

The Role of Parliamentary Administrations in Interparliamentary Cooperation

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I. INTRODUCTION

COMPARED TO INTERPARLIAMENTARY cooperation between members of parliament (MPs), there is limited knowledge on interparliamentary cooperation at the administrative level, ie, cooperation between administrators or the un-elected officials working in parliament.¹ Parliamentary administrators have played a role in interparliamentary cooperation already in the 1950s, when the European Parliament (EP) was known as the Common Assembly of the European Coal and Steel Community (ECSC). Even before the ECSC Common Assembly was set up, the parliamentary Secretaries General of the EU founding member states supported the ECSC in devising an independent parliamentary administration.² For the first two decades of European integration, national parliaments (NPs) seconded a number of their officials to the ECSC to technically run the plenary session of the Common Assembly (eg, stenographic assistance).³ National parliaments had even offices at the premises of the EP.⁴ This can be considered an early example of administrative cooperation between national parliaments and the EP—a long time before interparliamentary contacts between members of national parliaments and the EP were regularised in the 1990s (eg, through the Conference of the European Affairs Committees, COSAC) and institutionalised with the Maastricht, Amsterdam and Lisbon Treaties.

¹ For exceptions see A-L Högenauer and C Neuhold, 'National Parliaments after Lisbon: Administrations on the Rise' (2015) 38 *West European Politics* 335, 354 and A-L Högenauer and T Christiansen, 'Parliamentary Administration in the Scrutiny of EU Decision-Making' in C Heffler, C Neuhold, O Rozenberg and J Smith (eds), *The Palgrave Handbook of National Parliaments and the European Union* (Basingstoke, Palgrave Macmillan, 2015).

² A Pegan, 'An Analysis of Legislative Assistance in the European Parliament' (DPhil thesis, University of Luxembourg, 2015).

³ S Guerrieri, 'L'amministrazione parlamentare dell'Assemblea comune della Ceca all'Assemblea delle tre Comunità' (2000) 8 *Storia amministrazione costituzione—Annale ISAP* 134, 156.

⁴ Interview with Guy Vanhaeverbeke, Honorary Director of the EP, 14/10/2012 and 11/11/2012.

Therefore, it is not surprising that scholars and practitioners agree that administrative contacts are one of the most successful forms of interparliamentary cooperation.⁵ Away from the political spotlight, administrative contacts occur in confidence. Administrators are able to communicate the perspective of their parliament and pass on informal messages, which can ease the political dialogue between parliamentary chambers. Hence, this chapter seeks to address the question to what extent interparliamentary cooperation takes place on the administrative level.

For this purpose, the chapter provides an overview of administrative interparliamentary cooperation in the EU between parliaments of the EU's 28 Member States and the EP. In this chapter, 'administrative parliamentary cooperation' is understood as the support parliamentary administrators provide to members of parliament in interparliamentary cooperation (eg, COSAC, interparliamentary meetings, etc), but also contacts between administrators per se. The chapter is structured in the following way. The first section is about administrative actors and structures in parliament that are involved in interparliamentary cooperation or that have resulted from this cooperation. These consist mainly of the network of parliamentary officials, also known as national parliamentary representatives or NPRs, the staff of the Conference of the European Affairs Committees (COSAC) and the EP's Directorate for Relations with National Parliaments. The second section is about the activities of administrative actors in interparliamentary cooperation. Here the focus is on the support that administrators provide for interparliamentary cooperation on the political level. The chapter also deals with interparliamentary relations aimed at administrative cooperation (eg, EU Interparliamentary Exchange). Finally, it describes the added value of interparliamentary cooperation in the Early Warning System (EWS) and the scrutiny of EU legislation. The chapter shows that intensive parliamentary administrative activity has developed around the EU. Some of the activities are based on established practices that exist also outside the European context, such as support for delegations of parliamentarians. Others are exclusive to EU Integration, such as the COSAC Secretariat and the liaison officers of national parliaments in Brussels.

II. THE ORGANISATION OF COOPERATION BETWEEN PARLIAMENTARY ADMINISTRATIONS

The activities of members of parliament in interparliamentary cooperation are mainly organised by the EP and the national parliament holding the Presidency ('Presidency Parliament') with support from the other two parliaments, which take part in the 18-months Presidency of the EU Council ('Parliamentary Troika' or 'Presidency Troika'). The scope of respective responsibilities of the Troika and the European Parliament is in general well defined, but overlaps for specific events, such as the organisation of the Conference on the

⁵ Bodies within National Parliament Specialising in European Affairs, available at: bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewParametricSearch-Dispatch; C Fasone, 'Interparliamentary Cooperation and Democratic Representation in Europe' in S Kröger and D Friedrich (eds), *The Challenge of Democratic Representation in the European Union* (Basingstoke, Palgrave Macmillan, 2012); K Neunreither, 'The European Parliament and National Parliaments: Conflict or Cooperation' (2015) 11 *Journal of Legislative Studies* 466, 489; Interview with an EP Official in Brussels, 30/03/2015.

Common Foreign and Security Policy and the Conference on Economic Governance.⁶ The administrative services of the EP, but in particular the ones of national parliaments are wary of each other's interference in the competences of one another.⁷ This is in particular true for national parliaments, who are disadvantaged compared to the EP in terms of the experience with the organisation of events in a multilingual setting and the logistical services that come with it. It seems that a certain degree of 'mistrust' exists between national and European parliamentary administrations, which mirrors the situation at the level of members of parliament.⁸ This 'mistrust' is rooted not only in the different level of management experience, but also in the more general discussion on which legislative goals should be achieved on the European level and which ones are better left to national institutions.

Parliamentary administrators are loyal to their respective parliaments and work according to this logic.⁹ Having said that, it has to be acknowledged that parliamentary administrators tend to agree that on a personal level the administrative relations between parliaments are open and successful.¹⁰ The next sections review the following administrative actors and structures: the Network of Liaison Officers, COSAC Secretariat and the Directorate for Relations with NPs.

A. The Network of Liaison Officers of National Parliaments in Brussels

The Network of Liaison Officers consists of representatives at the administrative level, which the national parliaments of the EU send to Brussels. In 1991, the Danish parliament was the first parliament to post an official in Brussels as liaison officer for EU affairs.¹¹ At the time, his office was in the Belgian parliament. Over time, more and more parliaments sent liaison officers, especially since the 2000s. Today, 26 out of 28 national parliaments (ie, the equivalent of 35 out of 39 parliamentary chambers) have one or more liaison officers in Brussels (Figure 1). With the exception of the German liaison officers, they are hosted by the European Parliament in the direct proximity of the Directorate for Relations with NPs.¹² Most of them have worked for their parliament for several years before being sent to Brussels, and thus have a thorough understanding of the working and priorities of their parliament.¹³

⁶ See, respectively, J Wouters and K Raube, 'The Interparliamentary Conference on Common Foreign and Security Policy: A Quest for Democratic Accountability in EU Security Governance' (Ch 12), and I Cooper, 'The Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union (The "Article 13 Conference")' (Ch 13), both in this volume.

⁷ Interview with a COSAC official in Brussels, 13/10/2011; Interview with an Honorary Director of the EP in Luxembourg 23/10/2012; EP Official in Brussels 30/3/2015, n 5 above.

⁸ Neunreither, 'The European Parliament and National Parliaments: Conflict or Cooperation', n 5 above; Fasone, 'Interparliamentary Cooperation and Democratic Representation in Europe', n 5 above.

⁹ Högenauer and Christiansen 'Parliamentary Administrations in the Scrutiny of EU Decision-Making', (n 1 above) at 119.

¹⁰ EP Official 30/3/2015, n 5 above.

¹¹ Interview with a Parliamentary Liaison Officer in Brussels, 09/10/2010.

¹² The German parliament sends not only a civil servant, but also representatives for the political parties. As the European Parliament only provides a limited number of offices per parliament, they could not be hosted in the EP. C Neuhold and A-L Högenauer, 'Administrators networking EU affairs? The role of parliamentary officials in interparliamentary coordination and control' presented at the EUSA Biennial Conference in Baltimore on 9–11 May 2013; EP Official in Brussels 30/3/2015, n 5 above; Interview with a Parliamentary Liaison Officer in Brussels, 12/01/2012.

¹³ Interview with a Parliamentary Liaison Officer in Brussels, 31/05/2012; Interview with a Dutch EAC clerk, 9/01/2012.

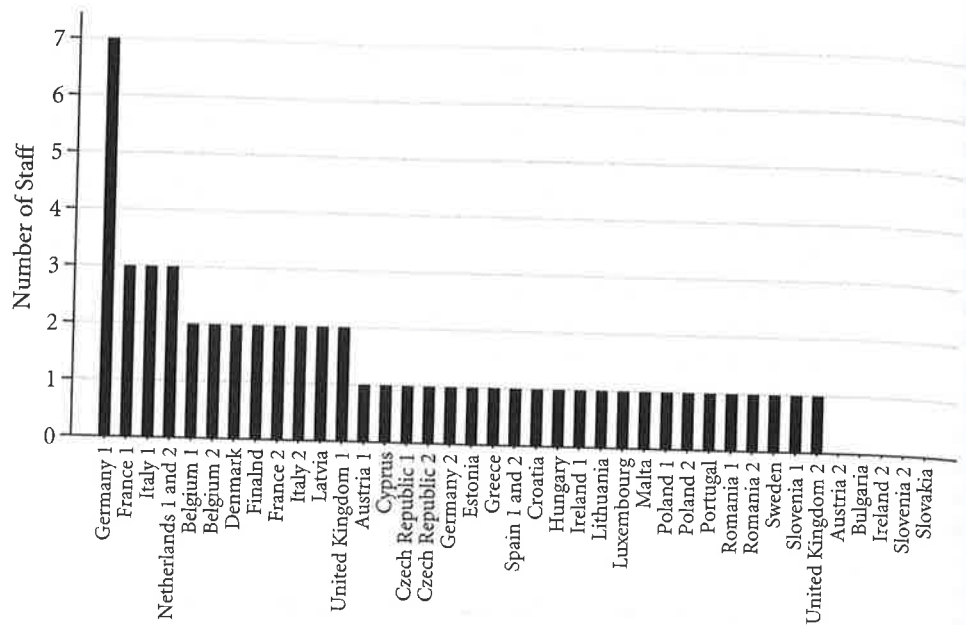


Figure 1: Number of Staff in the Liaison Offices of NPs in Brussels

Source: National Parliament contacts in April 2015 (see footnote 25).

Note: The number of staff includes liaison officers, deputies, assistants and trainees. The number after each country stands for lower (1) or upper (2) chambers of parliament.

The tasks of the liaison officers in Brussels revolve strongly around a central information function.¹⁴ First, they gather information on new and ongoing EU policy initiatives, especially on the basis of the priorities defined by the sectoral and/or European Affairs Committees of their parliaments.¹⁵ This involves both informal communication via phone or email, and—in many cases—regular newsletters.¹⁶ Secondly, the liaison officers establish and maintain a network of contacts with the European Parliament and the European Commission as part of the political dialogue and their information-gathering activities.¹⁷ Thirdly, the liaison officers allow national parliaments to exchange information and coordinate their activities on a frequent basis. For this purpose, they meet every Monday in so-called ‘Monday Morning Meetings’, but the fact that their offices are located on the same corridor also facilitates informal discussions.¹⁸ The COSAC Secretariat, which is discussed

¹⁴ C Neuhold and A-L Högenauer, ‘Administrators networking EU affairs? The role of parliamentary officials in interparliamentary coordination and control’, n 12 above; Interview with a Parliamentary Liaison Officer in Brussels, 13/10/2011; COSAC Official, 13/10/2011, n 7 above.

¹⁵ BA Dias Pinheiro, ‘The Treaty of Lisbon and the adaptation of national Parliaments to the challenges of European integration: the case of the permanent representatives of Parliaments to the EU institutions’ (2012) available at: www.repository.utl.pt/handle/10400.5/5124.

¹⁶ Parliamentary Liaison Officer, 12/01/2012, n 12 above; Parliamentary Liaison Officer, 31/05/2012, n 12 above.

¹⁷ cf MW Bauer, ‘Impact of Administrative Reform of the European Commission: Results from a Survey of Heads of Unit in Policy-making Directorates’ (2009) 75 *International Review of Administrative Sciences* 459.

¹⁸ Parliamentary Liaison Officer, 12/01/2012, n 12 above.

in the next section, is part of these Monday Morning Meetings and has its offices also on the same corridor. Finally, the liaison officers fulfil a limited representative function when they organise meetings between their MPs and European officials and politicians. But they do not 'lobby' the institutions themselves and emphasise that the multi-party nature of their parliaments requires them to observe strict neutrality.¹⁹

B. Presidency Troika and COSAC Staff

One important element in interparliamentary cooperation is COSAC, the Conference of the European Affairs Committees of the national parliaments of the EU Member States and the European Parliament. First established in May 1989, COSAC now has a legal basis in the European Treaties (Protocol No 1 to the Treaty of Lisbon). Its aim is to strengthen the role of national parliaments in EU affairs through the exchange of best practices and by fostering interparliamentary debate on important political topics. Today, COSAC meets biannually. Each parliament is represented by six members, and the national parliaments of candidate countries can each send three observers.²⁰ The core activities of COSAC are political in nature and consist of conferences of national MPs and members of the EP (MEPs) on topics of current interest. These conferences are supported by the COSAC Secretariat and the European Affairs Committee secretariat of the Presidency Parliament.²¹ The COSAC Secretariat is composed of officials of the parliaments of the three Member States that assure the Council Presidency and a permanent staff member.²² The officials coming from the Parliamentary Troika are thus temporarily delegated to COSAC and return to their parliaments after 18 months.²³ The exact number of these temporary members varies over time, as it is up to each parliament to decide how many resources it is willing to commit to COSAC.²⁴ In the period between July 2014 and December 2015 (Presidency Troika of Italy, Latvia and Luxembourg), the COSAC Secretariat consisted of five temporary delegates from Italy, Latvia and Luxembourg.²⁵

In addition, the COSAC Secretariat has one permanent member of staff, who has to be a parliamentary official and who is appointed for a renewable two-year term. The permanent member of staff usually also has a background as liaison officer of a national parliament in Brussels, and has thus experience in networking with different parliaments.²⁶ The procedure for the appointment of the permanent member is laid down in the COSAC Rules

¹⁹ Interview with a Parliamentary Liaison Officer in Brussels, 24/01/2013; COSAC Official, 13/10/2011, n 7 above; Parliamentary Liaison Officer, 12/01/2012, n 12 above.

²⁰ Art 3, European Parliament, Rules of Procedure of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union, [2011] OJ C299/1–9. L Tordoff, 'The conference of European affairs committees: A collective voice for national parliaments in the European Union' (2000) 6 *The Journal of Legislative Studies* 1, 8.

²¹ Art 8.7, Rules of Procedure of COSAC, n 20 above; see also C Fryda, 'The role of the COSAC Secretariat Within the Evolving Landscape of Interparliamentary Cooperation: Challenges for the Future', Chapter 17 in this volume.

²² Art 9.1, Rules of Procedure of COSAC, n 20 above.

²³ Art 9.2, Rules of Procedure of COSAC, n 20 above.

²⁴ COSAC Official, 13/10/2011, n 7 above.

²⁵ National Parliament contacts in April 2015, available at: www.europarl.europa.eu/relnatparl/en/about/contacts.html.

²⁶ COSAC Official, 13/10/2011, n 7 above.

of Procedure. The candidate is proposed by the Presidency Troika, and confirmed by the Chairpersons of the European Affairs Committees.²⁷ The selection of the permanent member is not free from political inferences, where parliaments have an interest in promoting the appointment of their candidate.²⁸ Finally, the European Parliament sends one representative to the COSAC Secretariat, who usually also changes every 18 months in respect to the rotation of national parliamentary administrations and to avoid giving the EP representative any advantage compared to national parliament representatives.²⁹

While COSAC has had regular meetings since the 1990s, the Secretariat itself was only established in 2003, when it became clear that the staff of the European Affairs Committees of the parliaments in the Troika could not provide sufficient support.³⁰ By setting up a secretariat, interparliamentary relations achieved a formal structure. This is not redundant, given the debate among politicians whether and how interparliamentary cooperation should be formally institutionalised.³¹ While the COSAC Secretariat is only an administrative structure, it is a step towards formal institutionalisation.

As in the case of the liaison officers of the national parliaments, the European Parliament provides the offices for the COSAC Secretariat. The temporary members of the COSAC Secretariat are paid by their home countries, as it is their responsibility to support COSAC during their Troika Presidency.³² The permanent member is co-financed by the national parliaments through voluntary contributions.³³

The COSAC Secretariat receives its political guidance from the COSAC Presidency (ie, the three parliaments of the Presidency Troika), or follows the decisions of the COSAC meetings. It works mainly in English and French (and the COSAC website reflects this). In practice, in the daily organisation of COSAC, English is particularly important as a working language.³⁴ The key points of contact for the COSAC Secretariat are the liaison officers of national parliaments in Brussels, as these are the easiest to reach.³⁵ Direct contact with the parliamentary administrations in the national capitals is relatively rare. An exception is the preparation of the biannual COSAC meetings, which require pre-preparatory meetings with the parliamentary administration in those capitals.³⁶

C. The European Parliament's Administration

Compared to national parliaments, the EP relatively quickly dedicated permanent administrative resources to the development of interparliamentary relations. The European Union

²⁷ Art 9.3, Rules of Procedure of COSAC, n 20 above.

²⁸ COSAC Official, 13/10/2011, n 7 above.

²⁹ Interview with an EP Official, 26/01/2012.

³⁰ C Neuhold, 'Trans-national bureaucratic networks in the EU: The role of parliamentary officials in interparliamentary coordination and control' presented at the EUSA Conference in Boston on 5–7 March 2015.

³¹ C Bengtson, 'Interparliamentary cooperation within Europe' in J O'Brennan and T Raunio (eds), *National Parliaments within the Enlarged European Union. From 'victims' of integration to competitive actors* (London and New York, Routledge, 2007) 53.

³² COSAC Official, 13/10/2011, n 7 above.

³³ Art 9.5, Rules of Procedure of COSAC.

³⁴ COSAC Official, 13/10/2011, n 7 above.

³⁵ See, in particular, the Part Six of this volume presenting a debate on the role of the COSAC.

³⁶ *ibid.*

appropriated funding to the EP for relations with national parliaments for the first time in 1990. The budget, which became operational in 1991, can be used for facilitating the exchange of information (including EPCRD and IPEX),³⁷ analysing information, training schemes for officials and study visits to the EP.³⁸ Figure 2 shows the yearly appropriations and real outturns. On average, the EP has spent 200,000 euro per year between 1991 and 2013. The most was spent in 2007 (almost 800,000 euro), while the least financial resources were used in 1991 (50,000 euro). Given the fact that the EP houses the COSAC Secretariat and national parliamentary liaison officers, it can be said that the EP carries the major financial burden of interparliamentary cooperation.

D. Directorate for Relations with National Parliaments

In the same year as the first financial resources were appropriated for interparliamentary cooperation, the EP's political bodies decided to set up an administrative service for relations with national parliaments.³⁹ This service was at first organised at a unit level and operated in the Directorate-General (DG) for Committees and Delegations in recognition of the key role to be played by committees in interparliamentary contacts.⁴⁰ In 2003, the unit was upgraded into a directorate, which still functioned under a DG dedicated to committees (DG IPOL). Since 2009, the unit is known as the Directorate for Relations with National Parliaments, and operates within DG Presidency.

Organisationally, the Directorate is split into two units. One of the units specialises in institutional cooperation, which includes relations with NPRs in Brussels and interparliamentary assemblies (eg, the Parliamentary Assembly of the Council of Europe), the organisation of Joint Parliamentary and Joint Committee Meetings, issues relating to COSAC, the EU Speakers' Conference, ECPRD and IPEX. The second unit specialises in legislative dialogue, which mainly involves the oversight of interparliamentary activities of EP committees (including the maintenance of a Directory of Corresponding Committees in national parliaments), but also parliamentary scrutiny (eg, subsidiarity checks).⁴¹ In 2014, the Directorate comprised 12 staff at the administrator level (AD level/officials) and 10 staff at the secretarial/assistant level (AST rank).⁴² Apart from an interest in inter-institutional relations, no particular expertise is required such as, for example, is required in some committee secretariats (eg, Economic Affairs or Legal Affairs Committees).⁴³ Since its establishment in the 1990s, the number of administrators in the Directorate for relations with NPs

³⁷ On these two networks see in detail section II.D below.

³⁸ The EP has at its disposal two other items for interparliamentary cooperation in Chapters 3 and 10 of the Annual Budget. For example, Item 3043 is dedicated to joint parliamentary committees. However, these two chapters are not limited to cooperation with national parliaments, but also with parliaments of third countries. Therefore, a distinction between interparliamentary cooperation between EU parliaments and the EU with third parliaments is not possible.

³⁹ European Parliament's 1991 Directory, published by the Directorate-General for Committees and Delegations in Luxembourg.

⁴⁰ Neunreither, 'The European Parliament and National Parliaments: Conflict or Cooperation', n 5 above.

⁴¹ EP Official in Brussels 30/3/2015, n 5 above.

⁴² Organisational Chart of the Directorate for Relations with National Parliaments, available at www.europarl.europa.eu/relnatparl/en/about/contacts.html.

⁴³ EP Official in Brussels 30/3/2015, n 5 above.

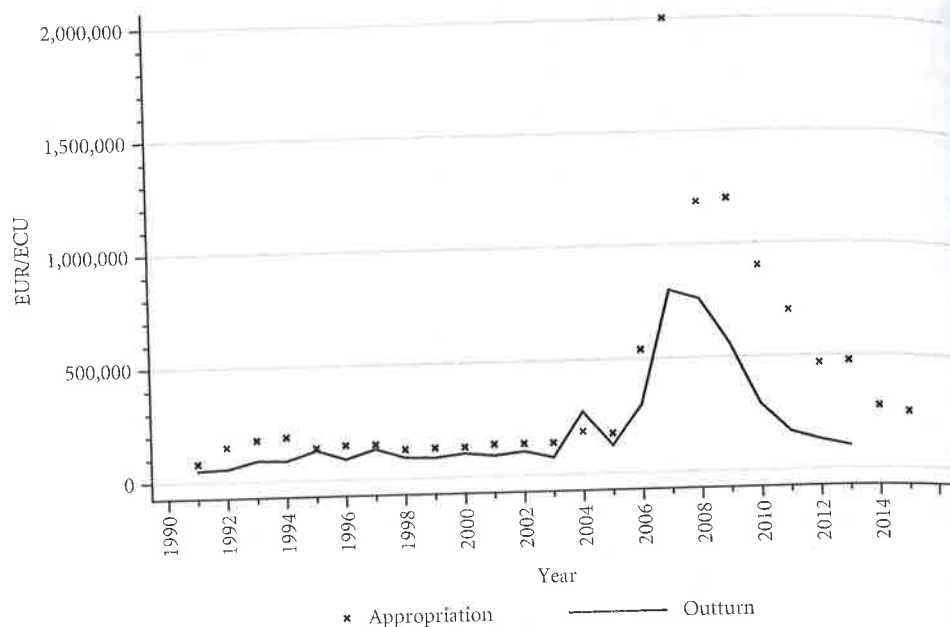


Figure 2: EU Budget Appropriations and Outturns for Relations with National Parliaments

Source: EU Annual Budgets 1991–2015, Item 3249 (Item 2993 before 2003)

has tripled, which signifies the extent to which the EP has invested in fostering contacts with national parliaments. The number of staff in NPs is quite different compared to the EP, as only a handful of chambers (ie, both chambers in Germany, UK and Italy, and the upper houses of Romania and France) dedicate more than 10 staff working on EU Affairs.⁴⁴

The general mission of the Directorate is to act as a coordinating body and a platform of information between the EP and national parliaments. In this sense it occupies a unique role in interparliamentary relations. Not only does it support the work of MEPs, but it also makes sure that the voice of NPs is heard inside the EP.⁴⁵ The main task of the Directorate is to facilitate contacts between the committees of the EP and national parliaments, such as working visits by standing committees and interparliamentary meetings.⁴⁶ In addition, the Directorate cooperates with parliaments from Member States holding the EU Presidency, organises bilateral (study) visits and advises the EP's political bodies (eg, Conference of Presidents, Conference of Committee Chairs, etc), MEPs and other departments within the EP's General Secretariat in their relations with national parliaments. The extent of the Directorate's involvement depends on the solicitation from the EP's committees and MEPs. As the Directorate is based in Brussels, it is likely to be informed and involved in

⁴⁴ Högenauer and Christiansen 'Parliamentary Administrations in the Scrutiny of EU Decision-Making', (n 1 above) at 125.

⁴⁵ EP Official in Brussels 30/3/2015, n 5 above.

⁴⁶ *ibid.*

interparliamentary activities in the EP's headquarters. It is, by contrast, less involved when MEPs visit national parliaments outside the premises of the EP.⁴⁷

III. INTERPARLIAMENTARY ACTIVITIES

A. COSAC Activities

The activities of COSAC develop around its biannual meetings and the exchange of best practices. The main tasks of the COSAC Secretariat include the preparation and the coordination of the agendas of COSAC meetings. Most of the agenda items are usually proposed by the Presidency Troika, and a few items are related to current events.

The second and related important task is the preparation of the biannual reports of COSAC, which are a key tool for the exchange of best practice on parliamentary procedures. For example, the priorities of the Polish Presidency in 2011 were the multiannual financial framework and the review of parliamentary procedures two years after the changes introduced by the Lisbon Treaty. How well had parliaments adapted to the new opportunities? What were successful ways of adaptation and could other parliaments learn from those? For the biannual report, the COSAC Secretariat thus had to draw up questions that reflected those priorities. The Presidency Troika provides guidelines for this, such as the size of the report, the topics to be included; sometimes it even suggests some precise questions that it wants to see included.⁴⁸ But the COSAC Secretariat then has to propose the precise questionnaire and has to make sure that comparable data can be collected. In addition, the COSAC Secretariat can play the role of initiator by proposing potentially interesting items. Thirdly, the COSAC Secretariat analyses the responses of national parliaments and draws up the actual reports. Finally, the COSAC Secretariat acts as the institutional memory, by maintaining the COSAC's website, by drawing up minutes of meetings and by archiving this information.⁴⁹

B. Interparliamentary Meetings and Conferences

Interparliamentary meetings and conferences are frequent forms of contact between members of NPs and the EP. In this type of relations parliamentary administrators are responsible for the organisation and the support to respective delegations of parliamentarians (eg, preparation of briefings). The responsibility for the organisation will vary depending on the type of meeting. While the EP is exclusively responsible for the organisation of Interparliamentary Committee Meetings (ICMs), the Parliamentary Troika (ie, the Presidency Parliament in particular) organises Joint Parliamentary Meetings (JPMs), Joint Committee Meetings (JCMs) and Interparliamentary Conferences in collaboration with the EP.

⁴⁷ EP Official, 26/01/2012, n 29 above.

⁴⁸ COSAC Official, 13/10/2011, n 7 above.

⁴⁹ *ibid.*

(i) Interparliamentary Committee Meetings

ICMs bring together members of parliament from specialised committees in the EP and national parliaments. They take place at the premises of the EP and on a topic selected by MEPs. Their organisation is carried out by the EP's Directorate for Relations with National Parliaments and the secretariat of the EP committee which initiated the ICM. Since the main duty of committee secretariats is the management of legislative and own-initiative reports, rather than interparliamentary matters, the Directorate for Relations with NPs is an important partner for committees in the organisation of ICMs.⁵⁰ In order to effectively organise interparliamentary activities, the Directorate for Relations with NPs and the relevant committee services of the EP (ie, DG IPOL and DG EXPO) have set up a *modus operandi*, which delineates each other's responsibilities.⁵¹ The main logistical organisation falls under the Directorate for Relations with NPs (eg, distribution of invitations, preparation of a list of participants, catering, etc), while committee secretariats assist MEPs in the substantive preparation of the meetings (eg, set up of the agenda). The Directorate for Relations with NPs contributes to the ICM's agenda insofar as it discusses the relevance of the subjects for NPs.⁵²

(ii) Joint Parliamentary Meetings and Joint Committee Meetings

Compared to ICMs, Joint Parliamentary Meetings (JPMs) and Joint Committee Meetings (JCMs) take place less frequently. Both are organised by the Presidency Parliament in partnership with the EP, which also hosts the events at its premises. As for the case of ICMs, the EP's Directorate for Relations with NPs plays an important organisational role, while the agenda is coordinated together with the administrators of Presidency Parliaments.⁵³ Since JPMs bring together delegations of parliamentarians of the EU's parliaments to discuss broad aspects of political issues, they are specifically suitable for fostering relations between parliamentarians of the same political families. Accordingly, one can expect a large presence of officials from parties and parliamentary party groups. Compared to contacts between civil servants in parliament, there is less information on the relations between party and parliamentary party group officials. When such contacts occur, they are organised by the secretariats of parties and parliamentary party groups and not necessarily by the central administrations of parliaments.⁵⁴ In addition, the administrative capacity of parliamentary groups varies. Among the parliamentary groups in the EP, only the European People's Party has an administrative unit taking care of relations with NPs. This could be one of the reasons why the Group of European People's Party has the best-developed relations with parties from NPs.

⁵⁰ EP Official in Brussels 30/3/2015, n 5 above.

⁵¹ *ibid.*

⁵² *ibid.*

⁵³ *ibid.*

⁵⁴ *ibid.*

(iii) Interparliamentary Conferences

Interparliamentary Conferences are a relative novelty in interparliamentary activities. The organisation of the two that have thus far been established (ie, the Interparliamentary Conference on Common Foreign and Security Policy and the Common Security and Defence Policy and the Interparliamentary Conference on Economic Governance, set up in 2012 and 2013, respectively) does not differ substantially from other interparliamentary meetings (eg, Rules of Procedure of the Conference on CFSP). Both conferences are held biannually. Compared to ICMs, only one of the JPMs and JCMs meetings is held in the EP (Brussels), while a second one is held in the country of the Presidency Parliament. Hence, the logistical burden to organise these meetings falls either on the EP (Directorate for Relations with NPs) or the Presidency Parliament.

Administrators thus have some influence on organisational arrangements, discussions on the agenda and the drafting of the rules of procedure. However, beyond that, parliamentary administrations do not play a role in the substantive policy-related discussions during interparliamentary meetings.⁵⁵ This is expected given that most of these events are dedicated to interparliamentary cooperation between politicians and not parliamentary administrators. However, administrative contact does occur in the activities we describe next.⁵⁶

C. Bilateral Visits to the European Parliament

One of the most frequent forms of interparliamentary cooperation is bilateral visits from national parliaments to the EP. Compared to interparliamentary meetings, delegations from national parliaments consist either of members of parliament or administrators (Figure 3). Bilateral visits give therefore the floor to formal administrative interparliamentary cooperation, which targets specific issues of collaboration between administrations. The visits are not limited to the EU's national parliaments only, but are also organised for countries preparing to join the EU.⁵⁷ In 2008, there were, for example, five such visits, which brought to the EP more than 40 officials from the Former Yugoslav Republic of Macedonia, Serbia, Montenegro, Turkey and Kosovo.⁵⁸ These numbers are, however, relatively low compared to visits from the EU's national parliaments. In 2008, the EP has for instance hosted more than 220 officials in a total of 36 bilateral visits. In 2013, the EP received more than 160 administrators and 120 members of parliament.⁵⁹ As Figure 3 shows, bilateral visits

⁵⁵ The administrators of NPs are involved insofar as they brief their members and accompany them to Brussels. In several instances this support is often provided by NPRs.

⁵⁶ C Neuhold, 'Trans-national bureaucratic networks in the EU: The role of parliamentary officials in interparliamentary coordination and control', n 30 above.

⁵⁷ National Parliaments European Parliament Yearbook 2008, available at: www.europarl.europa.eu/webnp/webdav/site/myjahiasite/shared/Publications/Yearbook/Yearbook%202008.pdf; National Parliaments European Parliament Yearbook 2009, available at: www.europarl.europa.eu/webnp/webdav/site/myjahiasite/shared/Publications/Yearbook/Yearbook%202009.pdf.

⁵⁸ These five visits are not included in Figure 3, which includes only visits from the EU's national parliaments.

⁵⁹ Annual Report 2013/2014 on Interparliamentary relations between the European Parliament and national Parliaments under the Treaty of Lisbon, available at: www.europarl.europa.eu/webnp/webdav/site/myjahiasite/shared/Publications/Annual%20report/Relations%20with%20National%20Parliaments%20-%20Annual%20Report%202013.pdf.

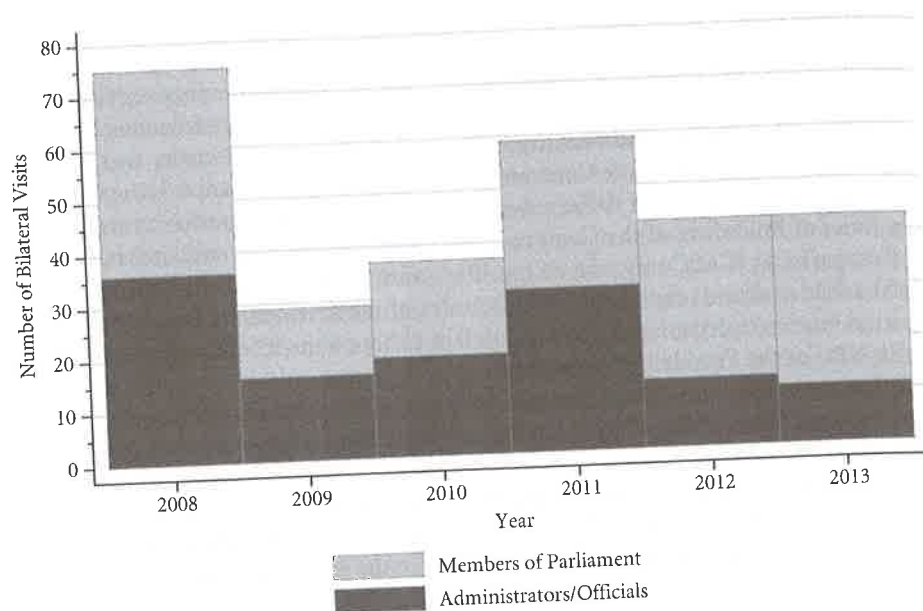


Figure 3: Bilateral Visits to the EP

Source: Yearbook 2008 (n 55), Yearbook 2009 (n 55), Yearbook 2010 (n 58) and Annual Report 2013/14 (n 57)

of administrators from national parliaments are numerically as important as visits from members of parliament.

Bilateral visits (either from administrators of politicians) are always organised by the EP at the request of individual chambers. This means that NPs shape the agenda. Visits take the form of working meetings, study visits, guided tours or trainings. Some of them are dedicated to the preparation for the EU rotating Presidency. In 2010, there were 19 such visits from the Polish parliament in order to prepare for its Presidency.⁶⁰ In general, bilateral visits consist of officials from committees on EU-related issues, and a mixed group of administrators and officials working for parliamentary groups.⁶¹ The latter are however limited in number compared to the former.

National parliaments are not equally represented in bilateral visits to the EP and some chambers are more active than others. In 2013, six national parliaments sent their officials to the EP.⁶² Three visits were from the British House of Commons,⁶³ two from the Swedish Riksdagen, the Danish Folketingetm, and Dutch Tweede Kamer, one from the Estonian Riigikogu and the Austrian Nationalrat.

Since 2008, the EP has also organised thematic administrative visits. Unlike bilateral visits, these visits do not target specific requests from national parliaments. The purpose

⁶⁰ National Parliaments European Parliament Yearbook 2010, available at: www.europarl.europa.eu/webnp/webdav/site/myjahiasite/shared/Publications/Yearbook/Yearbook%202010.pdf.

⁶¹ Yearbook 2009, n 55 above.

⁶² Annual Report 2013–14, n 57 above.

⁶³ One of the three visits was organised together with the House of Lords.

is rather to gather together officials from different national parliaments on issues of cross-parliamentary interest, such as protocol, library services, plenary activities, communication with citizens, etc. In the period between 2008 and 2010, there have been 20 such visits for a total of more than 500 administrators. Such visits offer the opportunity for contact between officials from different NPs and the EP at the same time.

D. Information and Documentation Networks

The exchange of information and documentation is at the core of the European Centre for Parliamentary Research and Documentation (ECPRD) and the InterParliamentary EU Information eXchange (IPEX). Both of these networks are connected with European integration. The ECPRD was established on the initiative of the Conference of Speakers of European Parliamentary Assemblies in 1977. Members of the ECPRD are the EP, the Parliamentary Assembly of the Council of Europe (PACE) and parliaments of the EU and Council of Europe Member States.⁶⁴ The ECPRD Directors are appointed by the Secretaries General of the EP and PACE.

IPEX is, on the other hand, a network exclusive to the parliaments of the EU.⁶⁵ It is mainly dedicated for the use of national parliaments as a point of contact for the scrutiny of EU draft legislative proposals. The Secretaries General of national parliaments each appoint up to two IPEX correspondents, who are responsible for uploading documents relating to the subsidiarity check of EU draft legislative proposals.⁶⁶ IPEX is co-financed by the EP and national parliaments. The EP appropriates from its own budget funds for securing the IPEX's website domain; while national parliaments co-finance the salary of an officer, who centrally oversees IPEX's operations.⁶⁷ The objectives of the platform are decided by the EU Speakers' Conference, while the Secretaries General approve the working guidelines. The IPEX Chairmanship and Board prepare IPEX's background work.⁶⁸ Besides an important instrument for the exchange of documents, IPEX functions also as a venue for networking between administrators. Meetings for IPEX correspondents are organised annually and include activities such as training, workshops and a plenary session. Unlike the website of the ECPRD, the documents on the IPEX website are freely available to the public.⁶⁹ As a result, IPEX has become a source of information for EU citizens as well.

⁶⁴ The parliaments of Israel, Canada and Mexico have an observer status in the ECPRD. Statutes of the European Centre for Parliamentary Research and Documentation, available at: ecprd.secure.europarl.europa.eu/ecprd/navigation.do?section=3.

⁶⁵ Note that candidate countries can also participate.

⁶⁶ Art 8, IPEX Guidelines as approved by the meeting of the Secretaries General of the EU Parliament at the Meeting of Secretaries General on 14 March 2015 in Rome, available at: www.ipex.eu/IPEXL-WEB/widgets/download.do?widgetId=082dbcc5312cf97d013147b139360ad7&fileId=082dbcc5312cf97d013147b2166d0ad9. Based on information on the IPEX website, only seven chambers have appointed two administrators as IPEX correspondents, while most of them have only one correspondent. The Dutch upper chamber is the only chamber which did not appoint an IPEX correspondent (situation in March 2015).

⁶⁷ Art 9, Art 10 IPEX Guidelines, n 66 above.

⁶⁸ Art 4, Art 5 IPEX Guidelines, n 66 above.

⁶⁹ See the Conclusion of the EU Speakers' Conference held on 7–8 April 2014 in Vilnius, Lithuania, available at www.ipex.eu/IPEXL-WEB/euspeakers/getspeakers.do.

E. Meetings of the Secretaries General of the EU Parliaments

Like the Speakers' Conference, which dates back to the 1960s and 1970s, the meetings of Secretaries General were one of the first formal administrative relations that were established in the scope of EU interparliamentary cooperation. The Secretaries General of EU parliaments meet in order to prepare the annual EU Speakers' Conference. Meetings occur annually and a few weeks before the Conference of Speakers. They are organised by the Presidency Troika and take place in the country which presided over the EU Council in the second half of the year. The preparation is therefore in the hands of national parliaments and the EP does not play a particular role.

The annual meeting lasts two days. The programme includes presentations, debates and social events. Compared to the administrative networks, such as the ECPRD or IPEX, the meetings of Secretaries General are not limited to technical cooperation. They serve as a platform for discussing the agenda of the upcoming EU Speakers' Conference on politically relevant topics, such as the economic crisis, human rights, foreign affairs, etc. In addition, they provide a venue for exchanging best practices, when Secretaries General present individual reports on different issues (eg, the development of political dialogue, coordination of EU affairs, the scrutiny of draft proposals on EU law, etc). The Secretaries General are responsible for overseeing the lower levels of administrative cooperation. For this purpose they have the power to appoint the IPEX Chair and Board, adopt guidelines for the operations of IPEX, etc. Therefore, administrative interparliamentary cooperation follows a strict logic of hierarchy, where the leeway of action and mandate to discuss political matters varies according to the level of seniority in the administration. This administrative hierarchy reflects the hierarchy that exists between corresponding types of political coordination.

F. Scrutiny of EU Draft Legislation: The Early Warning System

As it has been seen for the case of COSAC contributions, most of the results of interparliamentary activities are not formally binding. With the entry into force of the Lisbon Treaty in 2009, national parliaments were given a formal right under the Early Warning System (EWS).⁷⁰ Through the EWS national parliaments are mandated to scrutinise the compliance of draft EU legislation with regard to the principle of subsidiarity. This right is exercised through so-called reasoned opinions and contributions, which are issued by individual NPs and their chambers. As is well known, when one third of all the chambers issue a reasoned opinion detecting a violation of the principle of subsidiarity by a legislative proposal, a so-called 'yellow card' is reached and the European Commission is obliged by law to review the proposal.⁷¹ It can maintain, amend or withdraw the proposal.⁷²

⁷⁰ See Protocols No 1 and 2 annexed to the Treaty of Lisbon.

⁷¹ Art 7, Protocol No 2.

⁷² Since the access of Croatia one third of votes amounts to 19 out of 56 chamber votes.

(i) *National Parliamentary Administrations in the Early Warning System*

Reasoned opinions and other contributions are prepared by national parliaments, where parliamentary administrators can play a considerable role in the scrutiny of EU proposals.⁷³ In particular, parliamentary administrators are responsible for an extensive range of tasks. They often pre-select potentially problematic EU legislative proposals for scrutiny, gather and summarise information, provide procedural and legal advice and sometimes even draft reasoned opinions.⁷⁴ While the role of parliamentary administrators in the EWS can vary between chambers, almost all NPs' parliamentary administrators play a role that goes beyond technical support, which indicates a certain level of convergence.⁷⁵ A very common activity of administrators is the pre-selection of documents for scrutiny.⁷⁶

The important role that parliamentary administrators carry out as non-elected officials has led to the assumption that the scrutiny of EU politics escapes the political control from elected officials or members of parliament.⁷⁷ Although parliamentary administrators play an extensive role, evidence collected thus far shows that parliamentarians delegate tasks to staff selectively. Especially those parliaments that have well-staffed party groups and generous allowances for MPs' assistants use these 'politicised' administrators to maintain a grip on the scrutiny of EU legislation.⁷⁸

(ii) *Interparliamentary Aspects*

While the preparation of reasoned opinions is not an interparliamentary activity per se, interparliamentary activities are important for their effective use.⁷⁹ Thus far, national parliaments have found it difficult to reach the threshold necessary for the yellow card due to different priorities and some NPs' inactive use of the EWS. For example, some parliaments did not call reasoned opinions 'reasoned opinions' or did not clearly argue in terms of subsidiarity, which would lead their reasoned opinions to be discarded. Here, COSAC made great efforts to help national parliaments to adapt their approaches to avoid those problems.⁸⁰ For instance, it organised so-called 'subsidiarity tests' between 2006 and 2009 that allowed national parliaments to prepare for subsidiarity review. It is still an important platform for discussions on the ideal format and content of reasoned opinions.

In addition, reaching a yellow card requires cooperation between NPs. In order to mount a successful challenge to an EU proposal, national parliaments have to coordinate their

⁷³ Högenauer and Neuhold, 'National Parliaments after Lisbon: Administrations on the Rise', n 1 above; Högenauer and Christiansen 'Parliamentary Administrations in the Scrutiny of EU Decision-Making', n 1 above.

⁷⁴ Högenauer and Neuhold, 'National Parliaments after Lisbon: Administrations on the Rise', n 1 above at 341–42.

⁷⁵ *ibid.*, 344, 348.

⁷⁶ *ibid.*, 344.

⁷⁷ T Christiansen, A-L Högenauer and C Neuhold, 'National Parliaments in the post-Lisbon European Union: Bureaucratization rather than Democratization?' (2014) 12 *Comparative European Politics* 121, 140.

⁷⁸ T Winzen, 'Bureaucracy and Democracy: Intra-Parliamentary Delegation in European Union Affairs' (2014) 36 *Journal of European Integration* 777, 695; A Strelkov, 'Who Controls National EU Scrutiny? Parliamentary Party Groups, Committees and Administrations' (2015) 38 *West European Politics* 355, 374.

⁷⁹ I Cooper, 'The Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union (The "Article 13 Conference")', Ch 13 in this Volume.

⁸⁰ COSAC Official, 13/10/2011, n 7 above.

activities and motivate each other to join in the effort of reaching a yellow card. In this respect the liaison officers of NPs in Brussels play an important role.⁸¹ In the two instances where national parliaments were successful in reaching the threshold for a yellow card (the Monti II and EPPO Regulations), liaison officers in Brussels played the part of coordinators and motivators.

(iii) Monti II Regulation

The first example of a yellow card is the so-called Monti II Regulation, which proposed to limit the right to organise collective action, including the right to strike. Before the eight-week EWS deadline expired, 12 reasoned opinions amounting to 19 votes were adopted. The Danish parliament had identified Monti II early on as a priority and drafted a reasoned opinion. The Danish liaison officer quickly distributed an English version of the reasoned opinion to other parliaments so that they would have a blueprint in case they too wanted to adopt one.⁸² In addition, the Danish parliament could use a conveniently timed COSAC meeting to push the issue on the agenda, as they held the COSAC Presidency at the time.⁸³ The task of the liaison officer was then to keep national parliaments abreast of the progress towards a yellow card and to encourage other potentially interested parliaments to adopt a reasoned opinion.⁸⁴ They succeeded in mobilising the Swedish Riksdagen and the French Senate who then both became very active too.⁸⁵ Finally, the Dutch Tweede Kamer changed its mind and decided to adopt a reasoned opinion on the very last day, in part because they knew that the threshold for a yellow card had almost been reached.⁸⁶ Both in Portugal and in Belgium the staff at home and their liaison officers in Brussels were seen as playing a key role in mobilising their MPs.⁸⁷

(iv) European Public Prosecutor's Office Regulation

In the case of the second yellow card on the proposal regarding a European Public Prosecutor's Office (EPPO), the Dutch Tweede Kamer was very active. They too used their liaison officer to inform the other parliaments that this was a Dutch priority and to proactively ask what other parliaments were planning to do.⁸⁸ As in the case of the first yellow card, there was a 'bandwagon effect', with other parliaments joining in gradually. Even Denmark—which has an opt-out in Justice and Home Affairs—considered adopting a reasoned opinion out of solidarity, but decided in the end that it could not legitimately adopt a subsidiarity complaint on an issue that would not affect it.⁸⁹

⁸¹ Parliamentary Liaison Officer in Brussels, 13/10/2011, n 14 above; Högenauer and Neuhold, 'National Parliaments after Lisbon: Administrations on the Rise', n 1 above at 347.

⁸² Interview with a Danish EU advisor, 15/04/2014; Interview with a Dutch committee clerk, 18/04/2014; Interview with a Dutch committee clerk, 18/04/2014; Parliamentary Liaison Officer, 31/05/2012, n 12 above.

⁸³ cf M Buskjær Christensen, 'Is the Danish model of parliamentary scrutiny still best practice?' in C Heffler, C Neuhold, O Rozenberg and J Smith (eds), *The Palgrave Handbook of National Parliaments and the European Union* (Basingstoke, Palgrave Macmillan, 2015).

⁸⁴ Interview with a Dutch EU advisor, 16/04/2014; Interview with a Belgian committee clerk, 23/04/2014.

⁸⁵ Parliamentary Liaison Officer, 31/05/2012, n 12 above.

⁸⁶ Dutch committee clerk, 18/04/2014, n 80 above.

⁸⁷ Parliamentary Liaison Officer, 31/05/2012, n 12 above.

⁸⁸ Dutch committee clerk, 18/04/2014, n 80 above.

⁸⁹ Danish EU advisor, 15/04/2014, n 80 above.

In spite of the success NPs achieved in the Monti II and EPPO Regulations, there are also critical voices. One permanent representative expressed the view that parliaments were often no longer able to adopt a reasoned opinion within the EWS deadline, if they really only started their work once they had heard about the proposal from liaison officers.⁹⁰ Yet, the last-minute reasoned opinions from the Dutch and Belgian parliaments show that it is possible to react if parliaments are determined to do so. Since the eight-week deadline of the Early Warning System is relatively short, national parliaments are most effective if they have already earmarked a proposal as potentially problematic before it has been officially published.

(v) *European Parliament's Administration in the Early Warning System*

The role of the EP administration in the EWS is to translate and disseminate reasoned opinions. Whether a yellow card is reached or not, the EP, like other EU institutions, is obliged to take into account the opinions of national parliaments.⁹¹ For this reason the Directorate for Relations with National Parliaments reviews all the documents that reach the EP within the EWS eight-week deadline. The main responsibility of the Directorate is to make reasoned opinions and contributions accessible to MEPs.⁹² After it reviews the documents, the Directorate sends them to concerned committees and to the Legal Affairs Committee, which is responsible for the issue of subsidiarity and verifies whether a document is in fact a reasoned opinion and not a contribution.⁹³ All the reasoned opinions are then translated into the official languages of the EU (except for Maltese and Gaelic).⁹⁴ The committee secretariat, which is responsible for the legislative dossier of given reasoned opinions, informs the committee Chair and Rapporteur, who then schedule a debate. In addition to committees, the Conference of Committee Chairs (ie, the EP body bringing together the chairs of all the EP committees) is systematically informed on the state of play on reasoned opinions, which the Directorate for Relations with National Parliaments prepares monthly. Thus, the EP administrators play a role of information. The extent to which MEPs take into account reasoned opinions when writing reports and tabling amendments does, ultimately, depend on their political will.

IV. CONCLUSION

This chapter has reviewed administrative interparliamentary cooperation in terms of actors and activities. Our analysis has shown that the administration of interparliamentary relations is in the hands of the European Parliament, the Parliamentary Troika and the Presidency Parliament. Both national parliaments and the EP have invested resources to develop their administrative network since the 1990s. The EP has set up a Directorate, which provides assistance to MEPs, but takes up also the general role of contact facilitator between

⁹⁰ Parliamentary Liaison Officer, 12/01/2012, n 12 above.

⁹¹ Art 7, Protocol No 2 to the Treaty of Lisbon.

⁹² EP Official, 26/01/2012, n 29 above.

⁹³ *ibid.*

⁹⁴ This is not the case for contributions, which are translated only at the request of committees. All the translations of the reasoned opinions are available in the EP's Public Register of Documents.

the EP and NPs. While the Directorate for Relations with National Parliaments provides successful tools for the coordination between the EP and individual NPs (eg, Directory of Corresponding Committees, database of reasoned opinions, etc), it is mainly the role of the COSAC Secretariat and the respective liaison officers of parliaments in Brussels to guarantee mutual coordination between NPs. This is a difficult, but important task, since under the EWS national parliaments have the power to force the European Commission to revise its legislative proposal when a yellow card is reached.

While the EWS has given individual national parliaments the channel to express their views, national parliaments are stronger when they act collectively. Therefore, the administrative capacity for coordination is essential for NPs. This has been shown in the yellow card cases for the Monti II and EPPO Regulations. As the working relations among liaison officers consolidate, we would expect NPs to increasingly use their prerogatives in the area of EU legislation. Nevertheless, human resources for relations with the EP are not the only problem of national parliaments in the scrutiny of EU legislation. The eight-week deadline prescribed in Protocols No 1 and 2 to the Treaty of Lisbon tests the capacity of NPs to scrutinise EU legislation. In order to effectively use their rights under the Lisbon Treaty, national parliaments might have to invest more resources in a proactive scrutiny of the European Commission legislative agenda. Thus, NPs might consider investing time and resources at a much earlier stage of the EU legislative cycle than presently.

While there is little doubt that administrative resources play an important role in the scrutiny of EU legislation, less firm conclusions can be drawn on the value of administrative contacts *per se*. These occur on a technical, but also on a policy substantive level. The core of administrative contacts consists of the exchange of best practices on technical matters, such as the scrutiny of legislation, communication with citizens, management of research, etc. The meetings of Secretary-Generals of EU Parliaments are the most prominent example of administrative interparliamentary relations on a policy substantive level, where Secretary-Generals discuss and coordinate the agenda of the EU Speakers' Conference. Albeit with smaller margins of manoeuvre, policy discussions occur also in meetings between low-level officials. Every interparliamentary encounter (political or administrative) can thus represent an opportunity for communication on policy-relevant issues. The value of such communication does not only depend on the hierarchy level, but also on the administrative culture within each Member State of the EU.

Given the dynamic nature of EU politics, it is difficult to predict how the role of parliamentary administrations in interparliamentary cooperation will develop in the future. Thus far, European integration has fostered this type of relations. Examples outside the scrutiny of EU legislation, such as the OECD Network of Parliament Budget Officials, show that there is a scope for administrative contacts on policy issues. This has not yet occurred for the scrutiny of EU legislation, where the network of liaison officers is formally in charge only for maintaining relations with the EP.