenda. This often goes hand in hand with legal advice, but can also be of a broader nature, for example by providing comparative studies on parliamentary activity in other countries or in-depth research on issues on a parliament’s legislative agenda. While some such research remains in the realm of advice, some parliaments have set up units, such as the *Bundestag’s* Büro für Technikfolgen-Abschätzung (TAB) or the European Parliament’s Science and Technology Options Assessment (STOA), to do more far-reaching work on the impact of legislative proposals. To the extent that such reports are made available not only within the parliament but also to the wider public, the parliamentary research divisions can also be seen as de facto think tanks engaging in the public debate on topical issues. At the other end of the spectrum is research that is purely meant for in-house use, such as the ‘confidential enquiry service’ provided by the British House of Commons Library. Libraries are actually maintained by most legislatures for the benefit of members and staff, but some – such as in the UK – also carry out studies, engage in research and provide policy advice.

All the above refers to support staff working for the parliament as a whole (unless, in bicameral systems, each chamber maintains a separate unit of this kind). A different set of civil servants is engaged in supporting the work of individual committees – something that is usually much closer to the actual legislative workflow and therefore also of a more narrow nature. Each parliamentary committee is usually supported by a secretariat that includes administrators assisting committee members in the conduct of their business. This ranges from logistical support and procedural matters – management of relations with ministries, the other chamber (in bicameral systems) and other actors – all the way to providing or commissioning policy advice when it touches on substantive issues in draft legislation. Most crucial perhaps in terms of its political relevance is the work done by administrators in the interstices between the procedural and the substantive: the advice provided during negotiations, the setting of agendas for meetings between MPs and representatives of the executive, or the search for agreement among different political parties on a committee. While having to remain neutral in party-political terms, secretariat officials can potentially have a significant impact on the outcome of legislative negotiations by the way in which they handle their dossiers and manage the process.

These observations raise the question of politicization, that is, the extent to which administrators working in the service of parliaments may, or may not, be involved in politics. The standard expectation is that, as civil servants, parliamentary administrators must remain neutral. However, the very fact that they ‘serve many masters’, be they MPs in the plenary or members of a specific committee, and that these are by definition associated with a particular political party, creates an environment in which neutrality becomes a complex issue. On some issues, such as civil rights or climate change, there may be a received wisdom on what parliament’s line is, but in many cases such views will shift with the changing majority following a general election.

It is important to note here that parliamentary administrators work in a matrix-style system in which they are, on the one hand, part of a formal bureaucratic hierarchy, with line managers and ultimately led by a secretary-general, within which the usual notions of a Weberian bureaucracy ought to apply – a state of affairs that makes the secretary-general an important appointment subject to particular scrutiny when it comes to neutrality (cf. Greer and Jarman 2011; Goetz 2011).³ He or she will work closely with the Speaker of the parliament, to whom he or she is ultimately accountable.

On the other hand, administrators also work closely with the elected members, be they in the legal or research division (producing specifically requested reports) or in the committee secretariats. With regard to the latter, there is a parallel line of responsibility as administrators work for the committee members and especially for the chair of the committee, and this situation is bound to create circumstances in which party political preferences (majority v. opposition parties) influence the expectations of the inputs by administrators. Here, just as in the context of executive bureaucracies, latent tendencies for politicization are present (e.g. van der Meer and Dijkstra 2011; Manley 1968).

It is the MPs, the committee chairs and the speaker who will have the final word on the formal position of parliament, and as such the influence of parliamentary administrators will always be limited. Inasmuch as legal advice, research input, policy recommendations or the management of the legislative process – all activities that administrators are commonly in charge of – provide opportunities for agenda-setting, officials can have an influence, at least on setting the agenda if not on the final outcome. In view of the limitations on the time and expertise of elected MPs, this puts the spotlight on the administrative needs of the legislature. Against this background, there is considerable demand for the expertise of administrators, which in turn heightens their potential to influence the policy process, and therefore also the scrutiny of the EU affairs. Before looking at the

³ Greer and Jarman (2011: 17) discuss, for example, how the expectation of impartiality can lead administrators in the British executive to implement radically different policies within just a few years.

role of administrators in this process in detail, it is useful to explore the nature of parliamentary scrutiny in general.

Political Oversight in National Parliaments

Through the various tasks outlined above, administrators in most parliaments actively participate in scrutiny at several points in the legislative process. There is, however, with the exception of occasional case studies such as Manley (1968), very little literature on the interaction between MPs and parliamentary administrations, and how these are involved in, and supervised during, the decision-making process. Scholars have conducted research on parliamentary oversight in the US Congress over several decades, and produced some valuable concepts and insights – albeit in the context of parliaments exercising oversight over *executive agencies*, that is, officials who are external to the functioning of parliament itself. This literature has developed some of the fundamental concepts in the literature on oversight, so it is useful briefly to review it before returning to the more specific context of the EU.

Within the literature on how the US Congress exercises oversight over executive bureaucracies, three approaches stand out. First, Arnold introduces a distinction between statutory oversight techniques, non-statutory techniques and administrative rules and procedures. Statutory techniques involve the use of authorization or re-authorization bills or budgetary bills to provide guidelines or place prohibitions on agencies. Non-statutory techniques comprise the use of hearings and reports to control bureaucratic activity. Finally, administrative rules and procedures allow legislatures to make agencies transparent and create channels of appeal for interested parties (Arnold, 1987: 208–10). McCubbins and Schwartz distinguish between ‘police patrol’ and ‘fire alarm’ oversight. Police patrol oversight requires the legislature to regularly check samples of an agency’s work, whereas fire alarm oversight relies on citizens and interested parties examining administrative decisions. A system of rules and procedures allows access to information and establishes rights of appeal (McCubbins and Schwartz, 1984: 166). Finally, in the context of governments and executives, Huber distinguishes

between ex ante and ex post institutions. Ex ante institutions kick in before civil servants take action, whereas ex post institutions serve as a remedy. One ex ante remedy would be to allow politicians to select suitable (and potentially politicized) civil servants who sympathize with the views of the politician or government. Other ex-ante measures involve administrative rules and tight legislation. Ex post instruments include hearings and courts. Tight budgets can be used both to allow certain behaviour and to prevent certain actions (Huber, 2000: 399–401). The way in which the different classifications overlap or can be combined is shown in Table N.1.

Table N.1: Parliamentary Oversight over Executive Bureaucracies

	Ex-ante (prevention)	Ex-post (correction)
Statutory	<ul style="list-style-type: none"> • tight laws • reauthorization bills • budget 	<ul style="list-style-type: none"> • budget
Non-statutory	<ul style="list-style-type: none"> • politicized appointments 	<ul style="list-style-type: none"> • hearings • reports • appeal to courts
Admin. rules and procedures	<ul style="list-style-type: none"> • on consultations and stakeholder hearings 	<ul style="list-style-type: none"> • on transparency • on appeals

Source: compiled by the authors based on Arnold (1987), McCubbins and Schwartz (1984) and Huber (2000)

However, the literature on how the US Congress controls agencies and bureaucrats in executives is not directly applicable to political oversight of administrators in EU national parliaments. In fact, many of the statutory and non-statutory instruments are either too specific, too formal or would backfire. The main difference is that political oversight in the case of agencies is about controlling administrators as they implement and manage procedures after parliament has adopted a policy. In the case of parliamentary staff, it is about controlling administrative activity that *precedes* parliamentary decisions. Parliamentary staff members are usually involved in the preparation of a parliamentary decision, not in the long-term management of policies. The use of laws and reauthorization bills or administrative rules on appeals, transparency and stakeholder hearings only makes sense in the context of policy-related activity where decision-making is delegated to bureaucrats. Hearings with one’s own staff would be an overly formal approach and both budgetary

instruments and the appointment of politicized staff would backfire in the context of parliamentary administration. In the case of the former, budget cuts to punish or constrain rebellious staff would effectively deprive politicians of their own support. Politicized appointments may work in the case of politically homogeneous governments, but parliamentary administrators are generally expected to respond to all parties, so politicized staff would only generate and reinforce conflicts.

Overall, the instruments available for political oversight of parliamentary administrations are therefore somewhat different. In order to avoid conflict, the parliaments of EU member states generally try to keep parliamentary staff politically neutral and at the service of all parties, while also appointing experts to party groups and personal assistants to MPs. As a result, ex- ante measures on political neutrality and transparency in the work of civil servants are particularly important. In addition, instead of politicized appointments as a non-statutory measure, *non-politicized appointments* become an attractive instrument. In France and Belgium, for example, parliamentary administrators are recruited through a *concours*, and French law imposes strict neutrality requirements on civil servants (Baron, 2012).

In addition, in the case of legislatures, ex-post correction of administrative behaviour is simpler and functions without cumbersome formal procedures. As all final decisions are taken either in committee or in the plenary, MPs can simply ignore administrative advice and drafts at that point, sideline administrators who are seen as biased, circumvent parliamentary staff with the help of group staff or personal assistants or, in extreme cases, restructure the administration. After all, administrative staff can only be as influential as legislators allow them to be (DeGregorio, 1994: 2; Winzen, 2011). It is arguable, however, that political oversight is much more difficult to achieve for small, minority parties than for majority parties. As political oversight relies de facto on MPs having the last word, it can be very difficult for opposition parties to hold an administration in check if it is biased and has the support of the majority (cf. Manley, 1968).

Political oversight in EU affairs largely relies on the simple fact that decisions are ultimately taken by politicians, not by administrators. The final decision on whether a document is in breach of subsidiarity lies with the relevant committee or the plenary, and what a minister should or should not say in the Council of Ministers is also agreed during committee debates. As a result, administrators need the *trust* of politicians if they want their advice to be translated into concrete actions. The principle of neutrality plays an important role in establishing this trust. In a few cases, such as France, Belgium or Luxemburg, the perception of neutrality is based on recruitment exams that are seen as establishing a system of meritocracy (Baron, 2013; Spreitzer, 2013). In other cases, the principle of neutrality is enshrined in law or can be derived from constitutional provisions (e.g. Sweden and Portugal; cf. Chapters on Sweden and Portugal). In a third group of countries, there are no legal provisions that demand neutrality, but there is a strong professional ethos that political beliefs should not be expressed while exercising one's function as civil servant (e.g. Dutch Tweede Kamer, Defence clerk, 27/03/2012; Dutch Tweede Kamer, JHA clerk, 27/03/2012). The parliamentary representatives in Brussels, in particular, emphasized the importance of following committee and parliamentary instructions closely (Monday Morning Meeting, 6/05/2013).

In general, the relationship between administrators and MPs is a harmonious one. The interviewees from the 12 case study countries mentioned few instances of disagreement between administrators and MPs beyond the fact that, occasionally, an issue is added to or removed from the list of recommended priority issues. Interestingly, the most frequently voiced concern of administrators seems to be the fear that what they recommend might not be taken up because of a lack of interest in the scrutiny of EU affairs on the part of politicians. The view of Belgian committee clerks is, for example, that the Treaty of Lisbon had little impact on their parliament because Belgian politicians were too pro-European to have a sustained interest in objecting to EU legislation under the Early Warning Mechanism (Belgian Senate, EAC clerk, 16/04/2012; Belgian House of Representatives, EAC clerk, 25/05/2012). Similarly, French clerks expressed the view that some committee chairs did not view the EWM as desirable (French Senate, adviser, 4/05/2012). Romanian clerks feel that MPs in

their committees are not always as interested in certain EU issues as they are themselves (Romanian Senate, 2 clerks European Division, 12/04/2012; Danish Folketing, EU advisors, 19/11/2012). Thus, the predominant constraint on administrative activity might in practice be the limitations that administrators face in getting MPs to take up the issues that have been raised. One of the few cases where the relationship between staff and politicians is perceived as problematic is the Czech Republic, where administrators feel that the fact that the government does not have a majority in the Senate has led to increased inter-party rivalry which in turn has resulted in increasing pressure on clerks to take sides (cf. Chapter N ~~on the Czech parliament~~).

Having established, first, that administrators matter in the work of parliaments, and, second, that parliaments matter in the scrutiny of the EU, the section below looks in more details at the role played by administrators in scrutinizing EU affairs.

Parliamentary Administrations in EU Affairs Scrutiny

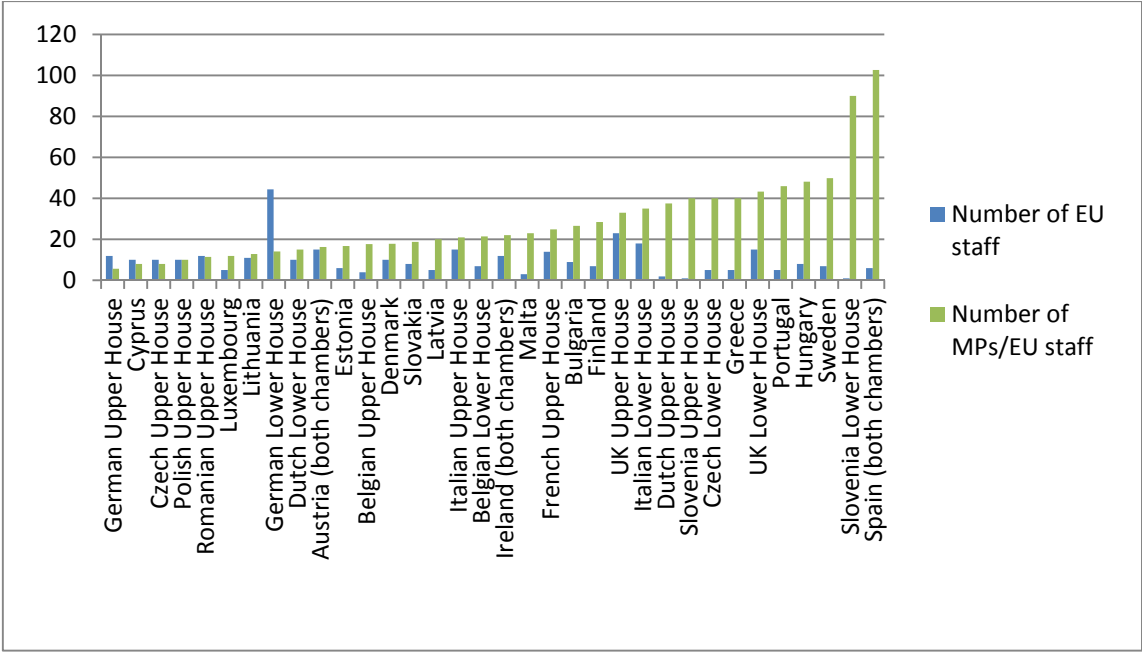
The Organization of Administrative Support

Just as there is wide variation in the scrutiny of EU affairs by national parliaments (cf. ~~Conclusion of the Handbook~~), there is also wide variation in the role of parliamentary administrations in the scrutiny of EU affairs. Previous research has only scratched the surface of this topic and the precise implications of the differences between parliamentary administrations remain an open question (Högenauer and Neuhold 2013; Christiansen et al. 2013). One of the greatest sources of variation is the amount of administrative resources at the disposal of a parliament and their organization. Primary research – interviews and questionnaires – and the study of the legislatures of the EU member states conducted for the OPAL project (see the country reports published on www.opal-europe.org) has compiled an overview of the EU staff of 37 of the 41 chambers. Figure N.1 illustrates, that there are significant differences between the chambers in terms of the absolute number of staff employed on EU affairs, ranging from one member of staff to 44.5 members in the case of the German Bundestag.

It might be assumed that the number of EU staff is determined by the size of the chamber, that is, that the Bundestag has the most staff members because of the number of MPs they have to advise. However, Figure N.1 shows that this is not the case. Even taking the size of the chamber into account, some chambers have a much larger bureaucracy than others. The German Bundestag is particularly well-staffed with only about five politicians per EU staff member. By contrast, a Spanish member of EU staff has to support over 100 MPs. Nor can these differences be explained by GDP per capita, as the list of best-staffed chambers includes, for example, those of Cyprus and Romania.

However, it is important to remember that the quality of staff support does not just depend on numbers. The Czech Parliament has an average level of staff support, with ten staff, and is further supported by a Parliamentary Institute of eight staff, but is negatively affected by high turnover rates. Thus, an average member of the EU staff there is about 30-years old and has only three years of work experience. The same problem of staff leaving for better opportunities applies to the Parliamentary Institute (see Chapter N ~~on the Czech Parliament~~).

Figure 1: Number of EU Staff per Chamber, 2011



Source: Questionnaire to the EACs of the 27 parliaments and OPAL Country Reports, http://www.opal-europe.org/index.php?option=com_content&view=article&id=94&Itemid=128.

Notes: numbers include all EU staff employed by the chamber, including EAC staff, the EU staff of sectoral committees, research and legal staff, central units, and so on. When calculating the number of MPs per member of EU staff, the official number of seats in the chamber was used. The data thus do not take into account variations in the number of MPs per chamber over time due to vacant seats or temporarily higher numbers due to specific election rules (e.g. the German ‘Überhangsmandate’). Where bicameral parliaments share their EU staff, the MPs of both chambers were added and divided by the number of EU staff.

There is a difference not only in numbers, but also in organization. Some parliaments rely on their EACs for to scrutinize EU affairs, while others have mainstreamed this activity and rely primarily on their sectoral committees (see Gattermann et al., forthcoming). A third group uses a mixed system where the EAC and the relevant sectoral committee both influence the final decisions of parliament. Similarly, some chambers concentrate their staff in the EAC secretariat, some give their sectoral committees independent resources and yet others have a central unit, research unit or legal unit responsible for all committees. Interestingly, the two forms of organization – responsibility for EU affairs and the organization of support staff – do not always overlap, especially in the case of

parliaments where sectoral committees play an important role in the scrutiny of EU affairs. The organization of EU staff is however important in that it has an impact on the extent to which sectoral committees receive advice on EU affairs and, by implication, on the effectiveness of these committees at scrutinizing EU dossiers.

The Dutch lower chamber is a case where the decision to put sectoral committees in charge of EU affairs in their policy areas went hand-in-hand with a corresponding administrative reform. The lower chamber has ten EU staff, most of whom work for the sectoral committees. Each sectoral committee thus shares one specialist in EU affairs with one other committee. The EU specialists coordinate their activities horizontally once a week in a staff meeting. By contrast, in other parliaments where sectoral committees have EU responsibilities, either the 'normal' committee staff have to take on EU responsibilities (as in the Dutch second chamber) or the EAC staff or a central EU affairs staff advise the sectoral committees as required (as in the Belgian lower chamber). In Sweden, where sectoral committees are responsible for document-based scrutiny and are comparatively well-staffed with about seven staff members per committee, the normal committee staff are expected to develop the necessary expertise (see Chapter N on Sweden). Overall, despite the fact that sectoral committees play at least an advisory role in EU affairs in the majority of chambers, based on the contributions to this book it also seems that the majority of chambers do not have their own EU staff.

Instead, the most common form of EU support is through an EAC secretariat or a central EU unit. In fact, quite frequently the EAC secretariat is the only administrative EU unit, as is the case in, for example, France, Belgium, Hungary, Portugal and Slovenia. In other cases, they are complemented by a central unit responsible for inter-parliamentary relations or information management, as in the case of the Czech Republic, Germany, the Netherlands, Sweden, Croatia, Denmark and Luxemburg. In those cases where the central units are fairly large, as in the German Bundestag, they do of course have the capacity to allocate certain staff members to specific policy areas (see Chapter N on Germany). It is relatively rare for a parliament to have only a central unit and no specific committee

staff at all, as in the Austrian and Greek cases. A number of parliaments also employ specialist legal staff or researchers, for example, those of Bulgaria, the Czech Republic, Estonia, Italy and Poland.

Finally, all but one parliament (Slovakia) currently have a representative in Brussels who maintains inter-parliamentary relations on a day-to-day basis, alerts the national parliament to new EU initiatives and facilitates contacts with the EU institutions (cf. Neuhold and Högenauer, 2013). As is discussed in more detail below, these so-called national parliamentary representatives (NPRs) have a potentially important role to play not only in terms of the vertical links they establish between Brussels and national legislatures, but also horizontally in facilitating coordination among parliaments in the EU.

The Role of Parliamentary Administrations in EU Affairs

This brief overview of the various ways in which administrators are involved in the conduct of EU affairs raises the question of how this involvement can be conceptualized. This section attempts a first categorization of the different roles observed in this regard. While parliamentary administrations play a number of different roles, they seem to derive their influence in particular from three interlinked functions: a coordination function, an information management function and a pre-selection function.

First, the administrations of national parliaments play an important coordination function through their representatives in Brussels. A core task of NPRs is to ensure day-to-day coordination with other national parliaments, which is facilitated by the fact that 27 of the 28 EU member states currently have NPRs in Brussels, all but one of whom are all located on the same floor of an EP building in Brussels – the exception being the German NPR who is located in the German Permanent Representation along with the representatives of the German political parties.

Another important task is to provide information to national parliaments about upcoming EU initiatives that could affect the country and parliament – a task that is of course facilitated by the dense network between NPRs (cf. Neuhold and Högenauer 2013). Finally, NPRs arrange contacts between their parliament and the EU institutions. A second way to contribute to this coordination function is the maintenance of the parliamentary information network, in particular in the form of the IPEX database. This task is mainly performed by information specialists within the parliamentary administrations.

Through their day-to-day coordination function, parliamentary administrations are thus conveniently located at one of the main sources of timely information, which greatly facilitates their exercise of the second important function – information acquisition and management. In all cases parliamentary administrations are in charge of maintaining not only the collaborative databases, such as IPEX, but also the information system of their own parliament. They are thus the first recipients of EU-related legislative documents and any accompanying documents from the government and EU institutions, and are the ones who classify, summarize and administer these for their own parliament's committees or database (cf. Högenauer and Neuhold 2013).

Alternatively, they have access to the databases shared with the government, as in the case of the Czech Republic, where in practice only the parliamentary administration – neither the MPs nor the political staff – take this opportunity (cf. chapter on the Czech parliament). Finally, in a few cases, such as the Czech Republic and the Republic of Slovakia, they can attend coordination meetings in the ministries. Overall, access to information is important as it is this information that allows national parliaments to formulate positions independent of government.

Finally, as the nodal point for the information flow, most parliamentary administrations play a key role in pre-selecting documents for scrutiny. The selectiveness of administrations varies. It is estimated that the staff members in the Belgian Chamber of Representatives recommend less than

15 per cent of documents for further scrutiny, whereas the staff in the Belgian Senate recommend 30–40 per cent. The German Directorate PE Europe sends out information on around half of EU legislative drafts (see Chapter N ~~on the German parliament~~). In all cases, staff members are seen to enjoy relatively wide autonomy and their choices are rarely contested. EU administrators, by virtue of their strong position in the information network and pre-selection function, have the ability to set the agenda, as long as they take the preferences of politicians sufficiently into account (e.g. chapters on the Austrian, Belgian, German, Portuguese parliaments and Högenauer and Neuhold 2013). [This level of cross-referencing to other chapters is not done in the other theoretical chapters]

EU Staff in Perspective

Finally, it is interesting to compare the role of EU staff in the parliaments with the political staff working in EU affairs – the assistants to MPs and party group staff – and parliamentary staff working on domestic policies. A comparison with more overtly political staff is difficult due to the scarcity of data. However, it seems that there is just as much variation in the resources provided to political staff working on EU affairs as in the parliamentary administrations. In fact, their roles seem to vary even more across countries.

In essence, there are countries like Germany where MPs and political parties have vast amounts of resources and can hire a number of staff. A German MP has about EUR 15 800 per month at their disposal to hire staff for their constituency and Berlin offices (Deutscher Bundestag 2013). In addition, the parties are comparatively well-staffed. Thus, unlike most parliaments, Germany not only has one **NPR** per chamber in Brussels, but also its own liaison office where the parties are also represented. In Hungary it is estimated that 40–50 people work on EU affairs alongside the main administration, mainly as experts for the party groups **(cf. Chapter on Hungary)**. By contrast, Austrian, Dutch or Danish MPs cannot usually afford to hire academic staff of their own, but have to share an assistant between several MPs. Similarly, the Dutch parties have much more limited resources and employ hardly any EU staff **(e.g. Tweede Kamer, MP VVD, 26/03/2012)**. The Austrian

parties can hire a certain number of staff financed by the parliament, which means they have at least one EU expert per group. As a result, party staff members do the final check in the pre-selection process before the agendas go to the committees in Germany and Austria, but not in the Netherlands. Nonetheless, the choices of the parliamentary administration are rarely contested (cf. Chapters on Germany and Austria), because parliamentary administrations try to anticipate the preferences of MPs. In Portugal, party staff or MPs usually draft the final documents for the EWM and thus limit the discretion of parliamentary administrations.

Parliamentary administrations tend to have some advantages over political staff. Thus, in several countries, parliamentary staff can take part in EU coordination meetings in the ministries and can gather first-hand information (Cf. chapters on the Czech and Slovakian parliaments). They also, with the exception of the German political parties and their representatives in the Liaison Office, tend to be better connected to the EU level via the NPR, and tend to have better and more regular access to the information databases on EU affairs.

Another line of comparison is with parliamentary administrators in domestic affairs. Again, the overall impression is that EU staff members play a greater role in EU affairs than parliamentary administrations in domestic affairs. The only case in which the EU unit was perceived to be understaffed compared to the rest of the administration was Greece (cf. Greek chapter). In all other cases where such information was available, the EU units were either as well staffed (cf. chapter on Sweden) or better staffed than comparable units responsible for domestic politics. For example, the EAC is one of the best staffed committees in Finland, with nine administrators compared to three to nine for the other committees; in Hungary, eight staff compared to two or three; and Luxemburg, with two administrators and one assistant compared to one administrator and one assistant at the most for other committees (cf. the chapters on Finland and Hungary and Spreitzer 2013).

The Portuguese, Estonian and Danish EACs were seen to be somewhat better staffed (cf. chapters on Denmark, Estonia and Portugal). This more generous allocation of resources in favour of EU affairs is in part recognition of the higher degree of complexity of EU issues and laws, and in part reflects the greater need for cooperation with other parliaments and EU institutions in this area. EU staff members also tend to hold some unique prerogatives compared to other parliamentary staff, especially when it comes to their agenda-setting powers as a result of the pre-selection of documents. Domestic legislation tends to require parliamentary action, which means that administrators do not have the discretion to sort legislative proposals into documents for consideration and documents that can be ignored. Overall, administrators dealing with EU affairs can be seen to be in a stronger position compared to both their colleagues responsible for domestic politics and the political staff in parliaments.

Conclusions

This above discussion has sought to shed light on a rather underdeveloped area of political activity, falling as it were between the study of legislatures, focused on the work of MPs and political parties, and the study of administrations, focused on the executive. Parliaments have sizeable administrations, and delegate to these important tasks that have the potential to influence the agenda and – by implication – even the decision-making process in parliaments. One area in which this is particularly pertinent is that of the scrutiny of EU affairs, given the high degree of complexity of the issues and procedures in this field. In line with the increasing academic interest in the role of national parliaments in the EU, especially in the light of the changes introduced by the Lisbon Treaty and the new responsibilities arising from the measures introduced to deal with the financial crisis in the eurozone, greater attention is warranted to the involvement of administrators.

This chapter has sought to provide some conceptual considerations and initial empirical insights into the work of parliamentary administrators in the scrutiny of EU affairs, but more substantial research is still required in this field. As national parliaments take centre stage in the debate about the need to

enhance the democratic legitimacy of EU decision-making, it becomes ever more important to ask questions not only about the relationship between parliaments, on the one hand, and national governments and the EU institutions, on the other, but also to illuminate the internal processes within national parliaments and the horizontal networking among them. There are significant differences in the resources that national parliaments are able to devote to administrative support for the scrutiny of EU affairs, as well as considerable variations in the way national parliaments organize their procedures to facilitate this process. In other words, there appears to be considerable diversity among the legislatures of the EU member states, against the background of a general trend towards greater mainstreaming of EU affairs within parliamentary chambers (Gattermann et al. 2013)

Such a focus will highlight the increasingly important contribution that is made by administrators, be it in facilitating the effective oversight of EU dossiers by individual chambers, or the creation of new bureaucratic networks that coordinate the information flow and scrutiny activity among several, if not all, parliaments across the EU. It will allow researchers to speak with greater competence to the unique normative issues which this development provokes – that a more influential role for administrators somehow weighs on both sides of the scales of democratic legitimacy. While administrators through their work have the capacity to facilitate the empowerment of national parliaments, this raises new questions about shifting power from elected politicians to unelected officials.

This chapter does not seek to come to definite conclusions on these questions, but to highlight the potential influence of parliamentary administrators and explore some of the issues arising from it. Through discussion, this chapter provides useful avenues for further empirical research and the conceptual foundations on which such research could be conducted. In particular, it is apparent that more data are needed on the interaction between administrators, committee chairs and the leaders of political parties in order to identify their respective roles in the agenda-setting phase of the

parliamentary decision-making process. There also appears to be a fruitful avenue in investigating the relative weight of formal procedures and informal arrangements within legislatures in order to gather better insights into the respective influence of elected politicians and appointed parliamentary officials. Above all, the challenge remains to close the gap in the literature between legislatures and administrators, and thereby enable a more comprehensive understanding of the scrutiny of EU affairs at the national level.

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