

Information or Accountability? A Research Agenda on European Commissioners in National Parliaments

BEN CRUM¹ and ALVARO OLEART² 

¹Vrije Universiteit Amsterdam ²Maastricht University

Abstract

Research on national parliaments in the EU has greatly expanded since the Treaty of Lisbon fully recognized their role in providing democratic legitimacy for EU decision-making. However, the direct interaction between national parliaments and the European Commission has received little academic attention. This research note seeks to frame a research agenda that explores whether, and under which conditions, the Commission visits to national parliaments have the potential to develop from sites for inter-institutional exchange of information to arenas for cross-level accountability. We lay out a framework to capture the relation between national parliaments and the Commission based on three kinds of indicators: the formal set-up, logic of interaction, and public communication. We illustrate the kind of evidence and range of variation that this agenda may unearth by applying this framework in an exploratory analysis of Trade Commissioner Malmström's visits to seven national parliaments in the EU.

Keywords: European Commission; European Union; National Parliaments; accountability; multilevel parliamentary field

Introduction

The last two decades have seen extensive research on the place of national parliaments in the European Union (EU). Much of this was triggered by the fact that the 2009 Treaty of Lisbon incorporated national parliaments in the EU polity, in particular by granting them the right to launch subsidiarity complaints, by ensuring the direct flow of all Commission communications to them, and by calling for various forms of inter-parliamentary cooperation (see protocols 1 and 2 to the treaty). For scholars, the study of national parliaments in the EU is *conceptually* appealing as their involvement directly expresses the multi-level governance character of the EU (Hooghe & Marks, 2001). It is *normatively* appealing as the Lisbon reforms testify that national parliaments have an indispensable role in providing democratic legitimacy for EU decision-making (Raunio, 2011). It is also *methodologically* appealing because it allows for the systematic comparison of functionally equivalent institutions in the same multilevel polity that display, however, significant variation in terms of their histories, internal organization, and political orientations. Hence, the study of national parliaments captures in many ways the variety and complexity of the EU.

By now, we have an extensive literature analysing the formal provisions and the actual use of the two mechanisms through which national parliaments can query the European Commission and proposals for EU legislation, the ‘political dialogue’ and the Early Warning Mechanism (Cooper, 2019; Gattermann & Heffler, 2015; Jančić, 2017; Jonsson Cornell & Goldoni, 2017). The various forms of inter-parliamentary cooperation are also

widely examined: the older institutions of the Conference of European Affairs Committees (COSAC) and the EU Speakers' Conference as well as more recent interparliamentary conferences in the domains of foreign policy, economic affairs, and the joint scrutiny of Europol (Cooper, 2017; Lupo & Fasone, 2016).

A form of direct interaction between national parliaments and the European Commission that has received less attention so far are the Commission visits to national parliaments. This is striking because this aspect features prominently in the Commission's 'Annual Reports on relations with national parliaments'.¹ Thus, we know that Commissioners paid national parliaments 'more than 200' visits in 2015, 'almost 180' in 2016, going up to 215 visits in 2017, 140 in 2018, and 55 visits in the election year of 2019. Under pre-corona circumstances, those numbers were expected to go up again in the early years of the new von der Leyen Commission. In turn, in a survey by COSAC in 2013, over half of the parliaments (20 out of 37) responding said that 'they believe that democratic accountability in the context of the EU affairs should not be limited only to their own governments but must also include EU institutions' (COSAC, 2013, p. 14).² First among the European institutions mentioned was the European Commission.

This research note aims to introduce the analysis of Commission visits as a new domain for the study of multilevel politics in the EU. For that, it lays out a framework and agenda for the analysis of Commissioner visits and presents some first exploratory empirical results that illustrate the kind of evidence and range of variation that this agenda may unearth.

I. National Parliaments and the European Commission: A Case of Multi-Level Accountability?

The Commission visits to national parliaments involve a form of interaction across levels in the multilevel political system that the EU has come to be. As a baseline, these visits can be seen as a form of inter-institutional diplomacy that serve mostly the functions of information-exchange and networking. However, the Commission and national parliaments are part of the overarching EU political system, with national parliaments playing an essential role for its democratic legitimation through authorizing their governments, and the Commission being the main executive institution at the supranational level. For this reason, while bypassing national governments, the exchanges between national parliaments and the Commission have the potential to turn into an accountability relationship. It is this potential of the national parliaments' interactions with the Commission going beyond information-exchange and taking on the properties of a cross-level accountability forum that make an interesting and appealing research agenda.

In national democratic systems, the main forums in which democratic accountability takes place are parliaments: they are the arenas in which political executives are brought to justify their decisions and serve as focus points in the public sphere. Democratic accountability is usually seen as embedded in a chain of accountability (Strøm, 2000). While power is delegated from the people to the parliament and from the parliament to the cabinet, accountability is due from the cabinet to the parliament and from the

¹The European Commission has been publishing these reports since 2005 (see European Commission, n.d).

²We thank one of our reviewers for pointing us to this reference.

parliament to the people. This chain is effective because principals further down the chain of accountability command mechanisms by which they can monitor and sanction the agents they have delegated power to (Bovens, 2007).

The EU is not a fully integrated national political system. Its executive powers are dispersed: firstly, across the national and the supranational level and, secondly, at the supranational level across multiple institutions, which include the Commission as well as multiple EU agencies and the Council as the collective of member state governments. At the same time, the democratic legitimacy of EU decision-making relies on two chains of democratic representation and authorization in the EU (Art. 10.2 TEU): EU citizens are represented directly in the European Parliament as well as indirectly through their respective national parliaments that authorize and scrutinize their national governments that control most of EU decision-making. Thus, the EU has fragmented executive powers that are to be held accountable by multiple parliaments (see Crum & Fossum, 2009). This fragmentation is amplified by the absence of an integrated European public sphere (Koopmans & Statham, 2010; Oleart, 2021). As a consequence, the public visibility of whatever accountability takes place in the European Parliament is bound to remain low, certainly when compared to the visibility that national parliaments enjoy in national public spheres (Eisele, 2017).

While there has been a growing body of literature on accountability in the EU (Bovens et al., 2010; Crum & Curtin, 2015), most of it has tended to focus on the supranational level. However, the fragmentation of the EU as a multilevel system suggests that there may also be scope for accountability relations across levels. If that were the case, then the direct contacts between the Commission and the national parliaments offer themselves as particularly promising sites (Auel, 2007). Hence, the analysis of the Commission visits to national parliaments explores whether, and under which conditions, these visits have the potential to develop from sites for inter-institutional exchange of information to arenas for cross-level accountability in which EU executive actors justify their actions in the national political sphere.

II. Indicators: Commission Visits, between Information Exchange and Accountability

Importantly, there are no general EU rules to structure the interaction between national parliaments and the European Commission. As a consequence, when the Commission visits national parliaments, it is up to the national parliament involved to determine the status and structure of the interaction – even if obviously some coordination with the Commission takes place on the programme ahead of each visit. While the Commission visits to national parliaments can be initiated by both parties, and they have to mutually agree (there is no obligation on the side of Commissioners to actually visit the national parliament), the choices that national parliaments make in how they organize and frame these meetings can be indicative of the advantages that parliaments attach to these interactions, both in terms of satisfying their own interests, as well as in terms of communicating with their (national) constituency (see Auel & Raunio, 2015). In general, we suggest that these choices are indicative of the extent to which national parliaments conceive of their relationship with the Commission as an accountability relationship, and reflect the way in which national parliaments see their own role in the EU multilevel system.

Thus, we propose to focus on the way in which national parliaments frame the visits by the European Commission.³ Variation in that regard can be conceptualised in terms of a spectrum (rather than as a binary variable) from information exchange to full accountability. On the extreme of pure information exchange, national parliaments treat the visit of a Commissioner no different than a private visitor, like a lobbyist. On the extreme of full accountability, national parliaments would approach their interactions with the Commission under the same rules and practices of procedure that they use to scrutinize their national executives.

If we want to capture the variation between these two extremes, a natural distinction can be made between *institutional* indicators, which are derived from the way the visit is formally organized, and *behavioural* indicators, which try to capture the ways in which national parliamentarians and the Commission interact in practice (see Table 1). In terms of formal, institutional factors, we are above all interested in whether the meeting is framed in symmetrical terms as a meeting of two institutional actors that exchange information and views, or whether there is an asymmetrical element to the meeting in which the Commission is recognized as an executive actor whose powers warrant accountability.⁴ As preliminary reference points, we label these two extremes as ‘conversation’ and ‘hearing’. Further important indicators of the visits moving away from mere information exchange are whether it takes place in public rather than in private and whether it is hosted by a policy-specific committee rather than by the more generic EU affairs committee.

In terms of behavioural interactions, we are looking for indicators that demonstrate that national parliamentarians seek to use the Commission visit to mobilize their positions and secure concessions, as opposed to a visit that remains a polite exchange that mostly serves as a platform for the Commission to communicate its message. This difference can be gleaned by analysing the logic of the exchange and identifying the actors that drive its agenda. It can also be seen from the extent to which parliamentarians get to raise their concerns and whether political division lines become visible in the debates.

To these two sets of variables, we add a third one that gives particular attention to the communicative dimension of the Commission visits, as it is critical for their public visibility. Beyond whether the meeting is public or private, public visibility is served by there being a publicly available report of the meeting or even a videorecording. Furthermore, if democratic accountability serves a public function, one expects it to be communicated outside of the parliament. This can be done through formal press releases, but also by social media communication or media appearances.

III. An exploratory analysis of Trade Commissioner Malmström’s visits to national parliaments

To get a first sense of the visits of European Commissioners to national parliaments, we analyse the visits of one Commissioner in the 2014–19 Juncker Commission to the Lower

³While the Commission visits may be treated differently by different political parties, for the purpose of this research note we focus on national parliaments as unitary institutions.

⁴Even though the institutional and substantive focus is slightly different, there is some notable overlap between the indicators proposed here (especially on the side of the ‘accountability forum’ and those used to determine effective joint oversight by national parliaments and the European Parliament by Tacea and Trauner (2021).

Table 1: Indicators of the Character of Commission – National Parliament Visits

<i>Scope of variation</i> → <i>Indicators</i>	<i>Information exchange</i>	<i>Accountability forum</i>
<i>Institutional features (formal set-up)</i>		
Characterization of the meeting	Conversation	Hearing
Public or private	Informal meeting behind closed doors	Public meeting, Plenary session
Lead committee	Foreign or EU affairs	Policy committee
Report	None	Publicly documented
<i>Behavioural features (logic of interaction)</i>		
Presence of parliamentarians	Specialist backbenchers	Faction leaders
Mode of Commission communication	Information transmission	Justification of positions
Space for sustained/comeback questioning	Open	Extensive and structured
Visibility of political divides	Absent	High
<i>Public communication (visibility and transparency)</i>		
Communication by parliament and party factions	None	Press releases etc.
Media visibility	None	Yes

Houses of Parliament in seven EU member states. EU Trade Commissioner Cecilia Malmström was among the more active Commissioners of the Juncker Commission, paying a total of 33 visits to national parliaments over the five years of her mandate and covering 23 of the 28 member states. Malmström had a particular interest in courting the national parliaments as she was negotiating major trade agreements with the United States (TTIP) and Canada (CETA) that would ultimately need their ratification. Although the trade dossiers were more salient in some member states than in others, the prominence of these dossiers ensures a considerable degree of commonality in the substance of the visits. Therefore, we expect Commissioner Malmström's visits to national parliaments to be a likely case for arousing engagement among national parliaments.

The country selection focuses on the lower houses of parliament in longstanding member states in Western Europe. The sample includes all six founding member states, except for Luxembourg, and adds the two biggest member states that have joined since (including the one that has recently left the EU), the United Kingdom and Spain (see Table 2). By analysing a quarter of the total number of member states, the coverage of our sample is high in terms of EU population share (68.7 per cent) and also rather good in terms of its share in the total of visits by the Juncker Commission to national parliaments (35.6 per cent). The sample also encompasses significant variation in terms of the powers that the different Lower Houses enjoy (Auel et al., 2015; Sieberer, 2011).

The adopted approach was determinedly exploratory in character. We drew on a European network of researchers to collect data on the visits of Commissioner Malmström to the national parliament in their country, adding a first list of the indicators introduced in the preceding section paragraph as a checklist. Rather than limiting their observations to these indicators, we asked them to write a narrative analysis, which would situate the meeting in its context, allow to get a sense of the dynamics of the meeting as a whole, and might point to further indicators (see supplementary material for the country

Table 2: Formal Features of Eight Visits of Commissioner Malmström to National Parliaments

<i>Indicators</i>	<i>Belgium</i>	<i>France</i>	<i>France</i>	<i>Germany</i>	<i>Italy</i>	<i>The Netherlands</i>	<i>Spain</i>	<i>UK</i>
Date	20 Sept. 2016	15 April 2015	10 April 2018	14 Jan. 2016	11 April 2017	2 Feb. 2016	6 March 2015	25 Feb. 2016
In person or video	In person	In person	In person	In person	Video-conference	In person	In person	In person
Chamber	Chambre des Représentants	Assemblée nationale/Sénat	Assemblée nationale	Bundestag	Camera/Senato	Tweede Kamer	Congreso de los Diputados/Senado	House of Commons
With or without Senate	With Senate	With Senate	Chamber only	Chamber only	With Senate	Chamber only	With Senate	Chamber only
Public or private	Public	Public	Public	Public	Public	Public	Public	Private
Characterization of the meeting	Exchange of views	Hearing	Hearing	Conversation	Hearing	Conversation	Exchange of views	Private meeting
Committee(s) responsible	Foreign Affairs Committee & Advisory Committee on European Affairs	European Affairs & Economic Affairs Committees	European Affairs & Foreign Affairs Committees	Economic Affairs & Energy Committees	Industry Committee	Foreign Affairs, Trade and Development Aid Committees	Comité de Asuntos Económicos Financieros y Competitividad	Meeting with the Business, Innovation and Skills Committee
Public report	Yes	Yes	Yes	Private until next parliamentary term	Shorthand report	No	Yes	No
Public videorecording	No	Yes	Yes	No	Yes	No	No	No

case studies). In this way, we followed an iterative approach between the conceptual framework presented above and the empirical cases.

We asked our collaborators to use all data sources that they could access. Data availability varied greatly, which is itself a relevant finding. In most cases, national parliaments published a public report or video of the meeting that could serve as the basis for the analysis. In some cases, particularly in the cases in which no report was available, researchers interviewed civil servants involved in the organization of Commission visits. Furthermore, we searched through media databases for publications related to the visibility of the Commission visit. After the initial case descriptions had been collected, we checked the data for the main indicators, added a few additional ones that were suggested by the findings, and double-checked with our contributors on the correctness and completeness of these data.

This mode of proceeding only goes to underline the exploratory nature of the findings that follow. The case narratives on which our analysis draws highlight how much parliamentary rules and practices are imbricated in national traditions. While some indicators (for example public or private meeting, availability of a report) are straightforward, others yield more ambiguous or mixed results that required further interpretation or are not easily scaled. For instance, we encountered a broad range of variation in terms of the parliamentary committees involved and their responsibilities, including involvement from the upper house of parliament in some cases. Also, some information remained impressionistic and incomplete (particularly on public communication), and hence we only present it as such in the text without being able to offer a comprehensive overview.

Formal Set-up: The Prevalence of National Routines

Looking at the eight visits of Trade Commissioner Malmström to parliaments, we encounter a wide range of variation in how they are organized and presented (see Table 2). In terms of the overall character of the visits, the UK case comes closest to the extreme of an informal ‘conversation’ that is only geared towards information exchange. Notably, it is the only meeting that is private. The Dutch case remains quite close to this extreme, even though it takes place in public. Both meetings are small-scale and seem to leave considerable space for a relatively informal back-and-forth exchange.

On the other end of the spectrum, the French and Italian parliament explicitly characterize the visit as a ‘hearing’. This characterization expresses the asymmetrical relationship between the parliament and its visitor; it underlines that parliament wants to know and hear things and that the visitor is there to communicate the desired insights. In that sense, ‘hearing’ may be conducive to an accountability relationship. Obviously, as is underlined by the behavioural indicators below, whether that is actually the case depends on more than just the formal characterization. Notably, as a kind of middle category between conversation and hearing, the Belgian and Spanish parliament speak of an ‘exchange of views’. Such a characterization also seems implied in the German case even though it talks about a ‘conversation’. By underlining the presence of multiple perspectives, the characterization of an ‘exchange of views’ buttresses the political character of the meeting, without however suggesting a division of roles between an actor who is held to account and a forum that does the account-holding. Thus, the Belgian, Spanish and German cases stand in-between the ‘conversation’ and the ‘hearing’ since they involve

a public and political exchange, but do not emphatically stage the exchange in an asymmetrical way in which the onus is on the Commissioner.

When we then turn to how the parliaments host the visit, we find that in all parliaments except Belgium the meeting is primarily an affair of the specialized committee. In most cases, this is a Committee for Economic Affairs. There is however considerable variation in the extent to which the EU affairs committee is involved: it is completely excluded in the case of the UK; in the German and the Dutch case, its members are invited to join; while in Italy, Spain and France they are co-organizers. In half of the cases (Spain, Italy, Belgium, and one visit in France) the meeting also includes representatives from the upper house, which may be indicative of the cooperative relations between the two houses in these countries. However, in general, the more open the meeting, the less structured and political we would expect it to be.

A further aspect is the extent to which parliaments ensure that the meeting with the Commissioner is accessible to the public at large. Importantly, the meeting was publicly announced by all parliaments. These announcements tend to be accompanied with a minimal agenda. The more important indicator of publicity may be the extent to which the meeting is documented, so that its proceedings remain accessible afterwards. Only in Belgium, France and Spain is a full report of the meeting publicly available. In contrast, in Italy a shorthand report is drawn up, while in Germany the report remains locked away for one more legislative term, and in the Netherlands and in the UK no report is made at all.

Logic of Interaction: More Information than Accountability

There is significant variation in the number of parliamentarians attending. In most parliaments, the meeting is a relatively small-scale affair. Most parties are represented by no more than one party representative, the speaker on trade issues, who is generally a backbencher. However, in Germany and Italy we see a much larger attendance with full committees turning out, even if questions remain limited to a few spokespersons.

We also find notable variation in the order of the meetings. In all parliaments, the Commissioner gets the floor to make an introductory presentation. However, in the two parliaments that frame the meeting as a hearing, France and Italy, this presentation is preceded by a substantial introduction, in which the committee chair not only introduces the Commissioner but also some of the issues and concerns.

As the meetings then move to questions from the parliamentarians, we also encounter different models. Thus, most parliaments focus on querying the Commissioner, but in the case of Spain each parliamentary speaker makes a statement of up to five minutes. Most parliaments organize the questions in rounds in which parliamentarians follow up on each other, and then the Commissioner responds to all. In this respect, the Italian videoconference is the exception as the Commissioner responded directly after each question. In general, however, the meetings allow for little of a genuine back-and-forth. The French parliament is the only case in which we found a second round of questions. Possibly, more interaction can be found in the more informal settings of the Dutch and the British parliament, but we lack records for these cases and these visits were staged less as a public affair in any case.

Overall, the evidence suggests that the informative logic prevails in most parliaments. Most parliamentarians use the meeting with the Commissioner to get better insight into the logic of the trade negotiations, the issues involved, and the positions that the Commission promotes. Interestingly, it is often the Commissioner – more than the parliamentarians – who seems to approach these meetings as public meetings that are part of a wider democratic process. Commissioner Malmström tailors her remarks to the concerns of the national constituencies and, at various occasions, she appeals to the (national) citizens over the heads of their representatives. Still, in some cases (Spain, France, the Netherlands), party-ideological concerns come to the fore, as there are parliamentarians from the Left and the Greens who raise specific concerns with the trade agreements negotiated by the EU. Importantly, in those cases we also see indications that the two actors do not only speak to each other but are aware that their exchange is eventually oriented to the public at large.

Public Communication: The Connection between the Parliamentary Intervention and the Public Sphere

The analysis of the public communication about the Commissioner's visits confirms the impression that these are mostly institutional meetings with little wider resonance. Obviously, the meetings are duly announced by the Commissioner and by the parliaments and/or the host committee. The Commissioner tends to tweet about the visit taking place, but we do not find her addressing anything of their substance. Some participating parliamentarians also post about the event on their social media accounts, but the number of postings remains small and they trigger little engagement.

There are only a few instances where we find mainstream media covering the visit to the national parliament. In Spain, some national news outlets adopted the standard reports by the national press agencies and the main quality newspaper *El País* followed up with an interview with Malmström. However, there is more attention for Commissioner Malmström's visit when we zoom out from the specific visit to the parliament. In general, the Commissioner combines these visits with other meetings in the country, like a meeting with business representatives or a public event. Given the salience of EU trade, on various occasions these events invite media attention. For instance, in the Netherlands, the 'Town Hall meeting' in Amsterdam that featured Commissioner Malmström the day after she met with the *Tweede Kamer* attracted dozens of protesters, and three television crews covered the event.

Conclusion: Moving the Research Agenda Forward on the Commission Visits to National Parliaments

This research note aims to develop an agenda for further research into the visits of the European Commission to national parliaments. First, we have argued that the fundamental empirical question in this regard is whether, and under which conditions, these visits have the potential to develop from sites for inter-institutional exchange of information to arenas for cross-level accountability. Then, we identified three kinds of indicators that may serve to chart variation along this dimension. Thirdly, we have presented exploratory data on visits by a former Trade Commissioner.

Our exploratory analysis of eight visits by Commissioner Malmström to seven national parliaments suggests that, overall, parliaments tend to see these visits as opportunities to gather information rather than to enforce accountability. Still, we find considerable variation along multiple dimensions. Some of our indicators correlate to suggest different types, ranging from the parliaments that treat the Commission visit as a private affair (the UK and the Netherlands) to those that approach the model of a public hearing that more closely resembles a public accountability forum (France and Spain).

There are three directions to take this research agenda forward. First, the exploratory data presented here can be drawn upon to develop more precise and systematic indicators. Second, with better operationalized indicators, it also becomes easier to expand the coverage of visits. More national parliaments need to be included, particularly from Central and Eastern Europe and from Scandinavian countries. Also, different Commissioners with different kind of portfolios should be studied to see whether the practice of accountability differs across policy domains.

Third, this note has only focused on mapping the variation in the modes of engagement between the two institutions. Further research needs to systematically analyse the factors driving this variation. The findings from this limited sample suggest various hypotheses for that. First, while there certainly does not emerge a clear pattern from the variation between national parliaments, it does seem that some parliaments that are known to have greater powers in EU affairs tend to perceive their relationship with the Commission more in terms of simple information exchange. Possibly, they find there is less to gain in this relationship and rather keep their focus on scrutinising the EU involvement of their government. A second hypothesis takes up on the known variation in the extent to which EU affairs have been mainstreamed in thematic committees. Our exploratory findings suggest that parliamentary sessions involving multiple committees, and even the upper house, need not preclude more political and antagonistic interactions. Thirdly, turning to the public communication aspect, we so far find little evidence that more antagonistic interactions in parliament increase media attention. That rather seems to be driven by public engagement outside of parliament.

As the primary institutions of representative democracy and focus points of national public spheres, national parliaments have a critical role in scrutinizing EU decision-making. They enjoy considerable discretion in organizing their interactions with EU institutions, and whether they do so in more diplomatic or more political terms. As the crises of the past decade have only furthered the intertwining between national and EU politics, a research agenda that takes stock of how national parliaments deliver on this role is more necessary than ever.

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Correspondence: Alvaro Oleart, Department of Political Science, Maastricht University, Grote Gracht 90-92, Maastricht 6200 MD, The Netherlands.
email: a.oleart@maastrichtuniversity.nl

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Supporting Information

Additional supporting information may be found online in the Supporting Information section at the end of the article.

Table S1. Supporting Information: Country case studies of Commissioner visits.