

## EUROPEANIZATION OF THE BALTIC PARLIAMENTS: EXPECTATIONS AND AGENDA FOR FUTURE RESEARCH

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### ABSTRACT

*The three Baltic states have joined the European Union almost a decade ago, but as of yet no research has been carried out on how the membership in the EU has affected the national political systems of these countries. This article overviews the literature on how EU membership affects the relationship between legislative and executive branches of government and summarizes what expectations could be drawn as to the character and degree of Europeanization of Baltic parliaments, based on the research. It also calls for an empirical study of this matter to measure these expectations against the reality and gives recommendations how it should be carried out.*

### INTRODUCTION

Even though the Baltic States have joined the EU eight years ago, the research on the EU-related matters remains rather limited. So far, it has only covered a narrow range of topics, of which most popular are relations between the EU and the Russian Federation, Eastern Neighborhood Policy and its changes after the Lisbon Treaty. Research on what impact the membership in the EU had domestically was only limited to the field of political economy. Up to date, the questions how the membership in the EU has affected the political systems and legislative processes or how the Baltic States have adapted to the EU have not been covered. This article aims to provide a brief overview of the field of Europeanization research with a special emphasis on the literature concerning the de-parliamentization process and the EU impact on domestic political systems. In the two subsequent parts of this paper, the major findings in this field are summarized and, based on these findings, some expectations for the level of Europeanization and de-parliamentization in the Baltic states are presented.

### OVERVIEW OF PREVIOUS RESEARCH

The existing research on the interaction between member states and the EU can be crudely divided into two groups: the first group, which dominated in the field from the late 50s until signing the Single European Act (SEA) in 1986, analyzed how national preferences are uploaded onto the EU level and become community legislation (Auel 2005). Since the scope and impact of the Community was substantially expanded by the SEA, it became impossible to ignore the “top-down” direction of this interaction or, in other words, how membership in the Community

affected national political systems. Researchers engaged in this particular matter were mostly interested in two things – how legislative processes in member countries are affected by the EU membership and what institutional changes have occurred in member states' political systems due to the EU membership. The main goal of those interested in the Europeanization of national legislative process was to measure the reality against the expectation of Jacques Delors that the community-initiated legislation will account for 80% of the legislation passed by the parliaments in the member states (Töller 2006). Most of these investigations have found that in reality this number is much lower (around 40% in case of the German Bundestag) (Raunio, Wiberg, 2009: 77), but at the same time their findings were brought to question due to unaddressed problems of operationalization and measurement. The biggest of these problems was, of course, defining the "Community-initiated legislation", as legislative processes in member states are not only affected by the EU regulations and directives, but also by the Community's "soft law", decisions made by an open method of coordination (OMC) and resolutions of the European Court of Justice.

This article mainly focuses on the second trend of Europeanization research, which analyses how the EU membership has affected the institutional structure of the member states, namely the relationship between executive and legislative branches of government. This particular branch of literature is very new, and yet it has witnessed very dramatic developments from claiming the de-parliamentization of national political systems and the overall dominance of the executive branch (Maurer & Wessels 2001) to announcing the re-parliamentization process in less than a decade (Perrson & Wiberg 2011).

This branch of research first appeared in order to empirically test the de-parliamentization thesis according to which national parliaments are increasingly marginalized and the executive branch is continuously strengthened due to the EU membership (O'Brian & Raunio 2012: 4). The logic of this thesis goes like this: transfer of competences from the national to the EU level results in weakening the national parliaments. It occurs because the parliaments are losing their ability to exercise control over the spheres which they have been previously responsible for. The government, however, maintains and increases its influence over these matters, as they can influence decisions on the EU level through participating in the negotiations and voting in the Council. Furthermore, national parliaments often face information and resource shortages which seriously hinder their ability to scrutinize and control the actions of the governments. Finally, the continuous expansion of qualitative majority voting (QMV) to a higher number of spheres of the EU decision-making can possibly leave parliaments with no say over these policy areas at all.

Another "catch-phrase" which helped to spark interest in this kind of Europeanization research was the "presidentialization" thesis. According to it, participation in the EU decision-making processes helps governments to gain more independence from the ruling coalition in the parliament due to a better access to information and resources dedicated to implementing the EU decisions. By limiting government's ties with the parliament, the prime minister gains more room to maneuver and begins to assume more powers. By doing this, he is also establishing his/her independency over the rest of the cabinet and begins to resemble more

of a president than a traditional PM (Perrson & Wiberg 2011). Even though writings on the presidentialization process were poorly empirically grounded and were suffering from serious conceptualization problems (Perrson & Wiberg 2011), they have helped to show that the impact of EU membership on domestic political systems can be multi-faced and affect all the components of the political system.

Despite being genuinely new and sparking a lot of interest on the matter, this early literature also revealed some of the major problems that continue to plague the field of Europeanization research to this day. First, even though everybody agrees that the Europeanization concept refers to the top-down interaction between the EU and the member states, there is no clear agreement on what exactly should be included in and what should be excluded from this concept. In other words, this concept still lacks a clear definition and boundaries (Radaelli, 2000). Due to this “fuzziness” of the concept, Europeanization research has progressed only in narrow clearly defined sectors such as the impact of Europeanization on the relationships among different branches of the government (presented here).

However, even in these isolated sectors many problems persist, namely those of the operationalization of this concept. Measuring how the power balance between the two branches of government has changed over the years is a tall order in itself. Trying to assess how it has changed due to such a multifaceted and complicated process as the EU membership is really difficult. This is why this branch of political science has already earned a rather bad reputation as suffering from continuous operationalization and reliability problems.

### *First wave of Europeanization research*

All the research on this matter up-to-date can be divided into three major waves. The first wave sought to test the de-parliamentization thesis by looking more closely to formal institutional measures adopted by the parliaments in the member states to counteract the loss of competences resulting from the EU membership. The most substantial volume from this wave of research was a collection of essays edited by Andreas Maurer and Wolfgang Wessels in 2001. It was the first really inclusive comparative research about the Europeanization of most of the EU-15 national parliaments. This volume has analyzed what institutional changes have occurred in all member states since the Maastricht Treaty, what parliamentary scrutiny measures have been employed in the member states, and how each national parliament has participated in the preparation of the Amsterdam Treaty (Maurer & Wessels 2001). This focus of the legal aspects of Europeanization was mostly placed because of its operationalizational and methodological simplicity and because almost no other significant contributions had been made to this field before.

The analysis revealed that very few parliaments (Austrian, Danish, and Swedish) had developed efficient measures to scrutinize their governments and thus maintain adequate levels of control over the EU matters (Maurer & Wessels 2001). Even though all parliaments in the member states had created European Affairs Comities (EACs) and were participating in the Conference of Parliamentary Comities for Union Affairs (COSAC), they did not have enough legal power, information and resources to efficiently scrutinize their governments. Furthermore,

parliaments seemed to be little interested in EU affairs in general and did not even use the leverage they had when preparing the Amsterdam Treaty. This has led the editors of this volume to conclude that national parliaments were “late comers and losers of European integration” (Maurer & Wessels 2001). Later inquiries made in this field using the same methodology basically reaffirmed the findings of the Maurer and Wessels volume (Perrson & Wiberg 2011: 201).

### *Second wave of Europeanization research*

Despite providing valuable insights on how national parliaments have reacted and adapted to the pressures of Europeanization, the first wave of Europeanization research did not provide a full understanding of how scrutiny processes are taking place on the national level. By limiting their focus only to the legal provisions and formal powers in the possession of national parliaments rather than their actual behaviour, this wave of research failed to address the informal scrutiny measures adopted by the parliaments as well as the reasons why parliaments were often reluctant to engage in a rigorous scrutiny of their governments.

These criticisms were addressed in part by the second wave of Europeanization research. This time, the focus of the research was expanded, taking into account not only formal scrutiny rights and measures, but also analyzing the behavioral aspects of parliamentary scrutiny, giving special attention to the informal measures which parliaments have adopted to scrutinize their governments over the EU matters. One of the most important contributions to this wave of Europeanization research was made by Auel & Bentz. By analyzing three European parliaments (British House of Commons, German Bundesrat, and Danish Folketing) which correspond to different parliamentary system styles (Westminster, Central European, and Nordic) and the opposite ends of strength of the parliamentary scrutiny spectrum (earlier developed by Maurer & Wessels), they have found that even though German and British parliaments have no formal rights to set the government’s negotiating position (mandating) in the Council of Ministers (as the Danish parliament has), these parliaments still have managed to develop means to scrutinize and control their governments (Auel & Benz 2005). The German Bundestag used its power mainly to issue non-binding resolutions on what position the government should take in the upcoming Council of Ministers negotiations. Even though these resolutions had no legal power, they did bind government politically to the will of the parliament. In the case of the British parliament, the main scrutiny measure adopted was active involvement of Britain’s Euro-skeptic population and media into discussions over the EU matters (Auel & Benz 2005).

Another finding of their study was the revelation that, despite having really strong scrutiny powers the, Danish parliament rarely uses them to full extent. The Danish case became a perfect illustration of the “scrutiny dilemma” which outlines the multitude of paradoxes concerning parliamentary scrutiny. First, as studies have shown, in many parliaments the EU policy is understood as something lying inbetween domestic and foreign policy (Perrson & Wiberg 2011). Since parliamentary involvement and discussions are welcome in the domestic policy areas, national solidarity and unity are required for foreign policy: naturally, often parliaments are inclined not to jeopardize the national unity and refrain from actively scrutinizing the government. Second, parliaments often refrain from issuing rigid mandates to the government,

even if they have rights to do so, in order not to leave the government with too little space to maneuver in the Council negotiations. The scrutiny dilemma gets still more problematic as the lack of parliamentary scrutiny and the limited involvement of the parliament into the EU affairs can potentially have a very delegitimizing effect on the public perception of the EU. Therefore, a rigorous parliamentary scrutiny can prevent the Council from reaching an agreement and passing important legislation, while not enough scrutiny raises serious legitimacy problems for all EU affairs (Auel 2005).

Finally, this wave of Europeanization research has helped to show inherent shortcomings of the principal-agent theory, used both to argue for the legitimacy of the whole EU affairs and to analyze the legislative-executive relations in the national political systems (Moravczick 1997). According to this theory, parliaments draw their legitimacy from the fact that each of their members was chosen by the people to represent them. This was done, since it would be too complicated for the entire population to directly participate in political processes. Therefore the population is the principal, and members of the parliament are their agents. This process is repeated when the government is formed. Since the government is an agent of the parliament for the same reasons as parliamentarians are agents of the population, they enjoy the same degree of legitimacy. The EU in this theory is seen simply as a secondary tier of delegation process and for this reason it cannot suffer from democracy deficit as all the decisions in the EU are made by either direct representatives of people in the EP or by second-tier representatives in the Council. As for legislative-executive relations, this theory states that, since all the mandates and powers of the government are drawn from the parliament and the parliament has the power to replace poorly performing ministers or the entire cabinets, the process of de-parliamentization is not taking place as parliaments remain the principals of the governments (Auel 2005).

This theory pictures parliaments as unitary homogeneous actors which have coherent unified expectations towards the performance of the governments and control their governments according to these expectations. However, in the real world, such an assumption is never true as parliaments are always composed of at least two actors – the ruling party or coalition and the opposition. These actors almost always have different interests and different opinions regarding the performance of the government. Furthermore, they have different relations to the government, as the ruling party or coalition has many informal ways to approach and communicate with the government (via party meetings or through personal contacts), whereas the opposition is mostly confined to formal communication channels. Because of this situation, only the opposition is tempted to actively engage in formal or informal public scrutiny measures, as the ruling party or coalition have more efficient private channels to perform the same tasks. It could even be argued that all the information and resource shortages described above are faced only by the parliamentary opposition, whereas the ruling party faces no such shortages because of its links to the government (Auel 2005).

### *Third wave of Europeanization research*

The second wave of Europeanization research addressed many of the shortcomings of how the impact of the EU membership on domestic political systems was understood and analyzed. By

shifting the research focus from legal provisions on parliamentary scrutiny rights in the member states to the actual behaviour of the parliaments and informal measures they employ to scrutinize their governments, it was shown that formal scrutiny rights account only for a small part of the scrutiny process and that parliaments in the analyzed EU countries are coming up with new innovative ways to scrutinize their governments. This mainly empirically grounded research has provided a serious and compelling evidence to doubt the “de-parliamentization” thesis which in the beginning was the stimulus that inspired Europeanization research. Furthermore, it has shown that national parliaments are successfully fighting back the loss of their competences to the EU and that instead of being “late-comers and losers of European integration” (Maurer & Wessels 2001) they are still very strong. Some researchers have even concluded that the “re-parliamentization” process is taking place in the member states (at least in the Nordic countries) (Perrson & Wiberg 2011).

Upon making this conclusion and carrying out a brilliant empirically grounded work on how each of the member states responds to the challenges of Europeanization, attention was focused on explaining the two areas of Europeanization not covered by the previous research, i.e. on the impact of the EU soft-law (especially the open method of co-ordination (OMC)) and on explaining the cross-national variations in the strength of parliamentary scrutiny among the member states.

### *The impact of the OMC*

The impact of the OMC was largely ignored by previous waves of Europeanization research for two reasons: first, the consequences of the OMC lie somewhere between the two spheres of Europeanization research – Europeanization of legislative process and Europeanization of national political systems; therefore, the researchers that focused on only one sphere tended to avoid this topic. Second, as previously mentioned, all the research on the Europeanization of the legislative process is suffering from serious measurement problems: in case of the impact of the OMC, these problems tend to become even more severe, as the decisions made by the OMC are often made behind closed doors, and researchers tend to run into a lot of problems trying to acquire the needed information (Duina & Raunio 2012).

Despite the above-mentioned problems and complications, the OMC became such an important feature of the Community affairs that its impact was impossible to ignore. So far, only a couple of research papers have been written on this topic. They all agree that the impact of the OMC on executive–legislative relations is multidirectional and neither strengthens nor weakens the national parliaments vis-à-vis governments, but rather gives a new character to this relationship (Raunio 2006; Duina & Raunio 2012).

It is agreed that, on the one hand, the usage of the OMC strengthens the government as the EU sphere of coordination is further extended to the policy areas which previously belonged solely to the national parliaments. Furthermore, in all the member states, formal parliamentary scrutiny rights do not extend to the OMC, and parliaments have no formal means or power to control the government’s actions in this sphere. Finally, as mentioned before, quite often agreements made using the OMC are negotiated and agreed upon behind closed doors; this

severely limits the amount of information accessible to the public or the media. Therefore, national parliaments cannot use the aforementioned informal scrutiny measures, either (Duina & Raunio 2012).

On the other hand, the OMC can really be beneficial for national parliaments, as it provides the means for all member states to share the best practices in regulating certain policy areas among themselves. In this regard, the OMC provides national parliaments with examples of how to make clear, transparent and efficient legislation without going through the tiresome process of coming up with such legislation themselves (Duina & Raunio 2012).

Furthermore, the OMC provides a very useful tool for national parliaments to criticize and control their governments. In a sense, the OMC becomes a tool to compare and evaluate each government's administrative performance and, therefore, becomes a leverage for the opposition to criticize the government's policies and to offer good alternatives in solving the problems of transparency and efficiency (Duina & Raunio 2012).

### *Explaining cross-national variation*

Naturally, when researchers have addressed both the strength of formal and informal scrutiny rights in the possession of national parliaments in all the member states (at least in the EU-15), they have started to focus attention on explaining why the strength of parliamentary scrutiny varies among the member states. The most substantial work on this matter was undertaken by Tapio Raunio from the University of Tampere. In his research paper, utilizing the fuzzy-set-method developed by Charles C. Ragin, he claims that this variation can be explained by a set of five independent variables: institutional strength of parliament, public opinion towards the EU, party positions regarding integration, the frequency of minority governments, and the political culture of the country.

He claims that if the parliament is a strong and independent part of the national political system, it will be more inclined to scrutinize government actions and have more formal scrutiny powers. Of course, measuring the strength of institutions is very problematic, and the operationalization of this variable is rather questionable. T. Raunio, relying on the previous work done on this matter by Döring and Norton, measures the strength of national parliaments by their ability to set their agenda independently of the government and by the amount of the lobbyists they attract (logic here being that lobbyists are naturally attracted to power).

The second independent variable is the share of pro-European people in the general population. T. Raunio utilizes this variable by reasoning that pro-European people are less inclined to protect their country's sovereignty and are more likely to endorse the increased scope of the Community competences.

The third independent variable is the party position regarding integration or, more precisely, existence of a cleavage among the main parties in matters concerning the European Union. By this logic, the existence of such cleavage is likely to spark reoccurring debates in the parliament about the country's EU policy, and scrutiny measures would be undertaken more often, whereas a broad consensus on European matters would grant more freedom of action to the government (Raunio 2005).

The fourth variable is the frequency of minority governments. It is agreed that the minority governments are often obliged to secure passing certain bills (in this case the Community-inspired legislation) by building alliances with the opposition parties. It has also been demonstrated that such governments tend to build more stable and durable alliances on the European Union than on domestic policy (Perrson & Wiberg 2011). To do this, governments have to engage in an open parliamentary debate, to discuss and compromise on their course of action. Therefore, if minority governments occur frequently, parliamentary involvement and their scrutiny rights are strong (Perrson & Wiberg 2011).

The final independent variable is political culture. It has been shown in the previous research that the share of Catholics/Orthodox in the general population strongly correlates with lenient attitudes towards the EU, while high percentages of (ex)Protestants indicate the Euro-skeptical political culture (Bergman 1997: 378). Naturally, the Euro-skeptical political culture means that these states are more inclined to guard their sovereignty; therefore, their parliaments would have stronger scrutiny rights (Raunio 2005).

T. Raunio concludes his work by establishing that, even though all independent variables play an important part in explaining cross-national variations, the first and the last variables are most important as they account for explaining about 80% of cross-national variations. Therefore, according to Raunio, strong parliaments and the Euro-skeptical political culture are sufficient reasons for a strong parliamentary scrutiny (Raunio 2005).

Naturally, since the fourth wave of Europeanization research is still in its infancy, it is really hard to provide a more detailed overview. Both branches of this wave (the impact of the OMC and attempts to explain cross-national variations) are still underresearched. Regarding the impact of the OMC, it is necessary to expand the existing scope of research to include as many different political systems as possible in order to test whether the OMC effects vary across different institutional designs. Furthermore, it is badly needed to expand the existing scope of research to include newer member states to test whether the newer members of the EU are affected differently.

The same applies to the attempts to explain the cross-national variation in the strength of parliamentary scrutiny measures. The scope of this research must be extended in order to test whether the same set of variables (especially the two most important ones) is applicable to the newer members of the EU. Since Raunio's method to flesh out these variables is relatively sensitive to the number of cases, it is very likely that nearly doubling the scope of research would yield some new and interesting results.

## EXPECTATIONS FOR THE BALTIC STATES

The impact the EU membership had on the Baltic States' political systems remains unresearched. In their study of the Nordic countries, Perrson & Wiberg conclude that Nordic parliaments have remained the key players in their national systems and have proven themselves to be extremely resilient to the processes of Europeanization and de-parliamentization. In fact, these scholars have concluded that, contrary to earlier claims, the influence of parliaments in the Nordic countries is growing and that the process of re-parliamentization is taking place (Perrson & Wiberg 2011).

The reason why such process is occurring is very simple: the Nordic countries have some of the oldest parliaments in Europe, and their liberal-democratic systems based on universal suffrage have been established very early. Since then, the parliaments have cemented themselves as the centres of the Nordic political systems, and this strong tradition of parliamentarism, combined with the institutional strength of the national parliaments, helped them to avoid losing their power to the executives (Persson & Wiberg 2011). In his attempt to explain the cross-national variation in the strength of the parliamentary system, Raunio provides also some insights into the strength of Nordic parliaments. Apart from the aforementioned institutional strength of national parliaments, the Nordic countries have rather a high share of Euro-skeptic population and, even though no clear and deep cleavage regarding the European Union exists in the Nordic party systems, these countries also have all the remaining attributes to keep the legislative power over the executive one. All these countries are mainly (ex)Protestant and, with the exception of Finland, the minority governments occur there rather frequently (Raunio 2005).

This naturally begs the question how the Baltic countries have been affected by the Europeanization process and whether their de-parliamentarization has occurred. Based on the available research, we can draw a couple of expectations about the Europeanization level in the Baltic States and its character.

First, the Baltic parliaments are rather young and inexperienced as compared with their Nordic counterparts. This alone would make Baltic parliaments rather more vulnerable to the Europeanization process as compared with the Nordic legislatures. Furthermore, this tendency is even more amplified by the high degrees of electoral volatility (Sikk 2005) and party system polarization (Jastramskis 2011). The degree of party system polarization is of paramount importance, because it hinders the consensus policies in the parliament and tends to prevent fruitful discussions between the position and the opposition. This indicator also signals that Baltic parliaments resemble "Plenaries" rather than the "Working parliaments" of the Nordic countries (Rasch 2004). If this is the case, one could easily expect to see that the Baltic political systems would be more dominated by the executive.

Based on the Raunio's research, the same expectation can be drawn. Even though the institutional strength of the Baltic parliaments has never been analyzed and empirically tested, due to the features outlined above it would be logical to expect that the Baltic parliaments would be classified as weaker than the Nordic ones. However, empirical research on the strength of Baltic parliaments is strongly needed and would be most welcome.

The Baltic populations are some of the most pro-European in the EU<sup>2</sup>, and there is no clear party cleavage on the European matters (at least among systemic parties), and minority governments are rare exceptions. All this implies that the parliamentary scrutiny in the Baltic States should be rather weak and poorly developed; despite their recent accession to the EU, the Baltic political systems should be strongly Europeanized.

However, these countries differ substantially in their political culture (in Raunio's terms); Lithuania is characterized as mostly Catholic, whereas Latvia and Estonia have mostly the

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<sup>2</sup> Eurobarometer [http://ec.europa.eu/public\\_opinion/archives/eb/eb76/eb76\\_anx\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb76/eb76_anx_en.pdf)

Protestant background. Since political culture is regarded as one of the two most important determinants of strength of parliamentary scrutiny in Raunio's research, it would be very exciting to look, whether there is a difference between the Baltic countries in this regard.

Finally, the literature is silent on whether or not the choice between the parliamentary and semi-presidential political systems has any effect on the strength of parliamentary scrutiny and the Europeanization degree of national political systems. It is logical to assume that the character of legislative-executive interaction is influenced by the powers and status of the president and, since this interaction is in the heart of Europeanization research, it would be intriguing to find out exactly how it influences and contributes to the Europeanization process.

#### SUMMARY AND AGENDA FOR FUTURE RESEARCH

The existing research has shown that the EU membership has a strong impact on the domestic political systems, especially the legislative-executive relations. Generally, it means that parliaments are losing power and competences by delegating them to the EU where they, unlike the executive, do not have a direct say or influence. However, parliaments in the other member states have "fought-back" and developed special scrutiny measures to exercise some control over the government in relation to the EU affairs. Some member states (like the Nordic countries) have been so successful in this aspect that they have *de facto* compensated for the loss of power. In any case, whether or not this loss of power occurs, the EU definitely changes the manner of executive-legislative relations in all its member states. Based on the existing research, the Baltic countries have all the attributes to make them very prone to the processes of Europeanization and de-parliamentization. However, empirically grounded research is needed to make any conclusions on this matter.

First, this research should provide empirically grounded insights into the overall strength of the Baltic parliaments and to address the question whether there is a difference in the strength of the Estonian, Latvian, and Lithuanian parliaments. Furthermore, it should determine how the EU membership has affected the executive-legislative relations in these countries. Finally, it should be measured whether there is a difference in the level of strength of parliamentary scrutiny among the Latvian, Estonian, and Lithuanian parliaments. Looking into this matter would be extremely interesting, since, according to Raunio's model, there should be a significant difference in the strength of parliamentary scrutiny between Lithuania and two other Baltic states.

Finally, the empirical research on the Europeanization of the Baltic States' legislatures can be used to test whether the Raunio's model for explaining the cross-national variation in parliamentary scrutiny measures is applicable to "new" EU member states.

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