



Parliamentary Scrutiny of Brexit in the EU-27: Pragmatic Cooperation with a Dominant European Parliament

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Abstract

Concerns about a democratic deficit in the European Union reached new heights in recent years, as the organization has had to address a number of highly politicized challenges. In this context, the question of how much oversight should be exercised by the European Parliament (EP) and national parliaments individually or collectively becomes increasingly salient. Against this background, this article argues that on the issue of Brexit the EP has been quick to carve out a role for itself. However, unlike in previous trade negotiations, national parliaments took a backseat on Brexit despite its potential impact on member states. This is largely due to the similarity of national and party positions on Brexit. In addition, the way the different interparliamentary bodies addressed Brexit reveals the limitations of these bodies in terms of their powers and the depth of their discussions.

Keywords

European Union – Brexit – interparliamentary cooperation – scrutiny – politicization – European Parliament – national parliaments

The relationship between national parliaments (NPs) and the European Parliament (EP) in the European Union (EU) is complex. The European Treaties recognize both levels as making important contributions to the democratic nature of the European Union (Art. 10 and Art. 12 TEU). However, this does not always result in harmonious collaboration in response to the challenges

of democratic control in a multi-level political system. While the European Parliament can claim to be the EU's primary source of democratic legitimacy and its core legislative organ (Directorate General for Internal Policies 2017), national parliaments have become more assertive since the 1990s and have a legitimacy that stems from higher electoral turnouts and a closer proximity to their citizens.

The UK's decision to leave the EU resulted in a number of important challenges that had to be addressed in two agreements between the EU and the UK. In the first phase, the UK and the EU negotiated a withdrawal agreement, which is the focus of this study. After several delays and extensions, an agreement was finally reached in autumn 2019 and UK membership ended in January 2020. The aim of this withdrawal agreement was to provide a basis for the disentanglement of the UK from the European Union's (EU) institutions and policies. This included the question of budgetary settlements, for example to address the situation of the UK leaving before the end of the multiannual financial framework, or the issue of pensions for British EU civil servants. It also covered the rights of EU citizens that work or live in the UK and the rights of UK citizens that work or live in the EU-27, the rules for the transition phase after January 2020 and the future relationship of Northern Ireland with Ireland and the UK. The relationship between the EU and the UK after the end of the transition phase (31 December 2020) is governed by a second agreement on the future relationship between the EU and the UK.

On the whole, Brexit had the potential to have a noticeable impact on a number of EU citizens and a wide-range of economic activities, especially if it had turned into a 'hard' Brexit with no – or only a minimal – agreement on the post-Brexit relations between the UK and the EU. In the UK, this led to an intense public debate and a highly mediatized legal dispute over the rights of parliament in the Brexit negotiations.¹ In addition, art. 50 TEU requires the consent of the European Parliament for the withdrawal agreement. As for the agreement on the post-Brexit relationship between the EU and the UK, it was long unclear whether this would be a 'mixed agreement' that affects both EU and member state competences and that requires both the consent of the EP and ratification by national parliaments, or a more limited agreement that would not require national ratification. In the end, the second option prevailed and the agreement only required ratification by the EP, although, as national parliaments originally expected that the agreement would be more comprehensive and would require national ratification, they had a vested interest in following the negotiations actively from the start.

1 E.g. Supreme Court of the UK, R (on the Application of Miller and another) v Secretary of State for Exiting the EU, Judgement of 24 January 2017, [2017] UKSC 5.

Given the importance of the precedent that the first withdrawal of a member state would set and the lack of detailed instructions on the precise process in Art. 50, this paper has two goals. Firstly, it aims to analyse to what extent national parliaments and the European Parliament provided oversight (individually or collectively) over the negotiations. It focuses on the first phase of the negotiations (until January 2020), as the second phase was overshadowed by the Covid-19 pandemic and marked by a further decline in public interest, media attention and national parliamentary attention (at least within the EU-27).

Secondly, in light of the plethora of bodies of interparliamentary cooperation that now exist, while also considering the numerous examples of interparliamentary competition, the paper analyses the extent to which these bodies contributed to collective parliamentary oversight, or whether their work was marked by competition and mistrust between parliaments. With its focus on interparliamentary relations, this paper complements previous analyses of the way parliaments have engaged with the Brexit issue individually (Bressaneli et al 2018; Closa 2019; Christiansen and Fromage 2019). From the perspective of interparliamentary cooperation, Brexit appears to be a truly distinctive issue, given the fact that the EU-level prerogative on this issue is essentially beyond dispute as well as the exceptionally high level of consensus that it commanded among the (remaining) EU-27. The British parliament is excluded from the analysis, as it was not in a position to scrutinize the position of the EU institutions, which only represented the EU-27 as far as Brexit was concerned.

Building on an overview of previous cooperation and competition between the EP and NPS, the next section presents a conceptual framework for understanding interparliamentary cooperation and competition on specific policies. The article will then go on to analyse the competences of the EP and NPS in the Brexit negotiations and the scrutiny activities they engage in individually. On that basis, the analysis will turn to the attention that Brexit has received in the different interparliamentary forums that the EU hosts and examine the structure of those debates. The analysis of interparliamentary cooperation is based on a documentary analysis of interparliamentary meetings since 2016 and complemented by five qualitative interviews with parliamentary representatives and the COSAC secretariat.

Interparliamentary Cooperation and Competition pre-Brexit

In order to understand how interparliamentary cooperation or conflict might play out in the case of Brexit, the literature on interparliamentary relations and past cases will be briefly reviewed.

The EP was for a long time the main parliamentary actor in EU policy-making. NPs began to be recognized in the Treaties of Maastricht and Amsterdam, but the dynamic of strengthening national parliaments only gained momentum in the 2000s. The Treaty of Lisbon (2009) recognized the importance of NPs for maintaining the legitimacy of the EU (art. 12 TEU), by creating a procedure that allowed them to participate in EU legislative policy-making (through the Early Warning System, strengthening their information rights and recognizing the Conference of Parliamentary Committees for Union Affairs (COSAC)) (Protocols 1 and 2 to the Treaty of Lisbon). COSAC brought together MPs from the European Affairs Committees of national parliaments with MEPs. In the following years, two more interparliamentary conferences were created to deal with economic and financial issues and address foreign affairs, security and defence policy. In addition, the Conference of Speakers provides an opportunity for interparliamentary exchange at a high level, whereas the network of national parliamentary representatives in Brussels provides coordination at the level of the administrations.

There are thus a plethora of opportunities for interparliamentary cooperation between national parliaments and the European Parliament today. As a result, observers now speak of an EU multilevel parliamentary field, where the interests of citizens are represented through both types of parliaments at different levels (Crum and Fossum 2009). However, some authors have questioned whether the current arrangements are stable and/or desirable. Benz (2017) argues that the European Parliament lost influence when the eurozone crisis strengthened the role of the European Commission and the European Central Bank. At the same time, interparliamentary cooperation between national parliaments started to shift, as some strong parliaments were further strengthened, whereas some weaker ones were further weakened by the need to pass crisis legislation quickly. He argues that the interparliamentary conference on Stability, Economic Coordination and Governance in the European Union (SECG) illustrates the fragmentation of interparliamentary relations (Benz 2017).

The fact that the powers of both the national parliaments and the European Parliament are still evolving creates the potential for competition. Neyer, for example, argues that the different roles of the EP and NPs are not well defined and questions whether the current setup provides sufficient legitimacy to the EU. He admits that the EP's scrutiny of legislation functions well, but suggests that the European Council requires a parliamentary counterweight of a type that could be provided by COSAC (Neyer 2014). It is questionable whether the EP would approve of such a development, as it appears eager to gain more control powers vis-à-vis the European Council for itself – including in connection

with Brexit (see discussion below). In addition, Auel and Neuhold question whether COSAC has the capacity not only to facilitate debate and an exchange of information, but also to formulate clear positions and wield influence (Auel and Neuhold 2017).

Herranz-Surrallés (2014) argues that competition is most likely to emerge in areas that would arguably benefit the most from interparliamentary cooperation, i.e. areas where competences at the European and the national level are increasingly blurred. One example is the creation of the Interparliamentary Conference on CFSP and CSDP that was hampered by the different interpretations of the division of competences by the EP and NPs (Wouters and Raube 2012, Herranz-Surrallés 2014). Whereas the EP felt that NPs should only scrutinize the decisions of their own governments, NPs felt that these policies were subject to intergovernmentalism and that national parliaments should remain sovereign (Herranz-Surrallés 2014). The establishment of the interparliamentary conference on Stability, Economic Coordination and Governance in the European Union (SECG) was also characterized by competition (Cooper 2016).

On the basis of the literature, three expectations can be perceived about the circumstances under which parliaments can be expected to cooperate or compete on an issue. Firstly, on the basis of the literature, it can be expected that what is at stake (new structures or a policy issue) and the existing formal powers will have an impact on whether there is interparliamentary cooperation between the EP and national parliaments. While the literature highlights the potential for conflict, it is noteworthy that many of the past conflicts occurred when new structures were created, and focused on the seats, votes and procedures of a new body. Conflict could thus be anticipated mostly when there is competition for new powers.

E1: As Brexit does not require the creation of new structures of governance, conflict between the EP and national parliaments is likely to be low/absent.

However, whether conflict occurs and how much parliamentary activity takes place is likely to depend also on levels of salience and polarization (Neuhold and Rosen 2019). Firstly, salient issues (i.e. issues that parliaments perceive to be important and of public interest) are likely to generate more parliamentary activity and therefore also more intense cooperation or conflict than other issues (cf. Meissner 2019). In particular, polarisation *between parties* should result in more intense parliamentary scrutiny as competition between parties makes an issue more electorally salient (cf. Högenauer 2019). However, this may not have much impact on the cooperative or conflictual nature of

interparliamentary relations, as competition between parties within a parliament does not necessarily mean that there will be disagreement across parliaments. By contrast, polarisation *between states* is likely to generate interparliamentary competition – but between national parliaments rather than between the European Parliament and national parliaments.

E2: As the European level and the member states have largely agreed on the negotiating position (low polarization), we do not expect conflict between the EP and national parliament or between different national parliaments.

E3: As Brexit is perceived as salient (e.g. due to the risk of a negative impact on the European economy), parliamentary interest in Brexit and activity on Brexit are expected to be high, both within individual parliaments and in interparliamentary bodies, leading to an active use of opportunities for cooperation.

By “cooperation” we mean that parliaments actively coordinate their positions into a common position. “Conflict” can manifest itself in two ways, either as disagreement over the process (who should be involved and in what ways) or as disagreement over the EU position (i.e. what the EU position should be).

The First Phase of the Brexit Negotiations as an Unlikely Case for Conflict

Based on the three hypotheses above, Brexit would seem to be an unlikely cause for interparliamentary conflict. As far as powers and their evolution are concerned, the conflict potential is low. The Treaty of Lisbon (2009) was the first Treaty to spell out the right of member states to leave the European Union. Article 50 of the Treaty on European Union (TEU) specifies that the withdrawal agreement requires the consent of the European Parliament, which would be given in a single vote with a majority of votes cast. By contrast, the adoption of the agreement by the Council only requires a qualified majority. Unlike individual member states, the European Parliament is thus a veto player (Kreiling *et al.* 2017). The EP made it clear early on that it would not just rubberstamp an agreement, and that it would consider withholding its consent if it was not adequately included in the negotiations and informed of their progress. The fact that it has vetoed international agreements such as SWIFT on banking data transfers to the US or the Anti-Counterfeiting Trade Agreement (ACTA) in

the past gives credence to this threat (Ripoll Servent 2014; Meissner 2016). The European Council and the Commission have indeed largely given in to the EP's demands for regular involvement in the negotiations (Bressanelli *et al.* 2018). The European Parliament is thus trying to establish and extend new powers of scrutiny, and it has an incentive to compete for power – but with the other EU institutions.

The national parliaments were in a very different position. The withdrawal agreement did not require ratification by national parliaments and even Council decision-making was based on qualified majority voting, thereby limiting the power of individual parliaments. Domestically, NPs could use debates and questions to obtain information from their governments (Heffler *et al.* 2015), but on the whole their powers were much weaker than those of the EP and they enjoyed less access to information. As a result, it was in the interest of the national parliaments to be on good terms with the EP so that they could benefit from its access and influence. Over time, the relatively small role of the EU-27 parliaments has been confirmed.

The second agreement on the future of the relationship between the EU and the UK was originally expected to require the consent of the EP, as well as ratification by each national parliament and the Belgian regional parliaments (Interview with NPR 2, 25.4.2018; Interview with EAC staff, Chambre des Représentants, Luxembourg, 24.04.2018). For national parliaments, this would have increased their influence and given them veto powers. Ultimately, however, the agreement was narrow enough to be ratified on the European level.

Secondly, Brexit was highly salient (Buth *et al.* 2019; Christiansen and Fromage 2019; Felbermayr *et al.* 2018) – it affected the mobility and rights of citizens, trade in goods and services and the EU budget, and all member states were likely to suffer economic losses. We would therefore expect to find a high intensity of interparliamentary interaction (cf. Crum and Meissner 2019).

Thirdly, and in contrast to the above, the polarisation of Brexit was low in the EU-27. This was partly because the EU managed to focus the negotiations on issues that all member states agreed on, so that there was no politicization between states. More remarkably, there was also very little party political polarization. The country chapters in Christiansen and Fromage (2019) show that even eurosceptic parties usually did not contest the negotiating objectives, despite the fact that they were more likely to understand and support the UK's decision. The EU's position was widely regarded as reflecting the national interests of the member states, which made it difficult for parties to argue with it.

To sum up, the EP had concrete and far-reaching powers as regards both Brexit agreements, whereas the rights of national parliaments in the first phase

were vague. It was therefore in the interest of national parliaments to cooperate with the European Parliament and to use interparliamentary cooperation for the purpose of information gathering. It would therefore not be expected to generate conflict. While the salience of Brexit is high, which can be expected to lead to some activity, polarization was low. The question is whether salience in the absence of conflict translated into a high level of interparliamentary cooperation (e.g. if all parliaments actively scrutinize the negotiations and try to jointly influence them), or whether it led to a division of labour where the EP was the main parliamentary actor scrutinizing the negotiations, whereas national parliaments focused more on other issues, such as the preparedness of their governments.

The Activities of Parliaments in their Respective Arenas

The European Parliament started its preparations soon after the June 2016 referendum on Brexit and long before the official notification of withdrawal by the UK in March 2017. It appointed its coordinator for Brexit, Guy Verhofstadt, at the 8 September 2016 meeting of the Conference of Presidents (CoP). As coordinator, he led the Brexit Steering Group (BSG), which comprised five other members from the EPP, the S&D, the Greens/EFA and the GUE/NGL. Brusenbauch Meislová (2019) showed that the MEPS of those groups strongly supported the EP's main resolutions on Brexit. The relationships between the European Commission, the EU's chief negotiator Michel Barnier and the European Parliament were perceived to be close. Barnier regularly attended CoP meetings and meetings of the Conference of Committee Chairs to keep the EP abreast of the negotiations (Carmona *et al.* 2017).

The importance of Brexit for the EP was reflected in the fact that the CoP decided to make Brexit its responsibility, that Brexit was treated as a cross-cutting issue and that individual sectoral committees were not allowed to undermine the general position of the EP (Bressanelli *et al.* 2018). In its resolutions, the EP was largely supportive of the negotiating team (Brusenbauch Meislová 2019). Bressanelli *et al.* (2018) argue that the willingness of the EP to align itself closely to the position of the other institutions can be attributed at least in part to its close involvement in the negotiations. They analyzed EP activity between June 2016 and July 2018 and counted 10 Bureau meetings, more than 20 CoP meetings, numerous meetings of the Committee on Constitutional Affairs and of affected sectoral committees, while over 100 reports and briefings were commissioned or drawn up by the EP's research unit and its policy departments. In terms of content, they find that the EP's

preferences were close to those of the other institutions, but it tended to focus more on citizen rights than the other issues (*ibid.*).

The role of national parliaments has been studied in an edited volume by Christiansen and Fromage (2019). The chapters show that the salience of Brexit was high for virtually all states, for example because many nationals of EU member states live in the UK (Poland, Czech Republic), because of a common border with fragile or disputed UK territories (Ireland, Spain) or because of extensive common trade or closely intertwined financial sectors (Germany, Belgium, Luxembourg, Spain, Ireland, Poland). The UK was also a key ally for some countries on issues of national interest, e.g. in security relations (Poland), financial regulation (Luxembourg) or simply as a liberal counterweight to France (Germany). At the same time, the chapters also show that most parliaments were at best moderately active, with the exception of Ireland where Brexit was a particularly sensitive issue (Bar Cendón 2019; Barrett 2019; Boronska-Hryniewiecka 2019; Buth *et al.* 2019; Sierens and Brack 2019).

In general, the role of national parliaments was limited to information-gathering and monitoring. Even comparatively strong parliaments had a limited influence on their governments, mostly because the absence of polarization meant that there was no need to try and influence the negotiations. In some cases, a traditionally weak role in EU affairs or a limited administrative capacity also played a role, for example in the case of the Belgian regional parliaments (Sierens and Brack 2019) or the Irish parliament (Barrett 2019). However, even though the Polish parliament has comparatively strong scrutiny powers in EU affairs, the Senate only held a single committee meeting on Brexit. The Sejm, the Polish Lower House, was more active, with 10 EAC and 7 plenary debates between June 2016 and July 2018 but it was only briefed by the government on 4 out of 16 article 50 meetings of the General Affairs Council and European Council (Boronska-Hryniewiecka 2019). The Spanish Parliament was briefed far more regularly according to Bar Cedón (2019), but according to these authors neither the Sejm nor the Spanish Joint EU affairs Committee were briefed about the art. 50 European Council meeting that defined the first negotiating guidelines for Brexit! Similarly, the Czech parliament followed the Brexit negotiations fairly regularly, but limited itself to monitoring. The German Parliament mostly only monitored the negotiations, but sporadically showed some muscle, especially when the Bundesrat reminded the government of its competences in areas that affect the German Länder (Buth *et al.* 2019).

On the whole, the level of activity of national parliaments was lower than what might have been expected given the salience of the issue (cf. E3). All seven national parliaments appeared to adopt a largely reactive approach that was

guided by external events such as the referendum or key (European) Council meetings. With the exception of the Bundesrat, there were few attempts to influence member state positions in the Brexit negotiations. This relatively reactive stance can at least in part be explained by dynamics of the negotiations. Up until the end of 2019, the negotiations focused on the withdrawal agreement. The core issues (citizens' rights, the 'divorce bill', the need to find a solution for Northern Ireland) were relatively uncontroversial among the governments and parliaments of the EU-27. One would not expect parties or parliaments to disagree with the principle that the UK should not be allowed to engage in cherry-picking, or the notion that there should be a level playing field for financial actors in the UK and the EU.

Interparliamentary Relations on Brexit: Competition, Cooperation or Information-Sharing?

There are several forums for cooperation between the European Parliament and national parliaments. For the purpose of this article, the most relevant forums that allow for regular institutionalized exchange were selected: the Conference of European Affairs Committees (COSAC), the Conference of Speakers, the Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union, the Interparliamentary Conference for the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) and the Monday Morning Meetings of the representatives of national parliaments in the European Parliament.

The Conference of Parliamentary Committees for Union Affairs brings together MEPs and MPs, by allowing national delegations to include six members of the EU affairs committee of the member state. COSAC is recognized in Protocol 1 of the Treaty of Lisbon. The Conference of Speakers of the European Union Parliaments first met in 1963 and has met annually since 1999. It is composed of the Speakers of the EU's national parliaments and the President of the European Parliament (EU Speakers' Conference 2010). The Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union (SECG) was created on the basis of Article 13 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (Fiscal Treaty), which entered into force on 1 January 2013. It meets twice a year, once in the format of the 'European Parliamentary Week' in Brussels, and once in the member state holding the Council Presidency. Each national delegation can determine its own composition, and candidate countries are invited to send up to two observers each. The meetings are typically public, unless it is

decided otherwise (Rules of Procedure of the Interparliamentary Conference on SECG). Finally, the CFSP/CSDP Conference was established in 2012. Its task is to ensure parliamentary control of EU foreign, security and defence policy after the dissolution of the Western European Union. It meets twice a year (Rules of Procedure, Interparliamentary Conference for CFSP and CSDP). All of the above conferences can adopt non-binding Conclusions, although the Conference on SECG does not make use of this instrument in practice.

In addition, almost every national parliament has a representative (NPR) in Brussels, who is a member of the parliamentary staff. The offices of these representatives are generally located within one building of the European Parliament. This arrangement facilitates informal exchanges between parliaments and has resulted in weekly Monday Morning Meetings (MMMs) where the national parliaments discuss current themes with each other and where they can invite members or staff of the European Commission, European Parliament or external experts (Högenauer *et al.* 2016; Neuhold and Högenauer 2016). The NPRs do not take decisions on policy matters, but have merely a coordinating function.

There are thus ample opportunities for interparliamentary cooperation in the European Union. As the national parliaments scrutinized Brexit less actively than expected, while the European Parliament pushed for an active role for itself, it was unlikely that there would be a competition for influence between different parliaments. However, it is interesting to see to what extent national parliaments used these bodies to obtain information on Brexit or formulate a common position.

COSAC: Cooperation on the Exchange of Information

COSAC was much quicker to debate the topic than other interparliamentary conferences and went beyond a mere acknowledgement of the problem. At the first COSAC meeting after Brexit, in Slovakia in November 2016, several members brought up the topic in the context of the presentation of the priorities of the Slovak Presidency (COSAC 2016). Recognizing the importance of Brexit and the fact that the powers of national parliaments were ill-defined, COSAC devoted a whole chapter to the topic in its May 2017 report, where it compiled data on the activities of national parliaments and their expectations about their involvement in the process (COSAC 2017a). The November 2018 report followed up this line of inquiry and provided updated information on parliamentary scrutiny of the negotiations and their discussions of the national impact of Brexit (COSAC 2018b).

The May 2017 meeting devoted a session to Brexit, during which both the EU's chief negotiator, Michel Barnier, and the Chair of the EP's Constitutional

Affairs Committee, Danuta Hübner, addressed COSAC. In November 2017, Barnier and Hübner were again present for another session on Brexit and the future of the European Union (COSAC 2017b, 2017c). The Conclusions contained a separate section on Brexit, where COSAC endorsed the EU's priorities and demanded that national parliaments should be informed on a regular basis (COSAC 2017d). Barnier visited for a third time in November 2018 and, again, a separate agenda item was devoted to the issue (COSAC 2018a). In autumn 2018, 37 speakers participated in a dedicated Brexit debate in COSAC, but mainly to support the EU's negotiating position. The debate also provided opportunities for British MPs to explain their point of view (COSAC 2018c).

In addition, Brexit comes up indirectly in many discussions. For example, Brexit affects debates on the future of Europe or the multiannual financial framework, and there is thus a subheading on Brexit in the May 2018 report in the chapter on the financial future of the EU (Interview with a Member of the COSAC Secretariat, 26/04/2018).

Within COSAC, the European Parliament contributed to keeping national parliaments informed. The relationship between the EP and NPs in COSAC can be described as positive: Danuta Hübner, the Chair of the Constitutional Affairs Committee, visited COSAC several times to brief it about the EP's position, and the EP generally provides information on Brexit when invited to do so by the COSAC Presidency (Interview with a Member of the COSAC Secretariat, 26/04/2018; COSAC 2018c). However, despite this positive relationship, one should not overestimate the extent of the cooperation. As a member of the secretariat explained, COSAC is above all 'a forum for debate, where NPs can speak freely, where they can exchange views and best practice' (Interview with a Member of the COSAC Secretariat, 26/04/2018). In light of its diverse membership and the requirement of consensus, it is not really designed to adopt detailed positions and wield influence. The diverse powers of national parliaments, the fact that not all MPs are equally active and not all MPs are interested in the same topics hamper it. The debates after Barnier's and Hübner's interventions also show that many COSAC members are interested in the issue, but that their comments concern a wide range of aspects and often go in different directions. They illustrate that COSAC really is about information rather than in-depth debate (Interview with a Member of the COSAC Secretariat, 26/04/2018). Nevertheless, COSAC did play a role in pragmatic information-related cooperation, in that that it focused on finding out what was happening in the negotiations and how the different parliaments were involved on the national level. There was also some cooperation with a focus on improving the role of national parliaments, in that COSAC did formulate demands for the involvement of national parliaments in the process.

Conference of Speakers

Despite the high-level nature of the Conference of Speakers, Brexit was only a marginal issue there. At the 2016 Conference in May – one month before the Brexit referendum – Brexit did not make it onto the agenda. The Conclusions of the Presidency only mention Brexit in point 31, where they ‘take note’ of the upcoming referendum and the agreement on a new settlement for the UK within the EU. The highpoint of interest in Brexit was reached at the Conference in Bratislava in April 2017. Numerous Speakers mentioned Brexit as a challenge that highlighted the need for internal reforms. However, only two Speakers discussed the negotiations or ideal outcomes. The Speaker of the Slovak National Assembly expressed the wish that UK would remain a strong partner of the EU. The Speaker of the Bulgarian National Assembly underlined the importance of the status of EU citizens in the UK and UK citizens in the EU and praised the White Paper of the Commission as a good basis for debate (Conference of Speakers 2017a). The Conclusions of the Conference call for a

‘fair, balanced and transparent negotiation process about the terms of the withdrawal and about the framework of the future cooperation with the United Kingdom, in which the National Parliaments and the European Parliament have their roles, the latter being fully involved at EU level.’ (CONFERENCE OF SPEAKERS 2017b).

This is the only time the Conference expressed a common view on the organization of the negotiations and the role of parliaments therein. By the time of the conferences in Tallinn and in Vienna in 2018, Brexit had largely disappeared from the agenda, and was only mentioned in passing in the Conclusions. Most speakers also merely listed Brexit in passing as one challenge among others (Conference of Speakers 2018a, 2018b).

Overall, the Speakers’ Conference rarely engaged in detailed discussions, and Brexit was only dealt with in a tiny fraction of its conclusions. This body thus did not really play a role in the parliamentary scrutiny of Brexit or in inter-parliamentary cooperation on this topic.

The Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union (SECG)

Brexit was likely to have a noticeable impact on trade, on future EU budgets and thus on the economic situation in the EU and potentially the stability of the Eurozone. At the SECG, Brexit has been mentioned on at least three occasions since the British referendum. Twice it did not constitute a separate agenda item: At the Interparliamentary Conference on SECG in Bratislava

(16–18 October 2016), Brexit was mentioned in three introductory speeches, and by many speakers for sessions 1 (Strengthening the Social Dimension of the EMU) and 3 (Automatic Stabilisers as a Building Block of the Fiscal Union Architecture). However, none of the contributions were about the negotiations or about the parliamentary perspectives on the negotiations. Instead, the speakers merely used Brexit to highlight the need to communicate the EU's achievements better, to reduce socio-economic inequalities and provide socio-economic stability, as the most deprived areas in the UK had witnessed the highest support for Brexit, as well as the need to tackle the four economic and social priorities of the Slovak Council Presidency (Interparliamentary Conference on SECG 2016). Thus, Brexit was used exclusively to justify the need for future internal policies.

At the Tallinn meeting in October 2017, the impact of Brexit on the EU's budget was discussed. However, as in 2016, the focus was not on the negotiations and the British 'divorce bill' in themselves, but on the implications of the withdrawal of a net payer on the EU's budget in the long term. Thus, a number of MPs and MEPs underlined the importance of prioritization, but the speakers were divided on whether the overall size of the budget should be decreased and the budget spent more efficiently, or whether the national contributions to the budget should increase. Some proposed giving the EU some tax-raising powers (Interparliamentary Conference on SECG 2017).

During the parliamentary week 2019, however, the interparliamentary committee meeting of the Committee of Economic and Monetary Affairs raised Brexit explicitly as one of the themes in its discussion of the Banking Union. In particular, it proposed discussing preparedness for Brexit.

Thus, overall, the Interparliamentary Conference on SECG provided a forum for an interparliamentary exchange of views on how to adapt to Brexit, but it did not show much interest in the negotiations themselves and the discussions only touched the surface of the issue. There was no serious attempt to coordinate on Brexit.

Inter-Parliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy (CFSP/CSDP)

Unfortunately, detailed minutes of the CFSP/CSDP Conference are not available, but it published six Conclusions between summer 2016 and summer 2019. Brexit was only once on the agenda as a separate item, in March 2019 in Bucharest. This timing is interesting, as the meeting was only a few weeks before the original withdrawal date. One of the workshops focused on the impact of Brexit on the future of CFSP and CSDP in light of the UK's significant

contributions to the EU's defence capability. The speakers spoke in favour of associating the UK closely with the EU's defence policy after Brexit and emphasized the fact that bilateral relations with EU Member States needed to be restarted by signing new specific agreements or strengthening existing ones.

In addition, Brexit was mentioned three times at other CFSP/CSDP Conferences, without having been explicitly on the agenda. The Conclusions of the Conference in Bratislava in September 2016 invited the Council of the European Union to evaluate the financial and operational consequences on the CSDP of Brexit (Interparliamentary Conference for CFSP and CSDP 2016). The Conclusions of the Conference in Malta in April 2017 acknowledged the UK's notification of withdrawal, expressed regret and encouraged the UK to continue to cooperate with the EU on foreign affairs and security and defence issues. In September 2017 in Tallinn, however, Brexit was only mentioned in passing (Interparliamentary Conference for CFSP and CSDP 2017a, 2017b).

Overall, the exchanges on Brexit were mostly limited to considering the impact of Brexit on CFSP and CSDP and the ideal outcome of the Brexit negotiations. As with most other interparliamentary conferences, there was no attempt at genuine cooperation in terms of elaborating a position or collectively pushing for influence.

The Representatives of the National Parliaments in the EP

In practice, the ambitions of national parliaments are again limited as far as Brexit is concerned. Several NPRs reported that they used the network of NPRs and the Monday Morning Meetings to collect information on the Brexit negotiations for their parliament. However, they also pointed out that they had to follow many issues on behalf of their parliament, and that they were thus unable to focus on just one. Thus, their priority was to 'forward news from the [European] institutions that is not publicly available to my colleagues', in particular in the context of legislative processes (Interview with NPR 1, 2/05/2018; Interview with NPR 3, 25/04/2018). One NPR stated that 'we follow Brexit marginally' (Interview with NPR 3, 25/04/2018). In that respect, cooperation with the European institutions was good. Barnier reported to the NPRs twice, once after the notification of Brexit (March/April 2017) and once in December 2017, when the negotiations on the agreement on the future relationship between the EU and the UK started. The NPRs were thus briefed about the priorities of the Commission and key developments in the European Councils (Interview with NPR 2, 25/04/2018). In addition, the Brexit Steering Group around Guy Verhofstadt provided regular debriefings on the position of the EP. One NPR estimated that these debriefings took place around every three months, usually at the request of the NPRs. In addition, the NPRs were briefed by the

Directorate for Relations with National Parliaments (<https://www.europarl.europa.eu/the-secretary-general/en/directorates-general/presidency>) in the European Parliament (Interview with NPR 1, 2/05/2018).

When asked if there was much coordination between NPRs on Brexit, all NPRs stated that such coordination was limited, and that most of the coordination of common positions of countries seemed to happen at the governmental level (Interview with NPR 3, 25/04/2018; Interview with NPR 1, 2/05/2018). They felt that most parliamentary discussions took place on the national level, that many parliaments focused on their own position and on domestic preparations for Brexit, and that their main role as NPRs was to update each other on their positions and to hear from particularly affected players, such as Ireland or the UK (Interview with NPR 2, 25/04/2018; Interview with NPR 1, 2/05/2018).

Conclusion: Friendly Indifference Among Unequals

On the whole, there has been a certain amount of interparliamentary cooperation on Brexit, most notably in COSAC. The Monday Morning Meetings also helped national parliaments gather information on a regular basis. However, most of these efforts were limited to a friendly exchange of views and information. No serious efforts were made to establish a common position of parliaments or to push for more influence.

How can this low-intensity cooperation be explained? Firstly, the absence of conflict is in line with the fact that no new institutions were created and that the European Parliament and the national parliaments were therefore not competing about long-term influence. Of course, such conflict could arise once a new Parliamentary Partnership Assembly with the British parliament is created under the Trade and Cooperation Agreement.

Secondly, in line with the second expectation, there was no conflict between states (cf. Kassim and Usherwood 2017) and therefore no reason to clash over the EU negotiating position. Thus, the conditions were conducive to cooperation rather than conflict. However, as the third expectation was not met, in that the activity of national parliaments on Brexit was limited despite the potential impact on the member states, the lack of mobilization meant that the level of cooperation was also low.

Thirdly, the national parliaments were not displeased with the role that the EP played in the negotiations (Interview with a Member of the COSAC secretariat, 26/04/2018, Interview with NPR 3, 25/04/2018). Many national parliaments focused on the domestic impact of Brexit and the position of their national government (Interview with NPR 1, 2/05/2018). They wanted to know if their government had analysed different scenarios, how significant the

consequences would be and if the government had started to prepare for them (Interview with NPR 2, 25/04/2018).

To conclude, the European Parliament scrutinized the Brexit negotiations fairly actively, but mainly to consolidate its positions vis-à-vis the other EU institutions. In contrast, most national parliaments conducted scrutiny at a moderate level. There was some interparliamentary cooperation on the exchange of information and views mainly in COSAC and at the Monday Morning Meetings, but no attempt to develop common positions or to push for more parliamentary influence. Overall, looking at the quality of the discussions, most of the new interparliamentary conferences appear to have had limited effectiveness when it comes to interparliamentary cooperation. They neither focused on information-gathering, nor did they provide in-depth coordination on specific issues, but instead appear to have been limited to a relatively weak deliberative function. They do not appear to be equipped to provide collective democratic oversight over key international negotiations, which means that democratic oversight still depends on the activities of individual parliaments supervising their executives.

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AUTHOR QUERIES

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