

DEPARTMENT OF POLITICAL SCIENCE

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Parliamentary control on EU affairs: Finnish Eduskunta and the Nordic Countries

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*A Tampere,
luogo di scoperta e di riscoperta
e ai miei genitori,
che mi hanno dato le ali per raggiungerla.*

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INTRODUCTION

In my final work I wanted to focus on the parliamentary control on EU affairs of the Finnish Eduskunta, in the specific, and of a wider spectrum of Nordic parliaments more in general, following a comparative approach. In order to classify and distinguish the most important parliamentary roles in the EU context, I considered the division into four ideal types identified by Rozenberg and Hefftlar, namely the roles of ‘Policy Shaper’, ‘Government Watchdog’, ‘Public Forum’ and ‘European Player’¹. The first role, Policy Shaper, emphasises the *ex ante* parliamentary influence on government’s negotiation position through mandates or resolutions ahead of the Council of Ministers and European Council meetings. Government Watchdog, which generally takes place *ex post*, focuses on the function of holding governments to account by controlling what the government ‘does in Brussels’. The role of Public Forum refers to the parliamentary communication function and the ability to disseminate information to citizens recurring to plenary debates², as well as other communication means. The final role, European Player, as the name may indicate refers to parliamentary engagement with or at the EU level. It has gained importance since the introduction of the Lisbon Treaty provisions and can have either an individual³ or collective (EWS; inter-parliamentary cooperation) dimension. Idealistically, parliaments would perform as a combination of all of the roles above cited. But, realistically, parliaments generally can count on limited resources, especially with regard to time and manpower, and the engagement in European affairs have considerably increased their workload. The accession to the European Union has, in fact, created a sort of democratic deficit that national parliaments have always tried to reduce by increasing their controlling functions. However, parliaments have different institutional prerogatives and capacities to deal with EU affairs that impact their type of involvement. There are thus very few parliaments that focus on all four roles⁴ and some with more success than others, such as Finland and the other

¹ Rozenberg, O. and Hefftlar, C., *Introduction*, in Hefftlar, C., Neuhold, C., Rozenberg, O. and Smith, J. (eds.), *The Palgrave Handbook of National Parliaments*, London: Palgrave Macmillan, 2015, pp.1–43.

² Auel, K. *Doing Good, but Reluctant to Talk About It: The Swedish Riksdag and EU Affairs*, Swedish Institute for European Policy Studies, 2018:9, p.10: Debates provide citizens with the opportunity to distinguish between different parties’ positions on EU decisions and to assess which of these positions best represents their own interests. Debates thus allow citizens to make informed political choices and to exercise democratic control. Plenary debates are generally covered by medias as in the Finnish and Swedish case.

³ The Political Dialogue introduced with the Barroso initiative in 2006, aims to establish a dialogue between national parliaments and the European Commission early in the policy-making process. Parliaments are invited to send their opinions on EU documents to the European Commission.

⁴ Auel, K. and Neuhold, C., *Multi-arena players in the making? Conceptualizing the role of national parliaments since the Lisbon Treaty*, *Journal of European Public Policy* 24 (10), 2017, pp. 1547–1561.

two Nordic countries - Denmark and Sweden - we are going to analyse in this work⁵. This constituted the starting point for the formulation of a series of questions, to which I tried to respond along the chapters supported by theoretical and empirical elements: Is Finnish Eduskunta's scrutiny on EU affairs really effective and what are the main drivers that shape it? Do Denmark and Sweden's parliaments reach the same level of effectiveness? To what extent the Nordic model contributed to strengthen the role of Finland, Denmark and Sweden's parliaments in the EU framework?

In Chapter 1 I will start analysing the parliament, its structural variations and main functions, focusing with specific attention on the so-called European parliamentary model. I will continue taking into account the review and control – both scrutiny and oversight - functions of the legislative bodies at the centre of my thesis work and their responsibility to hold the government accountable, conferring them a role as “agent of the people” and “principal of the government”, from an agency theory perspective. Further on, my research will consider the path undertaken by national parliaments (NPs) to intensify their involvement in EU matters and consolidate their role in EU governance, from the first recognition of the 70s to the last achievements of the Treaty of Lisbon. And, at the end, we will take the first step towards the Eduskunta.

Chapter 2 will be a broad focus on the parliament of Finland, the Eduskunta, the main protagonist of my thesis and object of an intensive work. After presenting the detailed steps and the final referendum of 1994 which determined the accession of Finland in the European Union, I will consider deeply the system of scrutiny on EU affairs at the core of the Eduskunta and its features. In this chapter, I will talk about the Eduskunta's ‘working parliament’ characteristics shaped by its strong committee structure - with the centrality of the European Affairs Committee - and the specialised standing committees regularly involved in EU matters; its possibility, through the European Affairs Committee, to give a direct mandate - binding or less binding - to the government before a minister can endorse legislation in Council meetings; and its position fully recognised by the

⁵ The decision to consider only three of the five Nordic countries emerges from “the marginalisation of Norway and Iceland in EU decision-making and their patterns of weak parliamentary oversight on EU affairs” (Strøm, K., *Delegation and Accountability in Parliamentary Democracy*, European Journal of Political Research 37, pp. 175-177, 2000). This is due to the consistent refusal to fully participate in the process of European integration of both Norway, whose citizens declined the referenda for accession to the EU twice, and Iceland, where EU membership alternative was not considered before the 2008 economic crash. Indeed, the two countries are non-members of the European Union, but adherents to the European Economic Area (EEA) treaty, which extends the internal market for the free movement of people, goods, services and capital.

Constitution of Finland. I will continue with the engagement of Finnish parliament in Foreign and Security policy and in the new crisis management operations, pointing out how a ‘neutral integration’ has slowly evolved in a convinced engagement, even if strictly controlled by the parliament’s Foreign Affairs Committee through its enhanced constitutional powers.

In Chapter 3 I will present the so-called Nordic model and its main features, being essentially a strong and deep state-society relationship with historical and ideological origin; the centrality of the committees, the preferred stage where the legislative work is carried out; and a consensus-seeking behaviour common both in the domestic and the European arena. I will continue along the chapter with a comparative work, putting in light the similarities and dissimilarities of the three main Nordic countries, the ‘awkward partners of the EU in the North’⁶: Finland, Denmark and Sweden and their parliamentary scrutiny system. I will first focus on their path towards European integration: Denmark’s pragmatic and selective engagement towards EU, seen as the inevitable outcome of an ‘integration dilemma’⁷ between autonomy and influence, and its military activism in security and foreign policy; passing through Sweden’s reluctancies and its ‘best in the class’ mentality which, after more than 20 years of membership and two Presidencies, has roughly lessened. I will further consider the reasons at the basis of their approaching to the EU and the more or less eradicated process of Europeanisation at the core of these Nordic countries. By doing this, I will evidence two central phenomena: first of all, Danish shift from ‘negative’ market integration to ‘positive integration’, which acted as the conductor to the ‘Europeanisation’ of the state and the ‘Nordification’ of the EU⁸; and, furtherly, the (unexpected) Europeanisation of Swedish foreign and security policy. Finally, at the end of the chapter, I will pay attention to the focal point of my analysis: the structure, the strengths and flaws of their parliamentary scrutiny systems on EU affairs, the work carried out by their European Affairs Committees and the successful preservation of national priorities during the negotiation processes.

⁶ McCallion, M. S. and Brianson, A., *Nordic States and European Integration: Awkward Partners in the North?*, Palgrave Studies in European Union Politics, Palgrave Mcmillan, 2018.

⁷ Miles, L. and Wivel, A., *A smart State Handling a Differentiated Integration Dilemma? Concluding on Denmark in the European Union*. In *Denmark and the European Union*, ed. Lee Miles and Anders Wivel, London: Routledge, 2014, pp. 228– 238.

⁸ Wivel, A., *As Awkward as They Need to Be: Denmark’s Pragmatic Activist Approach to Europe* in *Nordic States and European Integration*, Palgrave Studies in European Union Politics, 2018, pp. 13-34: On issues concerning the core of the welfare state, the EU has developed policies approaching those known from the Danish and Nordic welfare states.

CHAPTER ONE: NATIONAL PARLIAMENTS AND THEIR FUNCTIONS IN THE EUROPEAN CONTEXT

1.1 PARLIAMENTARY ACCOUNTABILITY AND AGENCY THEORY

The first chapter of this thesis is devoted to an analysis of the parliament, the institution at the centre of my investigation, and its vast catalogue of functions. In the European sphere, parliaments are the sole empowered to reduce the ‘democratic deficit’ emerged with the integration in a supranational container⁹ (the EU) and the mistrust grounded in the system. Even though there is not a universal model or definition of such institutions, it is possible to refer to parliaments as those collective bodies operating in all Member States, at least partially directly elected, whose central works are transforming bills into laws, carrying out scrutiny/oversight on the government and functioning as representatives of the citizens. In many cases, parliaments have also the power to legislate on the budget bill, the most important bill passed every year¹⁰.

In theory, decisions taken at the core of these bodies follow an egalitarian and majoritarian rule, considered the “principle of democracy” by Dahl and based on the assumption that all votes are equal and the preferences of all those voting are of equal intensity¹¹. Somehow, legislators also have the opportunity to make speech before expressing their vote. Furthermore, given the division into two or more parties featuring a specified number of components, these bodies are recognised as pluralist. Election, equality, legislation, free speech, pluralism are thus the attributes that make parliaments a true symbol of democracy¹².

1.1.1 The European parliamentary model

The European parliamentary model embraced by the vast majority of the former 28 MSs, now 27 with the withdrawal of the United Kingdom from the European Union, is characterised by the responsibility of the government to the parliament resulting in the unquestionable threat for ministers

⁹ Fabbrini, S., *Compound Democracies: Why the United States and Europe Are Becoming Similar*, 2008.

¹⁰ Hefftlar, C., Neuhold, C., Rozenberg, O. and Smith, J., *The Palgrave Handbook of National Parliaments and the European Union*, Basingstoke: Palgrave Macmillan, 2015, pp. 1-15.

¹¹ Dahl, R., *A Preface to Democratic Theory*, The University of Chicago Press, Chicago, 1956, p. 48.

¹² Hefftlar, C., Neuhold, C., Rozenberg, O. and Smith, J., *The Palgrave Handbook of National Parliaments and the European Union*, Basingstoke: Palgrave Macmillan, 2015, pp. 1-15.

to lose their office due to the lack of confidence of the majority of Members of Parliament^{13;14}. Alternatives other than this type can be found in the presidential system of the Republic of Cyprus¹⁵, where the President is both Head of State and Head of government and the parliament has to coordinate with the government in the legislative branch; in the semi-presidential form of government¹⁶ of France¹⁷, presenting a dual-executive and a separation of powers and competences between the President and the Prime Minister; and, finally, in minority governments like Sweden and Denmark, in which the cabinets can be formed and maintain their power without the confidence of the majority of MPs.

A further distinction between parliaments can be drawn according to the number of chambers in unicameral - with one chamber - and bicameral - with two chambers – and taking in consideration the legislative competences that Member States recognise to regions, as shown in *Table 1.1*. The unicameral model is typical of unitary states, generally with limited regional autonomy, or it can be

¹³ Elia, L., *Governo (forme di)*, in Enciclopedia del diritto, Annali, Milano, 1970, vol. XIX, pp. 634: “In our opinion, parliamentary government can only be considered a parliamentary government when ownership of the executive power is conceived as a permanent emanation (through the relationship of trust) of the collegiate or colleges holding legislative power”.

¹⁴ Ibrido, R. and Lupo, N., *Dinamiche della forma di governo tra Unione europea e Stati membri*, Bologna, Il Mulino, 2019, pp. 57-84: Various variants of the form of parliamentary government have then been identified, in some cases by enhancing criteria of a strictly formal nature (presumed or explicit character of the relationship of trust; single chamber, equal or asymmetrical bicameral structure of Parliament; possible inclusion of the Head of State in the trust circuit, etc.) and, with the entry of the party system: the degree of multipartism, according for example to the well-known tripartism (bipartism, extreme and temperate multipartism) of Elia (Elia, L., *Governo (forme di)*, p. 634); the level of polarisation of the political system, and in particular the distinction between bipolar/multipolar systems (Sartori, G., *Teoria dei partiti e caso italiano*, Milano, 1982, p. 7); the position of partisan intermediation in the framework of the formation of the fiduciary link downstream or upstream of the electoral moment, according to the Duvergian line of distinction between *démocratie médiatisée* and regimes with immediate democracy (Duverger, M., *Institutions politiques et droit constitutionnel*, vol. I, Les grands systèmes politiques, Paris, 1955); the connotation consensual or conflictual of the method of political decision (Lijpart, A., *Le democrazie contemporanee*, Bologna, 1998).

¹⁵ Ibrido, R. and Lupo, N., *Dinamiche della forma di governo tra Unione europea e Stati membri*, Bologna, Il Mulino, 2019, pp. 57-84: In the case of Cyprus it is possible to register an institutional setting based on the absence of fiduciary constraints and on the separation of powers between the executive and legislative branch.

¹⁶ Elgie, R., *The Politics of Semi-Presidentialism*, in Id. (a cura di), *Semi-Presidentialism in Europe*, Oxford, 1999, p. 1: “A semi-presidential regime may be defined as the situation where a popularly elected fixed-term president exists alongside a prime minister and cabinet who are responsible to parliament”.

¹⁷ Ibrido, R. and Lupo, N., *Dinamiche della forma di governo tra Unione europea e Stati membri*, Bologna, Il Mulino, 2019, pp. 57-84: But also Romania and Lituania, who are represented in the European Council by the Head of State.

the result of the abolition of one of the two chambers. To give an example we can consider the constitutional change which in 1969 abolished the First Chamber of the Swedish parliament¹⁸. On the other hand, the bicameral is the best solution for populous Member States or federations as it is made up of two chambers: the upper one representing the State and the lower - generally the most powerful - reflecting People's mandate, in order to give representation to the different social, ethnic or regional layers of the society. The members of the second chamber can be indirectly elected, directly chosen – as in Czech Republic, Poland and partly Belgium and Spain – or nominated – as in UK, Ireland and Germany. Moreover, the two chambers can be vested with the same (symmetric bicameralism) or different (asymmetric bicameralism) competences. Differently from the bicameral system, the unicameralism reduces the deadlocks emerging during the legislative process, but at the same time it gives an unstoppable power to the majority and little notice to the preferences of minorities and other important sectors of the society¹⁹.

Table 1.1 National parliaments in the EU

	Unicameral parliaments	Bicameral parliaments
Monopoly of legislative competences	Bulgaria, Croatia, Cyprus, Denmark, Estonia, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, Slovakia, Sweden	Czech Republic, France, Ireland, the Netherlands, Poland, Romania, Slovenia
Legislative competences shared with regions	Finland, Portugal	Austria, Belgium, Germany, Italy, Spain, the United Kingdom

Source: Inter-Parliamentary Union, 2013²⁰.

Moving forward to the parliamentary electoral system, Member States may follow the European model of proportional representation (PR), in which divisions in an electorate are reflected

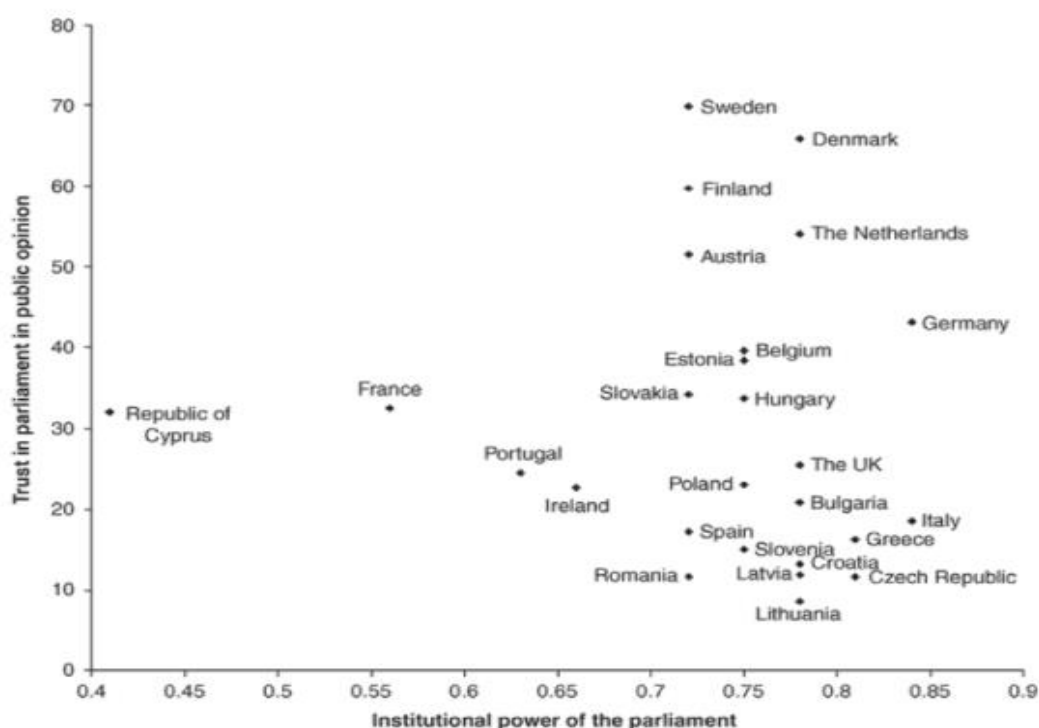
¹⁸ Immergut, E., *The Swedish Constitution and Social Democratic Power: Measuring the Mechanical Effect of a Political Institution*, Scandinavian Political Studies, 25, 2002, pp. 231 - 257.

¹⁹ Hefftl, C., Neuhold, C., Rozenberg, O. and Smith, J., *The Palgrave Handbook of National Parliaments and the European Union*, Basingstoke: Palgrave Macmillan, 2015, pp. 1-15.

²⁰ Hefftl, C., Neuhold, C., Rozenberg, O. and Smith, J., *The Palgrave Handbook of National Parliaments and the European Union*, Basingstoke: Palgrave Macmillan, 2015, p. 4.

proportionally in the elected body²¹, or may deviate from it, adopting a plurality system like the UK and France where the candidate who polls the most among their counterparts is elected (first-past-the post), or even a mixed one that combines a plurality/majoritarian voting system with elements of PR, like Italy, Germany, Lithuania and Hungary. To conclude with, national parliaments do not reach the same effectiveness in adopting laws, initiating private bills, amending governmental ones, controlling ministers, inquiring and questioning nor are they able to build the same level of trust and public support. For this reason, in some Member States they are portrayed as saviours and granters of democratic legitimacy in the EU, whereas in others they can be seen as partially responsible for the deficit. *Figure 1.1* gives a clear vision of how the relation between the public sphere and the parliament in Nordic countries (Finland, Sweden, Denmark) is strengthened by a great deal of confidence, resulting in high institutional powers in the hand of the legislature.

Figure 1.1 Institutional strength and legitimacy of lower assemblies in the EU



Source: Fish, M. S., and Kroenig, M., *The Handbook of National Legislatures: A Global Survey*, New York: Cambridge University Press, 2009.

²¹ Mill, J. S., Chapter VII, *Of True and False Democracy; Representation of All, and Representation of the Majority only. Considerations on Representative Government*. London: Parker, Son, & Bourne, 1861.

1.1.2 Traditional accounts on parliamentary functions

For this preparatory section I also focused my work on Walter Bagehot's catalogue of parliamentary functions and the writings of John Stuart Mill to give a frame of parliamentary accountability and its oversight function. Bagehot in Chapter IV of his classic *The English Constitution* outlines the five core functions of a parliament: the elective function; the expressive (or articulation) function; the teaching function; the information function; and, last and not least, the legislative function²². In fact, as we will see in the following chapters, the last function cited by Bagehot, the legislative function in the sense of policy making and not as the final legitimate approval, is not considered the most valuable function, especially in the parliamentary systems we will analyse in a while. On the contrary, for both the authors above mentioned, parliaments serve mainly as arenas of public deliberation, in order to inform the public, take up their needs and opinions for debate, and serve as a forum of complaint and petitions.

Raunio divides the functions into different groups: those related to the government and those focusing on parliament's links with the citizens; and distinguishes between those carried out in domestic and EU politics²³. With the citizens national parliaments, reflecting the views of organised interests and the electorate, act as: a safety valve releasing tensions about national politics (and EU policy) and taking care of the demands (also EU related demands) of the constituents; a mobilizer and educator, 'teaching the nation' about national policies (and EU/national EU policy) and mobilising support for them. The second set of functions deals with parliament-executive relations, which is possible to catalogue in: recruiting, socialising and training of ministers, which find application only in national politics²⁴; government oversight, which consist in holding the cabinet accountable, applicable both in national and EU politics; and law making, referred to the approval and amendment of national laws, with the partial exception of Treaty amendments and other issues decided by unanimity, while, in EU affairs, to the scrutiny of EU laws (decided by the Council, increasingly together with the European Parliament, by QMV) and to the influence exercised over the government, which is the representative of the country at the European level. In terms of latent legitimation, the parliament provides legitimacy to the political system (and national EU policy)

²² Bagehot, W., *The English Constitution*, Oxford University Press, 2001.

²³ Raunio, T., *The Gatekeepers of European Integration? The Functions of National Parliaments in the EU Political System*, Journal of European Integration, Volume 33, 2011, pp. 303-321.

²⁴ As domestic legislatures do not recruit or elect members of the Commission or the people in charge of any positions in EU institutions.

through regular and uninterrupted meetings. While, the function of manifest legitimation operates partly in the same way both in national and EU politics, giving legitimation to public policy through formally approving both domestic laws and those European laws, including treaty amendments, that require the approval of national parliaments²⁵.

As Mill highlights in his work: “Instead of the function of governing, for which it is radically unfit, the proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable”²⁶. To be clear, the parliament exercises a strong control and review function and has the responsibility to hold the government accountable. It is a commonplace to state that the government is accountable to the parliament, in fact it is not always clear what is actually meant by accountability. A fundamental sense is being answerable for one's actions to some authority and having to suffer sanctions for those actions: “A is accountable to B when A is obliged to inform B about A's past or future actions and decisions, to justify them, and to suffer punishment in the case of eventual misconduct”²⁷. Similarly, Bovens defines accountability as “a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences”²⁸.

This relationship is clearly exemplified in *Figure 1.2*. The first term of the equation, the actor, can be single, an official or civil servant for example, or multiple, such as a public institution, an agency or the EU, and must therefore give the necessary information about his plans and actions and explanations of eventual failures to the second term, the forum. The latter can either be an individual person, such as a minister, a journalist or an agency, or multiple, such as the parliament, a court or the audit office, and its task is to interrogate the actor and judge his conduct, occasionally adopting formal - fines, disciplinary measures, civil remedies, even penal sanctions or the minister's resignation – or informal - disintegration of public image and career - sanctions. In the political field this bond can be translated in a principal-agent relation, with the former attentive to the needs and

²⁵ Raunio, T., *The Gatekeepers of European Integration? The Functions of National Parliaments in the EU Political System*, Journal of European Integration, Volume 33, 2011, pp. 303-321.

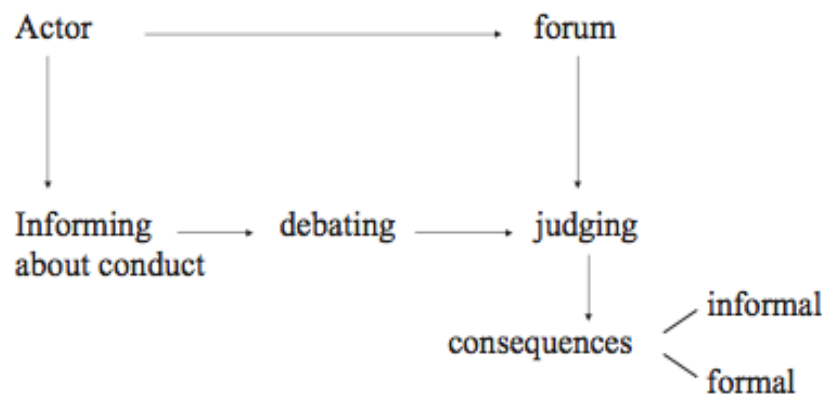
²⁶ Mill, J.S., *Considerations on Representative Government*, Oxford University Press, p. 282, 1998.

²⁷ Schedler, A., ‘Conceptualising Accountability’, in A. Schedler, L. Diamond and M. Plattner (eds), *The Self Restraining State. Power and Accountability in New Democracies*, Lynne Rienner Publishers, 1999.

²⁸ Bovens, M., *Analysing and Assessing Accountability: A Conceptual Framework*, European Journal of Law, 13(4), 2007, pp. 447-468.

will of the latter and vice-versa. In these terms, decision makers do not enjoy unlimited autonomy but have to explain and justify their actions in front of their accountors and can be subjected to a set of sanctions.

Figure 1.2 The scheme of Accountability



Source: Bovens, M., *Analysing and Assessing Accountability: A Conceptual Framework*, European Journal of Law, 13(4), 2007, pp. 447-468.

In parliamentary systems the parliament itself has the responsibility to provide citizens of the necessary information and act as the agent of the people and the principal of the government, from an agency theory perspective. According to scholars of agency theory, the relationship between citizens and political actors in parliamentary systems takes the form of a chain of delegation, from voters to elected representatives, and from legislators to the head of government and the cabinet. Through the links of this chain, the task of policy making is delegated from the ultimate principal, the people (*rule of the people*) to the cabinet that in turn delegates the preparation and implementation of policy to the administration²⁹.

However, this principal-agent relationship is not free of complications, especially from the perspective of the principal, and two phenomena such divergence of interest and asymmetric information can emerge. Once entrusted by the principal, the agent is expected to realise the principal's interest, but, in case the interests of the trustee (the agent) diverge from those of the entruster (the principal), the former will exploit all the possible opportunities to realise his own

²⁹ Auel, K., *Democratic Accountability and National Parliaments: Redefining the Impact of Parliamentary Scrutiny in EU Affairs*, European Law Journal, Vol. 13, No. 4, July 2007, pp. 487–504.

interests at the expenses of the principal's ones. As a result, the agent can be accused of shirking, when he fails to act in the best interest of the principal or of sabotage, when he acts against its interests³⁰. The second complication emerging in the principal-agent relationship, asymmetric information, is manifest when the information held by the two parties is not identical. This information can refer to the agent's preferences and skills, as well as on the concrete circumstances of the task to fulfil (hidden information) and information on the agent's actions (hidden action). While asymmetry of information may result in adverse selection, the selection of an unsuitable agent, divergence of interest may lead to moral hazard, when the agent acts not in accordance with the interests of the principal, such as shirking and sabotage.

The principal can thus recur to a set of tools to limit these agency problems. Among them *ex ante* and *ex post* control mechanisms can be employed. *Ex ante* mechanisms refer mainly to the selection of the suitable agent (screening) or to the establishment of the conditions in which the delegation of power can occur (contract design), while, *ex post* mechanisms are devised to control the agent's actions once power has been delegated³¹. The two most important *ex post* control measures are the right to demand information on the actions of the agent, for example through parliamentary questions, interpellations, etc., and the capacity to impose sanctions. Clearly, the aim is to hold the agent accountable.

In parliamentary democracy, the chain of delegation presented above is enforced in order to ensure, ultimately, that governments 'of the people' can be effectively controlled 'by the people' and thus be induced to act 'for the people'. Yet 'the people' as the ultimate principals have a limited range of control mechanisms at their disposal as these are usually reduced to the *ex ante* selection of agents and *ex post* sanctioning for their actions, both exercised through the act of voting. The communication and the exchange of information between decision makers and citizens should be continuously open, in respect to the principle of democracy, to ensure that citizens are able to evaluate the actions of their agents. As Hèritier states: "In order to enhance the elected representatives' accountability to the electorate, citizens need information about their representatives' decision-making and the outcomes

³⁰ Brehm, J. and Gates, S., *Working, Shirking, and Sabotage: Bureaucratic Response to a Democratic Public*, University of Michigan Press, 1997.

³¹ Auel, K., *Democratic Accountability and National Parliaments: Redefining the Impact of Parliamentary Scrutiny in EU Affairs*, European Law Journal, Vol. 13, No. 4, July 2007, pp. 487–504.

of their decisions”³². Parliament covers a central function in this relationship, being, as we said, the principal of the government and the agent of the ultimate principal, the people. Parliaments select their own agents, such as the head of government and, indirectly, the cabinet, responsible for policy making; they deliberate and formally approve, thus legitimating the decisions of their agents; they hold their agents accountable and they can, finally, use sanction against or even de-authorise them.

However, the concept of political representation can find contrasting views with respect to the agency theory. Pitkin expresses her idea of political representation as the activity of making citizens’ voices, opinions, and perspectives “present” in public policy-making processes. Political representation occurs when political actors “take care of”, “stand for” and “act on behalf of” others, speaking, advocating, symbolising, and acting in the political arena. In short, political representation is a kind of political assistance and not a chain of delegation. The central point in the works of the author is the mandate-independence controversy, opening the way to two options: should (must) a representative do what his constituents want, be bound by mandates or instructions from them and act like a “mere” agent, a servant; or should (must) he be free to act as seems best to him in the pursuit of his and his represented welfare?³³. Sustaining the second option, which echoes Edmund Burke’s theories³⁴, she manifests how impossible it is to give to a specific concept a singular interpretation.

To sum up, according to the theory of principal and agent I decided to pursue along this work, parliaments “provide the means by which the measures and actions of government are debated and scrutinised on behalf of citizens, and through which the concerns of citizens [...] may be voiced. The extent to which they carry out such actions, and are seen by citizens to carry out such actions, may be argued to constitute the essential underpinning of legitimacy of the political system in the eyes of electors”³⁵.

³² Héritier, A., *Composite Democracy in Europe: The Role of Transparency and Access to Information*, 10 Journal of European Public Policy 814, at 824, 2003.

³³ Pitkin, H. F., *The Concept of Representation*, Berkeley: University of California, 1967.

³⁴ Burke, Edmund, *Reflections on the Revolution in France*, London: Penguin Books, 1790 [1968], p.115. Arguing on the role of representatives as trustee who follow their own understanding of the best action to pursue: “Parliament is not a congress of ambassadors from different and hostile interests, which interest each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole [...] You choose a member, indeed; but when you have chosen him he is not a member of Bristol, but he is a member of Parliament”.

³⁵ Norton, P., *Parliaments and Governments in Western Europe*, Frank Cass, 1998.

1.1.3 Rhetoric of democratic deficit in the EU

‘Democratic deficit’ is a term used by people to refer to, and eventually complain about, the lack of democracy suffered by EU institutions and their decision-making³⁶. Indeed, European politics, due to its complexity, appears inaccessible to the ordinary citizen. EU voters do not feel effectively involved in the mechanism, they can’t see the possibility to reject a ‘government’ that they do not like, and to change, to some extent, the course of politics and policy. So, we can say that the real EU democratic deficit seems to be the absence of European politics.

In a multilevel system of governance as the European Union, where the power is spread and shared between different institutions both at vertical and horizontal level, parliamentary accountability assumes particular relevance. As a matter of fact, the fusion/confusion of different interests and institutions in EU multilevel governance creates an accountability deficit being the system “open to a plurality of interests [...] to those of different territories as much as to those of sectoral interests³⁷”. The current form of European governance is, as a fact, characterised by a no ‘government’ as such. This situation results in a democratic flaw and a public disaffection of European citizens who, expressing their perplexities in the Laeken Declaration³⁸, “feel that deals are all too often cut out of their sight and they want better democratic scrutiny³⁹”.

But the issue of democratic legitimacy has been sensitive at each stage of the process of European integration. The issue was addressed in the intergovernmental conferences leading up to the signing of the Maastricht and Amsterdam treaties by giving more powers to the European Parliament (EP) and extending the areas in which had joint decision-making powers with the Council. As a result, the EP has evolved from a consultative assembly to a co-legislator. Moreover, they conferred to Parliament the power of final approval over the membership of the Commission, before

³⁶ Democratic deficit, Summary of EU legislations, Glossary of summaries. Available at: https://eur-lex.europa.eu/summary/glossary/democratic_deficit.html

³⁷ Benz, A., *Compounded Representation in EU Multi-Level Governance*, in B. Kohler-Koch (ed.), *Linking EU and National Governance*, Oxford University Press, 2003, p. 103.

³⁸ The Convention on the Future of the European Union, also known as the European Convention, was a body established by the European Council in December 2001 as a result of the Laeken Declaration. Inspired by the Philadelphia Convention that led to the adoption of the United States federal Constitution, its purpose was to produce a draft constitution for the European Union. The Convention finished its work in July 2003 with their Draft Treaty establishing a Constitution for Europe, never came to force due to the non-ratification by France and Netherlands.

³⁹ European Council, Laeken Declaration on the Future of the European Union, Annex I. Available at: https://www.europarl.europa.eu/summits/pdf/lae2_en.pdf.

with the Maastricht Treaty, and over the President, after with the Amsterdam Treaty. This achievement represented an important step forward in terms of Parliament's political control over the EU executive.

Two further steps taken at the core of European institutions led to the consolidation of democratic governance in the Union. In December 2000, the Inter-Governmental Conference (IGC) in Nice expressed "the need to improve and to monitor the democratic legitimacy and transparency of the Union and its institutions, in order to bring them closer to the citizens of the Member States"⁴⁰, subsequently formalised by the European Commission White Paper on European Governance in 2001, introducing a number of reforms based on five principles: "openness, participation, accountability, effectiveness and coherence"⁴¹. In the European context, transparency and openness are needed. Indeed, decision makers are asked to publicly discuss crucial issues in order to allow national citizens - as the ultimate principals - to take part, although indirectly, to the decisional process. Through this interaction, national parliaments have become forum of debate where critical decisions, which inevitably affect citizens' lives, are taken, thus contributing to the democratisation of the European policy-making process. Later on, the Lisbon Treaty strengthened the European Parliament's financial⁴², legislative⁴³ and supervisory⁴⁴ powers. In addition, the European Citizens'

⁴⁰ Treaty of Nice, 2001. Available at: <https://europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-nice>.

⁴¹ European Commission, The White Paper on European Governance, (2001) 428 final. Available at: http://europa.eu.int/eur-lex/en/com/cnc/2001/com2001_0428en01.pdf.

⁴² The Lisbon Treaty eliminated the distinction between compulsory and non-compulsory expenditure and put Parliament on an equal footing with the Council in the annual budgetary procedure, which now resembles the ordinary legislative procedure. Parliament remains one of the two arms of the budgetary authority (Article 314 TFEU). It is involved in the budgetary process from the preparation stage, notably in laying down the general guidelines and the type of spending. It adopts the budget and monitors its implementation (Article 318 TFEU). It gives a discharge on the implementation of the budget (Article 319 TFEU). Finally, Parliament has to provide its consent to the multiannual financial framework (Article 312 TFEU). The multiannual financial framework for 2014-2020 is the first to be covered under the rules laid down in the TFEU. Art. available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>.

⁴³ The Lisbon Treaty renamed the co-decision procedure as the ordinary legislative procedure (Article 294 TFEU). Following that treaty, more than 40 new policies became subject to this procedure for the first time, for example in the areas of freedom, security and justice, external trade, environmental policy and the CAP. Art. available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>.

⁴⁴ Parliament has several powers of scrutiny. In particular, it discusses the annual general report (Article 233 TFEU) and oversees, together with the Council, the Commission's implementing and delegated acts (Articles 290 and 291 TFEU). Art. available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>.

Initiative⁴⁵ was created and the centrality of dialogue between civil society and the European institutions was recognised. The importance of this communication is also manifested in the possibility for citizens to have free and direct access to information taking part to some Council sessions, which have been made public.

However, at the time being we can't affirm that the public are still manifesting anti-European attitudes, but what we can still demonstrate is their conviction of the political system as a potential threat to their way of life. Disaffection with Europe has been expressed in the low turnouts at European elections, which reached an all-time low in 2009 with an EU average of just 43%. The European Parliament itself, which was supposed to serve in order to offset the reduction in democratic participation, *de facto* shows shortcomings of democratic nature. Indeed, decision 2013/312/EU applies a 'principle of degressive proportionality', as provided for in the first subparagraph of Article 14(2) TEU⁴⁶, this means that the total number of seats, currently 751, are allocated according to Member State population size, but more populous Member States agree to be under-represented in order to favour greater representation of less populous EU countries. With the withdrawal of UK from the EU the total number of seats will be cut from 751 to 705, giving further less representation to some MSs.

1.1.4 The need of parliamentary scrutiny

Continuing our discussion, European parliaments were strongly affected by the transfer of legislative competences to a higher layer. Having lost their direct involvement in either the agenda setting or the decision making now delegated to supranational institutions detached from the single Member State (Commission, European Council and European Parliament) - with the participation of intergovernmental ones (Council of Ministers) - albeit acting according to the principles of

⁴⁵ European Citizens' Initiative is a participatory democracy instrument that allows citizens to suggest concrete legal changes in any field where the European Commission has power to propose legislation.

⁴⁶ TEU, art. 14(2): "The European Parliament shall be composed of representatives of the Union's citizens. They shall not exceed seven hundred and fifty in number, plus the President. Representation of citizens shall be digressively proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats". Available at: https://www.jus.uio.no/english/services/library/treaties/14/14-03/teu_cons.xml.

subsidiarity⁴⁷ and proportionality⁴⁸, they managed to conquer an effective role in EU affairs thanks to the scrutiny of executive EU policy-making. Fundamental is also their conspicuous effort in making policy processes more transparent and accessible to their national public. Moreover, the ‘democratic deficit’ cried by parliaments of Member States saw a further reduction with the Lisbon Treaty (2009), but we will touch this topic more in the specific afterwards.

By holding their governments accountable, national legislatures have, on the one hand, the right to receive information on and assessment of how the former is planning to conduct the negotiations at the European level during the meetings of the Council of Ministers, carrying out thus their *ex ante* scrutiny function. As an example, ministers may be required to explain and justify their stands before going to Brussels on the occasion of the Council meetings and may be forced to adjust them if their account is not convincing. Finding themselves in the possibility of seeing their mandate amended or their stances rejected by the parliament, many actors will be inclined to anticipate the negative evaluations of forums and adjust their policies beforehand. On the other hand, exercising their *ex post* function, parliaments are entitled to ask justifications of the ministers’ negotiation position and behaviour and process the adequate evaluations. Nevertheless, governments cannot be forced to disclose every aspect of their negotiation position, as this would obviously weaken their position in the Council⁴⁹.

1.1.5 Defining the spheres of parliamentary accountability

Is it therefore opportune, at this point of the discussion, clarify the distinction between two different spheres of parliamentary accountability, namely monitoring and political scrutiny on the operatus of the government. Referring to the previous paragraphs, accountability is a relationship between a principal, or accountor, and his agent, the accountee, implying at least two-steps of interaction: first of all, obtaining information on the agent’s actions and their context; and, consequently, an assessment of and judgement on the appropriateness of these actions in terms of

⁴⁷ TEU art. 5 (3): “Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level”.

⁴⁸ TEU art. 5 (4): “Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties”.

⁴⁹ Auel, K., *Democratic Accountability and National Parliaments: Redefining the Impact of Parliamentary Scrutiny in EU Affairs*, European Law Journal, Vol. 13, No. 4, July 2007, pp. 487–504.

outcome for the principal, which can lead to a third step of potential sanctions⁵⁰. To continue with our discussion, the former typology of scrutiny can be considered the predictable consequence of the loss of decision-making control of national parliaments in European affairs, as we said directed by supranational and intergovernmental bodies, and the emerging need of control. The monitoring scrutiny is thus the attempt of legislatures to reduce information asymmetry and give voice to domestic policy preferences by questioning their governments on specific European issues or legislative proposals under negotiation and their potential effects on domestic policies, the negotiation situation in Brussels and, ultimately, the government's negotiation position in the Council and the reasons of this action.

On a second phase, national governments can be subject to political scrutiny, assessing if the position pursued by the representative in the Council and its decision, as well as the outcome of European negotiations, were in line with the views and will of the accountors and “whether they exercised their powers in a way that the political bodies to whom they are accountable - such as parliament or the electorate - can endorse”⁵¹. In the European framework, majority parties and opposition tend to engage rarely in the political scrutiny model, particularly when it is performed in a public forum, so as to avoid the negative effects of criticism against the government's actions and the related reduction of its level of credibility⁵². Acting as ‘police patrol’⁵³, opposition parties can, indeed, make the government accountable for its actions and force it to defend publicly what it has proposed, raising in this way their credibility and electoral salience, even if very low in European issues.

Moving forward to the third step of this accountability relationship, Yannis Papadopoulos emphasises how parliamentary accountability becomes effective if supported by sanctions: “the more decision makers feel that they act in the shadow of possible sanctions, the more it will be rational for

⁵⁰ Bovens, M., *Analysing and Assessing Accountability: A Conceptual Framework*, European Journal of Law, 13(4), 2007, pp. 447-468.

⁵¹ Philp, M., *Access, Accountability and Authority: Corruption and the Democratic Process*, Paper for the Political Studies Association UK, 50th Annual Conference, London, 10–13 April 2000.

⁵² Auel, K., *Democratic Accountability and National Parliaments: Redefining the Impact of Parliamentary Scrutiny in U Affairs*, European Law Journal, Vol. 13, No. 4, July 2007, pp. 487–504.

⁵³ McCubbins, M. D. and Schwartz, T., *Congressional Oversight Overlooked: Police Patrols and Fire Alarms*, 28 American Journal of Political Science 165, 1984: Police patrol oversight is centralised, active, and direct. At its own initiative, the Congress chooses a sample of executive agencies with the aim of detecting and remedying violations of legislative goals, and by its surveillance, discouraging such violations.

them to endogenize the preferences of their principal”⁵⁴. In fact, in absence of concrete forms of sanctioning, the agent feels a high potential of freedom to pursue its own objectives at the expenses of the principal, without the fear of any negative consequences.

After a final decision is deliberated by European institutions, the *ex post* control and sanctioning power of national parliaments over their government vanishes, leaving legislatures with the sole possibility of veto such decisions at an even greater cost than in domestic affairs. At this point Member States become at all effects agents of the European Union and are, as a result, accountable for the implementation of European decisions⁵⁵. The EU, as the principal, can refer to the European Commission, the organ responsible for placing sanctions in case of non-compliance, thus bringing MSs before the European Court of Justice. However, if on the one hand national parliaments are given the power to construe EU directives to a certain extent when transposing them into domestic laws, on the other, they shall abide this entitlement when EU laws are directly applicable, such as EU regulations.

On the contrary, national parliaments are allowed *ex ante* to act before and during the phase of negotiations within the Council. Particularly, they have the power to sanction governments, in a formal or informal way, for incomplete or late information as well as if the final decision lacks reference to parliamentary opinions. In conclusion, in EU affairs, national parliaments express their formal power through *ex ante* or monitoring control, by means of their right of influencing or imposing a specific line to the government during the negotiations and issuing public resolutions, used as deterrent tools.

1.2 PARLIAMENTARY OVERSIGHT

In Mill’s words, the true mission of a Parliament is to watch and control the Government; to throw the light of publicity on its acts, to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable, and, if men who compose the Government abuse their trust, or fulfil it in a manner which conflict with the deliberate sense of the nation, to expel them from office⁵⁶. Therefore, ensuring the representativeness of the

⁵⁴ Papadopoulos, Y., *Problems of Democratic Accountability in Network and Multilevel Governance*, European Law Journal 13 (4), 2007.

⁵⁵ Bergman, T., *The European Union as the next step of delegation and accountability*, European Journal of Political Research 415, 2000.

⁵⁶ Mill, J. S., *Considerations of Representative Government*, pp. 229-235.

people in a democracy and “watch” the government are among the fundamental tasks of the parliament, expressed in the parliamentary oversight function. Paul Penning considers it “the legislature’s ability to constrain executive behaviour”⁵⁷ while Pierre Avril describes parliamentary oversight as a “verification, a material operation, framed by the law by fixing its procedures and consequences”⁵⁸. It is possible to individuate many factors which shape and regulate the parliamentary oversight function performed over the government, starting from the political regime, electoral system, the structure of the parliament itself, arriving to the parliamentary culture and traditions.

The Nordic countries (Finland, Sweden and Denmark) selected for my work share similarities in their political system. They took the semblance and the functioning of parliamentary democracies, coupled with a monarchical State in the last two cases. Also the case of Finland is particular, it was born as a semi-presidential system which has developed some parliamentary features. In these regimes, a set of rules is established between the main institutional figures: the President of the Republic, the parliament, both elected with the direct popular vote, and the government. The peculiarity of this form of government is the political accountability of the chief of government to the legislative body, which, by symmetry, has the power to give and withdraw confidence to him, resulting in the possible dissolution of the cabinet. As a part of the oversight function, both in parliamentary and semi-presidential forms of government, the members of the parliament belonging to the party in power must verify the activities of the executive and let the government be accountable to the people.

In parliamentary democracies, the parliament-government relationship can be influenced and shaped by the electoral system, as we previously mentioned categorised in majority and proportional. The former, also known as the British government model, facilitates the victory of one party. As a consequence, a powerful government can be formed which would prefer to debate on major themes during plenary sessions instead of special or permanent committees, to avoid the oversight⁵⁹. Differently, characteristic of proportional electoral systems, as the Finnish one, is the formation of minority governments depriving the parties of absolute power. It follows that the executive finds itself

⁵⁷ Penning, P., *Parliamentary Control of the Executive in 47 Democracies*, 28th Joint Sessions of Workshops of the European Consortium for Political Research, Copenhagen, 2000.

⁵⁸ Avril, P., *L'introuvable contrôle parlementaire*, Petites affiches, Paris, 2009.

⁵⁹ Calin-Mihalcea, S. C., *Particularities of Parliamentary oversight in different political regimes*, University of Bucharest.

in the position of negotiate very often to reach a unanimous decision and the activity of committees intensifies more than the previous case.

The last element which serves as independent variable to shape the oversight power of parliaments is the structure of the parliament itself. In general, parliaments with one chamber are specific of unitary centralised States, with the example of Finland, Denmark and Sweden, while in decentralised and federal States, the bicameral model - composed of two chambers with the lower playing a major role representing the citizens - is preferred⁶⁰. In this last case both chambers have the power to exercise parliamentary oversight reinforcing the efficiency of the procedure, especially in case of minority government in the higher chamber, and, also thanks to the presence of a strong opposition party, to organise and put the government in difficulty⁶¹.

Once listed the independent variables, along this paragraph I will continue presenting the instruments of parliamentary oversight, reflected in national Constitutions and Rules of Regulation, in the hands of the parliamentary chambers.

1.2.1 Different species of parliamentary control

First of all, a differentiation between legislative, institutional and political control exercised by parliaments should be made. When the parliament or its committees discuss government bills, we can refer to the "legislative control function"; when the majority party (or coalition) directs the government and/or ensures that the government follows the guidelines formulated by parliament, the majority exercises an "institutional control function"; and when the opposition holds the government accountable, the parliament exercises a "political control function"⁶². If the purpose of parliamentary oversight is to hold governments accountable and responsible for their actions (and inactions), then the following definition can be made: "parliamentary oversight is the set of activities by which the parliament and its members investigate the work of the government"⁶³. This definition allows us to distinguish between parliamentary control in the strict sense (the definition we now made) from forms of control in the broad sense (all parliamentary activities are control activities). Parliamentary control

⁶⁰ Lijphart, A., *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*, Polirom Publishing House, Bucharest, 2000, p. 193.

⁶¹ Calin-Mihalcea, S. C., *Particularities of Parliamentary oversight in different political regimes*, University of Bucharest.

⁶² Pasquino, G. and Pellizzo, R., *Parlamenti Democratici*, Bologna, Il Mulino, 2006, pp. 182-185.

⁶³ Pasquino, G. and Pelizzo, R., *Parlamenti democratici*, Bologna, Il Mulino, 2006, pp. 182-185.

in the strict sense is reactive, meaning that it deals with and reacts to past government actions, while other forms of control, such as legislative control, are forms of preventive control, they tend to influence government choices and policies before they are fully implemented. This is why such practices are better understood as fore-sight (or scrutiny) than super-sight or control in the strict sense (oversight)⁶⁴.

Yves Meny differentiates between three models of parliamentary oversight on the government. The first of Meny's list is partisan control, directed by the opposition when the government is vulnerable; the non-partisan control, exercised through questions, hearings, committees, messages, reports, citizen's petitions etc.; and lastly, the control with a sanction, represented by the motion of no-confidence by the parliament⁶⁵.

1.2.2 Instruments of parliamentary oversight: questions, interpellations and motions

Questions and interpellations are fundamental tools used by the legislative bodies in order to hold the government accountable to the people and ensure their representativeness in a democracy. A parliamentary question is a request of information which the government has to provide and, moreover, the Prime Minister can also be called to clarify whether facts and data provided are correct, either to the author of the question or to the members of parliament as a whole. In general, the appropriate moment to submit parliamentary questions, mostly in written form, is during a specific question time section of the parliament's agenda, broadcasted live on national TV or radios. However, for urgent matters the questions can be proposed also outside of this span of time. Members of parliament tend to recur to this mechanism to increase their image in public or inside their political party. With the aim of guaranteeing the respect of timing and issues on the parliamentary agenda, some countries adopted a set of rules regarding the number of people which can sign the question, the eventuality of a pre-authorisation from the parliament and the areas covered by the content of the question.

On the other hand, the interpellation is a request to get information or clarify a situation regarding the government's program or "stimulate government action, gain personal publicity, ask for an explanation, hold ministers accountable for controversial aspects of their policies, attack

⁶⁴ Pasquino, G. and Pelizzo, R., *Parlamenti democratici*, Bologna, Il Mulino, 2006, pp. 182-185.

⁶⁵ Meny, Y., *France: The Institutionalization of Leadership in Political Institutions in Europe*, Routledge Publishing House, London, 2002.

struggling ministers, have a large number of arguments quickly and conveniently, show attention to the interests of voters, earn some reputation in certain matters, to force a reluctant government to accept a compromise, to delay the action of a stubborn government until the influence of other forces and events is felt, to highlight the government's mistakes, to mobilise troops within the opposition with a remote intention to succeed in imposing changes on the government and to dramatise or excite a political situation"⁶⁶. Moreover, it is initiated in written form with the intention to launch a debate and, only for some legislative bodies, it is necessary the agreement of the parliamentary group. Differently from the parliamentary questions, interpellations are related to national interests. In the Italian and German cases, it is possible to distinguish two different types of interpellation: simple and urgent. The former may be presented by the single MP while, on the other hand, the latter must be requested by the presidents of the parliamentary groups and, in the specific case of Italy, by a group of at least 30 deputies.

Considerable remarks should be given to the motion, the supreme manifestation of the oversight exercised upon the government⁶⁷. The motion is a potential weapon used by parliament, generally by the lower chamber, to initiate the procedure to partially or fully replace the present government, the so-called motion of no-confidence. Many are the parameters to respect in order to withdraw confidence to the executive, including the number of necessary signatures, which varies from country to country; the minimum number of votes required by the motion to pass (two third, three fifth or simple majority) and some State constitutional disposition. In Spain, Germany and Slovenia, for example, is impossible to start the motion unless there is a successor elected with a majority⁶⁸.

1.2.3 Instruments of parliamentary oversight: parliamentary committees

Other instruments used to exercise control on the executive are permanent or non-permanent parliamentary committees, as the EAC (European Affairs Committee). Committees are the arena where the biggest part of legislative workload is carried out and the government's or EU's proposals examined, both before the matter is presented, debated and voted upon in the plenary and after, via

⁶⁶ Wiberg, M., *Parliamentary Questioning. Control by Communication*, in Herbert Döring (ed.), *Parliaments and Majority Rule in Western Europe*, Frankfurt: Campus Verlag, 2005, pp. 179-222.

⁶⁷ Enache, M., *Parliamentary Oversight*, Polirom Publishing House, Iasi, 1998, p. 181.

⁶⁸ Meny, Y., *France: The Institutionalization of Leadership in Political Institutions in Europe*, Routledge Publishing House, London, 2002.

scrutiny. Indeed, through their public hearings is possible to retrieve information related to the public agenda and reduce the informational advantage of the government. Moreover, thanks to the work of committees of inquiry, unclear or critical situations, included only in a limited number of domains, can be subject of investigation by the lower chamber of parliaments (in the majority of cases). The final report, with the relative conclusions, can shape and change public opinion on the operate of the executive. In the specific, in many EU Member States including the ones in analysis, the European Affairs Committees' main function is to control and influence national decision-making on individual pieces of EU legislation. National European parliaments must receive from their government information of Commission's legislative proposals that fall within the competence of the legislatures and, in most countries, they have also access to documents on the preparation of international agreements between the EU and third parties, cooperation in Justice and Home Affairs (JHA) and Common Foreign and Security Policy (CFSP) matters, Green and White papers, the proposal for the annual EU budget, and other Commission consultation documents⁶⁹. Moreover, at the end of the year they receive the Commission's annual legislative programme, giving them the opportunity to be prepared in advance for the future legislative initiatives. Furthermore, before the meetings of the Council of Ministers, the EACs receive the agendas together with a notice about the government stance; the responsible minister then appears in person before the Committee, or sends a communiqué, in order to explain and motivate the government's final position⁷⁰. At this point, the Committee may subject the minister to questions, following which it decides if there is a majority in favour or against the position that the government is willing to maintain in the works. *Ex post*, at the end of the Council meeting the minister reports back to the Committee, appearing in person if required. The EACs may also participate actively in the monitoring of European Council meetings, taking place 2-4 times a year, IGCs, and in the ratification of treaties. Indeed, in some Member States the Prime Minister has the duty to notify to the Committee, or occasionally to the whole parliament, the discussions held during the meetings. Finally, when an IGC is called by the European Council with the aim of examining the treaties, the consent of national legislatures is required for their amendments, the same applies in case of the accession of new Member States, where the specific majority rule varies between parliaments. From the work of Bergman and Strom it stands out that legislatures with strong

⁶⁹ Raunio, T., *Parliamentary Scrutiny of EU Decision-Making: Comparing National Systems*, Eduskunnan Kanslian Julkaisu 1/2000, 1999, pp. 5-16.

⁷⁰ Bergman, T. and Strom, K., *The Madisonian turn: Political parties and parliamentary democracy in Nordic Europe*, 2011.

committees appear as the most powerful in Europe, among them we find the Finnish Eduskunta and the other Nordic parliaments object of further discussions⁷¹.

1.2.4 Other instruments of parliamentary oversight

To continue with the list of potential oversight tools, noticeable is the constitutional obligation of the Chief of State/Government or certain state authorities to present in front of the Parliament - in joint session or to a single chamber - messages, reports and programs to inform about the operate. Finally, citizens themselves can make petitions to one or both chambers of the parliament, which act as intermediate between people and the executive, to ask for the protection and defence of their rights and interests. They have, also, the possibility to recur to the Ombudsman, the civil Defensor, who acts to defend the rights of the citizens in relation to public authorities⁷². In 2005 3,352 were the complaints brought against this body, double compared with the numbers of the previous decade, and there is a huge possibility of steady increment⁷³.

1.2.5 Parliamentary oversight and EU affairs

When it comes to EU affairs, most European parliaments prefer not to recur extensively to their institutional powers, in order to not undermine the government-majority mutual trust and the effectiveness of the government's European policy making, but rather exercise their influence away from the plenary or in private and confidential arenas⁷⁴.

In European Union MSs, the term 'parliamentary influence' indicates the parliamentary capability to induce the government towards a change in its negotiation position in a way it would

⁷¹ Bergman, T. and Strom, K., *The Madisonian turn: Political parties and parliamentary democracy in Nordic Europe*, 2011.

⁷² The Ombudsman is an authority of Nordic origins, the first Ombudsman was elected in Sweden in 1766. It has the general competence to defend the rights of the citizens in relation to public authorities and functions under different names. In some states it was kept the original name (UK), in others is called with different names: commissary (Poland, Cyprus, Russia); chancellor (Estonia), mediator (France) etc. A special Ombudsman is selected for the defense of Human Rights (Hungary), gender equality, etc.

⁷³ Bergman, T. and Strom, K., *The Madisonian turn: Political parties and parliamentary democracy in Nordic Europe*, 2011.

⁷⁴ Auel, K. and Benz, A., *The Politics of Adaptation: Europeanisation of National Parliamentary Systems*, 11 Journal of Legislative Studies, 2005.

not have done without its interference in the mechanism⁷⁵. This influence is exercised through the drafting of more or less binding resolutions, potentially differing from the original opinion or negotiation position of the government⁷⁶.

In parliamentary systems, like the one under discussion, a 'new dualism' model was shaped between the executive and its supportive majority, on the one hand, and the parliamentary opposition, on the other. As we said before, the stability and effectiveness of the government at a domestic level depends upon the support of their parliamentary majority, resulting in a strong incentive for parties to maintain discipline and coherence within the parliamentary structure. The most fruitful way to achieve successfully this goal is the consolidation of the members into a reliable group and not in a mere gathering of individuals. At the EU level, things become a bit more complicated⁷⁷ being the parliamentary majority less motivated to stand for their government compared to domestic politics. The explanation to this trend can be found in the supranational framework of EU decision-making, since the agenda is not set on the basis of a program or manifesto agreed by the government and the majority parties. In fact, is the European Commission the external institution able to initiate EU policies. In addition, parliaments no longer have the final say over these policies, due to the approval mechanism requiring the intervention of other external institutions - the Council and the European Parliament - acting through the co-decision procedure. The result is a reduction, or a total loss, of control over the agenda and the final decision previously under the sphere of influence of the majority.

The pure legislative authority of national parliaments, in European affairs, slips away and can thus be balanced by an increase in the control exercised on their governments. Indeed, relevant is the incentive to intensify the oversight function but, at the same time, few or none are the incentives to do this publicly. First of all, with the proposal of more or less binding parliamentary resolutions the

⁷⁵ Auel, K., *Democratic Accountability and National Parliaments: Redefining the Impact of Parliamentary Scrutiny in EU Affairs*, European Law Journal, Vol. 13, 2007: In the decision-making process, when the national parliaments are usually able to formulate their resolutions or mandates, the government will already have dealt with a European issue or proposal and will have assumed a position on it. Indeed, parliaments often receive government memoranda attached to European documents outlining that position. Thus, the aim of a parliamentary resolution would be to change a governmental position rather than to affect its initial formulation.

⁷⁶ In some cases a parliamentary resolution can be drafted in accordance to government's position, in order to support his position and boost his negotiation power in Brussels.

⁷⁷ Auel, K. and Benz, A., *The Politics of Adaptation: Europeanisation of National Parliamentary Systems*, 11 Journal of Legislative Studies (Special Issue on 'The Europeanisation of Parliamentary Democracy'), 2005.

majority would state publicly that they do not share their government's negotiation preference, but instead demand a change in government's position according to parliamentary wishes. This internal contrast of ideas may undermine the political credibility of both parts, the government and the MPs majority, and also create division and conflict within the governing party or parties thus making them vulnerable to the opposition⁷⁸. The latter, in clear advantage, could easily exploit the situation to blame the government for not even winning the support of its own parliamentary majority, with the aim of encouraging its own position. Secondly, an openly opposing parliamentary resolution could have serious repercussions on the government's negotiation position in Brussels, being not even supported at home⁷⁹. Consequently, the parliamentary majority might be accused of supporting the interests of other Member States' governments. This problem might be avoided by conceding to national parliaments the right to fully determine the government's negotiation position, binding it and tying its hands, not allowing the representative in the Council to negotiate a compromise with other Member State's governments without internal and external pressure. By the way, it is clear that the imposition of definite schemes with which the government is required to comply with in the negotiation process can restrict the flexibility necessary for the best realisation of national interests, achieved in cooperation with other governments. For this reason, at the EU level the strategies used by legislatures follow a different path. We will continue this analysis in the following chapters of this work, focusing on the two different spheres of parliamentary control: a more document-based, supportive or consensual processing of EU matters and the mandate-based scrutiny, proper of the EU Nordic countries, which emphasises the mandating of Brussels-bound cabinet members⁸⁰.

1.3 THE EU AND THE EVOLUTION OF PARLIAMENTS: FROM ECSC TO LISBON

The transfer of policy making powers from the EU Member States to the European level resulted in a direct loss of influence of national parliaments (NPs). The increased use of qualified majority voting (QMV) in the Council and the bargaining in the Council and the European Council

⁷⁸ Norton, P., 'Conclusion', in P. Norton (ed.), *Parliaments and Governments in Western Europe*, Frank Cass, 1998, p. 192.

⁷⁹ Auel, K. and Benz, A., *The Politics of Adaptation: Europeanisation of National Parliamentary Systems*, 11 *Journal of Legislative Studies* (Special Issue on 'The Europeanisation of Parliamentary Democracy'), 2005: "The government can, of course, use a parliamentary resolution or mandate to bind its hands strategically in the Council negotiations. This situation, however, again presupposes an agreement between government and its parliamentary majority in which the government merely uses parliament to strengthen its own position".

⁸⁰ Raunio, T., *Legislatures and Foreign Policy* in Martin, S. and others, *The Oxford Handbook of Legislative Studies*, 2014, pp. 544-560.

threats the ability of national parliaments to force governments to make detailed *ex ante* commitments before taking decisions at the European level, somehow determining informational asymmetries between the executive branch and the legislature. This ‘deparliamentarisation’ thesis, dominant both in scholarly work and political debate, confirms why national parliaments are often labelled as the main ‘losers’ or ‘victims’ of European integration⁸¹.

Anyway, NPs have succeeded over time in intensifying their involvement in EU matters and consolidated their role in EU governance, at the same time enhancing the popular support towards the Union. From the Treaty of Maastricht (1992) to Lisbon, entered in force in December 2009, considering also the Treaty of Stability, Coordination and Governance in the Economic and Monetary Union in 2012, national parliaments conquered an increasing number of mentions. However, this procedure of recovery did not happen all at once, but it was gradual and followed different institutional developments, many times with divergencies between Member States. As a result, in the three-year period from 2010 to 2012, national parliaments showed an active presence in EU policy matters, issuing over 4,000 mandates or resolutions on EU documents and decisions, sending over 1,500 opinions to the European Commission, and spending thousands of hours both discussing EU affairs in plenary sessions and scrutinising them in EACs⁸².

Going back to the very beginning of the Europeanisation of NPs, we can consider it a ‘Europeanisation without EU’⁸³, dictated not by EU legal norms, but by domestic logics, inputs and constraints. As a matter of fact, each government decides which role the domestic legislature has to play in the European game and, as stated by Protocol 9 of the Amsterdam Treaty, “scrutiny by individual national parliaments of their government in relation to the activities of the Union is a matter for the particular constitutional organisation and practice of each Member State”⁸⁴. Among the available roles thus covered by NPs we can highlight: policy shapers, which seek to influence government positions; government watchdogs, which seek to hold the government accountable; public fora, maintaining a communication channel with the public; EU experts, which aim at

⁸¹ Raunio, T., *The Gatekeepers of European Integration? The Functions of National Parliaments in the EU Political System*, Journal of European Integration, Volume 33, 2011, pp. 303-321.

⁸² Auel, K., Rozenberg, O. and Tacea, A., *Fighting Back? And, If So, How? Measuring Parliamentary Strength and Activity in EU Affairs* in Claudia Heffler and others (eds), *The Palgrave Handbook of National Parliaments and the European Union*, Palgrave, 2015.

⁸³ Irondele, B., *Europeanization without the European Union? French military reforms 1991- 96*, Journal of European Public Policy, 10:2, 2003.

⁸⁴ Treaty of Amsterdam, Protocol 9, 1997. Available at: <https://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf>.

producing expert knowledge about EU initiatives; European players, which act directly at the EU level; and the extra category of scrutiny laggards to cover national parliamentary chambers with an extremely low level of overall activity⁸⁵.

However, this process of Europeanisation may not be fully categorizable as domestic, especially if NPs accept to conform to a common transnational model of how they should adapt to the EU, thereby giving birth to a pattern of Europeanisation shared by each Member State. This common understanding of parliamentary involvement is focused on the scrutiny of EU draft legislation through specialised procedures and driven by timing, information and specialisation. According to these principles, also embedded in Protocol 1 of the Lisbon Treaty, NPs shall receive relevant information on Community initiatives, both from the government and Community institutions, in the pre-decisional stage or sufficiently in advance so that they have the opportunity to take them into consideration and engage in the scrutiny process before decisions are made (this is a fundamental step because, as long as a legislation is adopted, there is no changing power left for national parliaments). The information required consists in EU draft texts or simple communication on the ministers' bargaining position and views. As a result of the two above cited elements, specialisation refers to parliaments' need of sufficient powers and expertise in order to cope with EU issues. These needs are grouped into parliamentary rights, with specific provisions on legislatures' right to information and to adopt resolutions; intra-parliamentary structures, such as the institution of EACs in all chambers; and human resources, with high levels of expertise among administrators and legislators⁸⁶.

1.3.1 The timeline of the Europeanisation of NPs

Tracing a chronological line of the process of Europeanisation of national parliaments is a difficult task, considering the substantial number of phases starting from the treaty establishing the European Coal and Steel Community (ECSC) and the European Economic Community (EEC) arriving to the Lisbon Treaty. At the first stages of the consolidation of the European project, issues belonging to the pure European sphere from a domestic standpoint fell under the category of foreign policy and were treated by foreign affairs committees, especially when the parliament was required

⁸⁵ Auel, K., Rozenberg, O. and Tacea, A., *Fighting Back? And, If So, How? Measuring Parliamentary Strength and Activity in EU Affairs* in Claudia Hetler and others (eds), *The Palgrave Handbook of National Parliaments and the European Union*, Palgrave, 2015, p. 28.

⁸⁶ Heffler, C., Neuhold, C., Rozenberg, O. and Smith, J., *The Palgrave Handbook of National Parliaments and the European Union*, Basingstoke: Palgrave Macmillan, 2015, pp. 1-15.

to ratify a treaty. At the same time, from 1952, 78 MPs could take part in the ECSC assembly and the number almost doubled in 1958, with 142 MPs. With the passing of time, the rationalised parliamentarism of the early period, placing limits on the powers of the legislative branch, was surpassed by the awakening of national parliaments enhanced by the introduction of new institutional structures, the European Affairs Committees, in countries like Germany (1957), Italy (1968) and Netherlands (1970) and a new electoral mechanism in the European Parliament. Indeed, starting from 1979, members were directly elected, depriving domestic legislatures of the possibility of selecting and sending some of their members to Strasbourg. This concitement emerged strongly after the accession of UK and Denmark in 1973, the former dominated by the central role of the parliament, the so-called sovereignty of Westminster, and the latter prevalently governed by minorities.

The new MSs brought to the Union a set of innovations: the scrutiny reserve, which prevents the government to give its official view in the Council while parliament is scrutinising a piece of draft legislation; and the mandating system, requiring a given minister to present his official position to the Folketing (the Danish parliament) before the meeting of the Council and to obtain support, even if implicit, from the European Affairs Committee⁸⁷. The Single European Act (1986), accompanied by Delors' legislation agenda, highlighted the importance of developing concrete structures to avoid the marginalisation of national parliaments in the EU decision-making process and the necessity to give them a role within the European Communities and not against them. Among the innovations introduced by the SEA we find the proliferation of EACs in many parliamentary chambers of MSs coupled with the development of interparliamentary cooperation, with the first Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) convened in 1989. A further step was accomplished with the Maastricht Treaty of 1992, recognising the role of national parliaments, although still in a symbolic and not judicial way,

⁸⁷ Hefftlér, C., Neuhold, C., Rozenberg, O. and Smith, J., *The Palgrave Handbook of National Parliaments and the European Union*, Basingstoke: Palgrave Macmillan, 2015, pp. 1-15.

as manifest in Declaration 12⁸⁸ and 13⁸⁹ and with the enlargement of the Union with the access of two Nordic countries, Finland and Sweden, both characterised by strong parliamentary systems.

The Treaty of Amsterdam, entered in force in 1999, contributed to the concretisation of national parliaments' position in the EU, recognising the right to receive information on European Commission proposals, a higher scrutiny time consisting in a six-week period between the publication of an EU legislative proposal, its placement on the Council agenda and its enforcement, in order to guarantee them some time to scrutinise it *ex ante*⁹⁰ and the engagement of COSAC in giving opinions and suggestions to EU institutions on draft pieces of legislation. The ascent of NPs continued steeply in the 2000s with the Leaken Declaration, annexed in the Nice Treaty, calling for more democracy by approaching citizens to the EU through parliaments as main vehicle, transparency and efficiency, adjusting the division of competence between the Union and the Member States to face the new challenges in the European Union. This intergovernmental turn replaced, or accompanied, the community method acknowledging the institutional leadership of domestic governments rather than

⁸⁸ Treaty of Maastricht, Declaration 12, 1992: "The Conference considers that it is important to encourage greater involvement of national Parliaments in the activities of the European Union. To this end, the exchange of information between national Parliaments and the European Parliament should be stepped up. In this context, the governments of the Member States will ensure, *inter alia*, that national Parliaments receive Commission proposals for legislation in good time for information or possible examination. Similarly, the Conference considers that it is important for contacts between the national Parliaments and the European Parliament to be stepped up, in particular through the granting of appropriate reciprocal facilities and regular meetings between Members of Parliament interested in the same issues".

⁸⁹ Treaty of Maastricht, Declaration 13, 1992: "The Conference invites the European Parliament and the national Parliaments to meet as necessary as a Conference of the Parliaments (or 'Assises'). The Conference of the Parliaments will be consulted on the main features of the European Union, without prejudice to the powers of the European Parliament and the rights of the national Parliaments. The President of the European Council and the President of the Commission will report to each session of the Conference of the Parliaments on the state of the Union".

⁹⁰ Treaty of Amsterdam, Protocol on the role of national parliaments in the European Union, artt. 1-3, 1999: "1. All Commission consultation documents (green and white papers and communications) shall be promptly forwarded to national parliaments of the Member States. 2. Commission proposals for legislation as defined by the Council in accordance with Article 151(3) of the Treaty establishing the European Community, shall be made available in good time so that the government of each Member State may ensure that its own national parliament receives them as appropriate. 3. A six-week period shall elapse between a legislative proposal or a proposal for a measure to be adopted under Title VI of the Treaty on European Union being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision either for the adoption of an act or for adoption of a common position pursuant to Article 189b or 189c of the Treaty establishing the European Community, subject to exceptions on grounds of urgency, the reasons for which shall be stated in the act or common position". Available at: <https://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf>.

EU institutions and, as a pure consequence, the role of domestic legislatures that control them. In the same year, national parliaments signed the Charter of Fundamental Rights of the European Union, also called the Charter of Nice, drafted by the European Convention, recognising the fundamental rights and freedoms embedded in the European Convention of Human Rights and the respect of constitutional traditions of MSs in the limits of the principle of subsidiarity and other international obligations. In continuity with the Leaken Declaration, a draft constitutional treaty was made, incorporating the work of 30 Members of Parliament - two for each member state - 16 Members of the European Parliament, 15 representatives of the Member States and two of the European Commission called to take part to a Convention on the role of national parliaments in the Union held between 2002 and 2003. Both the constitutional treaty, in a first step, and the Treaty of Lisbon, after, provided the participation of national parliamentarians in the procedure of revision of ordinary treaties via the Convention method⁹¹, which included parliamentarians from the Member States in the drafting of treaty amendments. Moreover, the Treaty of Lisbon gave also a symbolic recognition to NPs, active contributor to the good functioning of the Union, to whom governments shall account and to whom legislative drafts of the Union should be sent before the starting of the decision-making process. This provision, together with: the right to refer to the European Court of Justice - through their governments and in accordance with their legal order - in case of infringement of the subsidiarity principle⁹²; a specific role in freedom, security and justice thanks to a new monitoring power of Europol and Eurojust's activities⁹³; the possibility of notification in case of accession of a new State in the Union⁹⁴ and participation in the inter-parliamentary cooperation between national Parliaments and with the European Parliament⁹⁵ enhanced the position of NPs in the EU framework.

⁹¹ Treaty of Lisbon, Title II, art. 8 C (d): "National Parliaments contribute actively to the good functioning of the Union by taking part in the revision procedures of the Treaties, in accordance with Article 48 of this Treaty". Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12007L/TXT&from=EN>.

⁹² Treaty of Lisbon, Title II, art. 8 C (b): "National Parliaments contribute actively to the good functioning of the Union by seeing to it that the principle of subsidiarity is respected in accordance with the procedures provided for in the Protocol on the application of the principles of subsidiarity and proportionality". Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12007L/TXT&from=EN>.

⁹³ Treaty of Lisbon, Title II, art. 8 C (c): "by taking part, within the framework of the area of freedom, security and justice, in the evaluation mechanisms for the implementation of the Union policies in that area, in accordance with Article 61 C of the Treaty on the Functioning of the European Union, and through being involved in the political monitoring of Europol and the evaluation of Eurojust's activities in accordance with Articles 69 G and 69 D of that Treaty". Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12007L/TXT&from=EN>.

⁹⁴ In accordance with art. 49 of the Treaty of Lisbon.

⁹⁵ In accordance with the Protocol on the role of national Parliaments in the European Union of the Treaty of Lisbon.

1.3.2 The Early Warning System

For what concerns the legislative procedure, the Early Warning System (EWS) remains the main innovation. The EWS enforces national parliaments to stall EU legislative initiatives, giving them the opportunity to formulate objections if a violation of the principle of subsidiarity is perceived. In this mechanism each parliament is automatically entitled to two votes, both being retained by the unique chamber in case of unicameral model or distributed between the chambers where the parliament is bicameral. It is possible to distinguish between the yellow card and the orange card of the EWS. With the former mechanism, one-third of the parliaments sends its opinions, also called ‘reasoned opinions’ or objections, to the Commission within eight weeks - the increased time given to national parliaments for their *ex ante* review of EU draft legislative acts - claiming a breach of the subsidiarity principle to which the Commission may react justifying its choice and proceeding with maintaining, amending or withdrawing the act under accuse⁹⁶. While, the orange card, enters in force when the majority of parliamentarians places an objection. The Commission has then to justify the proposal again, and, if the proposal is not changed, both the Council (by 55% of its members) and the European Parliament (by majority of votes) could terminate the consideration of the same if non-compliance with subsidiarity is found⁹⁷. To conclude, as we said, if a legislation already adopted infringes the subsidiarity principle, governments have the possibility to annul it and proceed with a notification to the ECJ, either by themselves or on behalf of their national parliaments.

In the aftermath of the Lisbon Treaty and the EWS, new forms of collective and direct involvement of national parliaments emerged, from the involvement of civil servants - later become National Parliament Representatives - sent by NPs in Brussels to catch information and network with EU institutions, continuing with the Political Dialogue⁹⁸ adopted by the former President of the European Commission Barroso promoting dialogue and questioning to the Commission and arriving to the establishment of new bodies of interparliamentary cooperation, such as the Interparliamentary Conference for the Common Foreign and Security Policy. But, in the end, also taking count of the achievements and progresses made by national parliaments, they are still relegated to play a minor role in the European arena. Despite the recognition received by the Lisbon Treaty as protectors of the

⁹⁶ Treaty of Lisbon, Protocol on the application of the principles of subsidiarity and proportionality, art. 6 and 7 (2). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E%2FPRO%2F02>.

⁹⁷ Treaty of Lisbon, Protocol on the application of the principles of subsidiarity and proportionality, art. 7 (3). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E%2FPRO%2F02>.

⁹⁸ Heffler, C., Neuhold, C., Rozenberg, O. and Smith, J., *The Palgrave Handbook of National Parliaments and the European Union*, Basingstoke: Palgrave Macmillan, 2015, pp. 1-15.

principles of subsidiarity and proportionality, evaluators of the area of justice, freedom and security, responsible for the ratification of treaty and, lastly and central, recipients of EU information, documents and proposals, NPs many times surround to the EP, which gained from the Lisbon Treaty the role of co-legislator shared with the Council. Furthermore, issues beyond the borders of the domestic sphere continue to be less relevant than the domestic ones.

1.4 A FIRST APPROACH WITH THE EDUSKUNTA

In order to reach the core of the topic we should move our attention from a more general spectrum to a specific one and focus on the Finnish Parliament, the Eduskunta. According to the Constitution, “sovereign power in Finland is vested in the people, who are represented by the Eduskunta assembled in session”⁹⁹. People are entitled to elect the members of parliament and the President of the Republic. The latter is thus directly elected by universal suffrage for a term of six years, he is in charge of appointing the Prime Minister - chosen by the Eduskunta - and the other ministers on the basis of the Prime Minister’s recommendation and, finally, he dismisses in the event of loss of Eduskunta’s confidence. Differently, the procedures to dissolve the parliament are dictated by Section 26 of the new constitution, according to which: “The President of the Republic, in response to a reasoned proposal by the Prime Minister, and after having heard the parliamentary groups, and while the Parliament is in session, may order that extraordinary parliamentary elections shall be held. Thereafter, the Parliament shall decide the time when it concludes its work before the elections”.

The 200 members of the Eduskunta, which presents the patterns of a unicameral parliament, are elected for a four-years term and hold their meetings in Helsinki, in the Eduskuntatalo (“the house of the Parliament”). MPs work in parliamentary groups (*eduskuntaryhmä*), which correspond to political parties. At the moment the parliament is composed by nine groups. The country is divided into one single-member and 14 multi-member electoral districts - each one constituting a separate subunit - with the Åland Island covering one seat. From 1907 to 2003 the smallest district was entitled to have between 6 and 9 seats, while the largest district between 19 and 33 members of parliament. The d’Hondt method¹⁰⁰ was and still is used to allocate seats to parties, with a preference for large

⁹⁹ Constitution of Finland, Section 2.

¹⁰⁰ The d’Hondt method is a mathematical formula used widely in proportional representation systems. Moreover, it tends to increase the advantage for the electoral lists which gain most votes to the detriment of those with fewer votes. It is, however, effective in facilitating majority formation and thus in securing parliamentary operability. The d’Hondt method is used by 16 EU Member States for the elections to the European Parliament. Furthermore, it is also used within the Parliament as a formula for distributing the chairs of the parliamentary committees and delegations, as well as to distribute those posts among the national delegations within some political groups. Such proportional distribution of

parties. Raunio states that in Finland proportionality of the electoral system is high¹⁰¹. As a consequence, being the largest groups in a position of advantage, smaller parties are thus encouraged to join electoral alliances.

The voters choose among individual candidates who are placed on the party list following the alphabetic order. This results in a high candidate-centred pattern of Finnish elections. However, since the reform of 1975, the candidate selection has been based on membership balloting within electoral districts, mostly common in larger parties. The district party executive can, after the balloting, manipulate the list, replacing a maximum of one-quarter of the candidates.

1.4.1 From parliament to cabinet

Starting from the constitutional reform of 2000, the formation of the cabinet became parliamentarised, with the Eduskunta electing the Prime Minister appointed, thereafter, by the President of the Republic. Only subsequently to a negotiation on the political program and the composition of the government led by the parliamentary groups, the nominee for the position of PM is revealed and, in order to obtain the charge, he should receive the support of more than half of the votes cast in the parliament (simple majority voting)¹⁰². The cabinet is thus committed to submit without delay its program to the parliament in the form of a statement. Previously, it was not required to give any prior communications to the Eduskunta before the elections. Following the submission,

leadership positions within Parliament prevents domination of parliamentary political life by only one or two large political groups, ensuring smaller political groups also have a say on the political agenda. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637966/EPRS_BRI\(2019\)637966_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637966/EPRS_BRI(2019)637966_EN.pdf)

¹⁰¹ Raunio, T., *Finland: One Hundred Years of Quietude*, in Gallagher, M. & Mitchell, P. (eds.), *The Politics of Electoral Systems*. Oxford University Press, 2005.

¹⁰² Constitution of Finland, Section 61: “The Parliament elects the Prime Minister, who is thereafter appointed to the office by the President of the Republic. The President appoints the other Ministers in accordance with a proposal made by the Prime Minister. Cabinet selection Before the Prime Minister is elected, the groups represented in the Parliament negotiate on the political programme and composition of the Government. On the basis of the outcome of these negotiations, and after having heard the Speaker of the Parliament and the parliamentary groups, the President informs the Parliament of the nominee for Prime Minister. The nominee is elected Prime Minister if his or her election has been supported by more than half of the votes cast in an open vote in the Parliament. If the nominee does not receive the necessary majority, another nominee shall be put forward in accordance with the same procedure. If the second nominee fails to receive the support of more than half of the votes cast, the election of the Prime Minister shall be held in the Parliament by open vote. In this event, the person receiving the most votes is elected”.

the Eduskunta has to debate and express a mandatory confidence vote. This ‘investiture vote’¹⁰³ confers a higher level of control to the party groups and the parliament itself, enabling the latter to place a set of *ex ante* limits or guidelines on the future executive.

Finnish cabinets are mostly short-lived and unstable, functioning in the shadow of the President. Indeed, in the period between 1945 and 2000 Finland was second only to Italy for the highest number of cabinets among the western European countries, with the succession of 44 of them. Nearly half were surplus majority coalitions, the 16% were minimal winning coalitions and another 16% were caretaker cabinets, consisting in civil servants appointed by the President if the negotiations to form the cabinet fail. A feature of Finnish governments is the tradition of bringing together parties from the left and the right and shape cross-bloc coalitions, producing high levels of fragmentation in the party system. Among the most influent parties we find the Centre Party which, acting as median legislator, took part in the majority of post-war cabinets; the Swedish People’s Party, which represents the rights and interests of the Swedish-speaking minority, is considered the near-permanent party because of its inclusion in most of the cabinets formed after 1979. Cabinet stability has been fairly high since the early 1980s¹⁰⁴ and cabinets have been prevalently majority coalitions that assume joint responsibility for the policies of the government. On the other hand, proportionality still remains high. After the election of 2007, the oversized coalitions bringing together the main and the minor parties became the standard pattern with the coalition formed by the Centre Party, the National Coalition and the Swedish People’s Party as the most common. This model, englobing both representatives from the left and the right, reduces the effectiveness of the opposition and, parallelly, increases the ideological fragmentation of it, making it difficult to find a common strategy to criticise the cabinet. It can also be possible for individual parties to leave the cabinet without requiring a new cabinet formation or election, as it happened in March 2014 when the Left Alliance left the oversized cabinet over a conflict about the budget.

With the new reforms and changes, which eliminated the possibility of the President to intervene in the government formation and moderated the ideological tensions between left and right making possible the birth of every typology of coalition, a closer link between elections results and cabinet formation was established. Moreover, parliamentary elections took the form of elections for the future Prime Minister, indeed, competition between the three main parties (Social Democrats,

¹⁰³ Bergman, T. and Strom, K., *The Madisonian turn: Political parties and parliamentary democracy in Nordic Europe*, 2011, p. 121.

¹⁰⁴ Raunio, T. & Wiberg, M., *The Eduskunta and the parliamentarisation of Finnish politics: Formally stronger, politically still weak?*, *West European Politics*, 31, 2008, pp. 581-599.

Centre Party and National Coalition) was transformed in a competition to reach the desk of the Head of the cabinet.

1.4.2 The features of a 'working parliament'

Following the model of the other Nordic legislatures, Finnish Eduskunta belongs to the category of 'working parliament', with emphasis on work carried out in parliamentary committees over plenary debates - typical of the 'debating parliament' model - and a work culture where members of parliament concentrate on scrutiny of documents in committees instead of grand debates on the floor. An example of debating parliament, which is generally characterised by a lower level of consensus, is the UK House of Commons. According to Arter, the Eduskunta reflects the criteria of a working parliament: it is a committee-based institution with emphasis on legislative scrutiny in committees and a division of labour among them mirroring the jurisdictions of the respective ministries. Other features are the involvement of standing committees¹⁰⁵, extensive delegation with the EAC acting on behalf of the parliament and limited contestation¹⁰⁶. Literature on committees has emphasised how they provide MPs with the opportunity to specialise and how such specialisation can create benefits to the whole parliament. It is plausible, however, to argue that participation in EU governance has contributed to shape common committee-based patterns in all national parliaments. After all, we can see that all national parliaments have established one or more European Affairs Committees (EAC) for coordinating parliamentary work in EU affairs and that specialised standing committees are becoming more regularly involved in EU matters in many parliaments, both to reduce the vast workload of the EACs and recur to MPs' policy expertise¹⁰⁷. But parliaments differ with regard to the degree to which they have delegated EU affairs to committees and the prestige conferred

¹⁰⁵ The designated standing committees have an obligation to report to the EAC, but in less salient questions at least some committees just indicate their position briefly in the minutes of the committee meeting (for example, that the committee agrees with the government position). Eduskunta 2010: 30.

¹⁰⁶ Arter, D., *Scandinavian Politics Today*, Manchester University Press, 2008: "Strong anti-EU sentiments have largely been confined to the True Finns, which have significantly increased their support in recent elections. However, the Left Alliance as well as the Christian Democrats are also more neutral. Partisan conflicts about integration are (intentionally) reduced through the consensual EU scrutiny system".

¹⁰⁷ Martin, S., Saalfeld, T. and Strom, K., *The Oxford Handbook of Legislative Studies*, Oxford University Press, 2014, pp. 555-556: In some legislatures such as the Finnish Eduskunta, the German Bundestag, the Estonian Riigikogu and the Slovenian National Assembly the role of the specialised committees has become institutionalised, in around half of the EU parliaments they only become rather sporadically involved in EU matters.

to them¹⁰⁸. Moreover, committees that have stable memberships and whose jurisdictions mirror the division of labour among ministries result to be better equipped to control the government. Therefore, it is easy to understand that a strong committee system facilitates efficient control over government.

Currently, the Eduskunta counts 17 committees, with the introduction in 2019 of the Intelligence Oversight Committee. Most of the latter present a composition of 17 permanent members, except for the Grand Committee made up by 25 members, the Finance Committee by 21 and the Audit and Intelligence Oversight Committee by 11. In addition to these permanent members, each of the committees has a number of substitute members. On average, each member of the Parliament is also a member of two committees¹⁰⁹. Withstanding is the role of the Grand Committee, also known as EU Committee, which deals with EU affairs, and the Constitutional Law Committee which, in absence of a Constitutional Court, oversees constitutional affairs such as the *ex ante* scrutiny of the constitutionality of government bills¹¹⁰. According to the Constitution of Finland the members of the Grand Committee, the Constitutional Law Committee, the Foreign Affair Committee, the Finance Committee and other standing committees are chairpersons of parliamentary groups and special committees and their mandate follows the electoral term of four years. Committees play a key role in legislative work. Decisions endorsed by the Eduskunta are largely based on submissions collectively produced by them. Committee deliberation is compulsory and precedes the plenary stage. Later in the process, each of these bodies must report to the plenary on all matters under consideration except on private members' bills and motions. A committee has a quorum when at least two thirds of its members are present, unless a higher quorum is specifically required. As already mentioned, their meeting behind closed doors is commonplace and the ministers do not hold seats in committees. After the reunions, the record and documents become public and they can be reached through the internet, only for rare cases the access to these resources is restricted¹¹¹.

¹⁰⁸ While in the three Nordic EU countries the EAC is a fairly prestigious committee, the opposite is largely the case in the Mediterranean countries.

¹⁰⁹ Parliament of Finland, Committees. Available at: <https://www.eduskunta.fi/EN/valiokunnat/Pages/default.aspx>.

¹¹⁰ Constitution of Finland, Section 74: "The Constitutional Law Committee shall issue statements on the constitutionality of legislative proposals and other matters brought for its consideration, as well as on their relation to international human rights treaties".

¹¹¹ Constitution of Finland, Section 12(2): "All documents in possession of a public body are accessible to the public, unless there are overwhelming reasons, based in law, to restrict access".

1.4.3 The oversight instruments of the Eduskunta

As we said, one of the principal tasks of the parliament is the oversight of the cabinet while the latter is in office. To fulfil this role the Eduskunta recurs to the catalogue of instruments introduced in the previous sections to check the government's operatus and exercise control over it: questions, interpellation and motions of no confidence.

Starting from interpellations, they can be initiated by any individual MP, usually by the party groups of the opposition. A minimum of 20 signatures, constituting the 10% of MPs, is needed for an interpellation to be presented to the cabinet or an individual minister. The government then must reply in the plenary within 15 days and the plenary debate could be followed by a vote of no confidence. The last cabinet resignation owing to a vote of no confidence following an interpellation occurred in 1958. The main objective of interpellations, which are severally increasing in the years, is to raise the profile of the opposition parties and stimulate debate on topical issues. However, when tabling an interpellation, the opposition basically knows that it will not result in government being voted out of office¹¹².

Parliamentary questions, following the line of interpellations, have acquired a higher level of effectiveness over time. Originally in 1906, members of parliament could only table written questions, while oral questions were introduced later in 1966. Both of them can be carried out by individual members of parliament. On the other hand, questions to the Council of State (the government) were introduced in 1989, only regarding "current" and "of consequence" matters, and required the signature of at least four representatives. After the reshape of the procedure for oral questions in 1993, any member of parliament could raise a question to the ministers of the cabinet present in the chamber. As for the monthly questions to the Council of State, they were programmed for live airing on television in order to enable parliament and government to engage in a more open dialogue on topical issues. In 1999, oral questions and questions to the government were merged into a question time during which MPs could spontaneously ask questions to the ministers on subjects of their own choice. Thursday is the day selected for the question time, which is made public through live broadcast on the main state-owned TV channel, YLE, in order to mediatically involve citizens, gather their attention and clarify their perplexities.

¹¹² Bergman, T. and Strom, K., *The Madisonian turn: Political parties and parliamentary democracy in Nordic Europe*, 2011.

On the contrary, the procedure recognised as the least useful for Finnish parliament is the vote of no confidence, categorised in three species each of them requiring simple majority as decision rule: cabinet led, when is the cabinet itself who starts the confidence motion by informing that a defeat will lead to its downfall; opposition led, when the opposition proposes a no-confidence vote during a plenary session, without signs of warn; parliamentary led, when the parliamentary debate over an interpellation results in the proposal of a no confidence vote¹¹³.

However, even if Eduskunta shows all the predominant features of a ‘working parliament’, with the reforms adopted in the recent past it has developed a strong interest for public debate, still remaining far from being considered a ‘debating parliament’¹¹⁴. In fact, in the last years, Finnish parliament has attempted to make plenary debates a more central aspect of its work, showed by the annual duration of the debates - approximately 500-600 hours - increased from the 300 hours of 1970s. Explanation to this trend are to be found in the reforms of 1990s, thanks to which the cabinet and the parliament - as a single body or as individual parliamentarians - obtained the right to propose debates on topical matters. Starting from the same years cabinets reports and announcements by the Prime Minister increased their number, respectively to five and three per year, becoming routine tools of parliamentary debate. At the European level the plenary can be involved both *ex ante* and *ex post* in the decision-making process. The Speaker’s Council can decide that proposals for EU decisions need to be debated in the plenary but, in such cases, the chamber is not entitled to make formal decisions. As concerned to the Prime Minister, he must provide either the plenary or the EAC information on Council meetings both before and after summits. The same applies to Treaty amendments, which require the Eduskunta’s approval¹¹⁵.

The control exercised by Eduskunta on government affairs finds legitimacy in the constitution. According to Section 47 of Finnish constitution, the parliament and its committees have access to all information in possession of public authorities, which they need in the consideration of relevant matters, including international affairs, EU matters, and regarding national budget¹¹⁶. This constitutes

¹¹³ Helander, V, and Isaksson, G. E., *Interpellation in Finland*, The Political Science Association, 1994.

¹¹⁴ Auel. K. and Raunio, T., *Debating the State of the Union? A Comparative Analysis of National Parliamentary Debates on EU Affairs*, 2011.

¹¹⁵ T. Raunio and M. Wiberg, *How to measure the Europeanisation of a National Legislature?*, Scandinavian Political Studies, vol.33 – No. 1, 2010.

¹¹⁶ Constitution of Finland, Section 47: “The Parliament has the right to receive from the Government the information it needs in the consideration of matters. The appropriate Minister shall ensure that Committees and other parliamentary organs receive without delay the necessary documents and other information in the possession of the authorities. A

a fundamental tool in order to hold the government accountable to its citizens. The information right in the hands of Eduskunta is furtherly completed with the right to receive reports from the cabinet¹¹⁷ and the government's annual report on its activities¹¹⁸. Moreover, in connection with Finland joining the EU, the rights to receive information on EU matters¹¹⁹ and on international affairs¹²⁰ were implemented, contributing to enhance Eduskunta's capacity of control over the government.

Committee has the right to receive information from the Government or the appropriate Ministry on a matter within its competence. The Committee may issue a statement to the Government or the Ministry on the basis of the information. A Representative has the right to information which is in the possession of authorities and which is necessary for the performance of the duties of the Representative, in so far as the information is not secret or it does not pertain to a State budget proposal under preparation. In addition, the right of the Parliament to information on international affairs is governed by the provisions included elsewhere in this Constitution”.

¹¹⁷ Constitution of Finland, Section 44:” The Government may present a statement or report to the Parliament on a matter relating to the governance of the country or its international relations. At the conclusion of the consideration of a statement, a vote of confidence in the Government or a Minister shall be taken, provided that a motion of no confidence in the Government or the Minister has been put forward during the debate. No decision on confidence in the Government or its Member shall be made in the consideration of a report”.

¹¹⁸ Constitution of Finland, Section 46: “The Government shall submit to the Parliament annual reports on governmental activities and on the measures undertaken in response to parliamentary decisions, as well as annual reports on State finances and adherence to the budget. (1112/2011, entry into force 1.3.2012) Other reports shall be submitted to the Parliament, as provided in this Constitution, or in another Act or in the Parliament's Rules of Procedure”.

¹¹⁹ Constitution of Finland, Section 96: “The Parliament considers those proposals for acts, agreements and other measures which are to be decided in the European Union and which otherwise, according to the Constitution, would fall within the competence of the Parliament. The Government shall, for the determination of the position of the Parliament, communicate a proposal referred to in paragraph (1) to the Parliament by a communication of the Government, without delay, after receiving notice of the proposal. The proposal is considered in the Grand Committee and ordinarily in one or more of the other Committees that issue statements to the Grand Committee. However, the Foreign Affairs Committee considers a proposal pertaining to foreign and security policy. Where necessary, the Grand Committee or the Foreign Affairs Committee may issue to the Government a statement on the proposal. In addition, the Speaker's Council may decide that the matter be taken up for debate in plenary session, during which, however, no decision is made by the Parliament. The Government shall provide the appropriate Committees with information on the consideration of the matter in the European Union. The Grand Committee or the Foreign Affairs Committee shall also be informed of the position of the Government on the matter”.

¹²⁰ Constitution of Finland, Section 97: “The Foreign Affairs Committee of the Parliament shall receive from the Government, upon request and when otherwise necessary, reports of matters pertaining to foreign and security policy. Correspondingly, the Grand Committee of the Parliament shall receive reports on the preparation of other matters in the European Union. The Speaker's Council may decide on a report being taken up for debate in plenary session, during which, however, no decision is made by the Parliament. The Prime Minister shall provide the Parliament or a Committee with information on matters to be dealt with in a European Council beforehand and without delay after a meeting of the Council. The same applies when amendments are being prepared to the treaties establishing the European Union. The

Moving the focus on European integration, completed in 1995, it had a strong impact on Finland's political system, strengthening the parliamentary model and accentuating the power of the cabinet and the Prime Minister, sit in the European Council and first representative of the State in the Union. The cabinet dictates national EU policy¹²¹, but his work is under the scrutiny of the Eduskunta, who saw part of its power constrained by the access in the EU. The scrutiny model of Finnish parliament is one of the most effective among the national parliaments of European countries and is marked by four main strengths¹²². The first is the recognition by Finnish constitution of the position of the parliament, whose rights are, as we saw, dictated in the constitution itself recognising the parliament and its committees as formally involved in the EU process. Fundamental is also the early engagement of Eduskunta in the processing of EU legislation coupled with ministerial hearings in the Grand Committee. In this situation, ministers appear in the Grand Committee in person before the meeting of the Council, when required, in order to have a clear idea of the parliament's position on a certain EU issue and immediately after. This regular appearance of ministers before the Grand Committee has led to an improvement of the dialogue between the two parts and to policy coordination within the cabinet, forcing the ministers to study the issues more and with accrued attention.

The last key features of Finnish parliament are the unlimited access to information from the government (Section 96, 97), in order to guarantee the reduction of information asymmetry in EU issues, and the presence of specialised and separate committees - the standing committees - with the responsibility of monitoring European matters. On a following step, standing committees have to report to the Grand Committee, whose final position is shaped on their guidelines. Indeed, the Grand Committee and Foreign Affairs Committee have an unlimited right to receive information from the government, who may submit any issue to the two institutional body which may respond with the draft of a statement; if they respond, the statement becomes politically binding on the government. Moreover, the government must submit the proposal for EU policies that are within parliament's

appropriate Committee of the Parliament may issue a statement to the Government on the basis of the reports or information referred to above."

¹²¹ Constitution of Finland, Section 93: "The Government is responsible for the national preparation of the decisions to be made in the European Union, and decides on the concomitant Finnish measures, unless the decision requires the approval of the Parliament. The Parliament participates in the national preparation of decisions to be made in the European Union, as provided in this Constitution".

¹²² Strøm, K., *Delegation and Accountability in Parliamentary Democracy*, European Journal of Political Research 37, 2000.

‘normal and domestic’ powers without delay and consult with the Eduskunta - represented by the FAC - throughout the procedure in the EU.

To sum up, we pointed out that when Finland became part of the then European Community, instead of introducing a special European Affairs Committee she recovered a pre-existing committee, the Grand Committee (*suuri valiokunta*), and entrusted it to coordinate Eduskunta’s positions on EU matters, handling the first and third pillars of Maastricht Treaty (European Community and Justice and Home Affairs). Moreover, a separate body - the Foreign Affairs Committee - was selected as responsible for common foreign and security policy matters, dealing with the second pillar (CFSP) and falling under the competences of the President¹²³. The *suuri valiokunta* position does not constitute a legally binding constraint to the ministers, who keep their possibility to freely express their vote in the Council, anyway, it is extremely rare for a minister to act against its wishes. Another common practice of EU policy process is bureaucratisation, resulting in the shift of power to civil servants and their engagement at all stages of the procedure, from the prior formulation of national positions in the ministries in Helsinki to the negotiations among the permanent representatives in Brussels¹²⁴. However, their autonomy is at least partially counteracted by the active scrutiny of Eduskunta in EU matters¹²⁵.

Last central point of our overview is the constant consensus building attitude in the processing of EU matters at the core of the Eduskunta, aimed at achieving higher levels of influence in Brussels. Indeed, the priority of national EU coordination system is to manufacture national unanimity or at least broad elite consensus “to speak with one voice on all levels of decision shaping in Brussels”¹²⁶. The importance given to the enlargement of domestic consensus is more or less predominant depending on different policy areas and individual legislative initiatives, in both security and EU policies decision-making. Particularly noteworthy has been the lack of conflict, between the government and the Eduskunta on the one hand, and between the government and the opposition on the other. The emphasis is on pragmatic examination of EU’s legislative initiatives in the committees,

¹²³ Constitution of Finland, Section 93: “The foreign policy of Finland is directed by the President of the Republic in co-operation with the Government. However, the Parliament accepts Finland's international obligations and their denouncement and decides on the bringing into force of Finland's international obligations in so far as provided in this Constitution. The President decides on matters of war and peace, with the consent of the Parliament”.

¹²⁴ Bergman, T. and Strom, K., *The Madisonian turn: Political parties and parliamentary democracy in Nordic Europe*, 2011.

¹²⁵ Raunio, T. and Tiilikainen, T., *Finland in the European Union*, Frank Cass, 2003.

¹²⁶ Stubb, A., *Finland: An integrationist Member State*, Boulder: Lynne Rienner, 2001.

with relatively few partisan ideological debates about national integration policy or the overall development of integration. However, opposition parties in the Grand Committee and specialised committees play an active role in the formulation of national EU policy, thus facilitating broader backing for governmental action at the European level. Nevertheless, the consensual mode of parliamentary EU decision-making changed temporarily after the euro crisis and the 2011 elections and voting became more frequent in the Grand Committee. Consequently, votes reproduced the government-opposition cleavage in the plenary decision-making, thus increasing the number of dissenting opinions raised by the opposition minority to reports and minutes of the Grand Committee and specialised committees¹²⁷.

1.5 THE EFFECTS OF EUROPEANISATION ON FINNISH LEGISLATURE

The preceding section served as a brief introduction to the Eduskunta, its structure, organisation and powers. This final part will put in practice what was previously presented, acting as the empirical counterpart to the theoretical one freshly examined and will show the measure of the impact of European Union on domestic legislature in Finland. Many are the tools that can be used to trace the level of Europeanisation of national parliaments and in this section we are going to explore a significant number of them, including EU-related laws, the use of control instruments in EU matters, the share of plenary, committee and party group meeting time spent discussing on issues related to the European sphere.

1.5.1 'Europeanisation': a definition

Following the definition of Laudrech, Europeanisation is “an incremental process re-orienting the direction and shape of politics to the degree that (EU) political and economic dynamics become part of the organisational logic of national politics and policy-making”¹²⁸. This indicates the re-orientation of the activities processed by national parliaments to accommodate the requests of European integration. Domestic legislatures are the most concerned by the engagement in EU's decision-making structure and policy process and, in addition to this trend, there is also particular propensity for some parliamentary arenas and policy sectors to be biased by European patterns. In

¹²⁷ Bergman, T. and Strom, K., *The Madisonian turn: Political parties and parliamentary democracy in Nordic Europe*, 2011.

¹²⁸ Laudrech, R., *Europeanization of Domestic Politics and Institutions: The case of France*, Journal of Common Market Studies, 1994.

the case of Finnish Eduskunta, is not easy to define clearly the effects of the European Union integration on national parliament as the so-called phenomenon of Europeanisation shows a multifaceted nature, oftentimes shaped by the parliamentary bodies (committees, party groups, plenary) under analysis and by the incentives of political parties¹²⁹.

1.5.2. How to measure Europeanisation

As we firstly mentioned, one of the principal instruments to measure the impact of EU on the work of parliaments is the share of EU-related laws. Once a State starts the accession process to become a Member State of the European Union he accepts the constraints imposed by the Union on the policy autonomy of its national parliament. Among the list of EU sources of law, apart from the regulation which is a legal act that becomes immediately enforceable as law in all Member States simultaneously without the approval of the parliament, we find the directives. Directives are a form of legislation "directed" to Member States, that require national transposition to the Member States itself¹³⁰. Subsequently, Member States must pass the relevant domestic legislation to give effect to the terms of the directive within a time frame, usually two years. Account should also be given to 'soft law' coordination mechanisms introduced at the core of the EU and the peer pressure under the Open Method of Coordination (OMC)¹³¹, a new instrument of governance aimed at finding a balance between the supranational and intergovernmental side.

From the analysis of Johannesson on the Swedish Riksdag, emerged a low share of EU-related domestic laws examined in that Parliament¹³². This result depends on the fact that several legislations adopted by national parliaments deal with policy sectors where the EU had no formal competence. Both Sweden and Finland, the latecomers, joined lately in the process of formation of the European

¹²⁹ Raunio, T. and Wiberg, M., *How to measure the Europeanisation of a National Legislature?*, Scandinavian Political Studies, vol.33 – No. 1, 2010.

¹³⁰ Treaty on the Functioning of the European Union, art. 288: "To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions. A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States. A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them. Recommendations and opinions shall have no binding force."

¹³¹ The OMC is a method of soft intergovernmental governance which aims to spread best practice and achieve convergence towards EU goals in those policy areas which fall under the partial or full competence of Member States.

¹³² Johannesson, C., *EU: s inflytande över lagstiftning i Sveriges riksdag*, Statsvetenskapliga Tidskrift, 2005.

Union, as we will see in Chapter 2, when the completion of a law-intensive internal market was achieved. As a consequence, these policy sectors appear to be in a limited amount for the two countries.

Continuing our discourse, it is necessary to consider the main parliamentary bodies, among them the committees, party groups and the plenary, and at which extent the EU modified and shaped their functioning. As introduced before, committees are the scenarios where most of the legislative work is carried out. They constitute the place where initiatives, presented both by government and EU, are examined before the matter is debated and voted upon in the plenary and guarantee a stronger government scrutiny and the reduction of the informational advantage of the executive. As a predictable consequence, legislatures with strong committees - such as the Nordic parliaments - are to be found among the most powerful in Europe. Generally, committees who deal with policy areas where EU is the main decision-maker, as in agriculture and environment, or an influential actor, as for economic and foreign policy, are proved to spend more of their time on EU affairs. Moreover, European issues feature frequently on the schedule of their agenda.

1.5.3 The Europeanisation level of Finnish legislature

In Finland, and in other EU Member States with a consolidated European Affairs Committee (EAC), European matters are, as a matter of fact, predominantly debated in committees than in the plenary. In the Eduskunta, for example, according to the Constitution¹³³, specialised committees have to produce a report on EU matters and present it to the Grand Committee. One step further, the Grand Committee will process it during their meetings, with no appeal to the plenary. This trend can find two main explanations: first, when the EAC is established it is in charge of coordinating parliamentary work on EU matters and is often authorised to speak on behalf of the whole parliament on these issues; second, in order to safeguard the interest and the reputation of the party at government, the parties push for discussion behind closed doors in the EAC and in party groups to monitor the government in EU matters and avoid public criticism, which can be dangerous for the cabinet and constitute a possible threat to cohesion. This second factor acquires particular importance, especially if we consider that the thematic of integration is still a contested field both for national parties across Europe and more for their voters and the issue intensifies when we come to Nordic Member States.

¹³³ Constitution of Finland, Section 97 (see note 118).

In the graph below (*Table 1.2*), taken from a survey of Tapio Raunio and Matti Wiberg¹³⁴ as a concrete demonstration, it is shown the share of committee time spent on EU issues. From this picture is possible to extrapolate that one of the principal variables is the allocation of powers between national and European level. Indeed, EU matters were slightly treated in Committees on Education and Culture and Future - still anchored to a national decision-making framework - while in the Environment, Commerce, and Agriculture and Forestry Committees half or more of the meeting time was spent on European issues. The years between 2004 and 2008 were marked by visible changes, with some committees spending less time on EU matters in 2008 and others increasing their share. These are the Defence, Foreign Affairs, Administration, and Agriculture and Forestry Committees, which, with the passing of the years, feel more the effect of EU in their work.

Table 1.2 Committee Time Spent on European Matters (%)

Committee	2004	2008
Administration	10–20	40–50
Agriculture and Forestry	50	30–40
Commerce	50	60
Constitutional Law		5–10
Defence	33–50	25–30
Education and Culture	10	
Employment and Equality	15–20	25–30
Environment	70	50–70
Finance	almost 50*	15
Foreign Affairs	33	
Future	10*	less than 5
Legal Affairs	10–15	40
Social Affairs and Health	20*	
Transport and Communications	40	40

Note: * Interviews with committee clerks.

Sources: 2004: Eduskunta (2005, 73); 2008: survey of committee clerks¹³⁵.

As said in the previous section, Eduskunta is a committee-based institution with a slight opening trend towards plenary debates. As evidence, the question time dedicated to routine EU

¹³⁴ Raunio, T. and Wiberg, M., *How to measure the Europeanisation of a National Legislature?*, Scandinavian Political Studies, vol.33 – No. 1, 2010.

¹³⁵ Eduskunta. 2005, *EU-menettelyjen kehittäminen. EU-menettelyjen tarkistustoimikunnan mietintö*, Helsinki: Eduskunnan kanslian julkaisu 2/2005.

matters is still limited on the floor while EU foreign and security policy, as well as the Treaty establishing a constitution for Europe and the Lisbon Treaty, were given plenty of time in the plenary (13-14 hours). But, as mentioned, the brevity and scarcity of issues debated on the floor depends dominantly on the role accorded to the Grand Committee, which coordinates parliamentary work on EU issues and speaks on behalf of the Eduskunta in these specific matters, and, not less relevantly, on the divergence between citizens and parties' ideas on integration and the presence of internal cleavages, constituting a possible threat to the cohesion that links parties in parliament. Given that, we can see how governing parties prefer to monitor the government, especially when it comes to EU, behind the closed doors of the EAC and in party groups, in order to avoid the underestimation of the cabinet and the loss of public support¹³⁶. But, if we consider that parliamentary decision-making is based on interaction between party groups and committees, is possible to state that both are supposed to discuss in their meetings the same topics, and also the plenary. Thus, an additional variable determining the share of time spent by party groups on European affairs is the size of the party itself. Indeed, the smaller the party, the lower will be its capability to influence national EU policy and, as a consequence, the fewer time it will spend on a particular issue.

Finally, I will focus on the ultimate indicators of the level of Europeanisation of Finnish legislature, which are the control instruments in the hands of national parliaments: questions and confidence votes. Parliamentary questions are tools which single MPs can use rather freely for their own purposes and for several reasons. The questions can be both oral and written, aimed at asking for information, committing the government to make a public formal statement and pressing it for action, defending the interests of the constituency and informing the policy makers of problems with which they might be unfamiliar¹³⁷. In the specific case of EU issues, MPs do not frequently recur to parliamentary questions having they already the right to be informed at an early stage on European matters, as stated in Section 96 of Finnish Constitution, and to have direct contacts with ministries or with the European level and being the EU a topic of low salience to most citizens, translated in no advantages in terms of credit-claiming or re-election. Differently from questions, which can be raised by every member of parliament, motions of no confidence can be put forward by the opposition, following the procedural rules embedded in the Constitution. In Finland, as in other cohesive legislative systems, confidence is used very rarely in pair with European matters. This happens for a

¹³⁶ Auel, K., *Democratic Accountability and National Parliaments: Redefining the Impact of Parliamentary Scrutiny in EU Affairs*, European Law Journal, Vol. 13, No. 4, July 2007, pp. 487–504.

¹³⁷ Raunio, T. and Wiberg, M., *How to measure the Europeanisation of a National Legislature?*, Scandinavian Political Studies, vol.33 – No. 1, 2010.

series of mechanisms: first of all, national EU policy is in most countries not a very salient issue for voters, resulting in reduced possibilities of gain for the opposition; secondly, resorting to the strategy of public attack against government's European policy, the opposition could risk to be blamed for its unpatriotic behaviour that undermines the success and credibility of the same government and national interest in subsequent EU tables of negotiation¹³⁸.

To conclude, this chapter was an overview of the complex analysis of Eduskunta control on EU affairs that will follow. I wanted to give a frame of the legislative asset of Finland and the impact European Union had on it. The aim was to prepare the basis for a deeper focus on this climate of interdependence, where not only an increasing share of matters formally decided at national level acquire a European dimension, but also debates on EU laws or European level processes can be dominated by domestic issues and actors.

¹³⁸ Auel, K., and Benz, A., *The Europeanisation of Parliamentary Democracy*, Journal of Legislative Studies 11(3–4), 2005.

CHAPTER TWO: THE ROLE OF EDUSKUNTA IN EU AFFAIRS AND CFSP

2.1 FINLAND IN THE EUROPEAN UNION: A 'NEUTRAL' INTEGRATION?

In October 1994, the 57% of Finnish population voted "YES" in the national referendum to decide on EU Membership. This led to the joining of Finland, together with Austria and Sweden, in the European Union in 1995 and marked the starting point of the integration process, the Europeanisation. This phenomenon was, and still is, a source of debate and different views both among common citizens and political parties in parliament. However, a sentiment of uninterest is still manifested by a broad slice of population, resulting in a particularly low turnout (40%) to the last EP elections held in 2014. Finland's membership of the EU, which Arter paints as "belated Europe"¹³⁹, was the expression of a progressive change of asset in Finnish political orientation and the abandonment of a policy of neutrality conducted by the country until the beginning of 1990s.

2.1.1 The post-WWII and the 70s: the first approach to the Union

Before starting, it is necessary to go back in times and briefly retrace the history of Finland after World War II. Finland, as an ally of Germany, was included among the defeated states and had thus to accept the terms of peace decided by the winners of the conflict. In the specific case, it was engaged into a special relationship with the Soviet Union, founded on the Treaty of Friendship, Cooperation and Mutual Assistance, which is a treaty of military cooperation among the two parts assuring Finnish military commitment in the situation of a potential attack by Germany or its allies against Soviet Union through the territory of Finland¹⁴⁰.

Since 1950s, Finland adopted a policy of neutrality, in order to have international room of manoeuvre and balance her special relationship, the same relationship which did not allow the country to recur to the Marshall Plan launched by the United States. Only with the sign of Helsinki Protocol, Finland started to emerge in the international arena and move the first steps towards the collaboration with the first embryo of the emerging European Union, opening foreign trade to the countries of the Organisation for European Economic Cooperation (OEEC) in 1957. The collaboration, not yet on a political basis, continued with the participation in the European Free Trade Association (EFTA) and

¹³⁹ Arter, D., *The EU Referendum in Finland on 16 October 1994: A vote for the West, Not for Maastricht*, Journal of Common Market Studies, 1995

¹⁴⁰ Raunio, T. and Tiilikainen, T., *Finland in the European Union*, Frank Cass, 2003, pp. 1-41.

with the free trade agreement with the European Economic Community (EEC) in 1973. The involvement of Finland in the project of a European community finalised in the achievement of an economic union, firstly, and a political one, secondly, was limited thus to the economic sphere. Finnish foreign policy was personally identified with the figure of the President, a “privilege”, which continued to follow the policy of neutrality until the first debates and issues of 1990s.

2.1.2 The 90s and the membership process

Lately, Finland signed the European Economic Area (EEA) treaty, supported by all political parties as a source of economic gain for the country. The treaty received nation-wide acceptance especially because it did not threaten the fundamental policy of neutrality and did not take into consideration the areas of agriculture and foreign policy, the most sensible and defended by Finnish policy. On the other hand, full membership in the European Community (EC) was incompatible with the policy pursued and seen as an infringement of the independence of foreign policy. “Squaring the circle”¹⁴¹ represented the most difficult obstacle to Finnish integration policy and the starting point of a prolonged debate.

When in October 1990 Sweden clearly manifested its intention to apply for membership, also for Finland full EC membership took the semblance of a potential reality. The parliamentary elections of 1991 made the picture clearer: two of the major parties in cabinet, the National Coalition (KOK) and the Swedish People’s Party (RKP), demonstrated to be strong supporters of the EEA and the EC; while, the other major participant to the coalition, the agrarian Centre Party (KESK) linked to the needs of farmers and the rural community was, as it is easy to imagine, negative towards full membership and its implications, especially the loss of national subsidies connected with the EU’s Common Agricultural Policy (CAP)¹⁴².

In March 1992, Finnish government applied for membership of the EC, but not until having involved the parliament following the two-step national application procedure. According to the procedure, the former presented to the parliament an extended report and, in March, a proposal was put to vote on the same, accepted with 108 votes for and 55 against - not counting the opposition’s

¹⁴¹ The Prime Minister Harri Holkeri (KOK) in his speech of 27 November 1990 equated Finnish EC membership with squaring the circle.

¹⁴² Raunio, T. and Tiilikainen, T., *Finland in the European Union*, Frank Cass, 2003, pp. 1-41.

support for membership - and 133 for and 60 against - considering membership support entirely¹⁴³. The application for EC membership was, lately, scrutinised and accepted with a positive opinion by the Commission. Negotiations for Finnish membership started one year later the submission of the application - in March 1993 - and faced a series of difficulties. The process was stopped and reactivated until its completion 12 months later. Agriculture, regional and structural policies were the areas which resisted more to negotiations, together with the issues of state alcohol monopoly and traveller's duty-free allowances. Finally, the government had to deal with other two situations during the works: the common foreign and security policy and the position of the Åland Island in the membership plan¹⁴⁴.

2.1.3 The four compromises: agriculture, alcohol monopoly, foreign and security policy and the Åland Islands

All the issues were solved with less or more compromises. In the field of agriculture, Finland was able to obtain Less Favourable Area (LFA) support for 85% of its arable land and was made eligible for national support for farming. On the other hand, the country failed to gain transitional period for agriculture and was required to shift to European Community producer prices directly after membership¹⁴⁵. Finland, as the other Nordic countries which demanded the access to EC, had state alcohol monopolies. It was a common custom to control the access to alcohol and restrict the consumption of it by maintaining the prices of the products high, in terms of safety and health protection of the citizens. Finnish monopoly was seen as a clear violation of the rules concerning EC competition policy, so that Finland had to dismantle the export and import, the production and wholesale monopolies of alcohol and adapt to the measures of the EC. Moreover, she had to renounce to the limitations imposed on the quantity of duty-free allowances and allowances of alcohol in

¹⁴³ Kuosmanen, A., *Finland's Journey to the European Union*, Maastricht: EIPA, 2001.

¹⁴⁴ When Finland became a member of the European Union in 1995, the Parliament of Åland expressed, in accordance with the Autonomy Act and after two separate referendums, its consent to Åland's membership of the EU. Åland's relationship with the Union is regulated in a protocol containing special provisions for purchasing of real estate and the right to conduct business in Åland, thus confirming Åland's special status under international law. The Åland protocol also states that Åland shall be regarded as a third territory with respect to indirect taxation, which enables the sale of tax free goods to passengers travelling between the Åland Islands and other EU Member States, even though the tax exemption in the traffic between EU Member States ended as of 1 July 1999. This exception also makes tax free sales possible for passengers travelling between the Åland Islands and mainland Finland. Available at: <https://um.fi/the-special-status-of-the-aland-islands#eustatus>.

¹⁴⁵ Raunio, T and Tiilikainen, T., *Finland in the European Union*, Frank Cass, 2003, pp. 1-41.

general terms, refused by the Commission and the other Member States. A compromise was reached also in the area of Common Foreign and Security Policy, one of the most sensible: Finland accommodated the shift from neutrality to activism and commitment required by EU membership, with the promise of preserve her military non-alignment, as Sweden also did.

The last, and more complex, negotiation phase regarded the Åland Islands, a constellation of islands between Finland and Sweden which enjoys a special status both as part of Finland and international law. The Åland Islands are politically autonomous, as written in the Constitution of Finland¹⁴⁶, and have recognised the right to speak their language, Swedish, and express their culture. In addition, these little and numerous islands have the status of demilitarised area established by international treaties¹⁴⁷. To reach an adequate compromise for the admission of the Åland, Finland asked the EC to respect these two principles and, since their economy was heavily dependent on the duty-free sales of the ferry connecting with Sweden and Finland, to concede to the Islands a reservation in internal market legislation. The solution adopted was to attach to the treaty on Finland's EU membership a particular declaration on the applicability of the EC Treaty to the Åland Islands¹⁴⁸.

2.1.4 Pro and anti-EU in action: the results of the national referendum

On April 1994 the treaty on Finland's admission to the EU was ready and in June, after the approval of the European Parliament in May, it was signed. To give legitimacy to the membership, the government of Finland called the citizens to express their voice in a national referendum. The issue of EU membership became politicised and created a division between pro-EU and anti-EU actors, which based their position on the potential effect of accession on Finnish nation state. The former enclosed the main political elites, with the exclusion of the KESK party, and was supported by the President Mauno Koivisto, who gave his support to EU membership during the opening session of the Eduskunta in 1992. From an economic and political level, it was considered essential for Finland to "be part where decisions are made"¹⁴⁹. Moreover, entering at full title in the EC would have increased the influence of the country, hence obtaining the possibility to shape single-market

¹⁴⁶ Constitution of Finland, Section 120: "The Åland Islands have self-government in accordance with what is specifically stipulated in the Act on the Autonomy of the Åland Islands".

Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

¹⁴⁷ Convention on the Demilitarization and Neutralization of the Åland Islands (1921), bilateral treaty between Finland and the Soviet Union on the Åland Islands (1940), Paris Peace Treaty (1947).

¹⁴⁸ Raunio, T. and Tiilikainen, T., *Finland in the European Union*, Frank Cass, 2003, pp. 1-41.

¹⁴⁹ Laine, J., *Suomi ja EY*, Ulkopoliitikka 28:1, 1991.

legislation together with the other Member States and take decisions with a direct impact on Finnish economy, otherwise taken only by external actors.

The security argument, initially a deterrent to EU membership, was subsequently used as a point in favour to approach to the EU direction. According to the former Member of Parliament for the KESK, Olli Rehn, “EU membership implies, though, additional value even to the national security of Finland. The EU is a political community based upon common European values. They create a political unity that does not provide military guarantees but avoids decisions taken on Finnish security without our own impact. [...] Probably, it even puts a constraint on exerting political pressure.”¹⁵⁰ Furthermore, the collapse of USSR, followed by the freezing of Finland’s amicable relations with Russia, contributed to the rise of a political and public support towards a new potential partner able to guarantee an higher level of protection in the situation of a vis-à-vis with Russia. These central elements, coupled with the possibility for Finland to decide by herself on security matters, transformed membership in an opportunity.

Along with the supporters of Finnish membership in the EU, the opposition expressed its position on economy, identity and security. The ‘No’ camp stressed the potential loss of national independence and state sovereignty dictated by the Community and, during their campaign, compared EU membership to the subordination of Finland within the Russian Empire after 1809¹⁵¹. Going back to Arter’s definition of “belated Europe”, the opposition believed in the relegation of Finland to a minimal role in the EU panorama. From a judicial point of view, membership would have infringed the legislative and judicial powers of Finnish parliament and courts, representing a violation of the country’s constitution. The prerogative of Finland, and the other Nordic countries, was also to preserve the welfare state. The opposition feared that EU membership could have lowered the high levels of social and political equality, in terms of welfare provisions and civil rights. Indeed, a socio-economic group of the opposition was constituted by women, shaping their votes on the safeguard of their social and employment rights. Among the ‘No’ we find also the KESK, headed by the former professor and foreign service diplomat Keijo Korkhonen, the nationalist right, the extreme left and the environmentalists. And, finally, the farmers, only the six percent of the population, who strongly and universally affirmed their contrariety to EU membership, especially on the basis of the effect of CAP on their work.

¹⁵⁰ Rehn, O., *Pienen valtion legitiimi turvallisuuksintressi*, Ulkopoliitiikka 28:1, 1991.

¹⁵¹ Raunio, T. and Tiilikainen, T., *Finland in the European Union*, Frank Cass, 2003, pp.1-41.

The referendum was held on October 16th, 1994, in concomitance with the Swedish one, which served as a lighthouse for the undecided Finnish voters and partly convinced them to take a position. The group which unitary opposed to membership was the one composed by the farmers of central and northern Finland, while young people accepted the proposal with more overture than the older-age groups of the population. Focusing on the geographical divisions, a line can be traced between the northern provinces, mostly opposed, and the southern ones, in favour, with particular attention on the metropolitan areas of the south, enthusiastic of the idea of approaching to the EU. Surprisingly, the rural areas of the east, the nearest to the neighbour Russia, reduced their scepticism in vision of an improved security dimension.

The results of the referendum and the trends above-mentioned are shown in *Table 2.1*. The turnout was not too high, around the 74%, demonstrating, on the one side, the difficulty of people to decide upon the EU issue and, on the other, the suspicions about the significance of the referendum.

Table 2.1: The Percentage of Voters in Favour of EU Membership in the 1994 Referendum

Groups	Yes	No
<i>Gender</i>		
Men	61	39
Women	54	46
<i>Age</i>		
15–24 years	54	46
25–49 years	58	42
50 ≥ years	56	44
<i>Education</i>		
Primary school	46	54
Comprehensive or vocational school	55	45
A-levels/higher school examination	66	34
University degree	72	28
<i>Profession</i>		
Farmer	6	94
Blue-collar workers	53	47
White-collar workers	65	35
Management, entrepreneurs	73	27
<i>Party affiliation</i>		
Left Alliance	24	76
Social Democratic Party	75	25
Centre Party	36	64
National Coalition	89	11
Swedish People's Party	85	15
Green League	55	45
Christian Democrats	10	90
Rural Party/True Finns	20	80
<i>Region</i>		
South	62	38
Central	55	45
North	42	58
All	57	43

Sources: Paloheimo, H., *Pohjoismaiden EU-kansanäänestykset: puolueiden peruslinjat ja kansalaisten mielipiteet Suomessa, Ruotsissa ja Norjassa*, Poliitikka, 37:2, 1995, p. 117. Party affiliation figures are from Paloheimo, H., *Vaaliohjelmät ja ehdokkaiden mielipiteet*, in P. Pesonen (ed.) *Suomen europarlamenttivaalit* (Tampere: Tampere University Press, 2000), p. 58.

Indeed, in the meantime and at the end of the referendum, a debate emerged regarding its binding nature vis-a-vis the decision-making power of the Eduskunta. According to the constitution, the referendum was merely consultative, so the question was if it would be correct, according to law, to make it politically binding and with what threshold approve it. This situation was exploited by some anti-EU groups to emphasise the supremacy of parliament with respect to the decision for EU membership and vote against.

To sum up, four were the main elements which boosted the positive feeling towards membership in the EU, naming the economic benefits enjoyed with the entrance in the EC, growing influence at the European table, the culture and the security issue. To conclude, Finland made a large step towards integration, confirmed by the official proclamation as Member State of the European Union in 1995. Since then, the newcomer has always kept neutral opinions and a less supporting attitude, shaped by his historical features, taking distance from the other neighbours' behaviour but still participating in the works with attentive eye and refusing to be sidelined¹⁵², as we will further analyse in the following sections.

2.2 THE EDUSKUNTA IN EU AFFAIRS: A CASE OF EFFECTIVE PARLIAMENTARY CONTROL?

Finnish constitution, like the Swedish one, in Section 1 presents Finland as a Member State of the European Union, but at the same time emphasises the nature of the State as a sovereign Republic: "Finland is a sovereign republic. The constitution of Finland is established in this constitutional act. The constitution shall guarantee the inviolability of human dignity and the freedom and rights of the individual and promote justice in society. Finland participates in international cooperation for the protection of peace and human rights and for the development of society. Finland is a Member State of the European Union (1112/2011, entry into force 1.3.2012)"¹⁵³. The most appropriate definition for "sovereignty" is the ability of the state authority to exercise its own and durable power over its territory without external interference¹⁵⁴. However, European integration has led to a partial loss of the sovereignty that Member States have always craved and defended, as the spheres of decisions taken by the European Union started gradually to increase in number, the same

¹⁵² Raunio, T., *Refusing to be Sidelined: The Engagement of the Finnish Eduskunta in Foreign Affairs*, Scandinavian Political Studies, Vol. 39 – No. 4, 2016, pp. 312-332.

¹⁵³ Constitution of Finland, Section 1.

Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

¹⁵⁴ Krasner, S., *Sovereignty: Organized Hypocrisy*, Princeton, NJ: Princeton University Press, 1999.

which were formerly belonging to the competence of the single MS¹⁵⁵. As a consequence, the situation in EU might actually be described as having developed beyond the sovereign state¹⁵⁶. Indeed, even if Finland is enumerated among the States which preserved a partial level of sovereignty¹⁵⁷, it was obliged to pool this sovereignty to the European Union, as established by Section 94 of Finnish Constitution¹⁵⁸, according to which the approval of national parliament, the Eduskunta, is mandatory for a series of treaties or international obligations to be implemented.

Starting from the very beginning, it is necessary to point out that decisions made by the European Union are recognised as legal instruments. Therefore, decision-making process takes the form of a legislative process, given that Member States receive their representation in the Council by the respective national government, more precisely by the Head of Cabinet or by the Head of State, which is vested with executive power. As we mentioned in the first chapter of the work, this situation makes the government - now the central responsible for the legislative process in the EU - accountable for his actions and it disturbs the balance between legislative and executive powers. At the European level, there is *de facto* a confusion between legislative and executive powers being decision-making a complex procedure involving several actors both on the European and national level. The first difficulty we can encounter is the legislative supremacy transposed in the hands of the Council - the most important European legislator - which members are national governments, forming the executive power in the Member States. But not to be underestimated is the European Parliament,

¹⁵⁵ Grimm, D. and Cooper, B., *Sovereignty: The Origin and Future of a Political and Legal Concept*, New York: Columbia University Press, 2015.

¹⁵⁶ Boedeker, M. and Uusikylä, P., *Interaction Between The Government And Parliament In Scrutiny Of Eu Decision-Making; Finnish Experiences And General Problems*, Eduskunta, 1999.

¹⁵⁷ Boedeker, M. and Uusikylä, P., *Interaction Between The Government And Parliament In Scrutiny Of Eu Decision-Making; Finnish Experiences And General Problems*, Eduskunta, 1999.

¹⁵⁸ Constitution of Finland, Section 94: "The acceptance of the Parliament is required for such treaties and other international obligations that contain provisions of a legislative nature, are otherwise significant, or otherwise require approval by the Parliament under this Constitution. The acceptance of the Parliament is required also for the denouncement of such obligations. A decision concerning the acceptance of an international obligation or the denouncement of it is made by a majority of the votes cast. However, if the proposal concerns the Constitution or an alteration of the national borders, or such transfer of authority to the European Union, an international organisation or an international body that is of significance with regard to Finland's sovereignty, the decision shall be made by at least two thirds of the votes cast. (1112/2011, entry into force 1.3.2012). An international obligation shall not endanger the democratic foundations of the Constitution".

Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en

which is increasing its position as potential core player in the legislative work of the Union. Nevertheless, it is possible to argue that a democratic deficit in the European Union still persists.

National legislation is often characterised as an emanation of the will of the national legislator, where the latter has been defined as a sovereign in legal theory¹⁵⁹. But in the context of the European Union none of the constituting Member States can elevate its national legislators to the position of sovereign in the classic meaning of the term: firstly, because part of the legislative competence has been transferred into a supranational container, the Union; and secondly, because of the delimitations built by the *acquis communautaire*¹⁶⁰, reducing their autonomy in national legislation. Anyway, when we consider a national legislator and his will, his intentions, it is useful to refer to a “plural subject”, gathering the intentions of a group of people and not focusing on one single person, given that we are not referring to the sovereign. An example is the parliament in which each MP is vested by an obligation to the others to conform to the shared intention (joint commitment) and the others have correlative entitlements to such conformity and hence entitlement to complain about non-conformity. When we come to Finland, Finnish position in EU decision-making is clearly shaped by the interaction between parliament and government, for this reason it may also be described using the term “joint interaction”.

To conclude with this short overview, we can stand that since none of the institutions of the European Union is answerable to any national parliament, it follows that the latter push for taking part in decision-making process, exercising their powers and directly influencing their own ministers as national representatives. Thus, the best means to reduce the democratic deficit in European legislation and provide democratic legitimacy is to involve national parliaments in the scrutiny of EU decision-making.

¹⁵⁹ Gray, Hamish R., *The Sovereignty of Parliament Today*, The University of Toronto Law Journal, vol. 10, no. 1, 1953, pp. 54–72.

¹⁶⁰ *Acquis Communautaire* is the body of common rights and obligations that are binding on all EU countries, as EU Members. It is constantly evolving and comprises: the content, principles and political objectives of the Treaties; legislation adopted in application of the treaties and the case law of the Court of Justice of the EU; declarations and resolutions adopted by the EU; measures relating to the common foreign and security policy; measures relating to justice and home affairs; international agreements concluded by the EU and those concluded by the EU countries between themselves in the field of the EU's activities. Applicant countries are required to accept the *acquis* before they can join the EU. Derogations from the *acquis* are granted only in exceptional circumstances and are limited in scope. The *acquis* must be incorporated by applicant countries into their national legal order by the date of their accession to the EU and they are obliged to apply it from that date. Available at: lex.europa.eu/summary/glossary/acquis.html

2.2.1 Mandate-based and document-based scrutiny

Despite the gradual institutional convergence between NPs of the Member States of the European Union, legislatures developed different scrutiny systems according to their priorities and basic goals. Oversight instruments appear generally as tools used for gathering information and/or reach influence and participation. Access to EU documents and other relevant information and to institutionalised contacts such as ministries, civil society representatives, members of the European and national parliaments belong to the first aspect. Central elements for the second aspect, participation, are the deliberations between parliament and government and the scope of parliamentary involvement in EU policy making. National parliaments can recur to the right of receiving information and have access to means of influence in order to exercise their control on EU policy making. Indeed, on the one side, access to information on EU proposals and ongoing discussions are indispensable for efficient participation, but, on the other, important is also the nature of deliberations with the government. In brief, information is nearly useless if the possibilities of having a say in actual policy making are weak. The regularity of deliberations between parliament and government and the capacity of the former to require a determined mandate to the latter in order to somehow tie its hands in EU negotiations are the crucial parameters. While, the scope of involvement is dependent on whether EU policy making is a task for a restricted, centralised group of legislators or for a wider spectrum of parliamentarians with a particular specialisations and expertise (standing committees).

Maurer and Wessels classify two ideal-type models of parliamentary EU oversight, namely, document-based scrutiny and mandate-based scrutiny¹⁶¹. In the first model of scrutiny, exemplified by UK, parliamentary activity focuses on screening and examining legislative proposals and other documents released by and related to the EU. The main aim of the parliament is to find the most important documents among them and, in case of necessity, consult with the appropriate minister before formulating a parliamentary opinion. However, the flaw of this document-based scrutiny is linked to the lack of formal instruments which can be used by parliaments and with which is possible to issue to government binding instructions in EU negotiations. The parliament has a limited time frame to deal with an EU proposal and the government is not expected to finalise the negotiation

¹⁶¹ Maurer, A. and Wessels, W. (eds.). *National Parliaments on their Ways to Europe: Losers or Latecomers?*, Baden-Baden: Nomos, 2001.

before it has completed its scrutiny. Moreover, the parliament itself has to signal if and when it wants to intervene in the process of formulating the EU negotiation position¹⁶².

On the other side, the mandate-based model of scrutiny is focused on the analysis of the position of national government in the Council. In some cases, this system includes the possibility of the European Affairs Committee to give a direct mandate - binding or less binding - to the government before a minister can endorse legislation in Council meetings. This category is inherited from Danish parliament, the Folketing, and the capacity of the committee to issue a binding mandate to ministers negotiating in the Council was the outcome of a political crisis occurred in 1973 during which the Danish minister of agriculture returned from a Council meeting where an agreement had been reached on agricultural prices and Danish parliament was not favourable to accept it. Since the minister could not explain the policy outcome, the conservatives and liberals in opposition, forced the government to accept a procedure requiring a mandate from parliament. However, is important to point out that European parliaments with mandate-based scrutiny differ as to the types of EU draft legislation that require a mandate. Moreover, the mandate of European Affairs Committees can occur systematically in most of the cases, except for Austria and Hungary where it is less regular. *Table 2.2* gives a panoramic of the different models of scrutiny adopted by EU Member States.

Table 2.2 Types of parliamentary scrutiny among the twenty-seven EU Members States

Document-based scrutiny	Mandate-based scrutiny	Other
United Kingdom	Denmark (1973)	Belgium
Ireland (Oireachts)	Austria (1995)	Greece
France	Finland (1995)	Luxembourg
Germany	Sweden (1995)	Portugal
Netherlands*	Estonia (2004)	Spain
Italy	Hungary (2004)	
Cyprus (2004)	Latvia (2004)	
Czech Republic (2004)	Lithuania (2004)	
Malta (2004)	Poland (2004)	
Bulgaria (2007)	Slovakia (2004)	
	Slovenia (2004)	
	Romania (2007)	

* Mandating in Justice and Home Affairs

Sources: COSAC, 2012.

¹⁶² Jungar, A. C., *Exporting Nordic Parliamentary Oversight to the European Union* in Gotz, N. and Marklund, C., *The Paradox of Openness: Transparency and Participation in Nordic Cultures of Consensus*, Bill Academic Pub, 2014, pp.190-208.

‘Danish’ scrutiny model was adopted by several newcomer states to the European Union and it was translated and adapted to their parliamentary institutions and national practices. This popularity is justified by the common belief of the strength of mandate-based parliamentary scrutiny. As a matter of fact, member states with mandating arrangement (Denmark, Finland, Sweden, Austria) are in the upper echelons of the ranking.

As we said, Eduskunta’s parliamentary scrutiny is among the strongest of EU Member States, especially thanks to its mandating system coupled with the broad involvement of standing committees at the early stages of European legislative process. Delegation to the European Affairs Committee is extensive being the Grand Committee (the EAC) the only parliamentary body that can issue a mandate to the government. In addition to this, to strengthen parliamentary scrutiny contribute the consensus and pragmatism which characterise the processing of EU matters in Finland, with little if any (public) conflicts between the parties or between government and opposition. This is, however, not determined by a broad cross-party consensus on EU affairs, but rather by a coordination system designed to manufacture national unanimity or at least broad agreement, which can be translated into additional influence in EU level bargaining¹⁶³. We can actually say that Finland is “an interesting case of limited contestation [...] conflict over the European issue is not absent and remains as a potential characteristic of party competition, but [...] the structures of Finnish politics limit its manifestation”¹⁶⁴.

2.2.2 Finnish parliamentary scrutiny

Before joining the European Union, it was thought that membership would affect the relationships between the organs of government through the Communities’ norm-giving powers and that the authority vested in the President of the Republic and in the parliament would be transferred to the Union¹⁶⁵. The Eduskunta started to adapt to European integration from 1990s when Foreign Affairs Committee demanded the right of the parliament to have access to information and the ability to influence national policy on EEA decision-making¹⁶⁶. Finnish parliament, through its civil

¹⁶³ Johansson, K.M. and Raunio, T., *Organizing the Core Executive for European Union Affairs: Comparing Finland and Sweden*. Public Administration 88:3, 2010, pp. 649-664.

¹⁶⁴ Taggart, P. and Szczerbiak, A., *Opposing Europe? The Comparative Party Politics of Euroscepticism: Volume I, Case Studies and Country Surveys* (Oxford: Oxford University Press), 2008, pp. 348-363.

¹⁶⁵ Boedeker, M. and Uusikylä, P., *Interaction Between The Government And Parliament In Scrutiny Of Eu Decision-Making; Finnish Experiences And General Problems*, Eduskunta, 1999.

¹⁶⁶ Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, Palgrave Macmillan, 2014, pp. 406-424.

servants, studied closely all the possible ways to obtain a powerful position in EU decision-making and analysed the work of existing scrutiny systems in national legislatures, particularly the Danish one, of which the Eduskunta appreciated the regular appearance of ministers before the Folketing's EAC. Two elements instead were replaced: the absence of sectoral committees in the processing of EU matters in the Folketing and the late involvement of the Folketing in EU matters, just before the decisive Council meeting. The Eduskunta hence identified a need for a system that would facilitate its proactive role. The result was a parliamentary scrutiny model characterised by the central role of committees, being Finnish parliament a 'working parliament', and of information rights, with a high resemblance to the parliamentary procedures for processing domestic legislation. Thanks to the mix of these features, Eduskunta's scrutiny system can thus be best described as a mixture of document-based and mandate-based systems. However, particular emphasis should be given to the scrutiny of government's position and on the ability of national parliament to mandate ministers before the meetings in Brussels, with the primary aim of controlling government's response to individual pieces of EU legislation and other European matters¹⁶⁷.

The EAC, known as the Grand Committee before the accession of Finland, and the Foreign Affairs Committee are the main committees responsible for European questions, with the former focused on coordinating parliamentary work on EU affairs and the latter covering EU's foreign and security policy and Treaty amendments. The EAC holds a powerful position because it has the task to mandate the government on EU affairs¹⁶⁸. As we already mentioned, the EAC has 25 members (who can also hold seats in other committees), covering the 12.5 per cent of all the members of the Eduskunta, 13 substitutes, and, in addition, the elected representative of the autonomous Åland Islands who is always entitled to participate in EAC meetings. The EAC normally convenes on Wednesday and Friday afternoons.

In the previous chapter we have dwelt extensively on the role of committees of the Eduskunta so now I consider useful to focus on the information right before going on and present the steps of Finnish parliamentary oversight. In order to safeguard the role of the Eduskunta it was necessary to guarantee a regular and sufficient inflow of information on issues currently under preparation in the EU and give to national parliament the opportunity to convey its views on EU affairs to the government already at a preparatory stage. As meetings of the Council of Ministers are attended by

¹⁶⁷ Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, Palgrave Macmillan, 2014, London, pp. 406-424.

¹⁶⁸ Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, Palgrave Macmillan, 2014, London, pp. 406-424.

those members of the cabinet who accordingly enjoy a central position vis à vis the preparation of Union related matters, Finnish constitution stipulated a set of provisions on the interaction between government and parliament in matters related to the EU. The basic provision set out in Section 93 of the Constitution of Finland recognises that: “The Government is responsible for the national preparation of the decisions to be made in the European Union, and decides on the concomitant Finnish measures, unless the decision requires the approval of the Parliament. The Parliament participates in the national preparation of decisions to be made in the European Union, as provided in this Constitution”¹⁶⁹.

The oversight power of Eduskunta on EU affairs comes to light in the aforementioned Section 96 and 97 of the Constitution, giving to the former the right to be consulted on proposals for acts, agreements and measures considered by the European Union and to receive information about the initiative of the government in relation to such proposals. To make it clearer, the right of the European Affairs Committee to request information from the government affects largely its possibility to influence national European policy. The government and its members have the legal responsibility to ensure that the Eduskunta acquires all necessary information, without delay, for the scrutiny of European affairs. If the Eduskunta, because of short delays, has not had time to examine a matter the government has to make use of appropriate scrutiny reservations during the Council preparations¹⁷⁰.

2.2.3 The flow of information and consultation process in the Eduskunta

European issues can be introduced into the Eduskunta in two different prospects: as government bills or EU documents. The first deal with domestic implementation of EU directives, EU treaties and other EU legislation, while the second are classified as either U-matters or E-matters. U-matters are usually legislative proposals advanced by the Commission that fall within the competence of the Eduskunta. The Eduskunta, through the EAC, must also be informed by the government on the preparation of any EU issue that might fall within the competence of the Eduskunta and of any proposal for a Council decision without delay. As Section 97 of the Constitution states, the EAC must “receive reports on the preparation of other matters in the European Union”¹⁷¹.

¹⁶⁹ Constitution of Finland, Section 93.

Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

¹⁷⁰ Boedeker, M. and Uusikylä, P., *Interaction Between The Government And Parliament In Scrutiny Of Eu Decision-Making; Finnish Experiences And General Problems*, Eduskunta, 1999.

¹⁷¹ Constitution of Finland, Section 97.

Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

These ‘other matters’ are the E-matters we introduced before, which are typically Commission legislative initiatives that fall outside the jurisdiction of the Eduskunta or non-legislative documents published by the Commission, such as Green Papers, White Papers and other Commission consultative papers¹⁷². In addition to these documents, E-matters can include reports on Finland’s integration policy or on court cases concerning Finland in the Court of Justice of the European Union (CJEU). For these mentioned E-matters, a report to the EAC must be submitted by the government either on its own initiative or at the request of the EAC. Later in the process, the relevant specialised committee receives the E-matter and may decide to issue a report to the EAC, if it delivers the report on an E-matter, then the EAC normally sends it to the relevant Ministry. The division between U-matters and E-matters does not reflect the importance of issues, indeed - as the Eduskunta has remarked - some E-matters may deal with very important questions, while many legislative U-matters can be fairly minor, technical matters¹⁷³. As a result, it also has recommended that specialised committees should report to the EAC on the most important E-matters, who consequently, should give an opinion on such cases¹⁷⁴.

The process of scrutiny of EU draft acts begins with the government sending a formal letter to the Speaker, completed with at least a *resumé* of the proposal, an evaluation of its legal basis and reference to the subsidiarity principle, the timetable for processing the matter and the tentative position of the government¹⁷⁵. At this point, the Eduskunta does not receive from the government the official EU documents - such as the full texts of the Commission’s legislative proposals - but it has to consider for its scrutiny the government letter, which explains cabinet’s position on the matter. Obviously, the Eduskunta, like all national parliaments, receives Commission’s draft acts and other official EU documents directly from the EU institutions afterwards. Following the process, the Speaker then forwards the matter to the European Affairs Committee and requests the specialised committee or committees (being the biggest slice of U-matters processed by more than one specialised committee), which have expertise in the specific sphere of competence, to give their opinion back to the EAC. The opinion is shaped and prepared in light of the information received

¹⁷² Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, Palgrave Macmillan, London, 2014, pp. 406-424.

¹⁷³ Eduskunta, EU-menettelyjen kehittäminen. EU-menettelyjen tarkistustoimikunnan mietintö (Helsinki: Eduskunnan kanslian julkaisu 2/2005) 11.

¹⁷⁴ Eduskunta, EU-asioiden käsittelyn kehittäminen Eduskunnassa. EU-asioiden käsittelyn kehittämistyöryhmän mietintö (Helsinki: Eduskunnan kanslian julkaisu 1/2010).

¹⁷⁵ Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, Palgrave Macmillan, London, 2014, pp. 406-424.

about government's tentative position and after having heard expert testimony. Committee involvement in European matters depends on their policy jurisdiction. Between the period 1995-2003, specialised committees issued an average of 159 written opinions per year on U- and E-matters with the Finance Committee resulting to be the most burdened with EU legislation, followed by the Agriculture and Forestry Committee, the Economic Affairs Committee, the Environment Committee, Administration Committee and the Transport and Communications Committee, who produced actively opinions on EU matters. The Defence Committee (1 opinion) and the Committee for the Future (2 opinions) were at the end of the queue¹⁷⁶. The number of domestic legislative initiatives was approximately 250 per year during the same period. According to the constitution, when the U-matter is of relevant importance, specialised committees must report to the EAC. Differently, in case of less salient questions some committees merely indicate their position briefly in the minutes of the committee meeting, for example, when the committee agrees with government position¹⁷⁷. The share of committee time spent on EU matters is relatively high. Data from 2004 and 2008 shows considerable variation between committees, primarily driven by the allocation of powers between national and EU levels, as we saw in Chapter 1.

It has been estimated that in the 90-95% of the cases the EAC agrees with the opinion of committees, with specialised committees in turn agreeing with the government tentative position. When the opinion is delivered by more than one committee is the EAC which summarises and mediates between them and it is also committed to hear from expert witnesses. After debating the issue, the EAC formulates a position which has the effect of a parliamentary recommendation rather than a formal decision or obligation, expressed in the form of a summary by the Chair. Generally, on more salient matters or if the Eduskunta wants to make amendments to government position, the EAC produces a written opinion or oral statement, while, for other matters, the EAC simply gives its consent or agrees with government position. In order to enhance the ability of Eduskunta to monitor and guide government behaviour and its position in the Council, the EAC's view is formulated at a very preparatory stage, before consideration of the matter begins in the organs of the Council. Anyway, a dilemma is still under analysis on whether scrutiny is conducted by the Eduskunta too late even at this stage. In fact, in the Finnish case, participation of national parliament normally begins

¹⁷⁶ Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 25-42.

¹⁷⁷ Eduskunta, EU-asioiden käsittelyn kehittäminen Eduskunnassa. EU-asioiden käsittelyn kehittämistyöryhmän mietintö (Helsinki: Eduskunnan kanslian julkaisu 1/2010).

after the European Commission has published the initiative and after it has already been processed domestically by ministries and in the government¹⁷⁸.

The EAC convenes on Wednesday and Friday and usually Fridays are dedicated to ministerial hearings about Council meetings scheduled for the following week¹⁷⁹, while hearings on Foreign and Security policy matters are heard in the Foreign Affairs Committee. EAC members, before the Council meetings, receive the agendas as well as a standardised memo with appropriate document references, the historical background, a summary of outstanding questions and government's positions for each agenda item, whereas, after the meetings, the EAC receives a detailed report. Considering these documents, the EAC formulates its opinion on all matters before final decisions are taken in the Council and, in case of deviations from the given policy guidelines, it requires explanations from the ministers who must appear personally before the EAC. In practice, it is common for the minister to report on previous Council meetings when appearing next before the EAC. The advanced scrutiny of Council agenda items, in most cases, consists in discussing relevant issues and their legislative, economic and other implications on Finland. We also have to remember that meetings of the EAC are held *in camera*, though the minutes and annexed documents become public when they are signed as a correct record¹⁸⁰.

For what concerns voting instructions, they are only given at the final stage of the process of scrutiny and constitute only a small percentage of all the instructions issued by the Eduskunta. However, we have to remind that these mandates by the EAC are not constitutionally binding on ministers but, politically, they are central to build the support of legislature over the government. A resolution made by parliament when constitutional amendments relating to the European Union were adopted provides that the conclusions of a competent committee form the "directive point of departure" for the action of Finland's representatives in the Council. If a Finnish minister departs from this position this must either be referred to the Eduskunta if it occurs before the decision-making in the Council, or justified and explained if determined by a change in circumstances during the

¹⁷⁸ Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, Palgrave Macmillan, London, 2014, pp. 406-424.

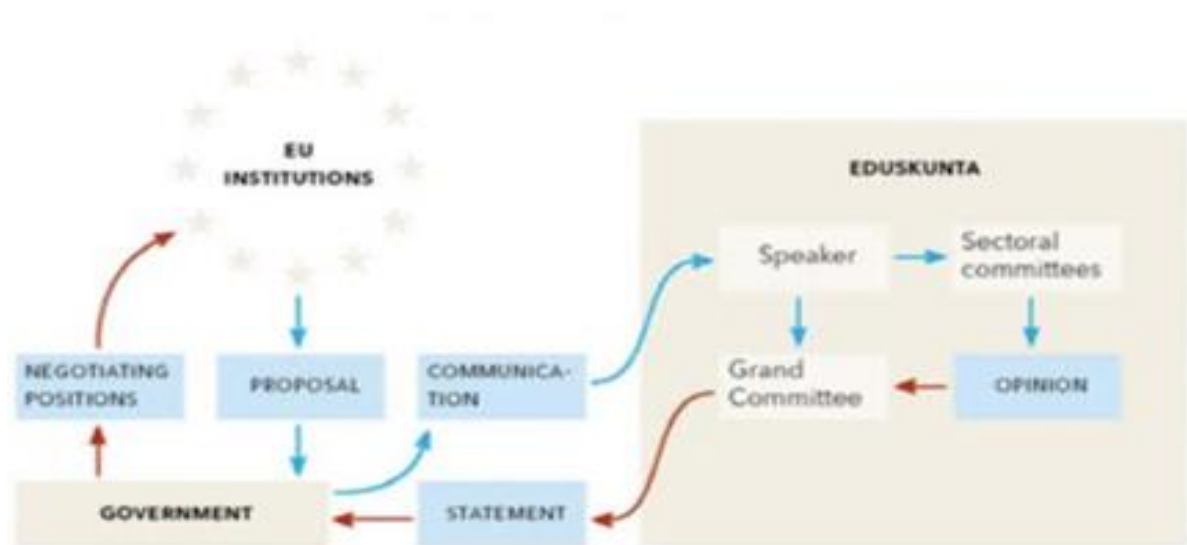
¹⁷⁹ Boedeker, M. and Uusikylä, P., *Interaction Between The Government And Parliament In Scrutiny Of Eu Decision-Making; Finnish Experiences And General Problems*, Eduskunta, 1999.

¹⁸⁰ Pimia, K., *Scrutiny of Legislation in the Finnish Parliament*, Eduskunta, Seminar on quality of legislation, Suomen Eduskunta Finlands Riksdag, 2006.

decision-making. These departures from the opinion expressed by the Eduskunta could cost to the minister a possible vote of confidence¹⁸¹.

Even though the Eduskunta always recurs to the strategy of supporting the government with its opinions, at the same time (to a certain degree), hinders the latter from any deviation from the ‘Finnish position’¹⁸². Moreover, in the majority of cases it does not impose strict mandates, leaving ministers a certain amount of room for manoeuvre, as we introduced in the previous sections. What is more important for the EAC is to define the range of acceptable outcomes, which the government can use as a bargaining chip in Brussels¹⁸³. This attitude is a demonstration of the flexibility and desire to make compromises which shape the behaviour of Finnish government in Brussels. However, the EAC can decide to focus its scrutiny on select issues, also because the overwhelming majority of EU matters do not cause any controversy, so they are not even debated by the EAC. In *Figure 2.1* the flow of information and consultation process just introduced is clearly displayed.

Figure 2.1: The flow of information and consultation process in the Eduskunta



Source: Suomen Eduskunta Finlands Riksdag, 2006.

¹⁸¹ Jääskinen, N. and Kivisaari, T., *Parliamentary Scrutiny of European Union Affairs in Finland*, in *Trying to Make Democracy work - The Nordic Parliaments and the European Union* (Ed. Matti Wiberg), The Bank of Sweden Tercentenary Foundation & Gidlunds Förlag, Södertälje, 1997.

¹⁸² Boedeker, M. and Uusikylä, P., *Interaction Between The Government And Parliament In Scrutiny Of Eu Decision-Making; Finnish Experiences And General Problems*, Eduskunta, 1999: “Finnish position is a joint intention formed by both national legislator and executive power thus forming a strong tool for negotiating in a larger European context”.

¹⁸³ Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, Palgrave Macmillan, London, 2014, pp. 406-424.

2.2.4 *The Eduskunta and the government: a close relationship*

Moving the focus on the Prime Minister, he has an obligation to inform the European Affairs Committee both before-hand and afterwards European Council meetings, through the same direct appearance before the EAC that the other cabinet ministers do to inform about Council meetings. Starting from December 2006, the government has also produced written reports to be presented to the Eduskunta both before and after European Council meetings. Furthermore, the Prime Minister has the obligation to inform the Foreign Affairs Committee about foreign and security policy matters discussed during the European Council. If required, is it possible for the Prime Minister and the government to maintain contacts with the EAC during the actual meetings of the European Council, especially if matters under discussion are new issues or initiatives appeared on the agenda of the European Council during the meeting. Furthermore, while the EAC is the primary committee responsible for scrutinising government behaviour in intergovernmental conferences, the Foreign Affairs Committee is the committee responsible for handling government bills on amendments to EU treaties.

In EU affairs, also the plenary can be involved both before and after decisions are taken at the EU level. Indeed, the Speaker's Council can decide that some specific proposals for EU decisions should be debated in the plenary, but not recognising to the chamber the power to make formal decisions. A plenary stage is also required when implementation of EU laws or treaties requires legislation. However, until the euro crisis, the use of plenary in connection with EU affairs was very limited, with debates almost exclusively focused on 'high politics'¹⁸⁴. European Council meetings are not normally debated in the plenary, either *ex ante* or *ex post* but, at the same time, issues on the agenda of the European Council can occasionally be treated in plenary debates, for example, during question time.

2.2.5 *The pro and cons of Eduskunta's model of parliamentary scrutiny*

To sum up, the constitutionally regulated (which could be defined unlimited) access to information constitutes an essential prerequisite for Eduskunta's parliamentary scrutiny effectiveness. In particular, access to information is relevant for E-matters and ministerial hearings

¹⁸⁴ Koivula, T. and Sipila, J., *Missing in Action? EU Crisis Management and the link to domestic political debate*, Cooperation and Conflict 46(4): Matters such as treaty amendments, Finland's EU presidencies, the single currency, and security and defence policy, including decisions on Finland's participation in EU-led crisis management operations.

in the EAC¹⁸⁵. However, also some negative aspects can emerge, resulting in information overload and causing problems to parliamentarians who find it difficult to distinguish relevant EU issues from less relevant ones or understanding the documents, often quite detailed and technical. In addition, a further problem connected with the access to information is the risk for the Eduskunta to obtain information too late due to the government inability to provide them ‘without delay’ as the constitution stipulates, not allowing thus the parliament to meaningful deliberate. Moreover, the government has been occasionally responsible for not informing the Eduskunta of legislative amendments to be enacted by the Council and the European Parliament, forcing parliament to acquire the relevant information.

But of course, as the statistics and facts clearly picture, positive aspects prevail on negatives. Indeed, an important point we highlighted intensively is the relatively early involvement of Eduskunta in EU affairs, which position is regulated by the constitution. This feature contributes to reduce conflicts, moreover, it enables Finnish legislature to monitor the preferences of the other Member States, the European Commission and the EP and frame its position consequently. Fundamental are the hearings with civil servants which also help the Eduskunta to identify key issues and acquire knowledge on matters in preparation at European level and in national Ministries. A further key point is the centrality of committees and their level of specialisation. According to Strøm the strength and influence of a committee is determined by the degree of congruence between official Ministries and committee portfolios. The more closely the committee system and ministerial portfolios correspond, the more likely the former holds “property rights” over a particular area of policy. Moreover, this congruence should also contribute to facilitate oversight, with the committee able to accumulate expertise concerning an ongoing interaction with the relevant department¹⁸⁶. Last but not least is the consensus-seeking approach at the core of the Eduskunta which characterises its parliamentary scrutiny: being the party system extremely fragmented, with no party reaching more than the 25% of votes in the elections, consensual governance and ideological convergence between political parties is enhanced. This situation determines a reduction of the government-opposition dimension in EU affairs, being the central objective of the Eduskunta the production of ‘unanimous committee opinions’ instead of decisions that pit governing parties against the opposition¹⁸⁷. Anyway, after the elections of 2011 and the incoming euro crisis, parliamentary engagement in EU affairs became more

¹⁸⁵ Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, Palgrave Macmillan, London, 2014, pp. 406-424.

¹⁸⁶ Strøm, K., *Minority Government and Majority Rule*. Cambridge: Cambridge University Press, 1990.

¹⁸⁷ Raunio, T., *The politicization of EU affairs in the Finnish Eduskunta: Conflicting logics of appropriateness, party strategy or sheer frustration?*, *Comparative European Politics* Vol. 14, 2016, pp. 232-252.

contested and marked by an increase in the number of plenary debates and EU-related interpellations, more voting instead of unanimous committee decisions and with the opposition recurring to dissenting opinions to EAC statements and minutes, as shown in *Table 2.3*, *2.4* and *2.5*.

Table 2.3 Voting in the EAC, 2007–2013

<i>Year/policy areas</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Total</i>	<i>%</i>
General affairs	1	—	1	1	1	—	—	4	2.9
Foreign affairs	—	—	—	—	—	—	—	—	—
Economic and Financial affairs	—	—	—	9	26	26	27	88	62.9
Justice and Home affairs	4	3	3	2	3	—	3	18	12.9
Employment, Social policy, Health, Consumer politics	—	—	3	—	1	—	—	4	2.9
Competitiveness (internal market, industry, research and space)	—	—	—	1	—	—	—	1	0.7
Transport, Telecommunications and Energy	—	—	1	—	—	1	—	2	1.4
Agriculture and Fisheries	—	2	1	—	1	7	1	12	8.6
Environment	—	—	—	2	—	1	2	5	3.6
Education, Youth, Culture and Sport	—	—	1	—	—	—	—	1	0.7
European council	—	—	1	2	—	—	—	3	2.1
Others	—	—	—	—	—	—	2	2	1.4
Total	5	5	11	17	32	35	35	140	100

Source: Raunio, T., *The politicization of EU affairs in the Finnish Eduskunta: Conflicting logics of appropriateness, party strategy or sheer frustration?*, Comparative European Politics Vol. 14, 2016, p. 246.

Table 2.4 DO in EAC statements, 2007–2013

<i>Year/policy area</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Total</i>	<i>%</i>	<i>DO</i>	<i>%</i>
General affairs	—	1	—	6(1)	—	1	—	19	23.2	2	8
Foreign affairs	—	—	—	1(1)	—	—	—	6	7.3	3	12
Economic and Financial affairs	—	—	—	4(2)	7(6)	3(2)	—	18	22	11	44
Justice and Home affairs	1(1)	1(1)	2	—	—	—	1	17	20.7	5	20
Employment, Social policy, Health, Consumer politics	—	—	—	1	—	—	—	3	3.7	0	0
Competitiveness (internal market, industry, research and space)	—	—	—	1(1)	—	—	—	7	8.5	2	8
Transport, Telecommunications and Energy	—	—	—	—	1	—	—	2	2.4	0	0
Agriculture and Fisheries	—	—	—	1	—	—	—	2	2.4	1	4
Environment	—	—	—	—	1	—	—	1	1.2	0	0
Education, Youth, Culture and Sport	—	—	1(1)	—	1	—	—	2	2.4	1	4
European council	—	—	—	—	—	—	—	4	4.9	0	0
Others	—	—	—	—	—	—	—	1	1.2	0	0
Total	1	2	3	14	10	4	1	82	100	25	100

Source: Raunio, T., *The politicization of EU affairs in the Finnish Eduskunta: Conflicting logics of appropriateness, party strategy or sheer frustration?*, Comparative European Politics Vol. 14, 2016, pp. 245.

Table 2.5 DO in EAC minutes, 2002–2013

Year/policy area	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total	%
General affairs	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Foreign affairs	—	—	—	—	1	—	—	—	—	—	—	—	1	3.3
Economic and Financial affairs	—	—	1	—	—	—	—	—	3	4	9	6	23	76.7
Justice and Home affairs	—	1	—	—	—	—	—	—	—	—	—	—	1	3.3
Employment, Social policy, Health, Consumer politics	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Competitiveness (internal market, industry, research and space)	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Transport, Telecommunications and Energy	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Agriculture and Fisheries	—	—	—	—	—	—	—	—	—	—	2	1	3	10
Environment	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Education, Youth, Culture and Sport	—	—	—	—	—	—	—	—	—	—	—	—	—	—
European council	—	—	—	—	—	—	—	1	—	—	1	—	2	6.7
Others	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	1	1	—	1	—	—	1	3	4	12	7	30	100

Source: Raunio, T., *The politicization of EU affairs in the Finnish Eduskunta: Conflicting logics of appropriateness, party strategy or sheer frustration?*, Comparative European Politics Vol. 14, 2016, pp. 245.

2.3 THE EDUSKUNTA IN EU FOREIGN AND SECURITY POLICY¹⁸⁸

Generally speaking, considering the central role of the President, parliaments are seen as weaker institutional bodies vis-à-vis the executive in foreign policy than in domestic matters. According to literature, two can be the possible, interconnected explanations to this predominance: the first is the legislative voluntary acquiescence to such government-driven policy making; the second, the mere impossibility or failure to control the cabinet in external relations¹⁸⁹.

Considering the first explanation individuated by Raunio and Wagner, parliaments decide to give sufficient room for manoeuvre in policy making to the executive, which is the representative of the country in international negotiations and is entitled to formulate and defend national interests. Moreover, members of parliament may be conscious of the potential risk of public criticism which can undermine the achievement of important foreign policy goals, especially of military or security matters where secrecy is often presented as integral to the advancement of national interests. *Ex post*,

¹⁸⁸ The term ‘EU foreign and security policy’ is used in this section as a phrase that incorporates both CFSP and non-CFSP issues.

¹⁸⁹ Raunio, T. and Wagner, W., *Legislative-Executive Relations in Foreign and Security Policy*. Paper presented at the Workshop on Legislative-Executive Relations in Foreign and Security Policy, Amsterdam, 2015, pp. 1-18.

MPs may give up to their control power, prevalently because rejecting unilaterally international agreements reached by governments can create additional costs, potentially damaging the image and reputation of the country and its success in future negotiations. A further reason why delegation attracts MPs more is the prevalence of costs than benefits created by subjecting the government to tight scrutiny. International issues and foreign relations were considered to be significantly less relevant for MPs and voters and not a central topic to be used for re-election, thus reducing incentives for parliamentary engagement. In sum, the general idea was that even with active scrutiny, it is the government that gets the blame or credit for success abroad. However, this discourse started to be reconsidered already in the 1970s, when Manning paid attention to the rise of issues falling somewhere between pure foreign and domestic policy, what he called ‘intermestic’ issues¹⁹⁰.

The second explanation refers mainly to real-life constraints that MPs face in foreign affairs, notably the problem of informational asymmetry which emerges from the structural two-level games logic of international bargaining. According to this logic discussed in 1988 by Putnam¹⁹¹, in the realm of foreign policy cabinets are protected from parliamentary control. Furthermore, to add truthfulness to this second explanation, we can go beyond such strategic considerations and basically state that global or regional governance is by nature intergovernmental, thus empowering governments at the expense of legislatures¹⁹².

In the last years, comparative research has focused on parliamentary ‘war powers’, a body of work which considers historical experiences, such as wars and conflicts, and its structural consequences on the constitutional framework of foreign policy, including parliamentary participation rights¹⁹³. Nowadays, even if at varying degrees, parliaments requested the rights to claim, receive, and exercise an appropriate role with regard to foreign policy, by approving military

¹⁹⁰ Manning, B., *The Congress, the Executive and Intermestic Affairs: Three Proposals*, *Foreign Affairs*, 55(2), 1977, pp. 306–24.

¹⁹¹ Putnam, R. D., *Diplomacy and Domestic Politics: The Logic of Two-Level Games*. *International Organization* 42, no. 3, 1988, pp. 427–60: “At the national level, domestic groups pursue their interests by pressuring the government to adopt favorable policies, and politicians seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments. Neither of the two games can be ignored by central decision-makers, so long as their countries remain interdependent, yet sovereign”.

¹⁹² Raunio, T., *Parliament as an arena for politicisation: The Finnish Eduskunta and crisis management operations*, *The British Journal of Politics and International Relations*, Vol. 20(1), 2018, pp. 158–174.

¹⁹³ Cassese, A., *Parliamentary Control over Foreign Policy: Legal Essays*, Alphen aan den Rijn: Sijthoff & Noordhoff. 1980.

budgets and international agreements or by holding governments accountable for their external action. In some other cases, parliaments do not cover the same ‘limited’ role in foreign policy, an example is the US Congress, which is often viewed as an example of how the executive can be held to account for its international action, which it does by means of congressional-executive agreements¹⁹⁴.

2.3.1 A ‘consensual’ model of foreign policy decision-making

As we said, the processing of EU matters in the Eduskunta has always been consensual and pragmatic, marked by few public conflicts between or within political parties. The Finnish political system is *de facto* both consensual and quite elitist, especially when it comes to foreign policy. During the Soviet era, Finland was strictly committed to maintain amicable relations with the USSR, this bond was embodied by the ‘compulsory consensus’¹⁹⁵ leading Finland’s foreign policy during the Cold War. In this period, Finland and the other Nordic countries were actively involved in United Nations (UN)-led peacekeeping operations, contributing by deploying the 25% of the personnel and offering their institutionalised cooperation. They became known as peace-builders and peacekeeping was transformed into a key component of ‘Nordicness’ or the ‘Nordic model’ and an expression of true national identity. Peacekeeping also opened to Finland a way to participate in international politics, starting from the first mission in Suez in 1956 (United Nations Emergency Force, UNEF), and attracted public attention and consensus among political elites through the frequent reports on national media and the emphasis given in schoolbooks.

In the post-Cold war era, Finnish foreign policy has become Europeanised¹⁹⁶. Nevertheless, Finland continued to pursue the same logic in foreign policy decision-making and EU issues, even though the range of actors involved in foreign and security policy had broadened. The main aim remained the achievement of national unity and the avoidance of public cleavages in line with the priority of domestic EU coordination system: manufacture national unanimity, or at least broad elite consensus, which could be translated into additional influence in EU level bargaining¹⁹⁷.

¹⁹⁴ Raube, K. and Wouters, J., *The Many Facets of Parliamentary Involvement and Interaction in EU External Relations: A Multilevel Tale*, Oxford University Press, 2017, pp. 281-298.

¹⁹⁵ Arter, D., *Politics and Policy-Making in Finland: A Study of a Small Democracy in a West European Outpost*, Basingstoke, UK: Palgrave Macmillan, 1987.

¹⁹⁶ Jokela, J., *Europeanization and Foreign Policy: State Identity in Finland and Britain*. Abingdon: Routledge. 2011.

¹⁹⁷ Hyvarinen, A. and Raunio, T., *Who Decides What EU Issues Ministers Talk About? Explaining Governmental EU Policy Coordination in Finland*, *Journal of Common Market Studies*, 52(5), 2014, pp. 1019–34.

However, after the collapse of USSR the situation changed visibly. Crisis management substituted common peacekeeping operations and the number and diversity of operations increased, together with the number and power of actors involved. The UN was joined by the European Union (EU) and the North Atlantic Treaty Organisation (NATO), with foreign and security policy interests, in the organisation of missions. As a consequence, Nordic countries were requested to amend their peacekeeping laws in order to allow their troops to both use force beyond self-defence and participate in missions led by NATO, EU, and the Organisation for Security and Cooperation in Europe (OSCE). This adaptation was hardest for Finland, due to its military 'neutrality' and its linkages with Russia. In effect, the Nordic neighbour of Russia is a militarily non-aligned country for whom good relations with her have understandably been a top priority.

This change in the security context emerged in the post-Cold war period brought to a more frequent and lively debate and to ideological contestation about crisis management and 'wars of choice', both regarding what operations countries should participate in and in what capacity¹⁹⁸. In this section we will examine this increasing debate and the role of the Eduskunta, the Finnish unicameral legislature, in national decision-making on crisis management. Party-political conflicts over crisis management and parliamentary engagement are strictly connected among them to the extent to which the first facilitates the second. Along the chapter we will analyse the parliamentary processing of individual operations, laws on crisis management, and national 'grand strategy' documents from 1995 to 2016, to demonstrate the presence of a widespread feeling of 'ownership' of crisis management among Finnish members of parliament, with troop deployments and operations subject to close parliamentary scrutiny.

The basic idea is that when parliaments become more involved in security policy, this fosters transparency and increases the politicisation of such matters, transforming them into 'normal' (domestic) political issues¹⁹⁹. Such politicisation "can be empirically observed in the growing salience of European (crisis management) governance, involving a polarisation of opinion, and an expansion of actors and audiences engaged in monitoring EU affairs (crisis management)"²⁰⁰. In the case of Finland, in the post-Cold war era, these requirements were fulfilled with the increase of

¹⁹⁸ Raunio, T. and Wagner, W., *Towards parliamentarization of foreign and security policy?*, West European Politics 40(1), 2017, pp. 1–19.

¹⁹⁹ Mello, P.A. and Peters D., *Parliaments in security policy: involvement, politicization and influence*, The British Journal of Politics and International Relations 20(1), 2018, pp. 3–18.

²⁰⁰ De Wilde, P., Leupold, A. and Schmidtke H., *Introduction: the differentiated politicisation of European governance*, West European Politics 39(1), 2016, pp. 3–22.

parliaments' involvement and plenary debates on crisis management. Generally, these plenary debates take place in public and citizens may have access to the discussion via local TV networks live (or online) broadcasting, moreover, the presence of government ministers in the chamber facilitates media coverage. Even though "Having parliaments debate security may well lead to a politicisation of security [...] It can put the executive under pressure to justify its policies publicly and provide room for the opposition to test the government's arguments and seek public support for its own position"²⁰¹, MPs themselves may prefer a less transparent, consensual (path-dependent) modality of policy-making, recurring to meetings *in camera* with the finality of exchanging confidential information with the government. This modality can be favoured by politicians to facilitate stronger parliamentary scrutiny of security policy and preserve unity at home, in order to improve the bargaining position of the government or the morale of troops abroad. In security policy, decision-makers often evoke the need of national unity and demand to major political parties to build (or at least try) consensus on these issues so that disunity at home does not undermine success abroad²⁰².

In addition to the above-mentioned concept, parliamentary politicisation can also increase the accountability of the government, who can buy its support accepting procedures that enhance parliamentary participation rights and oversight of the cabinet, among them reporting requirements or *ex ante* veto. The latter guarantees to the parliament the right to approve government's agenda beforehand, thus facilitating its support in subsequent stages of policy making. In crisis management missions, this results in a reduction of criticism raised by legislature during the operations, having the parliament itself been already consulted at an early stage about the initial troop deployment. This *ex ante* procedure provides thus credibility to country's international commitments²⁰³.

2.3.2 The evolution of Finland's foreign policy and the FAC

Continuing with the discourse of Finland, it has been a small 'borderland' between East and West, and by the early 1990s, after the collapse of the Soviet bloc, Finns approached to a world where state sovereignty and national security formed the starting points for political life. As we said, for

²⁰¹ Mello, P.A. and Peters D., *Parliaments in security policy: involvement, politicisation and influence*. The British Journal of Politics and International Relations 20(1), 2018, pp. 3–18.

²⁰² Raunio, T., *Parliament as an arena for politicisation: The Finnish Eduskunta and crisis management operations*, The British Journal of Politics and International Relations, Vol. 20(1), 2018, pp. 158–174.

²⁰³ Martin, L. L., *Democratic Commitments: Legislatures and International Cooperation*. Princeton, NJ: Princeton University Press, 2000.

Finland is possible to detect a strong link between national unity and security policy. During the Cold War, foreign policy was mainly 'neutral', with the quite total absence of political debate and contestation on security policy and amicable relations with the Soviet Union. Some years later, when the Soviet Union collapsed, Finland wasted no time becoming fully engaged in the European scenario, joining the EU in 1995. The Nordic country has actively supported the development of Common Security and Defence Policy (CSDP) and, during the Intergovernmental Conference of 1996–1997, Finland and Sweden advanced the proposal of the creation of an EU military crisis management capacity²⁰⁴. The interest in crisis management was predominantly dictated by Finland's long-standing reputation as active participant in peacekeeping operations and by a possible engagement in CSDP when NATO membership was not an option.

Considering the constitutional framework, the fall of the Soviet Union and the accession to EU triggered some (necessary) constitutional changes from the early 1990s onwards. Indeed, the 1919 Constitution of Finland recognised foreign policy as exclusive domain of the President, while the new constitution, entered into force in 2000, granted to the Eduskunta genuine authority in external affairs. Section 93, which focuses on the competences in the area of foreign policy issues, states that: "The foreign policy of Finland is directed by the President of the Republic in co-operation with the Government. However, the Parliament accepts Finland's international obligations and their denouncement and decides on the bringing into force of Finland's international obligations in so far as provided in this Constitution. The President decides on matters of war and peace, with the consent of the Parliament". So, the government is responsible for EU policy with foreign policy leadership shared between the president and the government: "The Government is responsible for the national preparation of the decisions to be made in the European Union, and decides on the concomitant Finnish measures, unless the decision requires the approval of the Parliament. The Parliament participates in the national preparation of decisions to be made in the European Union, as provided in this Constitution"²⁰⁵. As a consequence, until the Lisbon Treaty entered into force, the President participated in the majority of European Council meetings together with the Prime Minister, in the so-called policy of 'two plates'. Overall, this co-leadership between the President and the cabinet on foreign policy has not created big issues, but only occasional conflicts. A contribution to smoother this relationship were the constitutional amendments of 2012: the Prime Minister became the only

²⁰⁴ The IGC and the Security and Defence Dimension: Towards an enhanced EU Role in Crisis Management, Memorandum from Finland and Sweden, 25 April 1996.

²⁰⁵ The Constitution of Finland, Section 93. Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

representative of Finland in the European Council and in other EU meetings where political leaders of the Member States are represented, such as informal meetings between the leaders of Member States and summits between the EU and third countries²⁰⁶.

The Foreign Affairs Committee (FAC) of the Eduskunta, the main forum for scrutiny of crisis management and of foreign and security policy in general²⁰⁷, considers EU issues pertaining to foreign and security policy and according to section 97 of the constitution it “shall receive from the Government, upon request and when otherwise necessary, reports of matters pertaining to foreign and security policy”²⁰⁸. The DEFC, on the other hand, mainly focuses on defence forces. Following a committee-based model of scrutiny, committees constitute the backbone of the Eduskunta. They meet behind closed doors and are the central arena for constructive argumentation and party-political cooperation, including between government and opposition²⁰⁹. A real turning point in the history of FAC was marked by the aggressive chairmanship of Markus Aaltonen (1987–1991), who conferred to the FAC a stronger role in foreign affairs, demanding more reports from the government, issuing statements about them (until then FAC had merely discussed the reports) and hearing more experts. This undoubtedly proactive approach preceded the constitutional reforms of the following years that gave to the Eduskunta real powers in foreign policy and led to several conflicts between President Mauno Koivisto and the FAC²¹⁰.

These new-won powers in foreign and security policy enjoyed broad support among political parties and the Eduskunta activated an extensive exploitation of them. The FAC, besides insisting on government fulfilling its reporting obligations, was also used to request further information from the cabinet. The FAC thus was given the right to receive *ex ante* information from the government and

²⁰⁶ Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, Palgrave Macmillan, 2014, London, pp. 406-424.

²⁰⁷ Eduskunta, EU-asioiden kasittelyn kehittäminen Eduskunnassa: EU-asioiden kasittelyn kehittämistyöryhmän mietinto. Helsinki: Eduskunnan kanslian julkaisu 1/2010: The jurisdiction of FAC covers general foreign and security policy, foreign trade, development cooperation, international treaties and organisations, peacekeeping operations and CFSP. Excluding CFSP/CSDP, all other categories of EU’s external relations fall under the jurisdiction of the Grand Committee. In these matters FAC produces statements to the Grand Committee, Eduskunta 2010, 18.

²⁰⁸ The Constitution of Finland, Section 97.

Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

²⁰⁹ Helander, V. and Pekonen, K., *Eduskunnan vahvistuva valiokuntalaitos*, in Valiokunnat lahikuvassa: Suomen eduskunta 100 vuotta, osa 7. Helsinki: Edita, 2007.

²¹⁰ Meres-Wuori, O., *Valta ja valtiosaanto, Suomen ulko- ja turvallisuuspoliittinen valtakarjastelma*. Helsinki: Unigrafia, 2014, pp. 135-50.

hearing ministers before EU or international meetings and, theoretically, control whether troops are sent on CSDP missions or not.

2.3.3 'Grand strategy' documents

In foreign affairs, government's program is often not the most important document guiding executive action. In fact, when we deal with foreign and security policy, countries around the world - as well as organisations such as NATO and the EU - draft 'grand strategy' documents outlining the core objectives and issues in such matters, providing an important channel for parliamentary influence in security policy²¹¹. In Finland, grand strategy reports, labelled 'Government Security and Defence Policy Report' since 1995, are published roughly every four years and provide a general framework for the country's subsequent foreign and security policy decision-making, also for crisis management.

The first reports were produced between the 1970 and 1980s by parliamentary defence committees, where political parties were represented on the basis of their share of Eduskunta seats. However, over time the Eduskunta has partly lost its direct involvement in drafting the reports. Since 1995 it was the government the one committed to draft the reports, with the Eduskunta still involved in the process through its close monitoring by parliamentary working groups, made up with representatives from all Eduskunta parties (opposition included). Within the government, the Cabinet Committee on Foreign and Security Policy oversees the drafting of the report and the Eduskunta scrutinises carefully it, with the Defence Committee submitting a statement to the Foreign Affairs Committee (FAC), which produces a report on the draft report²¹². At the end of the process, after plenary debates, the final report is approved. Considering the consensual approach used to formulate the report, it is hardly surprising that plenary debates have not witnessed any real conflicts between political parties.

To highlight it is also the strongly government-driven budgetary process of Finland, in which the Eduskunta normally makes just marginal changes (around 1 percent of the total sum) to the draft budget. Differently, budgets for foreign affairs, from defence forces to development policy, must be approved by the Eduskunta. MPs or parties can influence the budget only before the same is introduced in parliament.

²¹¹ Raunio, T., *Parliament as an arena for politicisation: The Finnish Eduskunta and crisis management operations*, The British Journal of Politics and International Relations, Vol. 20(1), 2018, pp. 158–174.

²¹² In the 2015–19 legislative term the government produces two reports: one on foreign and security policy, and the other on defence policy. FAC produces the report on the former and the Defence Committee on the latter.

2.3.4 The 1990s and 2000s amendments

During the Cold war the Eduskunta had already an active involvement in decision-making about peacekeeping operations. According to the rule established in connection with a government bill for new peacekeeping legislation - introduced in 1964 to enable Finland's participation in United Nations Forces in Cyprus (UNFICYP) - troops could be deployed only after having heard the opinion of the FAC. However, reforms introduced in the post-Cold War period determined significant changes to the legal framework and broadened participation rights of the parliament.

Amendments to national peacekeeping legislation reflected domestic constitutional reforms, the changing security context and the development of CSDP²¹³. Until the mid-1990s, the legislation leading principles were the necessity of a UN or OSCE mandate and the impossibility of peace enforcement, due to the obligation of Finnish soldiers to use force only for self-defence. In 1995 it was introduced an amendment to national peacekeeping legislation and with it the right to 'extended peacekeeping', allowing a more extensive use of force. In 2000 a further amendment was adopted in order to increase the compatibility of Finnish legislation with EU treaties which, since 1999, have entitled the EU to carry out all types of crisis management operations. As a consequence of this amendment, the prohibition to participate in peace enforcement operations was abolished, opening to Finland the way through either the participation in humanitarian operations or in the protection of such operations under the mandate of UN organisations or agencies²¹⁴. But the most significant change was determined by the 2006 amendment, which used the term 'crisis management' instead of 'peacekeeping' following the suggestion of Finnish government, who firmly argued that military crisis management describes EU's tasks more accurately than peacekeeping. This reform, continued the executive, was required to guarantee to Finland full participation in crisis management operations led by UN, EU, or NATO and in EU's Battlegroups. So, since 2006 Finnish troops could be deployed for all types of crisis management operations, even if missions were lacking the mandate of the UN Security Council²¹⁵.

²¹³ Tiilikainen, T., *Toward an active participation in foreign policy: the role of the Finnish parliament in international conflict prevention and crisis management* in O'Brien M, Staphenurst R. and Johnston N. (eds), *Parliaments as Peacebuilders in Conflict-Affected Countries*, Washington, DC: The World Bank, 2008, pp. 213–223.

²¹⁴ Rauhanurvaamislaki (750/2000).

²¹⁵ The Act on Military Crisis Management (211/2006). Available at:
<http://www.finlex.fi/fi/laki/kaannokset/2006/en20060211.pdf>.

It is possible to affirm that these relatively recent constitutional changes provided a solid backbone for parliamentary engagement in security policy and crisis management. Indeed, the Eduskunta insisted on stronger *ex ante* and *ex post* accountability mechanisms and obtained a higher position in the process. We have to remember that when it comes to foreign and security policy, the government is the key actor who negotiates about operations abroad and plans the terms of Finnish participation. But in the scheme figures also the President, the commander-in-chief of defence forces, who has the final say about troop deployment. Generally, the Presidents have not contested or disagreed with the decisions of the cabinet. The role of the Eduskunta in the process, specifically the FAC, is to be heard before the issue is decided in the cabinet or if the tasks of the Finnish personnel have significantly changed during the operation²¹⁶. Furthermore, according to the law from 2000, the government must produce a report to the plenary of the Eduskunta in case international operations do not fulfil the conditions of traditional UN peacekeeping operations, either in relation to their mandate or authorisation to use force and if the duties of Finnish personnel change significantly during the operation. To sum up, the Foreign Affairs Committee or the plenary is consulted before each operation and the Eduskunta is updated on the status of the operations via regular reports, for example, in the form of biannual crisis management overviews²¹⁷.

In conclusion, the post-Cold war era compromised the policy of neutrality or military non-alignment as Finland started to play an active part in the development of CFSP/CSDP, especially in crisis management, and progressively enabled the Eduskunta to enlarge its participation in these fields (*Table 2.6*). Moreover, as we will see in the following discussions, it also increased the salience of peacekeeping or crisis management in Finland. As mentioned above, ‘grand strategy’ documents set constraints on subsequent policy choices - participation in individual operations included - while amendments of crisis management legislation showed the unwillingness of the parliament to leave the total control of such matters to the executive and its desire of greater involvement. This desire brought to “an expansion of actors and audiences engaged in monitoring crisis management”,

²¹⁶ Dieterich, S., Hummel, H. and Marschall, S., *Parliamentary war powers: a survey of 25 European parliaments*, Geneva Centre for the Democratic Control of Armed Forces, Occasional Paper no. 21, Geneva: DCAF, 2010. Whether this obligation to consult the Eduskunta amounts to a veto is not exactly clear: “Consultation of the Foreign Affairs Committee (FAC) or the plenary corresponds to the right of approval of the government’s proposal. Thus, without the consent of parliament Finnish forces would not be sent abroad”. The FAC or the plenary have so far not rejected the government’s proposals for participation.

²¹⁷ An amendment from 2015 streamlined the procedures through delegating more powers to the government and the Ministry of Defence, especially regarding minor personnel changes to the operations. The Left Alliance was the only party against the reform. See Laki sotilaallisesta kriisinhallinnasta annetun lain muuttamisesta (576/2015).

prevalently through parliamentary involvement where debates were not limited to a small circle of MPs.

Table 2.6 The timeline of Eduskunta involvement in foreign and security policy and crisis management

The Cold War period	Finland contributes actively to UN operations, with peacekeeping a politically important issue.	Following contestation related to participation in UNFICYP, the Eduskunta becomes involved in decision-making about peacekeeping, but foreign and security policy was the exclusive domain of the president.
The 1990s	Changes in the security context resulting in amended national peacekeeping legislation (1995).	Constitutional change empowers the Eduskunta which also gains stronger rights in troop deployments. Stronger parliamentary participation rights are facilitated by politicised debates about legislative changes and Finland's participation in individual operations.
Early 2000s	Further changes in legislation (2000, 2006) towards crisis management and away from UN mandate.	Further consolidation of the legal rights of the Eduskunta, with particularly NATO-led missions dividing opinions in the parliament.
2006-	The legal rights and procedures for parliamentary scrutiny of crisis management are well established.	Crisis management subject to regular scrutiny in the legislature. Broader cross-party consensus about the rules and the operations.

UN: United Nations; NATO: North Atlantic Treaty Organization; UNFICYP: United Nations Forces in Cyprus.

Source: Raunio, T., *Parliament as an arena for politicisation: The Finnish Eduskunta and crisis management operations*, The British Journal of Politics and International Relations, Vol. 20(1), 2018, p. 172.

2.3.5 Scrutiny, debates and questions in foreign and security policy

Legislatures can benefit of the same toolkit used in other policy areas for exercise their scrutiny in foreign affairs. This includes committee scrutiny, plenary debates and votes and parliamentary questions, with legislatures or single MPs also engaging in direct contacts with ministers, civil servants and other stakeholders and with interparliamentary organs or foreign actors²¹⁸.

²¹⁸ Raunio, T., *Refusing to be Sidelined: The Engagement of the Finnish Eduskunta in Foreign Affairs*, Scandinavian Political Studies, Vol. 39 – No. 4, 2016, pp. 312-332: “Apart from EU-related inter-parliamentary cooperation, the Eduskunta sends delegations to various international parliamentary assemblies. The Eduskunta also has informal

Overall, in Finland consensus on security policy has traditionally been strong. The post-Cold War era opened the way to three main inter-related foreign policy debates: Russia, CFSP/CSDP, and crisis management²¹⁹. As we briefly introduced above, starting from this period the number and intensity of debates about foreign and security policy increased significantly, marking also a discrepancy between political parties. In general, questions related to national security and defence remain very delicate and salient and are often raised by left-wing parties. While parliamentary culture in foreign and security policy remains quite consensual, the left-right cleavage - already traceable during the Cold war - has become more pronounced serving thus as a starting point for ongoing discussions. The ideological division appears clear, with centre-left parties (Social Democrats, Left Alliance, Green League) emphasising a more comprehensive or broader approach to foreign affairs, including human rights and development policy, and centre-right parties (National Coalition, the Centre, Swedish People's Party) showing their disagreement with the cuts to defence spending and support to the development of closer links with NATO.

In multi-party cabinets, coalition partners are likely to mature different preferences also regarding foreign policy, and this can certainly apply to heterogeneous Finnish governments. As an example, in the 2011–15 electoral term, Finland was governed by a 'six-pack' coalition puzzling together six parties, including the most right-wing and left-wing parties in the Eduskunta²²⁰, with the latter widely interested in curbing executive autonomy in security policy. However, coalition partners can leverage parliamentary committees for 'keeping tabs' on one another²²¹, and this logic could with no limitations extend to foreign affairs.

Turning to crisis management, it is acknowledged that the operations in which Finland is engaged have no immediate impact on national security, mainly considering that: the number of Finnish troops sent abroad is low; their tasks mainly relate to the 'peacekeeping' or civilian side of

cooperation or friendship groups in foreign affairs: the former focus on particular topics such as globalization, whereas the latter have brought MPs together with parliaments of over 50 individual countries. The Foreign Affairs Committee makes roughly four trips abroad per year”.

²¹⁹ Raunio, T., *Refusing to be sidelined: the engagement of the Finnish Eduskunta in Foreign Affairs*. Scandinavian Political Studies 39(4), 2016, pp. 312–332.

²²⁰ The cabinet was reduced to four parties towards the end of the term after the exits of the Left Alliance over economic policy and the Greens over nuclear energy in 2014.

²²¹ Martin, L. W. and Vanberg, G., *Parliaments and Coalitions: The Role of Legislative Institutions in Multiparty Governance*, Oxford: Oxford University Press, 2011.

missions; the operations are carried out far beyond national borders. As a consequence, debates and contestations maintain a low degree of intensity.

Generally, contestations on missions coordinated by the UN or EU are not very frequent. An explanation to this trend can be found in the position taken by Finland in favour of the initiative to develop a crisis management capacity of the Union, which consequently influenced and directed national debates and changes to crisis management legislation towards the need to act jointly with the other EU member states²²². On the other hand, operations led by NATO tend to generate more disagreement than the above-mentioned missions. Since Finland signed the Partnership for Peace in 1994, public opinion on actual NATO membership has remained rather stable, never overpassing the 30%. Among political parties, NATO membership is sustained only by the conservative National Coalition which, though, does not campaign actively on the issue. If we consider the electorates, we can observe a clear left-right divide (*Table 2.7*) with stronger support for NATO membership in the National Coalition and the Swedish People's Party, below 30% in all the other parties and lower support in the Left Alliance, whose ratings reach less than 10%.

Table 2.7 Support for NATO membership among voters of political parties.

	2003	2007	2011	2015
Social Democratic Party (SDP)	19.1	18.8	18	15.7
Centre Party (KESK)	11.1	21.1	7.8	27.7
National Coalition (KOK)	35.3	61.6	48.6	66
Swedish People's Party (RKP)		36.1	31.6	87.5
Christian Democrats (KD)	2.7	19.2	22.2	25
Green League (VIHR)	10.2	20.5	7.5	19.7
Left Alliance (VAS)	7.2	7.5	7.8	9.5
The Finns Party (PS)	12.5	16	14.8	36.6

Source: Finnish National Election Study (FNES).

From the data we can clearly affirm that left-wing parties and their electorates are more sceptical of developing links with NATO and of use of force in general, more critical against changes to peacekeeping legislation and NATO-led operations and, finally, more supportive of an enlargement of parliamentary participation rights.

²²² Palosaari, T., *The Art of Adaptation: A Study on the Europeanization of Finland's Foreign and Security Policy*. Tampere: TAPRI Studies in Peace and Conflict Research, 2011.

In 1995, 1997, 2001, 2004, 2009, and 2012 the government published six reports on security and defence policy and a specific one aimed at boosting crisis management and humanitarian aid capabilities, came out in 1996. The parliamentary debates which followed the reports of 1995, 1996, and 1997 were mainly focused on non-alignment and changes to peacekeeping legislation. The Centre Party and the Christian Democrats stressed their refusal of changes to the status quo, while, other parties, with the exception of the leftists, were in favour of relaxing the requirements for participation in international operations. In fact, the Left Alliance participated in the debates emphasising traditional forms of peacekeeping, including UN authorisation, and the civilian side of the missions. On the other hand, reports and related parliamentary debates since the turn of the millennium were less focused on crisis management, dealing instead with the credibility of territorial defence, non-alignment, NATO, and the Ottawa Mine Ban Treaty, which produced heated debates in the plenary and in committees due to the long joining process (concluded in 2011). An exception was the 2004 report which considered mainly issues as the development of EU's crisis management and rapid reaction forces. In 2009, the Left Alliance fought for the prioritisation of civilian crisis management ahead of military crisis management. Finally, in the dispatch debate of the 2016 report, the term 'crisis management' appeared only 10 times in 108 speeches, with most of the speakers only recognising participation in crisis management an important element of Finland's foreign policy.

For what concerns individual operations, we have to keep in mind that the Eduskunta does not process operations where the contribution of Finland is very limited²²³. Individual operations and crisis management laws as a whole can be the topic of various plenary debates and oral or written questions with the former attracting less debate and politicisation than the latter and, to a certain extent, also than 'grand strategy' documents. However, initial deployment debates are treated as the most important and also the ones concerning the operation itself. Taking into account expert hearings, the number of individuals heard by FAC and DEFC is almost the same between laws and operations. But, when scrutinising individual operations, the aforementioned committees generally do not hear representatives of non-governmental organisations, thus suggesting the higher salience of crisis management laws and 'grand strategy' documents. As we said few lines above, the NATO-led missions are the mostly debated among different operations. Many times these debates can become

²²³ United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) (1996–1998), United Nations Mission of Observers in Prevlaka (UNMOP) (1996–2002), United Nations Mission in Kosovo (UNMIK) (1999), United Nations Mission in Ethiopia and Eritrea (UNMEE) (2000–), United Nations Mission in Liberia (UNMIL) (2003–), United Nations Mission in South Sudan (UNMISS) (2005), United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) (2013–), EUFOR RD Congo (2006) and EUTM Somalia (2010).

heated, as in the case of Afghanistan²²⁴, and concern about the nature of operations, the safety of Finnish personnel and the departure from UN mandate. Intensive debates also followed the participation in KFOR in 1999 and the NATO bombing of Yugoslavia. Differently, missions carried out by UN or EU enjoy wider cross-party consensus, although some of them were more contested than others, such as United Nations Interim Force in Lebanon (UNIFIL) or EUNAVFOR Atalanta²²⁵.

Among political parties, the National Coalition in particular, the Swedish People's Party, the Social Democrats, and (after initial hesitance) also the Centre Party manifested their relatively active support to the operations, including those led by NATO. Again, the party who opposed sharply was the Left Alliance, the only party represented in the Eduskunta that has consistently criticised the range of operations moving away from UN mandates and traditional peacekeeping. The leftist party is also remembered as the major advocate of parliamentary rights, particularly the right of the Eduskunta to receive sufficient and punctual information from the government.

Coming to real numbers, foreign policy questions accounted for 7% of all oral questions (41 out of 569) in the 2011–15 electoral term, with half of them centred on bilateral relations. The other half referred especially to defence and crisis management and International Organisations and treaties. Looking at written questions, foreign policy questions make up only 2% of all questions (88 out of 4,047) issued during the same time period (2011-15), with bilateral relations confirmed as the most discussed topic, followed by International Organisations and treaties, EU external relations, and defence and crisis management. Of the questions on bilateral relations, many were dealing with the issue of Russia and Ukraine²²⁶. Since 1990s, no interpellations – which are always followed by a vote of confidence - have focused on foreign affairs.

Table 2.8 presents an examination of FAC minutes from 2011-15 (369 in total) in which emerges a clear dominance of EU items in the committee agenda: almost half of all agenda items (51,631) deal with EU/CFSP or EU's external relations, while other matters, notably defence and crisis management, include EU-related topics. Bilateral relations, on the other hand, cover a marginal

²²⁴ Salenius-Pasternak, C., *Kriisinhallinnan Rajamailla: Kansanedustajat varauksellisia Afganistanin operaation nykytilanteesta*, The Finnish Institute of International Affairs Briefing Paper 64, 5 October, Helsinki: The Finnish Institute of International Affairs, 2010.

²²⁵ Raunio, T., *Refusing to be sidelined: the engagement of the Finnish Eduskunta in Foreign Affairs*. *Scandinavian Political Studies* 39(4), 2016, pp. 312–332.

²²⁶ Raunio, T., *Refusing to be Sidelined: The Engagement of the Finnish Eduskunta in Foreign Affairs*, *Scandinavian Political Studies*, Vol. 39 – No. 4, 2016, pp. 312-332.

role, they are almost absent in the committee agenda or come up in the context of EU issues. The frequent presence of EU's foreign policy and external relations matters in the agenda is linked to, or has indeed 'spilled over' from, the Eduskunta EU scrutiny system which is committee-based and mandate-based. EU matters are thus processed by committees and the ministers are, indeed, 'mandated' either in the Grand Committee (the EAC) or in FAC, with the latter hearing ministers before and after the Foreign Affairs Council and the European Council on CFSP issues²²⁷. FAC is thus actively involved in matters relating to EU's foreign policy and external relations holding regular meetings (normally four times a week) and enjoying good access to information.

Table 2.8 FAC Minutes, 2011–15

	2011	2012	2013	2014	Total	%
EU external relations	51.5	67.5	50	118.5	287.5	17.6
EU foreign policy decision making	87	134.5	130.5	136	488	29.9
Nordic cooperation	3	9	6	18.5	36.5	2.2
Defence and crisis management	36.5	61	107	146.5	351	21.5
International organisations and treaties	24.5	41	43	50	158.5	9.7
National foreign policy	24.5	42.5	57.5	80	204.5	12.5
Bilateral relations	7	42.5	22	33.5	105	6.4
Total	234	398	416	583	1,631	100.0

Source: Raunio, T., *Refusing to be Sidelined: The Engagement of the Finnish Eduskunta in Foreign Affairs*, Scandinavian Political Studies, Vol. 39 – No. 4, 2016, p. 322.

Of the total number of statements produced by the FAC between 2011-15 (527), roughly two-thirds were about defence and crisis management and national foreign policy, with the last including several statements on annual national budgets. On the same wave, reports issued in the same time frame (549), even if more evenly distributed, again featured defence and crisis management and EU external relations as central topics, making up half of all reports²²⁸.

One last standpoint is the common practice of Eduskunta committees to arrive to unanimous decisions without voting, but, at the same time, allowing individual MPs or the losing minority to add

²²⁷ Raunio, T., *The Finnish Eduskunta and EU: The Strengths and Weaknesses of a Mandating System*, in Heffler, C. et al., eds, *The Palgrave Handbook of National Parliaments and the European Union*, Basingstoke: Palgrave Macmillan, 2015.

²²⁸ Raunio, T., *Refusing to be Sidelined: The Engagement of the Finnish Eduskunta in Foreign Affairs*, Scandinavian Political Studies, Vol. 39 – No. 4, 2016, pp. 312-332.

their dissenting view to committee reports, statements or minutes. The number of such dissenting opinions has increased since 2000s. Today, on average, one committee report or statement over five contains a dissenting view²²⁹. Indeed, as we already mentioned, the outbreak of the euro crisis and the 2011 Eduskunta elections were the causes of a less consensual parliamentary scrutiny.

FAC documents did not show such levels of contestation in foreign affairs. To confirm this statement, analysis of FAC committee minutes from the 2011–15 period present no dissenting opinions. However, FAC voted five times during that period, with all votes demanded by the Finns Party. Considering statements and reports, six out of 27 statements (22% of the total) had a dissenting opinion all of them signed by Finns Party MPs and four out of 49 reports (8%) included a dissenting opinion ('objections'), three of which signed by the Finns Party and one by the Swedish People's Party. The majority of dissenting opinions issued by the Finns Party were connected to national foreign and security policy and marked a criticism towards development policy. Indeed, the party expressed preoccupations about both credible national defence and the lack of independent foreign policy. Finally, the analysis on expert hearings, conducted in order to compare the FAC with other standing committees and examine the interaction with civil society and other extra-parliamentary actors, confirmed that FAC hears expert witnesses to the same extent as other committees. As a matter of fact, data collected from 2013 showed that the committee active in the field of foreign and security policy consulted 11.3 experts per legislative document, while the average for Eduskunta's committees was 9.5²³⁰.

In conclusion, as remarked many times in this work, the design of EU scrutiny model of the Eduskunta features two central elements: committees and strong information rights. The observations we made in this section confirm how parliamentary adaptation or development is often path-dependent, as in the case of Eduskunta. We can thus detect for foreign policy matters a similar scrutiny as the one used for domestic or EU issues, with the Foreign Affairs Committee also hearing external witnesses to the same extent as other sectoral committees. Similarly to other policy realms, Finnish parliament maintains an active involvement also in foreign affairs, seeking to make most of its recently acquired constitutional powers.

²²⁹ Mattila, M., *Valiokuntalaitos*, in Raunio, T. & Wiberg, M., eds, *Eduskunta: Kansanvaltaa puolueiden ja hallituksen ehdoilla*, Helsinki: Gaudeamus, 2014.

²³⁰ Raunio, T., *Refusing to be Sidelined: The Engagement of the Finnish Eduskunta in Foreign Affairs*, *Scandinavian Political Studies*, Vol. 39 – No. 4, 2016, pp. 312-332.

CHAPTER THREE: THE FACETS OF THE NORDIC MODEL IN EU - A COMPARATIVE PERSPECTIVE

3.1 AN OVERVIEW OF THE NORDIC MODEL

The Nordic model, also known as the Swedish model, is a structure of political culture and democracy which unites the Nordic countries²³¹, characterised by a combination of two elements: consensus and openness. The first element, consensus, finds its origin in a historically stable, well-rooted system of democracy, distinguished by its undramatic style of policy making, where pragmatism is the tool used to solve disputes and conflicts and compromise and mutual agreement are preferred instead of zero-sum games and a winner-take-all attitude²³². These characteristics led to the forging of a consensual democracy²³³, sometimes also called ‘democratic corporatism’²³⁴, in which social and economic well-being are the prominent features used to describe Nordic political culture, history, and society²³⁵. Sweden, in particular, has been known for its model of consensus-oriented, open, rational, and deliberative policy making since the 1960s.

On the other hand, openness results in clear connection with transparency, accountability, and accessibility of public decision making that insistently belongs to the image of the Nordic model of society²³⁶. From a broader historical perspective, this results from the mutual interaction between the state and the rest of the society. As we will analyse in a while, the Nordic state has always demonstrated a strong openness towards its people and has allowed wide participation by societal interest groups in the drafting of public policies. In Lester M. Salamon’s and Helmut K. Anheier’s comparative work on the social origins of civil society, the Nordic model appears shaped by a high

²³¹ Sweden, Finland, Denmark, Iceland and Norway.

²³² Rainio-Niemi, J., *A Nordic Paradox of Openness and Consensus? The Case of Finland* in Gotz, N. and Marklund, C., *The Paradox of Openness: Transparency and Participation in Nordic Cultures of Consensus*, Brill Academic Pub, Leiden, 2014, pp. 27-49.

²³³ Arter, D., *Politics and Policy-Making in Finland: A Study of a Small Democracy in a West European Outpost*. Basingstoke, UK: Palgrave Macmillan, 1987.

²³⁴ Katzenstein, P. J., *Small States in World Markets: Industrial Policy in Europe*, Ithaca: Cornell University Press, 1985.

²³⁵ Sørensen, Ø. and Stråt, B., eds. *The Cultural Construction of Norden*, Oslo: Scandinavian University Press, 1997.

²³⁶ Erkkilä, T., *Government Transparency: Impacts and Unintended Consequences*, Basingstoke: Palgrave Macmillan, 2012.

degree of responsiveness by the state and a high level of citizens' participation and incorporation into state structures through societal organisations and voluntary associations²³⁷.

3.1.1 The Nordic model and its features: the state-society relationship

The key to understand the Nordic model as a combination of consensus and openness is to focus on two fundamental aspects: the state–society relationship (and the derived traditions of state-centredness and inclusiveness); and the central role of committees, emerged from the state committees (det statliga kommittéväsendet, valtion komitealaitos). It is also possible to talk about 'pan-Nordic elements'²³⁸ in history, which flowed from a Nordic country to another. An example which we can lay down is the path of state-building and societal formation which shaped Sweden's history and appears entirely applicable also to Finland. Indeed, the territories of Finland were integral parts of the Kingdom of Sweden until 1809 and legacies from the Swedish era were cultivated in the years 1809 to 1917, when Finland enjoyed an autonomous status within the Russian Empire. As a result, Finland's political culture was distinctively Nordic, but incorporating elements of the multinational imperial rule as well. These elements merged together thus created a political culture which makes it difficult to categorise Finland²³⁹.

So, as we said, one of the central features of Nordic political culture is the state-society relationship. This relationship presupposes "a strong state and a strong society that have merged to form a mutually reinforcing whole"²⁴⁰. In order to further understand this relation and the way in which both entities become strong within it, Michael Mann's distinguishes between infrastructural and despotic power. While despotic power refers to the range of actions that elites are empowered to undertake without conducting institutionalised negotiation with civil society groups, infrastructural power refers to the state's capacity to implement policies and engage societal groups in that policy making. This last kind of power requires a continuous access by the state to social, economic and ideological sources of power embedded in societal networks. In order to achieve this access, it is necessary the approval and legitimacy of the state's agency by the societal groups. In the short run, a

²³⁷ Salamon, L.M. and Anheier, H.K., *Social Origins of Civil Society: Explaining the Nonprofit Sector Cross-Nationally*, VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations 9, 1998, pp. 213–248.

²³⁸ Stenius, H., *Nordic Associational Life in a European and an Inter-Nordic Perspective* in *Nordic Associations in a European Perspective*, edited by Alapuro, R. and Stenius, H., Baden-Baden: Nomos, 2010, pp. 29-86.

²³⁹ Alapuro, R., *What is Western and What is Eastern in Finland?*, Thesis Eleven, 77 (1), 2004, pp. 85-101.

²⁴⁰ Lange, M. and Rueschemeyer, D., *States and Development: Historical Antecedents of Stagnation and Advance*, New York: Palgrave Macmillan, 2005.

strong and autonomous state may escape from any societal, democratic or parliamentary control, but the long run findings prove a higher level of success in establishing continuity and stability in regimes which preserve and act in coordination with society. According to these two definitions, despotic power is power ‘over society’ and infrastructural power is power ‘through society’²⁴¹.

In Nordic countries, examples of centralised state structures emerged early and vehemently with reference to the Lutheran Reformation, in order to add legitimacy to the new rule and raise the public support of landowning peasants against the resistance of the nobility or the Catholic Church. Denmark was marked by the emergence of the protestant ‘Grundtvigianism’, the communal values of labour movement which served as the ideational base for an approach to policy making as a combination of classical liberalism and egalitarianism. Liberal egalitarianism means that the Danish state needed to fulfil its tasks as provider of the basic needs of the Danish people, including security, which had failed in 1864²⁴². Indeed, the state, among its various roles, stands as defender of the interests and values of its people. This finds evidence in Denmark’s selective EU engagement which focus more on what is in the Danish interest than in the European²⁴³. A second lesson learned from the 1864 is that the state elite needs to be accountable to the people that it serves and represents, fulfilled in EU policy making with Danish tradition of strong parliamentary control on the government and a wide use of referendums for major policy decisions and treaties regarding the EU. Finally, the last lesson of the defeat - which strengthened nationalist sentiments of the time - taught the Danish that what was lost externally, should be won domestically (‘hvad udad tabes, det må indad vindes’) leading to a political discourse which emphasises self-reliance and the needs of domestic society. These lessons and Denmark’s political and historical traditions helped the born of one of the most effective and least corrupt civil services in Europe and the world, therefore, well suited to enter into negotiations at the EU-level serving Danish interests as defined by political decision-makers²⁴⁴.

In the Kingdom of Sweden, Reformation spread from the above through a violent revolution, rising the power of the local clergy loyal to the King. This new church was closer to common people

²⁴¹ Mann, M., *The Sources of Social Power*. Vol. 1: *The History of Power from the Beginning to a.d. 1760*, Cambridge: Cambridge University Press, 1986.

²⁴² The Danish defeat to Prussia and Austria, when Denmark lost the three duchies of Schleswig, Holstein and Lauenburg, a third of its territory.

²⁴³ Wivel, A., *As Awkward as They Need to Be: Denmark’s Pragmatic Activist Approach to Europe in Nordic States and European Integration*, Palgrave Studies in European Union Politics, 2018, pp. 13-34.

²⁴⁴ Wivel, A., *As Awkward as They Need to Be: Denmark’s Pragmatic Activist Approach to Europe in Nordic States and European Integration*, Palgrave Studies in European Union Politics, 2018, pp. 13-34.

for three main reasons: the use of national languages; the provision of basic education in reading and writing; and the organisation of social welfare in local communities. In exchange, loyal groups, independent peasants and the clergy were given more opportunities to participate in the discussion of public matters and reunions and the peasants' position in the four-estate diet was improved. The consequences were the fusion of sacral and secular authorities and a close, loyal relationship between the central state - the King - and the self-governing communal power holders - the Lutheran clergy and the peasantry²⁴⁵. The democratic culture and civic engagement of Sweden, in particular, and of Nordic societies, in general, emerged from this sense of agency and responsibility that fell upon such groups. The double relation of the state towards its active civil society (people and associations), characterised by a simultaneous openness and control, also served as a pacifying strategy to avoid conflicts and opposition and evolved by the bonds of mutually beneficial exchanges²⁴⁶. This pattern was also reflected in the democratisation process and popular mobilisation of Nordic societies of the XIX century, when, instead of opposing to the state, voluntary associations cooperated with it in order to advance the common good.

To preserve a close relationship between the state and civil society, solid mechanisms and channels of intermediation between the two²⁴⁷ are indispensable. Nordic political cultures have traditionally been rich in such formal or informal networks and mechanisms, from the strategic alliances between the King, the clergy and the peasants, to the popular movements of the XIX century and the neo-corporatist structures of the post-war welfare states, providing the basis for consensus and accessible governance. Consensus-seeking, one of the central elements of Nordic political culture, has been shaped through the routinised engagement of relevant groups of the society and the firm control over procedures and participants, again, through a sort of regulated openness.

3.1.2 The Nordic model and its features: the state committee

A particular consideration should be given to the operational level of the networks of interaction, intermediation and legitimacy-building which bond state actors and other societal actors.

²⁴⁵ Rokkan, S., *State Formation, Nation-Building, and Mass Politics in Europe: The Theory of Stein Rokkan*, Oxford University Press, 1999, p.164.

²⁴⁶ Wivel, A., *As Awkward as They Need to Be: Denmark's Pragmatic Activist Approach to Europe in Nordic States and European Integration*, Palgrave Studies in European Union Politics, 2018, pp. 13-34.

²⁴⁷ Alapuro, R., *Introduction: Comparative Approaches to Associations and Civil Society in Nordic Countries in Nordic Associations in a European Perspective*, edited by Alapuro, R. and Stenius, H., Baden-Baden: Nomos, 2010, pp. 11-28.

In this sense, we should now focus on the state committee, a key institution in the history of governance and policy making in both Sweden and Finland, which provides a concrete illustration of the Nordic model of state–society relationship. The state committees were one of the main actors in the project of state-building occurred in the Kingdom of Sweden and in Finland between the XVI and XVII centuries. Indeed, one or more committees of this type were commonly involved in major public policy reforms in Sweden and Finland until the 1990s²⁴⁸. State committees are typically appointed by the government or by a Ministry to investigate topics of public interest. However, in modern society they cover almost all possible issues of public policy. They are also committed to prepare government bills for parliament, conducting thus a separate work from parliament’s committees. Generally, their policy recommendations have usually been accepted by policy makers with either few or no modifications. While, disagreements within the committees have acquired a fundamental status and have often led to major public debates²⁴⁹.

Despite their central role in the preparation of bills and statutes, state committees have always operated outside formal ministerial and administrative hierarchies and, over the years, they prevalently converted into meeting places where state authorities and representatives of civil society could gather and discuss²⁵⁰. They constituted thus the main intermediaries between the state and civil society and contributed to strengthen the channels of participations, increasing the general level of civic participation. In conclusion, it is clear how state committees settled the basis for the development of Nordic associational life.

From a government perspective, the incorporation and the pre-involvement of key societal actors (representatives of various associations and interest groups) increased the accuracy of policies and the prospects of their smooth implementation, as well as it helped the timely resolution of emerging conflicts. State committees are therefore the image of many virtuous qualities of the ‘Nordic model of governance’ and embody a case for ‘regulated’ openness serving the purposes of consensus-

²⁴⁸ Rainio-Niemi, J., *Small State Cultures of Consensus: State Traditions and Consensus-Seeking in the Neo-Corporatist and Neutrality Policies in Post-1945 Austria and Finland*, 2008.

²⁴⁹ Helander, V. and Johansson, J., *Det statliga kommittéväsendet: En jämförelse mellan Sverige och Finland [The state committee system: A comparison of Sweden and Finland]*, Turku: Åbo Akademi, 1998.

²⁵⁰ Rainio-Niemi, J., *State Committees in Finland in Historical Comparative Perspective* Alapuro, R. and Stenius, H. (eds), *Nordic Associations in a European Perspective*, European Civil Society, vol. 8, Nomos, Baden-Baden, 2010, pp. 241-268.

building and effective governance²⁵¹. They are a clear example of the “rigid, but effective practices of inclusion”²⁵² indispensable for the “weak notions of opposition”²⁵³ that characterise Nordic political cultures.

As mentioned above, after World War II, in Sweden and Finland the welfare state was shaping up. State committees were widely helpful to reach the compromises that welfare state’s policies required, and their usage increased rapidly together with neo-corporatist tendencies. In Sweden, committees had been a location for corporatist policy making since the 1920s, while in Finland, where the construction of both the welfare state and the gears of ‘democratic corporatism’²⁵⁴ was concluded late, the state committees were an even more crucial locus for cooperation both before the outbreak of neo-corporatism in the late 1960s and after.

However, even if the coexistence of consensus and openness and the state-society relation rooted in the Nordic model apparently look unproblematic, a critical debate and challenges have emerged more recently within Nordic countries and from the outside. Modern criticism has painted consensus as a virtual opposite of openness, remarking how the two concepts have started to point in contradictory directions²⁵⁵. Indeed, the former has acquired over time the reputation of synonymous of ‘bargaining among elites behind closed doors’, outside parliament and the democratic processes, becoming thus unresponsive to the needs of common people and detrimental to dynamics of civic democracy. Furthermore, other points of rupture have been the trends of globalisation and European integration which over the course of the past twenty-five years have contributed to dissolve the concept of nation-state into its components – the state and the nation - reshaping the context in which

²⁵¹ Rainio-Niemi, J., *A Nordic Paradox of Openness and Consensus? The Case of Finland* in Gotz, N. and Marklund, C., *The Paradox of Openness: Transparency and Participation in Nordic Cultures of Consensus*, Brill Academic Pub, Leiden, 2014, pp. 27-49.

²⁵² Stenius, H., *Nordic Associational Life in a European and an Inter-Nordic Perspective* in *Nordic Associations in a European Perspective*, edited by Risto Alapuro and Henrik Stenius, Baden-Baden: Nomos, 2010, pp. 29-86.

²⁵³ Wivel, A., *As Awkward as They Need to Be: Denmark’s Pragmatic Activist Approach to Europe* in *Nordic States and European Integration*, Palgrave Studies in European Union Politics, 2018, pp. 13-34.

²⁵⁴ Katzenstein, Peter J. *Small States in World Markets: Industrial Policy in Europe*. Ithaca; London: Cornell University Press, 1985.

²⁵⁵ Rainio-Niemi, J., *A Nordic Paradox of Openness and Consensus? The Case of Finland* in Gotz, N. and Marklund, C., *The Paradox of Openness: Transparency and Participation in Nordic Cultures of Consensus*, Brill Academic Pub, Leiden, 2014, pp. 27-49.

traditions of state-centredness and national inclusiveness have operated and, thus, the Nordic model of governance.

These transformations have influenced the mechanisms of policy preparation in particular. Moreover, other consequences were the emergence of a new boundary zone between national and European administration and the de-institutionalisation of the state committees in the mid-1990s. The number of committees at work diminished annually from the hundreds counted in 1960s and 1970s, to the forty-seven of the first 1990s, the six at the end of the decade²⁵⁶ and arriving to the repelling of the state committee statute in 2002. The dissolution of the central role of the state committee reflects the dissolution of a well-established channel of participation for organised groups in the society. The institution was substituted by new forms of policy preparation which include consultation with groups and associations, such as public hearings and comments on draft proposals, but characterised by looser connections, less systematic, and less transparent²⁵⁷. On the other hand, the political rhetoric was still calling for national consensus in order to ensure that Finland, as well Sweden, Denmark and the other Nordic countries, survive in the face of external pressures, not only economic ones.

3.1.3 Awkward partners in the European Union

The term 'awkward' was used for the first time in EU studies by Stephen George to encapsulate UK's relationship with European integration - in general - and the EU - in particular²⁵⁸. However, UK is not the only awkward state in relation to European integration. Indeed, the EU features other members sit outside the policy mainstream with opt-outs, such as Denmark - which refused the Economic and Monetary Union - and many more.

Nordic countries share among them a common political history. Since 1952 they have collaborated politically in the Nordic Council²⁵⁹ while Finland, even though she played an active part

²⁵⁶ Helander, V. and Johansson, J., *Det statliga kommittéväsendet: En jämförelse mellan Sverige och Finland* [The state committee system: A comparison of Sweden and Finland], Turku: Åbo Akademi, 1998, pp. 246-48.

²⁵⁷ Rainio-Niemi, J., *A Nordic Paradox of Openness and Consensus? The Case of Finland* in Gotz, N. and Marklund, C., *The Paradox of Openness: Transparency and Participation in Nordic Cultures of Consensus*, Brill Academic Pub, Leiden, 2014, pp. 27-49.

²⁵⁸ George, S., *An Awkward Partner: Britain in the European Community*, 3rd ed. Oxford: Oxford University Press, 1998.

²⁵⁹ Other members of the Nordic Council are the autonomous areas Faeroe Islands (since 1970), Åland Island (since 1970), and Greenland (since 1984).

in the Council's creation, became an official member only in 1955²⁶⁰. Within this institutional entity, aimed at fostering Scandinavian co-operation, states collaborate in a wide range of policy areas such as environment, culture, and defence. Facilitate the exchange of information and provide a forum for debate and consultation in economic spheres were the major reasons for the establishment of the Nordic Council. One of the proposals made during its first meeting was the abolition of all travel hindrances among member states. This suggestion, later adopted, would have wiped out all customs barriers and removed all boundary check points. Moreover, to keep in mind is also the far-reaching agreement of the Nordic Council in the social welfare field signed in 1955 by the Scandinavian ministers of social welfare, permitting the interchange of social security benefits among the citizens of all Nordic countries. Although the Council is an all-Scandinavian organisation, its existence has not precluded the promotion of a greater all-European unity. Mr. Hans Hedtoft, the Council's first president, stated that "by working in close co-operation with the North we can better serve the larger unities. Indeed, we truly believe that the development of regional units like our Northern group is a *sine qua non* for reaching the goal of inter-European and international endeavour meeting"²⁶¹. However, the Council has not succeeded in furthering cooperation in matters dealing with the question of national political independence, as it happened for the adoption of a common market plan²⁶². Moreover, the relevance of these collaborations has been reduced over time given, for instance, the changed geopolitical security situation following the collapse of the Soviet Union and the membership in the European Union of three of the former members of the Council.

Besides the sub-regional integration and cooperation within the Nordic Council, the Nordic region has other interesting ('awkward') features to explore such as its distinctive socio-economic model (welfare state²⁶³) and the scepticism of Nordic elites and electorates towards supranational

²⁶⁰ Dolan, P., *The Nordic Council*, The Western Political Quarterly, 12(2), 1959, pp. 511-526: "Russia's occupation of parts of Finland served to delay Finnish acceptance of the Statute. With the withdrawal of the Russians from Porkkala naval base, in 1955, the Finns felt they could join the Council".

²⁶¹ Dolan, P., *The Nordic Council*, The Western Political Quarterly, 12(2), 1959, pp. 511-526.

²⁶² Dolan, P., *The Nordic Council*, The Western Political Quarterly, 12(2), 1959, pp. 511-526: "The general suggestions discussed during the Copenhagen meeting in 1956 were: (1) to reduce tariff barriers wherever practicable throughout the Nordic countries; (2) to establish a customs union vis-a-vis the rest of world; and (3) to work closely with other European organizations having their aim the general reduction of tariff barriers throughout Europe".

²⁶³ Veggeland, N. and Researchers, *The Current Nordic Welfare State Model*, 2016: Typical for this model was that it favoured extensive state intervention to achieve full employment and social redistribution. It aimed at maintaining effective demand not only by economic intervention but also by regulation for social equality and fairness. Strong employee and trade unions were part of this model.

arrangements - Nordic or not - that would limit national autonomy²⁶⁴. As the history tells us, Scandinavian states have tried to preserve as much as possible their freedom from supranational authority. Between 1970s and 1980s these countries, with the exception of Denmark, rejected the accession in the supranational container of the European Union - at that time European Community (EC) - and refused to cooperate, fearing a possible infringement of national policies. The common belief for a long time was that being Nordic in Europe meant “being a little better off than the rest”²⁶⁵. When the Danes joined the EC in 1973, to gain an active role in European common agricultural policy, they “did so with their purses not their hearts”²⁶⁶. The three EU Member States were all relative latecomers: Denmark joined in 1973, whereas Sweden and Finland joined in 1995. Hence, there are no apparent doubts on why they are defined as ‘reluctant Europeans’²⁶⁷. Another motif of interest is also the fact that two of the five Nordic states have chosen not to join the European Union, nonetheless they decided to participate in a broader European integration process through the European Economic Area (EEA).

For what concerns foreign policy, we should start from the end of Cold War which, as we said before, marked a new era in Scandinavian foreign policy making. Economic globalisation and the new security order required a strategy of integration instead of autonomy, as a consequence, being Nordic no longer meant ‘being above Europe’, but at most ‘being peripheral’²⁶⁸. Former neutrals Sweden and Finland then decided to join the EU, contributed to common initiatives in the security policy field and actively supported the inclusion of the three Baltic states in the first round of EU expansion. Their admission in the EU was not free of many facilitations, especially regarding the structural funds. Indeed, the two Nordic new Member States asked and obtained structural fund support for areas with low population density. It was clear that EU needed them as members to the same extent they needed EU, thus compromises were reached quite easily.

This Nordic like-mindedness was more than successful. The hesitation of Scandinavian people and elites to join the EU integration process resulted in a powerful incentive for their governments to successfully promote their national priorities in Brussels. Moreover, similarity of

²⁶⁴ Arter, D., *Scandinavian Politics Today*, 2nd ed. Manchester: Manchester University Press, 2008.

²⁶⁵ Waever, O., *Nordic nostalgia: northern Europe after the Cold War*, *International Affairs* 68(1), 1992, pp. 77–102.

²⁶⁶ Ingebritsen, C., *The Nordic States and European Unity*, Ithaca, NY: Cornell University Press, 1998.

²⁶⁷ Miljan, T., *The Reluctant Europeans*. London: Hurst, 1977.

²⁶⁸ Waever, O., *Nordic nostalgia: northern Europe after the Cold War*, *International Affairs* 68(1), 1992, pp. 77–102.

policy preferences provided fertile soil for Nordic cooperation in this respect²⁶⁹. States, indeed, are expected to align when it comes to renegotiating their vote share vis-a-vis the larger states in the Council of the EU, particularly since the majority voting rules have become widely used. Analysis by Elgstrom supports the assumption of a Nordic coalition and visible cooperation across different issue areas, whose explanation could be sought either in a common cultural identity or, as the authors noted, in a “shared long-term, issue-specific interests”²⁷⁰.

Differently, when exploring the relationship that the Nordic countries have with the European integration process, a great variation between the five states can be captured. Even those countries members of the EU demonstrate to not follow a common path in their respective adhesion to the whole range of EU policies and law²⁷¹. *Table 3.1* shows the relationship of the countries with the EU, including the Schengen arrangements on visa-free freedom of movement and their involvement with NATO and the Council of Europe.

Table 3.1 Nordic countries in European integration

	<i>EU member</i>	<i>Euro member</i>	<i>Single market</i>	<i>Fiscal stability treaty</i>	<i>Banking union</i>	<i>Schengen</i>	<i>Council of Europe</i>	<i>NATO</i>
Denmark	Y	N	Y	Y	N	Y	Y	Y
Finland	Y	Y	Y	Y	Y	Y	Y	N
Iceland	N	N	Y	N	N	Y	Y	Y
Norway	N	N	Y	N	N	Y	Y	Y
Sweden	Y	N	Y	Y	N	Y	Y	N

Y = yes participating; N = not participating

Source: McCallion, M. S. and Brianson, A., *Nordic States and European Integration: Awkward Partners in the North?*, Palgrave Studies in European Union Politics, Palgrave Mcmillan, 2018, p.7.

²⁶⁹ Selck, T. J. and Kuipers, S., *Shared hesitance, joint success: Denmark, Finland, and Sweden in the European Union policy process*, Journal of European Public Policy, 12:1,2005, pp. 157-176.

²⁷⁰ Elgström, O., Bjurulf, B., Johansson, J. and Sannerstedt, A., *Coalitions in European Union negotiations*, Scandinavian Political Studies 24(2), 2001, pp. 111–28.

²⁷¹ McCallion, M. S. and Brianson, A., *Nordic States and European Integration: Awkward Partners in the North?*, Palgrave Studies in European Union Politics, Palgrave Mcmillan, 2018.

To conclude, one last point should be highlighted and accurately considered when we talk about Nordic countries, being the strong intra-Nordic organisational learning²⁷². Indeed, as we will see in the following discussions, Finnish coordination system was based on lessons learned from Denmark, whereas the Swedish one took inspiration and was legitimised by the changes occurred in Finland. It is possible to remark thus the indissoluble chain of connections which bonds together the EU partners in the North.

3.2 DENMARK: THE FOLKETING

The Danish parliament, the Folketing, is renowned for its influence over Danish European Union (EU) policy²⁷³. In the past years, in Brussels was common the joke according to which “the EU had 13 members – the 12 Member States and the Danish European Affairs Committee”²⁷⁴, used to remark the high level of influence of the Danish Folketing in EU affairs. This reputation of being a ‘strong parliament’ has led the new EU Member States to look to Denmark when deciding how to organise their EU decision-making system. Denmark’s approach to Europe was built on its selective engagement with a focus on defensively preserving ‘bastions’ of national autonomy²⁷⁵. However, with the passing of time, the heyday of Danish EU coordination system has slightly deteriorated and its approach towards the EU has been modified by an increasing acceptance of Europeanisation²⁷⁶ as a fundamental condition for policy making, even in those policy areas affected by Danish opt-outs and occasional activism. Furthermore, along the thirty years of membership, Danish EU coordination system has not changed its features, while the EU system has intensified and ‘extensified’²⁷⁷, covering many (if not the great majority) of policy fields. Within the EU system also the status of the Council

²⁷² Johansson, K. M. And Raunio, T., *Organizing The Core Executive For European Union Affairs: Comparing Finland And Sweden*, Public Administration Vol. 88, No. 3, 2010, Pp. 649–664.

²⁷³ Arter, D., *The Folketing and Denmark’s European Policy: The Case of an Authorising Assembly?*, in Norton, P., ed., *National Parliaments and the European Union*, London: Frank Cass, 1996.

²⁷⁴ Fich, O., *Markedsudvalget-dets styrke og svagheder*, Det udenrigspolitiske magasin 1993/ 1994, pp. 59–69.

²⁷⁵ Miles, L. and Wivel, A., *A smart State Handling a Differentiated Integration Dilemma? Concluding on Denmark in the European Union*, in Miles, L. and Wivel, A., *Denmark and the European Union*, London: Routledge, 2014, pp. 228–238.

²⁷⁶ Wivel, A., *As Awkward as They Need to Be: Denmark’s Pragmatic Activist Approach to Europe in Nordic States and European Integration*, Palgrave Studies in European Union Politics, 2018, pp. 13-34: Even though there are variations across issue areas, e.g. with trade policy being more Europeanized than security policy.

²⁷⁷ Møller Sousa, M., *Learning in Denmark? The Case of Danish Parliamentary Control over European Union Policy*, *Scandinavian Political Studies*, Vol. 31 – No. 4, 2008, pp. 428-447.

has changed, thus the strategy used by Danish parliament to preserve its influence on EU policy focusing exclusively on the Council demonstrated to have partially lost effectiveness.

To continue the overview, since 1953 Danish Parliament has taken the semblance of a unicameral institution. It is made up of 179 members and its electoral system lies on two main principles: first, the election shall be by proportional representation²⁷⁸ to secure equal representation of different opinions in the electorate²⁷⁹; second, when determining the number of seats to be allotted to localities attention must be paid to the number of inhabitants, the number of electors and population density²⁸⁰. These norms allow the access to parliament of a relatively high number, while the electoral system prevents a single party to win the majority. As a consequence, Danish governments are usually minority coalitions made up of two or more parties. One single exception to the model was made since Denmark joined the EEC back in 1973, with the formation of one majority coalition in 1993. The coalition consisted of four parties (Social Democrats, Social Liberals, Centre Democrats and Christian Democrats) but, unfortunately, it lasted for only one year (1993-1994) because the Christian Democrats did not get enough votes to secure their representation at the election in 1994.

Danish Constitution does not indicate any specific parliamentary body or any detailed procedures to follow in order to deal with EU affairs. When it comes to foreign policy, including EU's Common Foreign and Security Policy (CFSP), the constitution bounds the government to consult the Foreign Policy Committee of the Folketing before making any decision of major importance to foreign policy²⁸¹. As art. 20 of the Constitution states: "Powers vested in the authorities of the Realm under this Constitutional Act may, to such extent as shall be provided by statute, be delegated to international authorities set up by mutual agreement with other states for the promotion of international rules of law and cooperation"²⁸². And continues: "The enactment of a Bill dealing with the above, a majority of five-sixths of the members of the Folketing shall be required. If this majority is not obtained, whereas the majority required for the passing of ordinary Bills is obtained,

²⁷⁸ The minimum percentage of votes required for representation is 2%.

²⁷⁹ Constitution of Denmark, Part IV, art. 31(2). Available at:

https://www.constituteproject.org/constitution/Denmark_1953.pdf?lang=en.

²⁸⁰ Constitution of Denmark, Part IV, art. 31(3). Available at:

https://www.constituteproject.org/constitution/Denmark_1953.pdf?lang=en.

²⁸¹ Constitution of Denmark, Part III, art. 19(3). Available at:

https://www.constituteproject.org/constitution/Denmark_1953.pdf?lang=en.

²⁸² Constitution of Denmark, Part III, art. 20(1). Available at:

https://www.constituteproject.org/constitution/Denmark_1953.pdf?lang=en.

and if the Government maintains it, the Bill shall be submitted to the electorate for approval or rejection in accordance with the rules for referenda laid down in section 42”²⁸³.

The central role of referenda on EU issues is thus either recognised by provisions in the Constitutional Act or by political considerations, which led to the adoption of a law on consultative referendum. In practise, Danish constitution requests a majority of five-sixths in the parliament or a simple referendum followed by a confirming referendum to consent the transfer of sovereignty to supranational institutions. But even though not all EU treaty amendments imply transfer of sovereignty²⁸⁴, the government may decide to call for a referendum on the proposal for a treaty amendment.

3.2.1 The accession of Denmark in the EEC

Going back in times, the approaching of Denmark to European integration and its active involvement, considered a ‘politics of necessity’, was directed by three the main factors: economy, security and the informal Danish political culture.

From the economic point of view, Denmark was a small trading nation with an open economy, whose principal export partners were Germany, Sweden and the UK (especially for agricultural exports), and the main import partners were Germany, Sweden and the Netherlands. So, around the 60% of Danish exports and the 70% of Danish imports were traded with EU partners. Secondly, the creation of a security community in the European sphere attracted the interest of Denmark as an essential help to stabilise the country’s security environment and remove some of the most important threats (being Sweden, UK and Germany in the past centuries) to its territorial integrity²⁸⁵. Denmark has also been a convinced defender of values such as peaceful conflict resolution, arms control, human rights and international development, which are well combined with the general EU priorities. Finally, the informal Danish political culture seemed to be highly compatible with the decentralised negotiation culture of the EU, giving to Danish politicians, civil servants and lobbyists the possibility to use the same skills and techniques they use at home for influencing the policy process and technical

²⁸³ Constitution of Denmark, Section 20. Available at:

https://www.constituteproject.org/constitution/Denmark_1953.pdf?lang=en.

²⁸⁴ Like the Amsterdam Treaty.

²⁸⁵ Wivel, A., Grøn, C. and Nedergaard, P., *The Nordic Countries and the European Union: Still the Other European Community?*, 2015.

issues in the EU system. Moreover, European Union would serve as the major focal point for small states to maximize their influence within and beyond Europe²⁸⁶.

Accession to the EU was mainly opposed by organised left-leaning ‘people’s movement’, defender of Danish autonomy. One argument was the potential risk of market integration vis-à-vis the ability to preserve the welfare state and the close links to other Nordic societies. As a counter argument, advocates sustained that, in contrast, Danish membership would provide Denmark with the economic growth necessary for sustaining a welfare state and the opportunity to take on a unique role as bridge-builder between Europe and ‘Norden’²⁸⁷, without undermining the web of relations, coordination and support between the Nordic countries. In fact, the Nordic region took the semblance of ‘the other European Community’²⁸⁸ and some attempts to create a Nordic customs union and a Scandinavian Common Market were advanced²⁸⁹. However, EEC membership was viewed almost exclusively in potential market gains and as the only opportunity for assert Danish interests at the European layer. Opponents and adherents to Danish EU membership then found the right meeting point in a policy of pragmatic scepticism, characterised by selective engagement with a focus on promoting Danish (primarily economic) interests and defending national autonomy²⁹⁰. This compromise was the point of departure for Danish EU policies since 1973.

Ever since Denmark started to consider membership to the European Economic Community a possibility, Danish Parliament advanced the request to exercise control over the government’s EU policy, later institutionalised in 1961. The Folketing appointed then an ad hoc committee – the Market Negotiation Committee – with the task of monitoring negotiations concerning Denmark’s accession

²⁸⁶ Larsen, H., *Analysing the Foreign Policy of Small States in the EU: The Case of Denmark*. Houndmills: Palgrave, 2005.

²⁸⁷ Wivel, A., *As Awkward as They Need to Be: Denmark’s Pragmatic Activist Approach to Europe in Nordic States and European Integration*, Palgrave Studies in European Union Politics, 2018, pp. 13-34.

²⁸⁸ Turner, B. and Nordquist, G., *The Other European Community: Integration and Cooperation in Northern Europe*, Houndmills: Palgrave Macmillan, 1982.

²⁸⁹ The idea of a Nordic customs union was on the agenda simultaneously with Danish applications to EU membership in 1961 and, in particular, in 1967. Negotiations on a Scandinavian common market - the so-called Nordek - had failed in 1968.

²⁹⁰ Wivel, A., *As Awkward as They Need to Be: Denmark’s Pragmatic Activist Approach to Europe in Nordic States and European Integration*, Palgrave Studies in European Union Politics, 2018, pp. 13-34: This has resulted in a dual approach to European integration; selective engagement with the European integration process has served as the baseline for Denmark’s approach to Europe, but been combined with a pragmatic and increasing accept of Europeanisation as a fundamental condition for policy-making, even in policy areas affected by the Danish opt-outs.

to the EEC. The Committee considered the Bill on Denmark's accession to the EEC²⁹¹, which was passed after a supportive referendum held on October 2nd, 1972, determining Danish membership from January 1st, 1973. After the signature of Danish Accession Act in 1972, a permanent parliamentary Market Committee was established²⁹², which - after the coming into force of Maastricht Treaty in 1992 - was renamed European Affairs Committee, indicating the emergence of a political union apart from a pure economic one. The main aim of the new-born body was to ensure that the Danish government did not agree to decisions in Brussels that could not subsequently be passed in parliament, which was a realistic scenario in light of the frequent formation of minority governments in Denmark²⁹³.

Section 6, subsection 2 of the Accession Act of 1972 reads: "The Government informs a Committee set up by the Folketing about proposals for Council decisions which become directly applicable in Denmark, or the fulfilling of which requires the approval of the Folketing". The government is thus obliged to report to the Folketing on developments in European Communities and to notify a parliamentary committee of proposals for Council decisions that would be directly applicable in Denmark or require the action of the parliament.

However, the decisive provision which traces the competence of the Committee is mentioned in the very first report of the EEC-Committee of March 29th, 1973. The report followed an incident in which the Minister of Agriculture had agreed to an unfavourable pricing agreement for Danish bacon in Brussels²⁹⁴, not accepted by the Folketing. The report states: "The Government shall consult the Market Committee of the Folketing in questions relating to EC policy of a major importance so that the regard for the influence of the Folketing as well as the freedom to negotiate are respected. Prior to negotiations in the EC Council of Ministers on decisions of a wider scope, the Government

²⁹¹ Folketing, The European Affairs Committee of the Danish Parliament. Available at:

<https://www.thedanishparliament.dk/Publications/~media/PDF/publikationer/English/The%20European%20Affairs%20Committee%20of%20the%20Danish%20Parliament.ashx>.

²⁹² Auel, K. and Benz, A., *The Europeanisation of Parliamentary Democracy*, Library of Legislative Studies, Routledge, 2006, pp. 112.

²⁹³ Møller Sousa, M., *Learning in Denmark? The Case of Danish Parliamentary Control over European Union Policy*, Scandinavian Political Studies, Vol. 31 – No. 4, 2008, pp. 428-447.

²⁹⁴ Auken, S., Buksti, J. and Lehman Sørensen, C., *Denmark Joins Europe: Patterns of Adaption in the Danish Political and Administrative Processes as a Result of Membership of the European Communities*, Journal of Common Market Studies, 1976, p. 21.

submits an oral mandate for negotiation to the Market Committee. If there is no majority against the mandate, the Government negotiates on this basis”²⁹⁵.

Now, the European Affairs Committee consists of 17 MPs allocated according to party group size. It is considered a ‘parliament in miniature’²⁹⁶ because, besides the power conferred in 1973 to mandate the government with respect of its position in the Council, it can also advance reasoned opinions (RO) under the EWS that has binding force on the entire parliament, without any involvement of the plenary²⁹⁷. The committee meets with government ministers on a regular basis, normally the Friday before the meeting in the Council of Ministers, generally held on Tuesday. During these meetings, the minister in question presents to the committee Danish standpoint on matters present on the agenda, then members of the EAC are entitled to pose questions and discuss the cases together with the minister. According to the voting rules, if the government does not have a majority against in the committee, it can participate to the meetings in Brussels enjoying the consent of the Folketing. Whereas, if there is a majority against the minister, he or she is forced to find and propose a new solution which should be accepted by the committee. The voting rules are an evident expression of the negative parliamentarism so characteristic of Danish parliament²⁹⁸.

3.2.2 The mandate-based scrutiny of the Folketing

Since the Act of Accession of 1973, Danish scrutiny model was a ‘mandate system’ giving to the Market Committee - which acts on behalf of the Danish parliament as a whole - the right to adopt negotiation proposals politically binding on Danish government. However, some scholars have argued that the mandate procedure at the core of the European Affairs Committee (EAC) usually takes place at a late stage of the negotiation of EU legislation proposal, preceded by a long,

²⁹⁵ European Affairs Committee’s first report of 29 March 1973. Available at:

<https://www.thedanishparliament.dk/en/committees/committees/the-european-affairs-committee>.

²⁹⁶ Hegeland, H., *The European Union in national parliaments: Domestic or foreign policy? A study of Nordic parliamentary systems* in O'Brennan, J. and Raunio, T., *National Parliaments Within the Enlarged European Union: From 'Victims' of Integration to Competitive Actors?*, Routledge, 2007, p. 102.

²⁹⁷ Wivel, A., Grøn, C. and Nedergaard, P., *The Nordic Countries and the European Union: Still the Other European Community?*, 2015, pp. 108-113.

²⁹⁸ Danish system of government is known as negative parliamentarism, which means that the government may never have a majority against it in the parliament, but it is not required to have the support of an actual majority. Available at: https://www.thedanishparliament.dk/-/media/pdf/publikationer/english/the-parliamentary-system-of-denmark_2014.ashx.

systematic, inter-ministerial coordination-process within the government and led by the Ministry of Foreign Affairs.

Danish decision-making procedure is divided into different steps. The first takes place in one of the EU Special Committees (EU Specialudvalg). The number of committees passed from 19 back in 1973 to 33 in 2005²⁹⁹. EU Special Committees are chaired by a civil servant from the relevant ministerial department and presided by the minister being responsible for the relevant matter. The main task is to check the position of the involved Ministries regarding each of their proposal or policy, for instance internal market, environment, agriculture, etc. Also representatives from regional and local authorities, together with representatives from the relevant branch and trade organisations, labour organisations and other interest groups find representation in these committees. The largest EU Special Committees can reach a composition of more than 50 members, like the Environment Committee or the Growth and Competition Committee, while some of the smallest EU Special Committees, like the Shipping or Culture Committee, have less than ten members. Furthermore, a representative from the Ministry of Foreign Affairs is present in all EU Special Committees. The high level of expertise of EU Special Committees is fundamental to produce the first formulation of Danish position, generally drafted and secured by the chairman and the secretariat in the relevant Ministry³⁰⁰.

The second step involves in the process the EU Committee (EU Udvalget). It is made up with civil servants from the 10-12 Ministries most engaged with EU issues and is chaired by a higher civil servant from the Ministry of Foreign Affairs³⁰¹. Other Ministries, however, can become engaged in the process on an *ad hoc* basis. The weekly appointment of the EU Committee occurs on Tuesday, during which it has to coordinate the recommendations of EU Special Committees in order to build a single, consistent Danish position on every EU proposal before the Council meeting. The committee can have two different constructions and scope: one chaired by the Minister of Foreign Affairs and formed by the Prime Minister and the ministers most engaged in EU matters such as single market,

²⁹⁹ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

³⁰⁰ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

³⁰¹ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

etc.; and another one also chaired by the Minister of Foreign Affairs and dealing with Common Foreign and Security Policy (CFSP) of the EU and police cooperation.

When the position of Danish government on EU matters has been confirmed in Government's Foreign Affairs Committee, the third link in the chain of EU decision procedures, the further step will involve the European Affairs Committee (EAC) of the Parliament. At this point, the minister responsible for the relevant matter to be discussed in Brussels during the Council meeting will present the case to parliament's European Affairs Committee and Danish position on the matter. If there is no majority against the minister's presentation, this will make up the guideline for negotiations in Brussels³⁰². However, some arguments may emerge about this late involvement of the EAC, taking place after a long coordination process formally without the inclusion of the parliamentary level. One point that can be made is that this thoroughly inter-ministerial coordination process leaves the EAC with only a limited room of manoeuvre³⁰³, unless it is willing to obstruct the negotiation position of the government with a solid majority against. On the other hand, the government since from the beginning is aware of the necessity of obtaining a mandate from the EAC, thus it can be 'victim' of a certain invisible, informal influence by the EAC during the process. Indeed, in some political sensitive cases, it is common for the minister in question to make an informal call to EU spokespersons of the opposition parties at an early stage in the process, thereby smoothening it³⁰⁴.

To sum up, the Ministry of Foreign Affairs receives from the Commission the new proposals, which, according to the area of responsibility, are treated by the relevant Ministry. The relevant sector Ministry initiates a hearing procedure in the related EU Special Committee. The inter-ministerial coordination procedure continues in the EU Committee and later in the Government's Foreign Political Committee, arriving to the European Affairs Committee. The parliamentary control function is exercised both by the EAC through the mandating procedure, following the presentation of government's negotiation proposals, and in sector committees, through the debate with the relevant minister and the formulation of recommendations to the European Affairs Committee. This

³⁰² Ministry of Foreign Affairs of Denmark. Available at:

<https://eu.um.dk/en/info%20about%20denmark%20and%20the%20eu/decision-procedure-in-denmark-and-the-eu/>.

³⁰³ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

³⁰⁴ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

continuous parliamentary treatment of EU issues presupposes a close, continuous cooperation between the EAC and sector committees.

The formal scheme regulating sector committees' involvement in EU issues is laid down in the Standing Order of the Folketing and in the regularly reports produced by the European Affairs Committee. In the recently revised Standing Order of the Folketing, which came into effect on January 1st, 2005, it is stated that EU issues are an integrated part of sector committees' area of responsibility³⁰⁵. Sector committees are central for their work as first readers of the main legislative proposals of the Commission and for the technical and professional expertise they offer to the parliamentary scrutiny process. We said before that scrutiny is sometimes accused to occur late, for this reason, to accelerate the process, the EAC supported by the EU Secretariat in the Folketing consults the Commission's yearly working program and selects some of the most important new future proposals. When proposals have been made public, access is open to the relevant sector committees for early treatment. The latter need thus to carry out a substantial and political treatment of new proposals as early as possible. In this regard, following an accurate discussion on the new proposals from the Commission, sector committees may draft a report or a written recommendation and send it to the EAC, which may well use it as useful guideline before the mandating procedure. Furthermore, most of the sector committees tend to consult ministers the week before Council meetings. This custom may lead the relevant sector committee to produce a written recommendation to the European Affairs Committee, which is similarly very useful³⁰⁶.

One last point regarding sector committees is the responsibility to check the adherence of a Commission's proposal to the principle of subsidiarity. Indeed, while the European Affairs Committee has to monitor the principle of subsidiarity, it is a task of sector committees to make the first evaluation of whether a proposal conflicts with the principle of subsidiarity or not. For this reason, all important new proposals are immediately sent to the relevant sector committee by the

³⁰⁵ The Standing Order of the Folketing, Section 7(2), 1 January 2005: "The Standing Orders Committee shall make decisions on the committee's areas of responsibility, including EU issues".

³⁰⁶ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

EAC. This procedure was established in 2004 and complies with the Protocol on the application of the principle of subsidiarity and proportionality annexed to the constitutional treaty³⁰⁷.

For what concerns Green and White Papers and other hearing documents produced by the Commission (communications, reports, etc.), their vision is a shared task performed by the EAC and the relevant sector committees in cooperation. According to the procedure, the Commission publishes a hearing document which is afterwards put on the agenda during an EAC meeting. After a discussion among the members of the committee, the document is then handled by the EAC itself or sent to the relevant sector committee(s), with a request that it should be handled there.

To conclude, it could be mentioned that Denmark, since it became a member of the EEC in 1973, has been one of the most rule-abiding Member States of the community, which to a large extent can be explained by the early involvement of the parliament and the mandating procedure in the EAC³⁰⁸.

3.2.3 The mandating procedure

Danish Parliament was the first national parliament in Europe to adopt a negotiating mandate system, according to which the government needs a negotiating mandate from a parliamentary committee before taking part in important deliberations in the Council. The Danish model has inspired other Member States during the shaping of their parliamentary procedures, such as Finland and consequently Sweden.

The mandating procedure takes place as follows: a minister, on behalf of the government, has to present a negotiation proposal during a meeting in the EAC; this proposal is followed by one or more rounds of questions, formulated by the members of the committee, and answers, given by the minister; at the end of the discussions, the chairman clarifies whether there is a majority against government's negotiation proposal or not.

³⁰⁷ The protocol on the application of the principle of subsidiarity and proportionality states: "Any national Parliament or any chamber of a national Parliament of a Member State may, within six week from the date of transmission of the Commission's legislative proposal, send to the Presidents of the European Parliament, the Council of Ministers and the Commission a reasoned opinion stating why it considers the proposal in question does not comply with the principle of subsidiarity."

³⁰⁸ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

In the EAC, the composition of members reflects the composition of the parliament. As a consequence, the members of each political party carry a voting weight which reflects the number of seats their party occupies in parliament. Moreover, if a party is not represented during a particular meeting, or if a member is present without participating in the discussions, the chairman assumes that the party in question supports government's negotiation proposal³⁰⁹.

Rarely occurred that the EAC refused to give a mandate, but this didn't reduce committee's influencing power on government's EU policy. To give some examples, many times the government changed or modified its original negotiation proposal to align with the discussions in the EAC. In addition, as we mentioned above, the negotiation proposal needs a final approval by the EAC. Thus, civil servants in the government, who assist in negotiations at an early stage in Brussels as well as in Copenhagen, should keep this aspect in mind. Finally, in order to stand out for strong parliamentary mandating rights is not necessary to serve as a regular means of parliamentary influence but rather act as a potential sanctioning mechanism. Danish EAC, for example, has the power to use selective vetoes - the refusal to give the responsible minister any kind of mandate - in case its members have not been properly informed or involved in the process. Indeed, if the EAC refuses to give the government a mandate, the latter will be unable to agree with the European proposal under negotiation in any form³¹⁰.

3.2.4 EU matters and Referendums

As we previously introduced, provisions regarding the referenda are laid down in art. 42 of the Constitution of Denmark³¹¹. Denmark is said to have two different political systems when dealing with EU matters: on one hand a representative, parliamentary democracy; on the other, a direct democracy affecting Denmark's constitutional relations with the EU³¹². At the time being, indeed, Danish government is firmly convinced in the possibility of calling a referendum on new treaty amendments.

³⁰⁹ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

³¹⁰ Auel, K., *Democratic Accountability and National Parliaments: Redefining the Impact of Parliamentary Scrutiny in EU Affairs*, *European Law Journal*, Vol. 13 (4), pp. 487-504, 2007.

³¹¹ See note 262.

³¹² Laursen, F., *The European Affairs Committee of the Danish Folketing – "Mini-Parliamentarism" Operation*, Working Paper No 1/2001, Centre for European Studies, University of Southern Denmark.

In Denmark, referendums have shown to have a positive impact, stimulating debate on EU issues and increasing, consequently, the level of knowledge on EU among the citizens. On the other hand, this debate can often culminate in the basic question of whether people are in favour of Danish membership or not, resulting in the impossibility to give an exact interpretation of the outcomes of referendums – especially when the result turns out to be a ‘no’.

Anyway, referendum is a particularly controversial argument collecting either supporters, who prefer a direct involvement of the electorate in major EU issues, or dissenters, who consider the substantial recourse to referendum a suspension of representative democracy, the basic democratic foundation of most of European political systems.

3.2.5 The question of openness in the EAC

The Folketing in its report of December 10th, 2004 referring to the importance of openness in the committee, stated: “It is, and always has been, the wish of the European Affairs Committee to ensure the greatest possible degree of openness regarding its work. In general, a high degree of openness helps to improve the opportunities for control on the part of the public and the press, at the same time as it increases the public’s general insight into EU issues. Openness is also a decisive precondition for a broader democratic debate, which will give EU issues a more prominent place on the political agenda in the social debate in Denmark”³¹³.

In relation to the government, the EAC pursues the aim of helping him to achieve the best result for Denmark during negotiations in the Council of Ministers, not to limit its opportunities. In this sense, in its first report of 1973 the EAC clarified its objective to secure the Folketing the greatest possible influence in European affairs³¹⁴ with these words: “The Government shall consult the EAC of the Folketing on questions relating to the EU policy of a major importance so that the regard for the influence of the Folketing as well as the freedom to negotiate are respected”³¹⁵. However, information flow from the government has continuously improved over time, especially in the years 1994, 1996 and 2004, when it was commissioned to give an assessment of the proposal’s consequences for Danish legislation, an evaluation on the respect of the principle of subsidiarity and,

³¹³ Folketing, Report on reforming the Folketing’s treatment of EU issues, Copenhagen, 2004.

³¹⁴ Møller Sousa, M., *Learning in Denmark? The Case of Danish Parliamentary Control over European Union Policy*, Scandinavian Political Studies, Vol. 31 – No. 4, 2008, pp. 428-447.

³¹⁵ Folketing, European Affairs Committee’s first report of 29 March 1973, Copenhagen. Available at: <https://www.thedanishparliament.dk/en/committees/committees/the-european-affairs-committee>.

when possible, information about the political standpoints of other countries and the preliminary views of Danish government. These changes were introduced through the active use of special reports³¹⁶. The EAC of the Folketing is now considered the committee receiving the greatest number of documents, generally on a weekly basis.

The ordinary meetings in the EAC were originally closed for the public until October 1st, 2006 when the first public meeting was held. The opening to public followed a decision taken in June 2006 by the committee and the government in order to strengthen the openness and transparency of the work of the EAC³¹⁷. However, the same institutional bodies decided to close the meetings in particular circumstances. This happens especially when questions on government's negotiation positions may be posed or when other confidential issues are being discussed. Until now meetings have been closed in very few cases. In any case, minutes of the open part of EAC meetings are distributed to the members of the committee and made public on internet.

In order to provide the members of the EAC with a valuable insight in the work and decision-making process in the European Parliament and, at the same time, give to Danish members of the EP a good impression of viewpoints in national Danish debate on specific topics³¹⁸, cooperation between the EAC and Danish members of the European Parliament improved since 2004. Before then, the relationship was superficial, limited to individual joint meetings, held approximately once a month, and other *ad hoc* activities.

To give a brief recap and conclude this section, I will use Kelstrup's words who described Danish EU accession as a five phases process. When Denmark joined it in 1973, the EEC was basically considered a pragmatic, intergovernmental cooperation. Later on, following a more active approach to membership, EU was seen as a necessary part of Denmark's strategy for preserving Scandinavian welfare state in a globalising international order; a further step was a short phase of shock and adjustment (1992–1993), consequent to the 'No' to the Treaty on the European Union in June 1992, resulting lately in the Edinburgh Agreement with Denmark opting out of the original treaty

³¹⁶ Called '*beretninger*'. A collection of the reports from the European Affairs Committee is available at: <http://www.euo.dk>.

³¹⁷ Folketing, Report of the European Affairs Committee, Copenhagen, 23 June 2006.

³¹⁸ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

on defence, Economic and Monetary Union, Justice and Home Affairs, and European citizenship³¹⁹; the fourth phase was marked by a return to a more selective engagement (1993-2001); and, finally, we find the deeper and wider integration of the modern days which followed the wave of European integration³²⁰ also in some topical areas, resulting in an potential infringement of national autonomy (such as the Schengen Agreements), now accepted by the political elite and population as ‘necessary evils’³²¹.

The liberal-egalitarian sentiment rooted in Danish society shaped Denmark’s approach to European integration resulting in a conception of Denmark being a Nordic country different from and better than Europe³²². National elite was thus forged with the task of protecting the interests of Danish people and securing the survival and the continued development of Denmark as an independent state, to be achieved through the intervention of the state. Indeed, since Denmark became a member of the European Economic Cooperation (EEC), Danish parliament has enjoyed a controlling and mandating power on government’s EU policy and the Ministry of Foreign Affairs a coordinating function in decision-making. These elements, together with the work carried out by sector committees on EU matters, open debates in parliament on major EU issues and a stronger, more organised cooperation between the members of the EAC and the Danish members of the European Parliament make Denmark an example of strong EU component. With respect to the 1970s, the European Affairs Committee has expanded its areas of control over EU policy and receives now more detailed information.

However, also the Danish system has some flaws. Today, Danish government still has to work hard to reach coordination among players in the domestic arena to secure that Denmark speaks with one, united and coherent voice in the Council³²³. Moreover, Danish EU coordination system still focuses on the model adopted in 1973 and the European political reality and decision-making system of that time. In fact, the strength of Danish parliamentary scrutiny system depends upon the capacity

³¹⁹ DIIS, *De danske forbehold over for den Europæiske Union: Udviklingen siden 2000*, Copenhagen: Danish Institute for International Studies, 2008.

³²⁰ Partly as a consequence of the adoption of the Treaty on the European Union, which Denmark had initially rejected.

³²¹ Kelstrup, M., *Denmark’s Relation to the European Union: A History of Dualism and Pragmatism* in Miles, L. and Wivel, A., *Denmark and the European Union*, London: Routledge, 2014.

³²² Wæver, O., *Nordic Nostalgia: Northern Europe after the Cold War*, *International Affairs* 68 (1), 1992, pp. 77–102.

³²³ Riis, P., *National Parliamentary Control of EU Decision-making in Denmark* in Tans, O., Zoethout, C. and Peters, J., *National Parliaments and European Democracy: A bottom-up approach to European Constitutionalism*, Europa Law Publishing, Groningen, 2007, pp. 185-200.

to influence decisions in the Council of Ministers - through political mandates given to the Danish government - and the position of the Danish government within the Council. So, if developments in EU decision-making will question Council's supremacy as the most important actor in the decision-making system³²⁴, either if the Council of Ministers ceases to have sole competencies in areas where it used to do so or if important decisions start to be taken outside of the Council, or if the government loses its veto in areas where it used to have this right, the channel through which Danish parliament exerts its influence would be weakened and Danish EU coordination system challenged³²⁵. But politicians in the Danish EAC do not consider necessary to change the system because 'it works so well'³²⁶ and also the minority, who might be incentivised to reform Danish EU coordination system, has no will to do so. Anyway, some improvements are being considered, which might include an extension of the involvement in EU affairs to the entire parliament, allowing all standing committees to treat relevant EU proposals³²⁷. Also moving the focus from Council meetings and entering in the decision-making process earlier, while negotiations are still open, would enhance Folketing's influence on EU policy.

3.3 SWEDEN: THE RIKSDAG

Swedish parliament, the Riksdag, is considered among the three Nordic parliaments the one with the 'lowest level of influence'³²⁸, which is still very high with respect to the other 25 EU Member States.

As we introduced, in the Kingdom of Sweden legislative power lies within a single-chamber parliament called the Riksdag, as set out in the Instrument of Government - one of Sweden's four fundamental laws - and the provisions governing its internal functioning are specified in the Riksdag

³²⁴ As it was the case of QMV, further extended in the Maastricht Treaty, as well as the Amsterdam Treaty, now covering approximately 45 policy areas. Or the co-decision procedure introduced with the Maastricht Treaty in 1992. Co-decision enables the European Parliament to reject a proposal during the first reading, thus granting the Parliament genuine legislative powers vis-à-vis the Council. These developments have undermined the capacity of the Danish government, and thus the European Affairs Committee, to control the EU policy decided upon in the Council.

³²⁵ Møller Sousa, M., *Learning in Denmark? The Case of Danish Parliamentary Control over European Union Policy*, Scandinavian Political Studies, Vol. 31 – No. 4, 2008, pp. 428-447.

³²⁶ Møller Sousa, M., *Learning in Denmark? The Case of Danish Parliamentary Control over European Union Policy*, Scandinavian Political Studies, Vol. 31 – No. 4, 2008, pp. 428-447.

³²⁷ This is the case in the Finnish parliament: the Eduskunta.

³²⁸ Wivel, A., Grøn, C. and Nedergaard, P., *The Nordic Countries and the European Union: Still the Other European Community?*, 2015.

Act (Riksdagsordningen). Parliament has its seat in Stockholm. The members of the Riksdag (riksdagsledamöter), in total 349, are elected every four years by Swedish nationals over the age of 18 who live, or have once lived, in the realm and according to a proportional (PR) electoral system³²⁹. For the elections the country is divided into 29 constituencies³³⁰ and of the 349 seats, 310 are fixed constituency seats distributed among the constituencies on the basis of the number of persons entitled to vote in each constituency³³¹.

Since 1968, no single party has won a majority in the Riksdag, this is why Swedish governments are generally minority coalitions governments formed by political parties with similar agendas which consequently cooperate on several issues. Two major blocs existed in the Riksdag until 2019: the first one composed by the socialist/green (Red-Greens) and the other one by the conservative/liberal alliance, consisting of the Moderate Party, Liberals, Centre Party, and Christian Democrats, who governed Sweden from 2006 until great part of 2014³³².

The parliamentary committees embedded in the Riksdag are 15, plus the committee on EU Affairs. Each of them is made up of 17 elected MPs, with at least one member from each political party. The EAC, in consultation with the government, is responsible for the formulation of Sweden's policies at the Council of Ministers meetings³³³. The chair of the committee is Åsa Westlund (Social Democrats). The general aim is to guarantee to the Riksdag a central role in the handling of EU matters and for succeeding it shall be involved as early as possible in the decision-making process

³²⁹ Constitution of Sweden, The Instruments of Government, The Riksdag, IG 3.7: “But there is a voting threshold in the system. Only a party that obtains at least four per cent of the national vote is entitled to take part in the distribution of seats. This threshold can, however, be crossed by a party that obtains at least twelve per cent of the votes in a single constituency. The party can take part in the distribution of seats in the constituency concerned, but not in the distribution of the adjustment seats which ensure that the total number of seats is distributed in proportion to the votes polled by the parties in the whole country. Four per cent of the votes polled in the whole country corresponds to an allocation of fourteen seats”.

³³⁰ Constitution of Sweden, The Instruments of Government, The Riksdag, IG 3:5. Available at: <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>

³³¹ Constitution of Sweden, The Instruments of Government, The Riksdag, IG 3:6. Available at: <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>

³³² After 2010 through a minority government.

³³³ The Riksdag Act, art.3: “The Riksdag shall appoint from among its members for each electoral period a Committee on European Union Affairs (Committee on EU Affairs) for consultation with the Government under Chapter 10, Article 10 of the Instrument of Government”. Available at: <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>.

and shall continuously monitor the legislative work at Union level. In this respect, there is a set of formal procedures that we are going to analyse later on.

To start our discussion on the last Nordic country under the lens, I will focus firstly on the process of integration in the EU. Also for Sweden, integration process in the EU was not an easy job to carry out. For this and more reasons, many epithets have been given to the country, varying between reluctant European to ‘cowardly backseat driver’³³⁴. Anyway, also in this case integration was led by three main drivers: economic, security (political), and identity issues. The economic motivation was that membership could aid Sweden and provide a way out of the economic crisis that the country was experiencing at that time³³⁵. So, access to the internal market was thus seen as a possibility by Swedish elites, even if it would have implied Sweden’s inability to pursue its own macroeconomic policy, and the refusal to adopt the single currency is an explanation to this³³⁶. However, Sweden, like the other Nordic countries, had a clear preference towards intergovernmental cooperation, finding confirmation in the membership of, and preference for, EFTA instead of the then EEC. On a second step, the changes in the geopolitical asset following the fall of the Berlin Wall (and the subsequent unification of Germany) and the collapse of the Soviet Union boosted EU membership discussion and questioned Sweden’s neutrality³³⁷. The situation culminated with the then Prime

³³⁴ Bjerström, E., *Europa Reportage för ny kna européer*. Stockholm: Pocketförlaget, 2008.

³³⁵ In 1990, the introduction of a tax reform combined with higher international interest rates and falling inflation created a sharp and sudden increase in the real rate of interest, bursting the bubble and setting off a process of balance sheet adjustment with strong signs of debt deflation. The financial sector was put under severe stress and Sweden was soon plagued by a banking crisis and a currency crisis at the same time. The depression led to a sharp increase in unemployment. Government expenditures increased while tax revenues stagnated, leading to huge budget deficits. The Riksbank was eventually forced to let the krona float in November 1992. As a result of the consequent depreciation and lowering of interest rates, an export-led recovery slowly took hold.

Available at: https://ec.europa.eu/economy_finance/publications/pages/publication692_en.pdf.

³³⁶ Michalski, A., *Sweden: From Scepticism to Pragmatic Support* in *The Member States of the European Union*, ed. S. Bulmer and C. Lequesne, Oxford: Oxford University Press, 2013: “Reticence towards adopting the euro derives from a fear of losing control over the ability to regulate the public economy”.

³³⁷ Bjereld, U., and Möller, U., *Swedish Foreign Policy: Neutrality and Beyond* in *The Oxford Handbook on Swedish Politics*, ed. J. Pierre. Oxford: Oxford University Press, 2016: Since joining the EU in 1995, Sweden has remained militarily non-aligned, but has also moved towards what can be termed a stance of ‘postneutrality’.

Minister Ingvar Carlsson (Social Democratic)³³⁸, who drove the change of Sweden's attitude towards a possible membership³³⁹.

3.3.1 The seven phases of EU integration

Möller divided Sweden's relationship with the European Union integration process into seven phases³⁴⁰. In the mid-1950s, corresponding to the first phase, the idea of a possible membership with the then EEC was not on the political elite's agenda in Sweden. The situation didn't change significantly between 1958 and the following 15 years, with the political elite still being sceptical and passive. In 1967, a step forward was made when Sweden handed in an open application, immediately stopped a year later in 1968 when the then Prime Minister, Tage Erlander, held his famous speech *Metalltalet*³⁴¹, in which he outlined that a Swedish membership to the European Economic Community was not on the table. The 1970 Werner Report, which stressed that "economic and monetary union is an objective realisable in the course of the present decade" and that "the principal decisions of economic policy will be taken at Community level and therefore that the necessary powers will be transferred from the national plane to the Community plane"³⁴² and Davignon Report³⁴³, focused on foreign-policy coordination, which should be "the object of the first practical endeavour to demonstrate to all that Europe has a political vocation", and on the need to develop a stronger European voice in international affairs, demonstrated the political impossibility to join and, as a result, that a future membership was no longer a viable option.

During the early 1970s, a new relationship, or at least less scepticism, between Sweden and the European integration process started to be forged. This new sentiment was led by the establishment of a customs union and by the agreement and adaptation to the 'rule book' of the EEC. In the early 1990s, some groups of the Swedish political elite started to sustain Swedish membership,

³³⁸ The argument was that the nation state itself was inadequate when it came to pursue an effective Keynesian politics, that is to say an active public policy stimulating economic growth (Swedish: *stimulanspolitik*).

³³⁹ Gustavsson, J., *The Politics of Foreign Policy Change. Explaining the Swedish Reorientation on EC Membership*, Thesis. Lund: Lund University Press, 1998.

³⁴⁰ Möller, Birger. 2013. *Vad är EU ... och vad kan det bli? Allt du behöver veta om EU*. Stockholm: Santérus Förlag.

³⁴¹ *Metalltalet* or "the iron speech" was held by Sweden's PM Tage Erlander before the Metal's Worker Union Congress on August 22th, 1961. With the speech, the Prime Minister wanted to clarify the Government's attitude towards a Swedish membership of the EEC. The speech argued against such membership because it was not compatible with Sweden's neutrality policy and sections of the social democratic economic policy.

³⁴² Document 22 from Bulletin of the European Economic Community, Supplement 11, pp. 26-29.

³⁴³ Document 23 from Bulletin of the European Economic Community, n.11, pp. 9-12.

accompanied by the then Prime Minister Ingvar Carlsson who in late May of 1990 published a debated article in the Dagens Nyheter - the leading daily newspaper - picturing the membership solution not as “an issue”.

On July 1st, 1991, an unexpected U-turn took place and Sweden handed in its application for membership. Negotiations took place between February 1993 and March 1994 and on November 13th, 1994 Sweden involved actively its people holding a guiding referendum on EU membership. The outcome was the victory of the ‘yes’ vote - in favour of membership - with 52.1% of the electorate’s support compared to the no – against - which received 46.7% of the vote³⁴⁴. On January 1st, 1995, Sweden joined the European Union. However, the first years of her participation in the integration process were cautious (‘learning process’) but, after the millennial shift, she started to contribute with active participation. Sweden has held two Presidencies, the first during the January–June 2001 period and the second between July and December 2009. The 2000s are marked by a more visible reluctance towards European integration process, expressed by the rejection of the single currency during the Euro-referendum held on September 14th, 2003. The scepticism revival was clear when, in 2014, after the new coalition government formed by exponents of the Social Democratic Party and the Greens took office, no new EU minister was appointed. Instead, EU issues were placed in the hands of the Minister for Foreign Affairs. An interesting point to be noticed is that, whereas an EU minister had not been nominated, a minister with responsibility for strategic development and Nordic cooperation had been, although in the government reshuffle of May 25th, 2016 this ministerial seat ceased to exist and a minister for EU Affairs and Trade was (re)established.

Turning to foreign policy, Swedish EU membership resulted in a significant Europeanisation of its security and defence policy, which can be perceived both in the formal structures of country’s foreign policy and in the norms and identities that are expressed in its policies³⁴⁵. Sweden, together with other non-militarily aligned member states (like Finland), also collaborates and participates in EU’s Common Foreign and Security Policy (CFSP). An important point on Sweden and EU agenda

³⁴⁴ McCallion, M. S., *Swedish Awkwardness à La Carte? The Difference a Question Mark Can Make* in McCallion, M. S. and Brianson, A., *Nordic States and European Integration: Awkward Partners in the North?*, Palgrave Studies in European Union Politics, Palgrave Mcmillan, 2018, pp. 59-78.

³⁴⁵ McCallion, M. S., *Swedish Awkwardness à La Carte? The Difference a Question Mark Can Make* in McCallion, M. S. and Brianson, A., *Nordic States and European Integration: Awkward Partners in the North?*, Palgrave Studies in European Union Politics, Palgrave Mcmillan, 2018, pp. 59-78.

is the Baltic Sea Strategy³⁴⁶, which successfully transformed a geopolitical security issue into an economic and strategic project. However, Sweden continues to pursue an ‘alliance-free’ identity and still is not, and will hardly become, a full member of NATO.

To conclude this overview on EU membership, I will highlight a particular aspect which characterises Sweden’s presence in the EU, being a kind of ‘best in class’ mentality that has not yet dissipated. In this perspective, Svensson remarked in a radio programme that: “it requires that our government recognises that we are members of the EU and not that the EU has as charity received membership in Sweden as it sometimes sounds like”³⁴⁷.

3.3.2 *The Riksdag scrutiny on EU affairs: between strengths and flaws*

The scrutiny of EU carried out by the Swedish Riksdag is considered to be a successful story. Indeed, the Riksdag is one of the most powerful and, together with Finnish Eduskunta, most active parliaments in the EU³⁴⁸.

Not only the Riksdag is the most active parliament when it comes to issue mandates to the government, but also with regard to its participation in the EWS through reasoned opinions. According to Hegeland, Swedish MPs “participate in interparliamentary meetings such as COSAC at least to the same extent as any other parliament”³⁴⁹, moreover, he also put an accent on the efforts of the Riksdag to make EU politics more and more transparent to the public, allowing citizens to consult a wide range of parliamentary, government and EU documents via its website and other sources. Among these documents we find EU Council agendas, government’s annotated Council agendas, explanatory memorandums provided by the government and, in addition, stenographic minutes published after the meetings of the European Affairs Committee, with only small amounts redacted

³⁴⁶ The European Union Strategy for the Baltic Sea Region (EUSBSR) is the first Macro-regional Strategy in Europe. The Strategy was approved by the European Council on 2009 following a communication of the European Commission. The Strategy is divided into three objectives, which represent the three key challenges of the Strategy: saving the sea, connecting the region and increasing prosperity.

Available at: <https://www.balticsea-region-strategy.eu/about/about>.

³⁴⁷ Svensson, P. 2014. Sveriges Radio. *Filosofiska rummet Berättelsen om Europa*, May 25.

³⁴⁸ Auel, K. *Doing Good, but Reluctant to Talk About It: The Swedish Riksdag and EU Affairs*, Swedish Institute for European Policy Studies, 2018:9.

³⁴⁹ Hegeland, H., *The Swedish Parliament and EU Affairs: From Reluctant Player to Europeanized Actor* in Heffttler, C., Neuhold, C., Rozenberg, O. and Smith, J. (eds.), *The Palgrave Handbook of National Parliaments*, London: Palgrave Macmillan, 2015, pp. 425–441.

for confidentiality reasons³⁵⁰. Considering again Hegeland's words, the Riksdag fulfils many functions at the domestic level, such as the one of Policy Shaper and Government Watchdog, but it also embodies a Public Forum and European Player³⁵¹.

The institutional strength of the Riksdag is dictated by a set of factors: first of all, the Swedish parliament has concomitantly strong rights of influence and oversight. Parliamentary committees are the fulcrum of the Riksdag's handling of EU matters and their relevance is expressed in the ability to monitor European Union activities, request necessary information to the government³⁵² and deliberate with it in matters concerning European Union affairs. Moreover, according to art. 22 of the Riksdag Act: "The Government shall inform the Riksdag of its position regarding the documents put forward by the institutions of the European Union to the Riksdag and which the Government deems significant"³⁵³. The EAC is thus the Riksdag body responsible for consultations with the government regarding the follow-up of negotiations in the Council of the European Union, before final decisions are made in the same Council. A record of the meeting should be kept³⁵⁴.

A fundamental issue we briefly touched above is the obligation for the government to obtain a mandate from the Swedish parliament before being able to take a position in the Council. Such mandates are given by the European Affairs Committee on items entered on the weekly agenda of the Council. Even if the mandating investiture is not legally binding in a formal sense, it has a strong political influence, moreover, the government has to bear in mind that it is always accountable to the Riksdag for its actions. If the government, or the relevant minister, deviates from the mandate received, it has to be reported to the EAC and may necessitate a further parliamentary scrutiny by the

³⁵⁰ Constitution of Sweden, The Riksdag Act, art. 7.15.4: "A record shall be kept of meetings of the Riksdag committees and meetings of the Committee on EU Affairs". Available at: <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>.

³⁵¹ See Introduction.

³⁵² Constitution of Sweden, The Riksdag Act, art. 21: "In accordance with Chapter 10, Article 10 of the Instrument of Government, the Government shall keep the Riksdag continuously informed concerning developments within the framework of European Union cooperation. The Government shall account to the Riksdag concerning its actions in the European Union and shall submit a written communication annually".

³⁵³ Constitution of Sweden, The Riksdag Act, art.22. Available at: <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>.

³⁵⁴ Constitution of Sweden, The Riksdag Act, art. 7.15.5: "A legible record shall be kept of the Committee on EU Affairs' deliberations with the Government". Available at: <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>.

Committee on the Constitution³⁵⁵. On important decisions, also MPs should be informed during Council negotiations if a mandate has to be changed, via text message or telephone conference. These rights of oversight extend to European Council meetings³⁵⁶ too. The Prime Minister, indeed, *ex ante* presents in the EAC government's position before the meetings and *ex post* gives reports on the Council to the plenary.

However, the effectiveness of parliamentary scrutiny in Sweden highly depends on whether the government is supported by a minority, as is often the case, or by a majority, as was the case in years 2006-2010. While the bond between government and its supporting party groups lessens scrutiny during periods of a majority government³⁵⁷, the consensus-seeking attitude common during minority governments, aimed at reaching a consensus across the political spectrum involving majorly the opposition in the policy-making process, strengthens parliamentary influence³⁵⁸. This is due to the fact that mandates need the support of at least part of the opposition, leading thus to two consequences: an increase in opposition's access to information and in the influence it can exercise on the content of the mandates³⁵⁹.

The mandating system features another interesting trick. Indeed, this system creates incentives for governments and parliaments to coordinate among them or allows the former to anticipate and 'predict' the latter's views early in the process. This is why, even very strong parliaments as the Riksdag or the Eduskunta, frequently agree with government's position. Parallely,

³⁵⁵ Hegeland, H., *The Swedish Parliament and EU Affairs: From Reluctant Player to Europeanized Actor*, in Heffler, C., Neuhold, C., Rozenberg, O. and Smith, J. (eds.), *The Palgrave Handbook of National Parliaments*, London: Palgrave Macmillan, 2015, pp. 425–441.

³⁵⁶ Constitution of Sweden, The Riksdag Act, art.14: "The Government shall inform the Committee on EU Affairs of matters which are to be decided by the Council of the European Union. The Government shall also consult the Committee regarding the conduct of negotiations in the Council prior to decisions in the Council. The Government shall deliberate with the Committee on EU Affairs concerning other matters associated with the work of the European Union, if so requested by the Committee on special grounds. The Government shall consult the Committee prior to meetings and decisions of the European Council". Available at: <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>.

³⁵⁷ Hegeland, H., *The Swedish Parliament and EU Affairs: From Reluctant Player to Europeanized Actor*, in Heffler, C., Neuhold, C., Rozenberg, O. and Smith, J. (eds.), *The Palgrave Handbook of National Parliaments*, London: Palgrave Macmillan, 2015, pp. 425–441.

³⁵⁸ Strelkov, A., *Who controls national EU scrutiny? Parliamentary party groups, committees and administrations*, *West European Politics* 38 (2), 2015, pp. 355– 374.

³⁵⁹ Auel, K. and Benz, A., *The Politics of Adaptation: Europeanisation of National Parliamentary Systems*, *Journal of Legislative Studies* 11 (3–4), 2005, pp. 372–393.

parliaments generally avoid binding their government to too strict mandates, which can have no chance of support at the EU level. Instead, they provide parliamentary red lines or define a range of outcomes that they consider acceptable on which the government can move, as it also happens for Finland³⁶⁰ and for Denmark³⁶¹.

Mandates are usually supported by a large consensus³⁶². A 2016 report of the Committee of Inquiry on the scrutiny of EU affairs in the Riksdag showed how, in the same year, statements opposing the government view were submitted by at least one party on only approximately 22% of all A-Points on the agenda. The party who submitted the greatest part of the statements was the eurosceptic Sweden Democrats³⁶³.

The share of parliamentary power vis-à-vis the government is most visible when the decision the government wants to support in the Council is not supported by parliament and/or not covered by mandate. The recent report on EU scrutiny³⁶⁴ shows 11 occasions where the committee was not in favour of some A-points on the Council agenda and in all these cases the government followed the parliament and voted against the proposals. Similarly, Hegeland considers two cases in which the Prime Minister preferred to follow parliamentary line³⁶⁵. According to the Committee report³⁶⁶, the government also tries his best to keep contacts with the parliament during the Council (usually by e-mail, text message or phone calls) and ensure it the possibility to express its position in case of last minute additions to the Council's agenda or when the Swedish position needs to be adapted to a changed negotiation situation. By the way, it is still unclear how frequently this occurs and how and

³⁶⁰ Raunio, T., *The Finnish Eduskunta and the European Union: The Strengths and Weaknesses of a Mandating System*, in Hefftlar, C., Neuhold, C., Rozenberg, O. and Smith, J. (eds.), *The Palgrave Handbook of National Parliaments*, London: Palgrave Macmillan, 2015, pp. 406–444.

³⁶¹ Christensen, M., *Is the Danish model of parliamentary scrutiny still best practice?*, in Hefftlar, C. et al. (eds.), *The Palgrave Handbook of National Parliaments*, London: Palgrave Macmillan, 2015, pp. 275–289.

³⁶² Hegeland, H., *The Swedish Parliament and EU Affairs: From Reluctant Player to Europeanized Actor*, in Hefftlar, C., Neuhold, C., Rozenberg, O. and Smith, J. (eds.), *The Palgrave Handbook of National Parliaments*, London: Palgrave Macmillan, 2015, pp. 425–441.

³⁶³ Swedish Riksdag (2018). *EU-arbetet i riksdagen*, Stockholm: Riksdagstryckeriet [report by the parliamentary Committee of Inquiry into EU Affairs in the Swedish Parliament].

³⁶⁴ See note 357.

³⁶⁵ Hegeland, H., *The Swedish Parliament and EU Affairs: From Reluctant Player to Europeanized Actor*, in Hefftlar, C., Neuhold, C., Rozenberg, O. and Smith, J. (eds.), *The Palgrave Handbook of National Parliaments*, London: Palgrave Macmillan, 2015, pp. 425–441: Not joining the Euro-Plus Pact in March 2011 and not supporting a European Council statement in 2012.

³⁶⁶ See note 357.

to what extent time pressure could permit a meaningful parliamentary deliberation on the issues. On the other hand, the Committee report³⁶⁷ also displayed some occasions where ministers either diverged from parliamentary position or failed to raise parliamentary objections during the negotiations. In this regard, the Constitutional Committee stressed the commitment that government has towards the Committee, and its ‘obligation’ to act in accordance with Committee’s opinions and positions. But sometimes governments can circumvent mandates, also given by strong parliaments, by simply abstaining from voting in the Council if a decision reflecting their preferences is likely to gain a majority without them³⁶⁸.

The second strength of the Riksdag can be found in the involvement of standing committees. Indeed, while final mandates are given by the EAC, standing committees participate at the early stage of EU policy making, receiving from the government information about the activities of EU working group and COREPER³⁶⁹, and preferably even before these stages. Later on, committees can scrutinise EU proposals with the cabinet or ministerial representatives in detail and subsequently produce a written statement or form an oral position, which is included in committee minutes³⁷⁰. Both are fundamental to shape the basement of the negotiation mandate that is given by the EAC prior to Council negotiations. In addition, information flow between the standing committees and the EAC is promoted by multiple committee memberships and the extensive use of alternate EAC members³⁷¹. A further task given to standing committees, which does not imply the involvement of the EAC, is the evaluation of the compliance of draft legislative acts with the principle of subsidiarity, as well as

³⁶⁷ See note 357.

³⁶⁸ Auel, K. and Benz, A., *The Politics of Adaptation: Europeanisation of National Parliamentary Systems*, Journal of Legislative Studies 11 (3–4), 2005, pp. 372–393.

³⁶⁹ The Permanent Representatives Committee or Coreper (Article 240 of the Treaty on the Functioning of the European Union - TFEU) is responsible for preparing the work of the Council of the European Union. It consists of representatives from the EU countries with the rank of ambassador to the European Union and is chaired by the EU country which holds the Council Presidency. Coreper occupies a pivotal position in the EU's decision-making system. It is both a forum for dialogue (among the Permanent Representatives and between them and their respective national capitals) and a means of political control (guidance and supervision of the work of the expert groups). It thus carries out preliminary scrutiny of the dossiers on the Council's agenda (proposals and drafts for acts tabled by the Commission). It seeks to reach agreement at its own level on each dossier, failing which it may suggest guidelines, options or suggested solutions to the Council. Available at: <https://eur-lex.europa.eu/summary/glossary/coreper.html?locale=en>.

³⁷⁰ Auel, K. *Doing Good, but Reluctant to Talk About It: The Swedish Riksdag and EU Affairs*, Swedish Institute for European Policy Studies, 2018:9.

³⁷¹ Auel, K. *Doing Good, but Reluctant to Talk About It: The Swedish Riksdag and EU Affairs*, Swedish Institute for European Policy Studies, 2018:9.

the examination of other strategic consultation documents. Indeed, it is the standing committee that prepares reasoned opinions, then adopted by the plenary. However, memorandums drafted by EAC's staff on the upcoming Council agenda will refer to relevant reasoned opinions issued³⁷². This division of labour between the different proposed committees guarantees an higher level of policy expertise and allows the Riksdag to follow with continuity legislative processes at the EU level, with the standing committees scrutinising legal and substantive issues of EU decisions and proposals and opening the way for more strategic deliberations and specific mandates within the EAC.

However, according to art. 16 of the Riksdag Act: "The Riksdag committees and the Committee on EU Affairs shall meet behind closed doors. The Riksdag committees and the Committee on EU Affairs may permit a person other than a member, deputy member or official of the Committee also to be present at a meeting behind closed doors. At meetings of the Committee on EU Affairs and deliberations in the Riksdag committees on EU business under Article 12, no decision is required for a minister or an official accompanying a minister to be present"³⁷³. But the Committee on EU Affairs may decide that a meeting shall be open to the public, in whole or in part.

The third factor influencing Riksdag scrutiny's strength is traced by the Swedish Constitution, which states that it is a government's responsibility to represent Sweden internationally and also vis-à-vis EU institutions. The only exception to this rule is the participation in EWS, based on the Lisbon Treaty provision. In fact, it is the Riksdag that takes part in the written Political Dialogue with the European Commission³⁷⁴. In this regard, the Riksdag Act states that Swedish parliament has the obligation - and not just the right - to scrutinise all EU White and Green Papers as well as all EU legislative drafts with regard to the adherence to the subsidiarity principle³⁷⁵. On a further step,

³⁷² Mastenbroek, E., Zwaan, P., Groen, A., Van Meurs, W., Reiding, H., Dörrenbächer, N. and Neuhold, C., *Engaging with Europe – Evaluating national parliamentary control of EU decision making after the Lisbon Treaty*, Nijmegen: Radboud University, 2014.

³⁷³ Constitution of Sweden, The Riksdag Act, art.16. Available at: <https://www.riksdagen.se/globalassets/07.-dokument-lagar/the-constitution-of-sweden-160628.pdf>.

³⁷⁴ Hegeland, H., *The Swedish Parliament and EU Affairs: From Reluctant Player to Europeanized Actor*, in Heffler, C., Neuhold, C., Rozenberg, O. and Smith, J. (eds.), *The Palgrave Handbook of National Parliaments*, London: Palgrave Macmillan, 2015, pp. 425–441.

³⁷⁵ Constitution of Sweden, The Riksdag Act, art. 20: "Green and white papers that are forwarded to the Riksdag by the European Commission shall be considered by the Riksdag. The same applies to other documents from the European Union, other than draft legislative acts, whose consideration in this manner shall be determined by the Speaker, after consultation with the group leaders. The Riksdag shall examine whether draft legislative acts conflict with the principle

Riksdag administration will send these statements to the European Commission, in the form of a request for information, and the latter will automatically treat them as Political Dialogue opinions. These opinions, together with Commission's replies, are available on Commission's website dedicated to parliamentary opinions.

This obligation to conduct an exhaustive scrutiny of EU strategic and legislative documents prevents to apply the mechanism of selection and prioritisation of EU documents for scrutiny. Prioritisation would produce the following positive effects: parliamentary scrutiny would focus on the most important or sensitive dossiers and parliaments would be able to conduct a more intensive and early preparation for the publication of Commission proposals, for example by holding expert hearings. However, the scrutiny process passes through different steps: the first stage consists of a preparatory meeting in the responsible standing committee; later on, committee's staff drafts a memorandum outlining the content and background of the proposal and decides whether to request the opinion of other standing committees or request to the government an assessment of the draft's adherence the subsidiarity principle. Thus, every single EU legislative draft can be potentially dealt in two committee sessions or more, which results in a heavy workload for both MPs and staff³⁷⁶. This 'working overloading' can also determine the emergence of some problematics. Indeed, Strelkov found that: "both the ruling coalition and the opposition tend to focus on subsidiarity during the scrutiny process and not so much on the content of EU proposals"³⁷⁷. One explanation is that participation in EWS is conceived more as an obligation than a right, an argument also treated in the recent Committee report on EU affairs scrutiny in the Riksdag³⁷⁸. From this perspective, the Riksdag has the obligation to submit each proposal to a subsidiarity check. But there is also a more convincing argument which recognises that the real addressee of reasoned opinions - or opinions issued under the Political Dialogue - is not the European Commission, but the domestic public³⁷⁹. Opinions, indeed, can both signal to citizens the apprehension of the parliament as well as assure that the

of subsidiarity". Available at: <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>.

³⁷⁶ Auel, K. *Doing Good, but Reluctant to Talk About It: The Swedish Riksdag and EU Affairs*, Swedish Institute for European Policy Studies, 2018:9.

³⁷⁷ Strelkov, A., *Who controls national EU scrutiny? Parliamentary party groups, committees and administrations*, West European Politics 38 (2), 2015, pp. 355– 374.

³⁷⁸ See note 357.

³⁷⁹ Cooper, I., *The Watchdogs of Subsidiarity: National Parliaments and the Logic of Arguing in the EU*, Journal of Common Market Studies 44 (2), 2006, pp. 281–304.

parliament is involved in EU politics and stands as a defender of national prerogatives against supranational ‘competency creep’³⁸⁰.

Finally, the Riksdag can count on a large number of staff members dealing with EU matters. Each standing committee is composed by its own secretariat, headed by a committee secretary, and a number of officials comprised between five and ten, whose task is to support the committees during the subsidiarity checks and with statements on both EU Green and White Papers and other EU documents. But, it is necessary to note that officials are ‘non-political appointees’, which means that they assist all eight parties in the Riksdag. Furthermore, they are not permitted to favour any particular party. They retain their jobs even if there is a new political majority following an election³⁸¹. They act thus mainly as ‘interpreters’ of EU documents for the MPs³⁸². As a result, MPs and parliamentary party groups are the ones who exercise political control on the scrutiny process and its outcome.

To sum up, however measuring the level of influence of the Riksdag in EU politics is not as easy or reliable, the process shows a solid and ongoing dialogue on EU affairs between parliament and government, through standing committees first and then via EAC. A particular feature of Swedish coordination system is government’s obligation to obtain a mandate before being able to agree with a decision in the Council, which unquestionably convinces the former to provide the parliament with complete information about EU issues under negotiation and to consider more parliamentary concerns when formulating its position. The government is also expected to report back on the outcome of Council meetings in order to ensure comprehensive parliamentary accountability and secure the good functioning of the scrutiny system. However, as discussed above, the impossibility of the Riksdag to consider only important EU dossiers due to the mandated exhaustive scrutiny established by the Constitution, especially in connection with the EWS, may prevent it from fully exercising its power³⁸³.

³⁸⁰ Auel, K. *Doing Good, but Reluctant to Talk About It: The Swedish Riksdag and EU Affairs*, Swedish Institute for European Policy Studies, 2018:9.

³⁸¹ <http://www.riksdagen.se/en/committees/the-parliamentary-committees-at-work/>.

³⁸² Strelkov, A., *Who controls national EU scrutiny? Parliamentary party groups, committees and administrations*, West European Politics 38 (2), 2015, pp. 355– 374.

³⁸³ Auel, K. *Doing Good, but Reluctant to Talk About It: The Swedish Riksdag and EU Affairs*, Swedish Institute for European Policy Studies, 2018:9.

CONCLUSION

Our findings appear interesting in terms of evaluating the involvement of domestic legislatures in EU affairs. As my analysis demonstrates, the Eduskunta enjoys a powerful EU scrutiny system, built on two principles: a committee-based parliamentary structure and a mandate-based scrutiny model, inherited by the Danish Folketing, which allows parliament's European Affairs Committee to give a mandate to the government before meetings in the Council of Ministers. But, as said, parliaments generally avoid binding their government to too strict mandates, which can have no chance of support at the EU level, instead they provide parliamentary red lines or define a range of outcomes that they consider acceptable on which the government can move. An additional aspect of Finnish system is the involvement of standing committees, which guarantee the achievement of a higher level of expertise. However, the decisive factor which confers to Eduskunta's scrutiny system increased effectiveness can be found in the recognition of its strong information rights and involvement in EU affairs conferred by the constitution of Finland.

The parliaments of the three EU Nordic member states in analysis (Finland, Denmark and Sweden) show a great amount of similarities especially when compared with parliaments of the other 'non-Nordic' Member States. To the geographical, cultural and historical commonalities is necessary to trace also institutional ones: they are all parliamentary democracies with unicameral legislations, PR electoral system and they share the same robust parliamentary influence over EU affairs. Moreover, they are recognisable thanks to their strong parliaments, minority governments (with the exception of Finland), low popular support towards the EU and predominantly Protestant populations. The strength of Nordic countries' parliamentary influence goes along with three central elements: timely access to information, which allows the parliament to obtain all documents relevant for EU scrutiny accompanied with a memorandum explaining government's position on a specific proposal; a fruitful net of committees, with the withstanding contribution of the EAC and the sectoral committees actively involved in the scrutiny of EU activities in their specialised policy sector; and the possibility of imposing a (more or less) binding mandate on government's vote in the Council.

Indeed, even though apparently intricate, the process of scrutiny of EU draft acts results to be highly effective in the three Nordic countries under analysis. As we have already seen, in Finland, EU draft proposals pass from the government to the EAC of the Eduskunta, the main arena for scrutiny of EU affairs, involving also specialised standing committees, whose expertise and preparedness are a crucial contribution to shape EAC's position at an early stage of EU legislative process. Differently, Danish parliamentary scrutiny passes through four different steps, activated

when the Ministry of Foreign Affairs receives from the Commission new proposals and involves the EU Special Committees, the EU Committee, which role is central in order to build a single Danish position on every EU proposal before the Council meeting, the Government's Foreign Affairs Committee and, finally, the European Affairs Committee of the Parliament, where the minister has to present and receive the approval of the position to be pursued in the Council. Finally, Sweden's EAC, in consultation with the government, is responsible for the formulation of Sweden's policies at the Council of Ministers meetings. The Riksdag, thanks to its right to request necessary information to the government and deliberate with it on matters concerning European Union affairs, disposes of a strong oversight and control power, increasingly expanded by its ability to issue mandates and participate in the EWS. Standing committees, which appear at an early stage, receive EU proposal from the government, scrutinise in detail the documents with the cabinet or ministerial representatives and subsequently express their views on such matters, shaping the EAC mandate.

In my analysis also some dissimilarities, of course, emerged. Finnish parliamentary scrutiny proved to have matured a stronger system with respect to access to information and effective involvement of sectoral committees, while the Danish Folketing, the first to experiment the mandate-based scrutiny model, showed a stronger ability to mandate (politically and not legally) its government's position during the negotiations in Brussels. The Swedish Riksdag, lastly, enjoys a central role in the EWS. Moreover, the Eduskunta can be said to be actively involved in EU affairs, but essentially all of this involvement takes place behind closed doors. The Eduskunta has argued that confidentiality of committee deliberations facilitates government accountability, but it also reduces the quantity of information that the electorate receives about European matters. Considering the limited role of plenary debates in European matters, focused mostly on 'high politics'³⁸⁴, citizens and the media have – beyond access to documents – hardly any possibilities to follow parliamentary activities in EU affairs. And this, as we saw, differs with the high level of openness detected in the Danish Folketing and Swedish Riksdag. In the elaborate we clarified how parliamentary EU scrutiny of Finnish Eduskunta is determined by consensus and pragmatism, aimed at achieving parliamentary unity. However, the euro crisis coupled with the upcoming elections and the criticism of Finns Party against the consensual and cartelised ways of Finnish and European governance, where the 'old parties' bargain and reach agreements escaping from the preferences of the ordinary citizens, threatened this modality. This resulted in a higher demand for public debates about EU and for the

³⁸⁴ Treaty amendments, Finland's EU presidencies, single currency, and security and defence policy.

end to the so-called ‘one-truth’ politics³⁸⁵. The euro crisis, indeed, led to an increase in debate in the period 2010-2012, with 18 EU debates on average per year, 63% of which focusing on the euro area³⁸⁶. These debates were requested prevalently by the more Eurosceptical parties – the Finns, the Christian Democrats and the Left Alliance - and the main opposition party – the Social Democrats. In 2010–2013, 25 DO were appended to EAC statements, with the majority of them dealing with economic and financial affairs. Furthermore, EAC voting increased significantly from 2010 onwards.

In conclusion, I would like to highlight that Nordic states are known as strong protectors of their autonomy, even at the cost of lying outside the regional mainstream. They choose thus to be relatively on the margins, often recognising national or sub-regional (Nordic) values and identities as more important than their European equivalents. A significant exception here is Finland, although Helsinki seems to be increasingly reluctant to take part in deeper integration now than before. The process of adaptation to EU developed slightly differently in the countries under analysis but it is characterised by the same level of awkwardness. Indeed, when ‘Europe’ is seen as ‘out there’ rather than ‘here’ and when important features of national politics and policy are considered at risk from regional integration - that is, that they could be diluted, or submerged - then Nordic states become awkward partners³⁸⁷, maturing a sort of scepticism towards such regional projects and shaping tools to somehow control it. We can affirm then that a visible line can be traced between parliaments that “have the potential to become a significant influence on the executive, directing and guiding the movement of the government at the European level”³⁸⁸ and parliaments “which are mainly reactive, providing opinions on European legislation, and commenting on the way in which the government

³⁸⁵ Raunio, T., *The politicization of EU affairs in the Finnish Eduskunta: Conflicting logics of appropriateness, party strategy or sheer frustration?*, Comparative European Politics Vol. 14, 2016, pp. 232–252.

³⁸⁶ Auel, K. and Raunio, T., *Debating the state of the union? Comparing parliamentary debates on EU issues in Finland, France, Germany and the United Kingdom*, Journal of Legislative Studies 20(1), 2014, pp. 13–28: In many of these cases the recurs to plenary was necessary as the eurozone coordination or bailout measures necessitate national legislation. The issues were thus introduced in the parliament as domestic bills that always require plenary approval.

³⁸⁷ Ojanen, H. and Raunio, T., *Re-Assessing Finland’s Integration Policy: The End of Domestic Consensus?* in McCallion, M. S. and Brianson, A., (eds.), *Nordic States and European Integration*, Palgrave Studies in European Union Politics, 2018, pp. 35-58.

³⁸⁸ Bengtson, C., *National Parliaments in European Decision-Making: A Real Prospect or Wishful Thinking?*, Federal Trust for Education and Research Online Papers No. 29/03 (2003), p. 5.

has conducted itself at European level”³⁸⁹, acting as “rubberstamping”³⁹⁰. I hope that my analysis on EU Nordic countries’ parliamentary system, in general, and the Finnish one, in particular, helped us to place the Eduskunta, as well as the Folketing and the Riksdag, in the first category.

³⁸⁹ Bengtson, C., *National Parliaments in European Decision-Making: A Real Prospect or Wishful Thinking?*, Federal Trust for Education and Research Online Papers No. 29/03 (2003), p. 5.

³⁹⁰ Bengtson, C., *National Parliaments in European Decision-Making: A Real Prospect or Wishful Thinking?*, Federal Trust for Education and Research Online Papers No. 29/03 (2003), p. 5.

SUMMARY

The main focus of this thesis study is the parliamentary control on EU affairs by the Finnish Eduskunta, in the specific, and by the Danish and Swedish parliaments, more in general.

National parliaments and their functions in the European context

The first part is devoted to the analysis of the Parliament and its vast catalogue of functions and the effects the European Union produced on it. Integration in EU transformed national parliaments in the sole bodies empowered to reduce the so-called ‘democratic deficit’³⁹¹ and led to a Europeanisation of national legislatures³⁹². Indeed, the transfer of policy making powers from the member states to the European level resulted in a direct loss of influence of national parliaments. Anyway, NPs have succeeded over time in intensifying their involvement in EU matters and consolidated their role in EU governance, at the same time enhancing popular support towards the Union. The concitment emerged strongly after the accession of UK and Denmark in 1973, both dominated by strong parliaments, which led to the introduction of the scrutiny reserve and the mandating system, subsequently adopted by Finland and Sweden and other new MSs. It continued with Delors’ legislation agenda, the proliferation of European Affairs Committees in many parliamentary chambers, the first COSAC and Declarations 12 and 13 of the Maastricht Treaty³⁹³ recognising the role of national parliaments. Finally, Protocol 1 of the Lisbon Treaty gave to NPs the right to receive relevant information on Community initiatives, in the pre-decisional stage or sufficiently in advance so that they could have the opportunity to engage in the scrutiny process before decisions are made, as well as the right to refer to the European Court of Justice in case of infringement of the subsidiarity principle (EWS).

Even though it is possible to individuate different models apart from the EU parliamentary model, which is legitimate “when ownership of the executive power is conceived as a relationship of trust with the collegiate or colleges holding legislative power”³⁹⁴, with different institutional varieties (unicameral or bicameral) and electoral systems (PR or majority), it is possible to refer to parliaments

³⁹¹ Democratic deficit, Summary of EU legislations, Glossary of summaries. Available at: https://eur-lex.europa.eu/summary/glossary/democratic_deficit.html.

³⁹² Laudrech, R., *Europeanization of Domestic Politics and Institutions: The case of France*, Journal of Common Market Studies, 1994.

³⁹³ Treaty of Maastricht, Final Act, 1992. Available at: https://mk0rofifiqa2w3u89nud.kinstacdn.com/wp-content/uploads/Transnational_maastfin.pdf?_ga=2.198492328.62810228.1585394070-928906108.1584833004.

³⁹⁴ Elia, L., *Governo (forme di)*, in Enciclopedia del diritto, Annali, Milano, 1970, vol. XIX, pp. 634.

as those collective bodies operating in all Member States whose central works are transforming bills into laws, carrying out scrutiny/oversight on the Government and functioning as representatives of the citizens, following an egalitarian and majoritarian rule (“principle of democracy”). However, national parliaments do not reach the same effectiveness in adopting laws, controlling ministers, inquiring and questioning nor are they able to build the same level of trust and public support. For this reason, in European Union they can become the saviours and granters of democratic legitimacy or, partially, responsible for the deficit. The Nordic countries (Finland, Sweden and Denmark) selected for my work share a unicameral legislature setting with a strong oversight power and they can thus be enumerated in the first above cited category.

Raunio individuates different parliamentary functions, distinguished between those carried out in domestic and EU politics: those focusing on parliament’s links with the citizens, among which the roles of safety valve, caretaker, mobilizer and educator; and those related to the government, in which we find the government oversight function - applicable both in national and EU politics - consisting in holding the cabinet accountable, scrutinising EU laws and influencing the government, which is the representative of the country at the European level³⁹⁵. As Mill highlights is his work: “Instead of the function of governing, for which it is radically unfit, the proper office of a representative assembly is to watch and control the government”³⁹⁶.

Being accountable means essentially being answerable for one’s actions to some authority and having to suffer sanctions for those actions. Similarly, Bovens defines accountability as “a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences”³⁹⁷. In the political field this bond can be translated in a principal-agent relation. Therefore, decision makers do not enjoy unlimited autonomy but have to explain and justify their actions in front of their accountors and can be subjected to a set of sanctions. In parliamentary systems the parliament itself is given the responsibility to provide citizens of the necessary information and act as the “agent of the people” and the principal of the government³⁹⁸, from an agency theory

³⁹⁵ Raunio, T., *The Gatekeepers of European Integration? The Functions of National Parliaments in the EU Political System*, Journal of European Integration, Volume 33, 2011.

³⁹⁶ Mill, J.S., *Considerations on Representative Government*, Oxford University Press, p. 282, 1998.

³⁹⁷ Bovens, M., *Analysing and Assessing Accountability: A Conceptual Framework*, European Journal of Law, 13(4), 2007.

³⁹⁸ Auel, K., *Democratic Accountability and National Parliaments: Redefining the Impact of Parliamentary Scrutiny in EU Affairs*, European Law Journal, Vol. 13, No. 4, July 2007, pp. 487–504.

perspective. Parliaments thus “provide the means by which the measures and actions of government are debated and scrutinised on behalf of citizens, and through which the concerns of citizens [...] may be voiced”³⁹⁹. This chain of delegation is enforced in order to ensure, ultimately, that governments ‘of the people’ can be effectively controlled ‘by the people’ and thus be induced to act ‘for the people’.

In a multilevel governance system as the European Union parliamentary accountability assumes particular relevance with European citizens asking for a “better democratic scrutiny” and democratic legitimacy, introduced through a number of reforms based on the five principles of openness, participation, accountability, effectiveness and coherence. In the European context, indeed, decision makers are asked to publicly discuss crucial issues in order to allow national citizens – as ultimate principals - to take part, although indirectly, to the decisional process. Through this interaction, national parliaments have become forum of debate where critical decisions are taken, thus contributing to the democratisation of the European policy making process. Over time, European parliaments managed to conquer an effective role in EU affairs thanks to the scrutiny of executive EU policy making. They obtained the right to receive *ex ante* information on European issues or legislative proposals under negotiation and assessment of how their government is planning to conduct the negotiations at the European level during the meetings of the Council of Ministers, imposing a specific line to the government (monitoring scrutiny); and ask, *ex post*, justifications of the ministers’ negotiation position and behaviour and assess if the position pursued by the representative in the Council and its decision, as well as the outcome of European negotiations, were in line with the views and will of the accountors (political scrutiny). Papadopoulos also emphasises how parliamentary accountability becomes effective if supported by sanctions⁴⁰⁰.

Among the tools used by parliaments to exercise their control on government’s work, distinguished between fore-sight (or scrutiny) and super-sight or control in the strict sense (oversight), we find questions, interpellations and motions. A parliamentary question is a request of information which the government has to provide or a clarification given by the Prime Minister. On the other hand, the interpellation is aimed at “stimulating government action, gaining personal publicity, asking for an explanation, holding ministers accountable for controversial aspects of their policies, etc.”⁴⁰¹. Lastly, the motion is the supreme manifestation of the oversight exercised upon the government, used

³⁹⁹ Norton, P., *Parliaments and Governments in Western Europe*, Frank Cass, 1998.

⁴⁰⁰ Papadopoulos, Y., *Problems of Democratic Accountability in Network and Multilevel Governance*, European Law Journal 13 (4), 2007.

⁴⁰¹ Wiberg, M., *Parliamentary Questioning. Control by Communication*, in Herbert Döring (ed.), *Parliaments and Majority Rule in Western Europe*, Frankfurt: Campus Verlag, 2005.

to initiate the procedure to partially or fully replace the present government, the so-called motion of no-confidence. But the central arenas where the biggest part of legislative workload is carried out and government's or EU's proposals examined are the permanent or not permanent parliamentary committees, as the EAC (European Affairs Committee). In many EU Member States, including the ones in analysis, European Affairs Committees' main function is to control and influence national decision-making on individual pieces of EU legislation, receiving *ex ante* from their government information of Commission's legislative proposals that fall within the competence of the legislatures and other crucial documents and the agendas together with a notice about the government stance before the Council meeting. *Ex post*, at the end of the Council meeting the minister reports back to the committee, appearing in person if required. The EACs may also participate actively in the monitoring of European Council meetings, IGCs, and in the ratification of treaties.

The role of Eduskunta in EU affairs and CFSP

Moving the focus to the central point of my work, the Finnish Parliament, the Eduskunta, we can firstly say that it appears among the legislatures with strong committees and high 'parliamentary influence'. According to the Constitution: "sovereign power in Finland is vested in the people, who are represented by the Eduskunta assembled in session". The parliament is made up with 200 members, elected for a four-years term and working in nine parliamentary groups, which correspond to political parties. In Finland the proportionality of the electoral system is high and cabinets are mostly short-lived and unstable, generally bringing together parties from the left and the right and shaping cross-bloc coalitions, producing thus high levels of fragmentation in the party system. Starting from the constitutional reform of 2000, the formation of the cabinet became parliamentarised, with the Eduskunta electing by simple majority voting the Prime Minister after a negotiation on the political program and the composition of the government. A sort of 'investiture vote'⁴⁰² which enabled the parliament to place a set of *ex ante* limits or guidelines on the future executive. Finnish Eduskunta, as the other Nordic legislatures, belongs to the category of 'working parliament', which emphasises the work carried out in parliamentary committees (currently 17) over plenary debates, the involvement of standing committees, the extensive delegation - with the EAC acting on behalf of the parliament - and limited contestation. Withstanding is the role of the Grand Committee, also known as EU Committee, which deals with EU affairs. However, in recent times, especially in EU affairs the Eduskunta has tried to give to plenary debates a more central role, both *ex ante* and *ex post* the

⁴⁰² Bergman, T. and Strom, K., *The Madisonian turn: Political parties and parliamentary democracy in Nordic Europe*, 2011, p. 121.

decision-making process. The control exercised by the Eduskunta on government affairs and its right to receive information on relevant matters, including international affairs, EU matters and national budget, finds legitimacy in the constitution of Finland (Section 47)⁴⁰³. The information right is furtherly completed with the right to receive reports from the cabinet (Section 44) and the government's annual report on its activities (section 46). Moreover, when Finland joined the EU in 1995 after the positive result of the national referendum, the Eduskunta obtained the rights to receive information on EU matters (Section 96) and on international affairs (Section 97), enhancing its capacity of control over the government. Fundamental to shape the influence of Finnish parliament are also the early engagement in the processing of EU legislation coupled with ministerial hearings in the Grand Committee, taking place both before and after the meeting of the Council, and the constant consensus-building which aims at achieving increased influence in Brussels.

Taking a step back, Finland joined the European Union in 1995, together with Austria and Sweden, marking a progressive change in its political orientation and abandoning a policy of neutrality, conducted until the beginning of 1990s, and its special relation with the USSR. The country gradually opened to the European project, firstly engaging in a collaboration with the countries of the Organisation for European Economic Cooperation (OEEC), later on, taking part in the European Free Trade Association (EFTA), signing the free trade agreement with the European Economic Community (EEC) in 1973 and, lately, signing the European Economic Area (EEA) treaty. In 1992, after having received 108 votes in favour by the Eduskunta, Finnish government applied for membership in the EC. The application was accepted by the Commission and negotiations on the admission of Finland were concluded in 1994, only after the issues related to the agriculture sector, state alcohol monopoly, common foreign and security policy and the position of the Åland Island in the membership plan were solved. To give legitimacy to the membership, the government of Finland called the citizens to express their voice in a national referendum, giving space also to the different views of pro-EU and anti-EU actors. The former considered essential for Finland to “be part where decisions are made”⁴⁰⁴ and looked in a positive way the possibility of the country to decide by herself on security matters and enjoy a higher level of protection in the situation of a vis-à-vis with Russia. While, the latter stressed the potential loss of national independence and state sovereignty dictated by the Community, as well as the high levels of social and political equality embedded in the welfare state, and complained about the effect of CAP on the farmers' work. The referendum was held on October 16th, 1994, in concomitance with the Swedish one, and the YES won with the 57%. Finland

⁴⁰³ Constitution of Finland. Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

⁴⁰⁴ Laine, J., *Suomi ja EY*, Ulkopolitiikka 28:1, 1991.

officially become a Member State of the European Union in 1995. Starting from this point, Finnish EU decision-making has been clearly shaped by the interaction between parliament and government, for this reason it may also be described as a “joint interaction”. The government, indeed, has an obligation to inform the European Affairs Committee both before-hand and afterwards the Council of Ministers and the European Council meetings and the ministers can appear personally before the Eduskunta. On the other hand, the parliament can give a determined mandate - binding or less binding - to the latter, before a minister can endorse legislation in Council meetings. These are the crucial parameters that build the strong parliamentary scrutiny mechanism of Finland and the other Nordic countries (mandate-based scrutiny model⁴⁰⁵). This system differentiates from the document-based scrutiny model, based on screening and examining legislative proposals and other documents. However, given the strong information rights coupled with the ability to mandate ministers before the meetings in Brussels, the Eduskunta’s scrutiny system can thus be best described as a mixture of document-based and mandate-based systems.

Going back to Section 96 and 97 of the Constitution, they recognise to the Eduskunta the right to be consulted on proposals for acts, agreements and measures considered by the European Union and to receive information about the initiative of the government in relation to such proposals, as well as recognise the legal responsibility of the government and its members to ensure that the Eduskunta acquires all necessary information, without delay, for the scrutiny of European affairs⁴⁰⁶. European issues can be introduced into the Eduskunta as government bills, dealing with domestic implementation of EU directives, EU treaties and other EU legislation or EU documents, classified as either U-matters or E-matters. The U-matters are usually legislative proposals advanced by the Commission that fall within the competence of the Eduskunta, on which the latter must receive information from the government. While, the E-matters are ‘other matters’, typically Commission legislative initiatives that fall outside the jurisdiction of the Eduskunta or non-legislative documents published by the Commission, such as Green Papers, White Papers and other Commission consultative papers or, finally, reports on Finland’s integration policy or on court cases concerning Finland in the Court of Justice of the European Union (CJEU). For these mentioned E-matters, a report to the EAC must be submitted by the government. Later on, the relevant specialised committee which receives it may decide to issue a report to the EAC, consequently sent to the relevant Ministry. The process of scrutiny of EU draft acts begins with the government sending a formal letter to the

⁴⁰⁵ Maurer, A. and Wessels, W. (eds.). *National Parliaments on their Ways to Europe: Losers or Latecomers?*, Baden-Baden: Nomos, 2001.

⁴⁰⁶ Constitution of Finland. Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

Speaker, together with a *resumé* of the proposal, an evaluation of its legal basis and reference to the subsidiarity principle, the timetable for processing the matter and the tentative position of the government. Following the process, the Speaker then forwards the matter to the European Affairs Committee and requests the specialised committee or committees, which have expertise in the specific sphere of competence, to give their opinion back to the EAC. After debating the issue, the EAC formulates a position, at the very preparatory stage, which has the effect of a parliamentary recommendation rather than an obligation, expressed in the form of a summary by the Chair. The meetings of the EAC are held *in camera*, though the minutes and the annexed documents become public when they are signed as a correct record. Only at the final stage of the process of scrutiny the voting instructions are given. However, these mandates by the EAC are not constitutionally binding on ministers, they work as a “directive point of departure”⁴⁰⁷ for the action of Finland’s representatives in the Council, leaving ministers a certain amount of room for manoeuvre. In EU affairs, also the plenary can be involved both before and after specific decisions are taken at the EU level, giving to the Eduskunta some ‘debating-parliament’ characteristics.

For what concerns the field of foreign policy, Finland, as the other Nordic countries, is known as a peace-builder and peacekeeping figures as a key component of the ‘Nordic model’. Finnish constitution recognises the direction of the field by the President of the Republic in co-operation with the government (Section 93), which is the representative of the country in international negotiations and is entitled to formulate and defend national interests. Nowadays, even if at varying degrees, parliaments requested the rights to claim, receive, and exercise an appropriate role with regard to foreign policy by approving military budgets and international agreements or by holding governments accountable for their external action. In the case of Finland, starting from the post-Cold war era, there was an increase in parliaments’ involvement and oversight of the cabinet, pursued through an *ex ante* veto, with which it has assured the right to approve the government’s agenda beforehand. During the Soviet era, in fact, the country was strictly committed to maintain amicable relations with the USSR, while, in the post-Cold war era, it has passed through a process of Europeanisation, also in the foreign policy area, but still maintaining the same logic of manufacturing national unanimity, or at least broad elite consensus, which could be translated into additional influence in EU level bargaining. The Nordic country has actively supported the development of Common Security and Defence Policy (CSDP) and, together with Sweden, advanced the proposal of the creation of an EU military crisis

⁴⁰⁷ Boedeker, M. and Uusikylä, P., *Interaction Between The Government And Parliament In Scrutiny Of Eu Decision-Making; Finnish Experiences And General Problems*, Eduskunta, 1999.

management capacity. The Foreign Affairs Committee (FAC) of the Eduskunta is the main forum for scrutiny of crisis management, general foreign and security policy, foreign trade, development cooperation, international treaties and organisations, peacekeeping operations and CFSP/CFDP (while the DEFC mainly focuses on defence forces) and shall receive from the government reports on such topics (Section 97)⁴⁰⁸. The FAC started to acquire increasing force in foreign affairs during the chairmanship of Aaltonen and its role was confirmed with the constitutional reforms of the following years. Indeed, between 1995 and 2006 were introduced amendments to national peacekeeping legislation, allowing a more extensive use of force⁴⁰⁹. Was also increased the compatibility of Finnish legislation with EU treaties and the term ‘peacekeeping’ substituted ‘crisis management’ in order to guarantee to Finland full participation in operations led by UN, EU, or NATO and in EU’s Battlegroups. The FAC thus was given the right to receive *ex ante* information from the government and hearing ministers before (and after) the Foreign Affairs Council and the European Council on CFSP issues or international meetings and, theoretically, control whether troops are sent on CSDP missions or not. Furthermore, the new constitution of 2000 granted to the Eduskunta genuine authority in external affairs: it committed the government to produce a report to the plenary of the Eduskunta in case international operations do not fulfil the conditions of traditional UN peacekeeping operations and update the parliament on the status of the operations via regular reports, for example, in the form of biannual crisis management overviews⁴¹⁰. We can say that the post-Cold war era compromised the policy of neutrality or military non-alignment as Finland started to play an active part in the development of CFSP/CSDP, especially in crisis management, and progressively enabled the Eduskunta to enlarge its participation in these fields. The Eduskunta can benefit of the same toolkit used in other policy areas to exercise the scrutiny in foreign affairs (committee scrutiny, plenary debates and votes and parliamentary questions, etc.). Overall, in Finland consensus on security policy has traditionally been strong and, generally, contestations (mainly raised by left-wing parties) emerge more on operations led by NATO rather than on missions coordinated by the UN or EU.

The facets of the Nordic model in EU - a comparative perspective

Focusing on the pure Nordic model, we can delineate a structure of political culture and democracy, characterised by a combination consensus – with an undramatic and pragmatic style of

⁴⁰⁸ Constitution of Finland. Available at: https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

⁴⁰⁹ Tiilikainen, T., *Toward an active participation in foreign policy: the role of the Finnish parliament in international conflict prevention and crisis management*, Washington, DC: The World Bank, 2008.

⁴¹⁰ Laki sotilaallisesta kriisinhallinnasta annetun lain muuttamisesta (576/2015).

policy making - and openness towards its people and participation, resulting from the mutual interaction between the state and the rest of the society. This state-society relationship presupposes “a strong state and a strong society that have merged to form a mutually reinforcing whole”⁴¹¹ and refers to the state’s capacity to implement policies and engage societal groups in that policy making, as Mann defines as infrastructural power. Consensus-seeking, one of the central elements of Nordic political culture, has been shaped through the routinized engagement of relevant groups of the society and the firm control over procedures and participants, thus, through a sort of regulated openness. In order to guarantee and safeguard the bond among societal actors and strengthen the channels of participations, the state committee - a key institution in the history of governance, policy making and state-building in both Sweden and Finland - intervenes. State committees, indeed, were helpful in the process of compromise-seeking at the basis of the welfare state and, in modern society, they cover almost all possible issues of public policy and are involved in the preparation of government bills for parliament. Generally, their policy recommendations have usually been accepted by policy makers with either few or no modifications. Over the years, they prevalently converted into meeting places where state authorities and representatives of civil society could gather and discuss. The incorporation and the pre-involvement of key societal actors increased the accuracy of policies, the prospects of their smooth implementation and conflict resolution. However, the trends of globalisation and European integration have contributed to influence new mechanisms of policy preparation, building a new boundary zone between national and European administration, and de-institutionalising state committees until their repelling in 2002.

To continue with the discussion, Nordic countries are considered awkward partners of the EU⁴¹²: they share a common political history; they present a distinctive socio-economic model (welfare state) and high levels of scepticism towards supranational arrangements - Nordic or not - that would limit national autonomy, such as the European Community (EC). Indeed, since 1952 they have collaborated politically in the Nordic Council, coordinating in a wide range of policy areas, and, as a consequence, they matured the common belief that being Nordic in Europe meant “being a little better off than the rest”⁴¹³. This is why the three EU Member States were all relative latecomers, ‘reluctant Europeans’: Denmark joined in 1973, whereas Sweden and Finland joined in 1995. The hesitation of Scandinavian people and elites to join the EU integration process resulted in a powerful

⁴¹¹ Lange, M. and Rueschemeyer, D., *States and Development: Historical Antecedents of Stagnation and Advance*, New York: Palgrave Macmillan, 2005.

⁴¹² McCallion, M. S. and Brianson, A., *Nordic States and European Integration: Awkward Partners in the North?*, Palgrave Studies in European Union Politics, Palgrave Macmillan, 2018.

⁴¹³ Waever, O., *Nordic nostalgia: northern Europe after the Cold War*, *International Affairs* 68(1), 1992.

incentive for their governments to successfully promote their national priorities in Brussels, moreover, the presence of a sort of Nordic coalition still boosts cooperation across different issue areas. Differently, the relationship that the five Nordic countries have with the European integration process and the adherence to the whole range of EU policies and law show high levels of variation.

The liberal-egalitarian sentiment rooted in Danish society shaped Denmark's approach to European integration resulting in a conception of Denmark being a Nordic country different from and better than Europe. The process, considered a 'politics of necessity', was directed by economic and security issues and the informal Danish political culture. This accession to the EU found opponents in the left-leaning 'people's movement', defender of Danish autonomy and worried about the potential risks of market integration vis-à-vis the ability to preserve the welfare state and close links to other Nordic societies. Opponents and adherents then found the right meeting point in a policy of pragmatic scepticism which led the path towards EEC membership in 1973. Denmark's approach towards Europe was built on its selective engagement with a focus on promoting Danish (primarily economic) interests and defensively preserving the basis of its national autonomy, actively influencing EU policy decisions in the Council of Ministers through political mandates (being Denmark a 'mandate-based system') given to the Danish government before the meetings. However, over time, this approach was modified by an increasing acceptance of Europeanisation as a fundamental condition for policy making, even in those policy areas affected by the Danish opt-outs (the European Monetary Union, as an example) and occasional activism. Danish Constitution does not indicate any specific parliamentary body or any detailed procedures to follow in order to deal with EU affairs, but, after the Danish Accession Act signed in 1972, a permanent parliamentary Market Committee – renamed European Affairs Committee after the Maastricht Treaty - was established. The main aim of the new-born body is to receive from the government information about proposals for Council decisions that would be directly applicable in Denmark and ensure that Danish government does not agree to decisions in Brussels that could not subsequently be passed in parliament⁴¹⁴. The EAC - considered a 'parliament in miniature'⁴¹⁵ - can also advance reasoned opinions (RO) under the EWS without any involvement of the plenary, and, through the work of sector committees, is responsible for checking the adherence of Commission's proposals to the principle of subsidiarity. Considering the Danish EU decision-making procedure, it passes through

⁴¹⁴ Møller Sousa, M., *Learning in Denmark? The Case of Danish Parliamentary Control over European Union Policy*, Scandinavian Political Studies, Vol. 31 – No. 4, 2008.

⁴¹⁵ Hegeland, H., *The European Union in national parliaments: Domestic or foreign policy? A study of Nordic parliamentary systems* in O'Brennan, J. and Raunio, T., *National Parliaments Within the Enlarged European Union: From 'Victims' of Integration to Competitive Actors?*, Routledge, 2007.

four different steps, activated when the Ministry of Foreign Affairs receives from the Commission new proposals. The first takes place in one of the EU Special Committees, whose expertise is fundamental to produce the first formulation of Danish position; the second involves the EU Committee, which has to coordinate the recommendations of EU Special Committees in order to build a single, consistent Danish position on every EU proposal before the Council meeting; when the position of Danish government on EU matters has been confirmed in the Government's Foreign Affairs Committee, the fourth and last step takes place in the European Affairs Committee (EAC) of the Parliament - with the assistance of sector committees - where the minister responsible for the relevant matter to be discussed in Brussels will present the case and the corresponding position. After a round of questions, if there is no majority against minister's position this will make up the guideline for the negotiations in the Council⁴¹⁶. The concept of openness in Danish tradition is fundamental, being a decisive precondition for a broader democratic debate. Indeed, ordinary meetings in the EAC, originally closed for the public, in 2006 were opened in order to strengthen the openness and transparency of the work of the EAC. Finally, when it comes to foreign policy, including EU's Common Foreign and Security Policy (CFSP), the constitution (Part III, art. 19.3) bounds the government to consult the Foreign Policy Committee of the Folketing before making any decision of major importance to foreign policy.

For Sweden integration process in the EU was not an easy job to carry out, concluded with an unexpected U-turn in 1991. Anyway, also in this case the process was led by economic, security (political) and identity issues, coupled with the need to find a way out from the economic crisis of the time and the changing geopolitical framework determined by the collapse of the Soviet Union and the fall of the Berlin Wall. In 1994 Sweden involved actively its people holding a guiding referendum on EU membership, which ended up with 52.1% votes in favour, and the following year it officially joined the European Union. However, Sweden decided to retain the control of its macroeconomic policies rejecting the single currency in 2003. Turning to foreign policy, Swedish EU membership resulted in a significant Europeanisation of its security and defence policy, which can be perceived in the cooperation and participation, together with other non-militarily aligned member states (like Finland), in EU's Common Foreign and Security Policy (CFSP). In the Kingdom of Sweden, as set out in the Instrument of Government, legislative power lies within the Riksdag – the unicameral legislature - and the provisions governing its internal functioning are specified in the Riksdag Act. The parliamentary committees embedded in the Riksdag are 15 plus the Committee on EU Affairs.

⁴¹⁶ European Affairs Committee's first report of 29 March 1973. Available at:

<https://www.thedanishparliament.dk/en/committees/committees/the-european-affairs-committee>.

The EAC, in consultation with the government, is responsible for the formulation of Sweden's policies at the Council of Ministers meetings (Art. 3 of the Riksdag Act)⁴¹⁷. The strength of the parliament comes from a strong right of influence and oversight, which it achieves successfully by requesting necessary information to the government (Art. 21 of the Riksdag Act) and deliberating with it on matters concerning European Union affairs (both before and after the Council of Ministers and European Council meetings), issuing mandates and participating in the EWS (scrutinising EU White and Green Papers as well as all EU legislative drafts) through reasoned opinions. Standing committees participate at the early stage of EU policy making, receiving from the government information about the activities of EU working group and COREPER. Later on, they can scrutinise EU proposals with the cabinet or ministerial representatives in detail and subsequently produce a written statement or form an oral position, both fundamental to shape the mandate that is given by the EAC prior to Council negotiations. A further task given to standing committees is the evaluation of the compliance of draft legislative acts with the principle of subsidiarity. The impossibility of the Riksdag to consider only important EU dossiers, due to the mandated exhaustive scrutiny established by the Constitution (especially in connection with the EWS), can result in a heavy workload for both MPs and staff and may prevent it from fully exercising its strong scrutiny power.

Conclusion

In conclusion, the powerful Finnish EU scrutiny model, as we saw, is committee-based and follows the famous mandating model of the Danish Folketing, adopted by many of the new member states, Sweden included, according to which the government has to receive a mandate by the parliament's European Affairs Committee before the meeting in the Council of Ministers. The three EU Nordic member states in analysis (Finland, Denmark and Sweden) show a great amount of similarities especially when compared with the other 'non-Nordic' Member States but, most important, they share the same robust parliamentary influence over EU affairs determined by strong parliamentary scrutiny, timely access to information, an effective net of committees and the possibility of imposing a (more or less) binding mandate on government's vote in the Council. In conclusion, Nordic states are known as strong protectors of their autonomy, even at the cost of lying

⁴¹⁷ The Riksdag Act. Available at: <https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-constitution-of-sweden-160628.pdf>.

outside the regional mainstream, often recognising national or sub-regional (Nordic) values and identities as more important than their European equivalents⁴¹⁸.

⁴¹⁸ McCallion, M. S. and Brianson, A., *Nordic States and European Integration: Awkward Partners in the North?*, Palgrave Studies in European Union Politics, Palgrave Mcmillan, 2018.

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