Appendix

Summary of rules for committee referral

In the *German Bundestag*, the chair of the EAC submits, in consultation with the sectoral committees, a proposal for referral of the EU documents to the president's office. Parties play a powerful role because documents are referred to committees if at least one parliamentary group makes this request. Rule 93 of the Rules of Procedure of the Bundestag contains the specific provisions on the forwarding and referral of EU documents. In the *German Bundesrat*, the president of the Bundesrat selects from all documents transmitted by the government those where a statement by the EAC might be expected. Yet, the Länder governments may at any time demand that further proposals be examined (see Rule 45a of the Bundesrat Rules of Procedure). All major parties are represented in at least one Länder government. All selected documents are examined by the EAC as lead committee; other sector-specific committees are involved in the deliberations, too, and may issue recommendations to the EAC.

In France and Italy, EU documents are forwarded to the chambers by special EU secretariats. The French Secrétariat général des affaires européennes (SGAE) receives the EU policy proposals from the French permanent representation in Brussels. The SGAE then forwards the proposals to the Secrétariat général du gouvernement (SGG) and to the Conseil d'Etat for opinion. The SGG is responsible for transmitting the documents to both chambers. Since the constitutional reform in 2008, the Conseil d'Etat is not automatically asked for opinion anymore (only in case of judicial difficulties). In Italy, the executive organ Comitato Interministeriale per gli Affari Comunitari (CIACE) is responsible for transmitting EU policy proposals to both chambers. After transmission by the secretariat, the respective EACs decide on the appropriate level of scrutiny. Inside the committees, party groups hold the de facto right to place a proposal

on the agenda. In the *French Assemblée Nationale* and *Sénat*, every deputy/senator has in addition the right to propose a resolution, which is adopted by a simple majority.

In the *UK House of Commons*, the European Scrutiny Committee (ESC) considers all deposited EU documents. The ESC may decide that no further scrutiny is required; alternatively, it may request further information from the government or recommend the document for debate. If a document is considered politically and/or legally important by the ESC, it will be debated either on the floor of the chamber or usually in one of the three European (Standing) Committees. The decision to discard a document as unimportant is usually taken by consensus. The process of scrutiny is similar in the *House of Lords*.

In the Polish *Sejm*, two co-rapporteurs (one from a government party and one from an opposition party) prepare a decision list with "A" and "B" items after the transmission of EU documents by the government. "B" items are scheduled for debate in the EAC, whereas "A" items are treated collectively and without discussion if there are no objections. Before council meetings, the government has to consult the EAC and ask for its opinion. The opinion of the EAC shall be taken into consideration at all stages of council negotiations; if the government is not able to take into account the view of the EAC, a government representative has to appear in front of the EAC and explain the reasons.

In the *Slovakian National Council*, the Committee on European Affairs is responsible for scrutiny and has additionally been delegated with the power to adopt the positions of the National Council concerning proposals for EU legislation according to the Constitutional Act No. 397/2004 Coll. regarding the cooperation between the National Council and the Government of the Slovak Republic in EU affairs. The positions are binding for the government.

In the *Finnish Eduskunta*, formal scrutiny rights distinguish between so-called "E" or "U" matters. "U" matters are those that were subject to the Eduskunta before the accession of Finland to the EU (i.e., all EU-legislation within the competence of the parliament). In the case of "U" matters, the government transmits the EU proposal together with a memorandum to the President of the Eduskunta who forwards it to the Grand Committee (the EU affairs committee) and one or more sectoral committees for opinion. In practice, however, each committee can set its agenda independently and all party groups have the privilege to place an item on the agenda. In the case of "E" matters, the government is not obliged to inform the Parliament, but the Eduskunta can request documents anytime.

The *Irish* government is obliged to inform the *Houses of the Oireachtas* of draft EU measures. The Joint Committee on European Scrutiny (before 2007: Sub-Committee on European Scrutiny) decides the level of scrutiny warranted for each individual measure. In practice, this implies that each party represented in the sub-committee can ask for referral. The sub-committee can also ask other sectoral committees for opinion. At the end of the scrutiny process, the Joint Committee prepares and adopts a report. Since October 2011, the process of scrutiny has been decentralized by 'mainstreaming' them across sectoral committees. Sectoral committees now analyze and decide the level of scrutiny for EU documents.

Despite significant differences between the formal mechanisms of pre-selecting proposals for committee referral, we found that, de facto, individual political groups are sufficiently powerful to initiate scrutiny.

Overview of data collection and coding

Germany

Bundestag

The data on scrutiny activities in the German Bundestag is available at http://dipbt.bundestag.de/. Here, we downloaded the documents (in pdf format) containing the list of all documents that have been transmitted to the Bundestag according to §93 RoP. The list ("Sammelübersicht") contains information on which EU documents have been transferred to a committee and, in particular, which committee was the leading committee and how many other committees were involved.

Bundesrat

For the Bundesrat, we gathered information from the Bundesrat online database http://www.bundesrat.de/DE/service/archiv/archiv-node.html. The Bundesrat does not provide specific documents on referrals for EU documents; therefore, we searched for all documents containing the term "europ*" and extracted in a second step the information on committee referral which is provided for all Bundesrat documents.

In the German case, scrutiny is coded 1 if a proposal has been referred to more than one Bundestag *and* to one (or more) Bundesrat committee. ¹

France

Assemblée nationale

The French Assemblée nationale documents its scrutiny activities in so-called "rapports d'information". These reports contain information on whether the European Affairs Committee has undertaken any activities with regard to a specific EU document or whether the committee

¹ The variable scrutiny is dichotomous, i.e. we only differentiate between "scrutiny" and "no scrutiny". The case of "no scrutiny" is generally coded 0 and "scrutiny" 1 in all parliaments of the sample.

decided that no action was necessary. The reports are available at http://www.assemblee-nationale.fr/14/europe/index-rapinfo.asp for the 14th legislature (including links to previous legislatures).

Scrutiny is 0 in the Assemblée nationale either if the EU document did not appear in the report or if the EAC only took note of it which means that the document was dealt with in a written procedure. In all other cases, scrutiny is coded 1.

Sénat français

The French Senate offers an overview of all EU documents which have been deposited in the Senate at http://www.senat.fr/ue/tableau/feuille-de-depot.html. In addition, we complemented this with an extraction from http://www.senat.fr/basile/recherchePAC.do offering information on which EU documents have been treated in a written procedure. The written procedure is used for documents where the EAC decides that no parliamentary action is necessary.

Scrutiny by the French Senate is coded 1 if a proposal was not handled under the written

Italy

procedure.

Camera dei Deputati and Senato italiano

Both Italian chambers offer a common online database with information on committee referral of EU documents at

http://www.parlamento.it/web/docuorc2004.nsf/Elencogenerale Parlamento. For each EU document, it is documented if and to which committee it has been referred.

For both chambers, scrutiny is coded 1 if a proposal has been referred to one (or more) sectoral committees according to the online database. All other cases are cases of "no scrutiny".

UK

House of Commons

The UK House of Commons publishes weekly reports available online at http://www.parliament.uk/business/committees/committees-a-z/commons-select/european-scrutiny-committee/publications/. The reports entitled "Documents considered by the Committee on [date]" indicate in four categories how the European Scrutiny Committee has dealt with specific documents. The categories are (1) documents for debate; (2) documents not cleared; (3) documents cleared; and (4) documents not raising questions of sufficient legal or political importance to warrant a substantive report to the House of Commons. This means that documents falling under category (4) are not scrutinized by the European Select Committee.

Scrutiny in the House of Commons is coded 1 if a document is considered for debate, not cleared or cleared. Documents under the category four are coded as cases of "no scrutiny".

The UK House of Lords uses a similar system as the OK House of Commons to document its scrutiny activities. The EU Committee publishes "Progress of Scrutiny" reports available online

http://www.parliament.uk/business/committees/committees-a-z/lords-select/eu-select-committee-/publications/. The reports also contain four different categories of documents: (1) documents under scrutiny or awaiting correspondence; (2) inquiries and reports; (3) documents cleared from scrutiny; and (4) scrutiny overrides. Listed are only those EU documents that the EU Committee has explicitly scrutinized, i.e. if a document is not on the list, it has not been scrutinized.

Scrutiny in the House of Lords is coded 1 if a document appears in one of the aforementioned four categories; otherwise, scrutiny is 0.

Finland

House of Lords

Eduskunta

The Finnish Eduskunta provides information on all handlings of EU matters in an online database http://www.eduskunta.fi/triphome/bin/vexhaku.sh?lyh=4EU?lomake=vex/vex3050.

The database contains an entry for each EU document with detailed information on the parliamentary process.

For the Eduskunta, scrutiny is coded 1 if the proposal appears on the agenda of the Grand Committee (or of the Foreign Affairs Committee for foreign policy issues). If a proposal is not in the Eduskunta online database, it is coded 0 because the Eduskunta registers only those cases that are really treated in parliament.

Ireland

Houses of the Oireachtas

Since October 2011, the sectoral committees of the Houses of the Oireachtas consider EU matters and each sectoral committee publishes "Decision Lists" which can be downloaded from the homepages of committees the sectoral (e.g. http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/cnra/eumatters/ for the Joint Committee on Communications, Natural Resources and Agriculture). Before October 2011, information on scrutiny activities was published as Appendix of the "Annual Reports on Operation the European Scrutiny Act 2002" (available the of at http://www.oireachtas.ie).

If the committees decided to take note of a proposal or that no further scrutiny was necessary, this decision was coded as "no scrutiny". All other cases of the decision lists were considered as "scrutiny".

Slovakia

National Council

The Slovakian National Council offers information on its scrutiny activities in an (English) online database at http://www.nrsr.sk/ssez/default.aspx. The database indicates whether scrutiny has been started or not.

Scrutiny in Slovakia is coded 1 if a scrutiny procedure for an EU proposal has been started (as indicated by the parliamentary database). All other cases are cases of "no scrutiny".

Poland

Sejm

For the Polish Sejm, we extracted information from its online database (http://orka.sejm.gov.pl/SUE7.nsf/GlownyWWW?OpenFrameSet for the 7th legislature). This information encompasses, among others, the date when the EU document was dealt with in the EAC and whether the EAC treated it as an "A" or "B" item (see above), or alternatively, whether there was a debate in the EAC.

If the Polish EAC treats an EU proposal as an "A" item or if a proposal is debated in the EAC, scrutiny is coded 1. "B" items are cases of "no scrutiny".