

Zastosowanie koncepcji sieci politycznych w badaniu relacji parlamentów narodowych i instytucji Unii Europejskiej

Streszczenie

W artykule zbadano relacje parlamentów narodowych i instytucji UE z perspektywy koncepcji sieci politycznych. Weryfikacji poddano hipotezę, że zróżnicowane i rozbudowane formy współpracy między parlamentami narodowymi a instytucjami UE, wypracowane w drodze dobrych praktyk i samoorganizacji, pozytywnie oddziałują na procesy polityczne UE. Badane sieci polityczne analizowano pod kątem: określenia granic, poziomu zintegrowania i otwartości, charakteru występujących relacji, przyczyn zawiązywania sieci, oraz ostatecznie oszacowano wpływ tych sieci na procesy polityczne zachodzące w UE.

Słowa kluczowe: sieci polityczne, parlamenty narodowe, dialog polityczny, żółta kartka

Abstract

The article examines the relationship between national parliaments and the EU institutions from the perspective of the concept of policy networks. We verified the hypothesis that the varied and complex forms of cooperation between national parliaments and EU institutions developed through good practices and self-organisation had positive impact on the political processes of the EU. The studied policy networks were analysed for: determining the limits, the level of integration and openness, the nature of existing relationships, the causes of network creation and ultimately the impact of these networks on the political processes taking place in the EU.

Keywords: policy networks, national parliaments, political dialogue, yellow card

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The use of the concept of policy networks in the study of relations between national parliaments and the EU institutions

The subject of the research presented herein is the relationship between the national parliaments (NP) and the institutions of the European Union (EU). The main objective of the analysis is to examine their nature, existing relationships and processes, as well as determining their dynamics and intensity. In addition, the impact of these interactions on the EU political processes and the effects on the functioning of the EU system will be assessed. Recent regulatory changes have expanded the scope of cooperation between NPs with the EP, the Council and the European Commission and the ability to influence political processes of the EU. In practice, the relationships between the NPs and the EU institutions are complex and self-organised and have significant impact on the political processes of the EU. For this reason, the study used the concept of policy networks.

Research problems undertaken herein are the following: 1) determining the nature of the involvement of the NPs in the political processes of the EU, 2) characterising the interactions between the NPs and the EU institutions 3) identifying factors affecting their development, 4) determining the role of the EU institutions and the scope of their engagement with NPs, 5) assessing the impact of the political networks between the NPs as well as between NPs and the EU institutions on the political processes taking place in the European Union. The main research questions relate to the level of activity, effectiveness and universality, as well as the quality and impact of the cooperation.

The author hypothesises that the varied and complex forms of cooperation between the NPs and the EU institutions developed through good practices and self-organisation

are a policy network and have positive influence on the political processes of the EU. Networks allow to transfer the national experience to the international and transnational arena (see Ruszkowski 2010: p. 68). This is an important and current research problem in the context of the debate on reforming the EU.

The use of the concept of policy network analysis will contribute to the enrichment of studies on the role of networks in the processes of governance. This is an important subject for both academic theorists and practitioners. The article adopted the following arrangement. Firstly, we will discuss the application of the concept of policy network analysis with the presentation of the indicators used in the study. The next section presents the characteristics and details of the cooperation between the NPs and the EU institutions in the context of influence on political processes in practice. In the study, the author has limited the extent of analysis to the selected three forms of cooperation: 1) inter-parliamentary co-operation, 2) political dialogue and 3) early warning mechanism (EWM). The conclusions and the verification of the hypothesis can be found in the final part.

Due to the availability of data and the narrow framework of the research article, the time frame has been established for 2010–2015. The author obtained the data for the study using the information in the archives and databases, directories and registries available on the official portals with the documentation of national parliaments and EU institutions. Due to the volume of the article the author has limited the explanatory layer containing the full exposure of the information gathered and the presentation of the study. Only the final conclusions of the research have been presented.

Theoretical assumptions and methodological studies

The purpose of the policy network analysis is to describe the complex relations in the areas of politics for the purpose of understanding their political consequences (Rhodes 2008). In the Polish literature, the analysis using the concept of a policy network is undertaken in a modest range as opposed to the English-language literature (for example: Benson 1982; *European Journal of Political Research* 1992; Börzel 1998; Nedergaard, Jensen 2014). This concept is most commonly used to study the relationship between public and private entities within the political systems of modern states (for example: Dowding 1995; Rhodes, Marsh 1992; Atkinson, Coleman 2009). The literature is dominated by the sociological approach (example: Robins, Lewis, Wang 2012; Lubell, Scholz,

Berardo, Robins 2012; Diani 2008; Wojnar, Płoszaj 2009; Kawa 2014; Batorski 2008; Jędrzyk 2010; Stępa 2005; Swacha 2014) and research in the area of organisation and management (Kawa 2013; Stępa, Subda 2009; Batorski, Zdziarski 2009).

For the purposes of the article the author assumes that the policy network is defined as the distinctive structure of the political system created on the basis of self-organisation, which is characterised by non-hierarchical relationships (Czapiewski 2013: p. 109). The concept of policy networks are an important innovation. It is based on the conclusion that re-description of the processes of public policy making can be both inclusive and exclusive. Inclusivity refers to the actors, the conditions of political processes and relations within the policy-making processes incorporating new entities outside the group of policy makers. By contrast, exclusivity results from the existence of various groups and types of networks and all kinds of connections between them (Atkinson, Coleman 2009: p. 96 et seq.).

The concept of policy networks applies hereto due to the fact that within various forms of cooperation and mutual relations between the NPs and the EU institutions, the permanent circle of participants cannot be defined and that these interactions are characterised by a common level of interest in participation, non-hierarchical relationships, recourse to simple communication and mutual trust (see Nedergaard Jensen 2014: p. 192 et seq.).

In order to explain the problems and research questions and to verify the hypothesis of the article, the author has applied the following five indicators. Firstly, the limits of the studied networks have been defined, then their level of integration and openness, the nature of existing relationships, as well as the causes of the network creation and finally their impact on the political processes of the EU.

Delimitation of the tested network allows for the identification of the actors of the network and the relationships between them: who participates and on what terms. The level of integration and openness of the networks will be evaluated on the basis of the analysis of the rules for accession to the network: if they are clearly defined, whether they are restrictive and where one must meet certain requirements.

The nature of existing relations will be defined with the use of a typology developed by Adam Silke and Hanspeter Kriesi (Silke, Kriesi, 2007: p. 133–135) delineating the prevailing patterns of interaction. On the one hand various types of relationships and interactions between the political actors of the network will be taken into account; on the other hand, the degree of concentration of power within the studied network will be important. On the basis of the criteria, the authors of this concept developed a map of six types of networks set out below.

Table 1. Types of policy network structures.

		Type of interaction		
		conflict	bargaining	cooperation
Distribution of power	Concentration	moderate potential for rapid (serial) shift	low to moderate potential for incremental change	low potential for change – maintenance of status quo
	Fragmentation	high potential for rapid (serial) shift	moderate to high potential for incremental change	low to moderate potential for change – maintenance of status quo

Source: A. Silke, H. Kriesi, *The Network Approach*, in: P. Sabatier (ed.), *Theories of the policy process*, Boulder 2007: p. 145.

The impact of the analysed network on the political processes taking place in the EU is difficult to measure and lacks clear criteria. The author assumes that the following four indicators can be used to determine the effectiveness of the impact of the studied forms of cooperation on the political processes: 1) the scope and format of interparliamentary meetings, 2) the profile of participants, 3) timing of meeting in the EU policy cycle, 4) the outreach of the meetings (according to: Hefftlar, Gattermann 2015: p. 104).

The possibility of national parliaments to influence the EU institutions and interact with them

The first regulations relating to the involvement of the NPs in the political processes of the EU are associated with the signing of the Treaty of Maastricht (Treaty 1992). Communication and cooperation between the EU institutions and the NPs until the first half of the first decade of 21st century were negatively evaluated by some of the chambers (Paradowski 2014: p. 197). After further modifications to the Treaty, rules for the participation of NPs in the political processes of the EU are included in Art. 12 of TEU (TEU: Art. 12). Development and a formal and legal framework of its content are described in the other rules of the Treaty and the modified protocols No. 1 and 2 attached to the Treaties (Protocol no 1 and 2). The paper presents selected forms of interaction between the NPs and the EU institutions and verifies their influence on the

political processes of the EU and the use of the concept of network policies. We will take into account: 1) inter-parliamentary co-operation, 2) political dialogue and 3) early warning mechanism (EWM).

Inter-parliamentary co-operation

The cooperation between the NPs takes the institutionalised form as well as forms having the accidental ad hoc character grouping interested entities in thematic networks.

The first group of institutionalised forms of interparliamentary cooperation includes the Conference of Parliamentary Committees for Union Affairs (COSAC WWW). The scope of cooperation in the framework of COSAC is specified in Article 10 of Protocol No 1 (Protocol no 1: Art. 10). COSAC was established in May 1989 in Madrid. The Rules of Procedure identified it as a forum for regular exchange of opinions and discussion on drafts of legislative acts, without limiting the competence of the parliamentary bodies of the EU. In the framework of the Conference, recommendations concerning legislative action in the European Union are worked out (Protocol no 1). They take the form of recommendations addressed to the European Parliament, the Council and the Commission relating to, among others, the principle of subsidiarity, the area of freedom, security and justice. Moreover, COSAC may decide to establish a working group to study issues related to the activities of the EU. In practice, there are several such groups, eg. on strengthening the political dialogue, on the possibility of improving the “yellow card”, on the Banking Union (COSAC WWW).

The Conference of the Speakers of European Union Parliaments (IPEX WWW) is a durable form of interparliamentary cooperation functioning for over fifty years. It is composed of Speakers of the national parliaments of the EU Member States and the President of the European Parliament. The first meeting of this group took place in Rome in 1963 but only since the 80s of the last century greater regularity in organising meetings in this group should be noted. Differences in the political positions resulting from the different institutional arrangements in Member States resulted in informal meetings in a narrow circle. Their role is “to oversee the coordination of inter-parliamentary EU activities” (House of Lord 2014: p. 34). The substantive scope of cooperation within the Conference is determined in the Rules of the European Parliament.

Moreover, there is the Interparliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy (CFSP/CSDP) (IPEX

WWWb). In 2014 the discussed topics covered security challenges in southern and eastern neighbourhood of the EU, in particular the situation in Ukraine and the maritime dimension of the Common Security and Defence Policy (European Commission 2015: p. 10). The High Representative of the Union for Foreign Affairs and Security Policy and the Vice-President of the Commission attended both conferences which concerned the priorities and strategies of the Union (European Commission 2016).

The intensive dialogue between the EP and NPs in the area of economic governance resulted in establishing the Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union. It functions on the basis of art. 13 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (also called fiscal package) (Treaty 2012). “It replaced meetings of chairs of Economic Affairs Committees. It was first held in October 2013 and intended to be biannual, with meetings rotating between the parliament of the country holding the Presidency of the Council, and the European Parliament” (European Commission 2016).

Apart from the above-characterised forms of institutionalised cooperation, a network of cooperation in the form of interparliamentary meetings operates as well. Joint Meetings on topics of common interest, involving the Presidency Parliament and the European Parliament are the first example. In common use, these meetings are called parliamentary dimension of the Presidency. They can take the form of: a) the joint committee meetings, b) the joint parliamentary meetings.

In addition, members of the NPs and the EP participate in multilateral cooperation. Joint parliamentary meetings are one of its forms (European Parliament WWWa). This formula was created in 2005 on a wave of the so-called period of reflection on the EU.

Joint committee meetings are the second formula (European Parliament WWWb). The meetings relate primarily to matters concerning the European legislation. The meetings are attended by members of the relevant committees of the EP and NPs. They are organised at the initiative of one or more EP committees in order to, among others, discuss strategic issues of importance for the Union and the whole Europe and to ensure parliamentary control over the decisions of non-legislative nature taken in the EU at the intergovernmental level. For the representatives of the NPs it is an opportunity to meet and discuss with other MPs, including MEPs, but also representatives of other EU institutions, such as the chairman and members of the Commission, High Representative for Foreign Affairs and Security Policy and others (European Parliament 2011: p. 11). Joint committee meetings are also organised in relation to parliamentary scru-

tiny of Europol. Smaller networks of eg. the chairmen of parliamentary committees or rapporteurs are formed.

The meetings of the “yellow card” working group are an important formula of interparliamentary cooperation¹. The group was established at the informal meeting of the chairmen of EU committees of national parliaments organised at the initiative of the Dutch House of Representatives in January 2015 in Brussels. The group consists of interested chairman of the European Affairs Committees of Parliaments of the Member States of the EU and the EP.

European Parliamentary Week is a new formula of the interparliamentary meetings of committees organised at the initiative of the EP committee. The first Parliamentary Week took place in January 2013. Meetings are held at the beginning of February of each calendar year. Members meet to discuss economic, budgetary and social issues coordinated within the procedure of European Semester (European Parliament 16.02.2016).

Bilateral contacts between members of national parliaments and the MEPs, as well as visits of a delegation of EP committees in national parliaments are another form of interparliamentary dialogue. This is by far the most popular form of interparliamentary cooperation. In particular trips of the delegation of EP Committees to the Member States which are to take over the presidency of the Council have a long tradition. Representatives of the EP committee and the committees of NPs may jointly organise workshops, hearings or debates referred to as interparliamentary meetings organised by the European Parliament (European Parliament WWWc).

Political dialogue

The activity of NPs in the framework of the political process of the EU has been undertaken since 2006 in the form of an informal political dialogue with the European Commission. Its aim is both to increase the involvement of NPs in the shaping of the European policy and to highlight the implementation of the demands for parliamentarisation of the European integration process and the elimination of the democratic deficit in the EU (European Commission 2006). The European Commission sends new legislative proposals and consultation papers directly to the NPs inviting them to submit comments. In the framework of the political dialogue NPs can send to the EC their opinions on these documents. These take various forms and names, such as: opinion,

¹ The full name is the working group on the possibility of improving the “yellow card”.

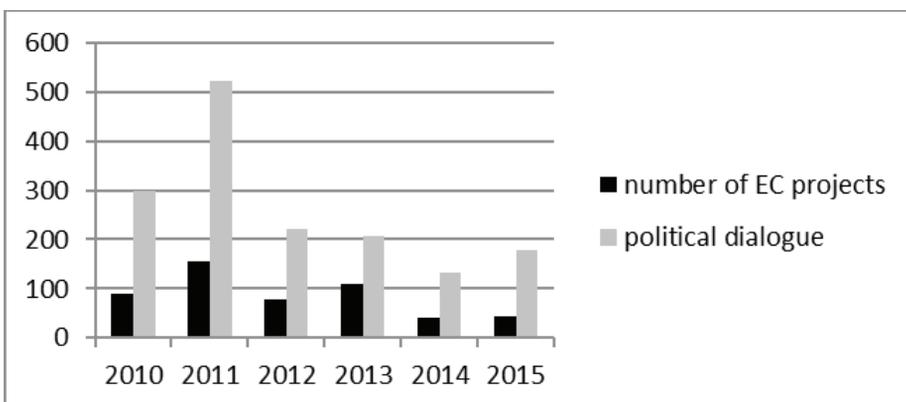
position, resolution (Paradowski 2014: p. 208 et seq.). The EC sends the response to their opinions. It may be completed by meetings and contacts at the political and administrative levels.

The nature of self-organisation of the political dialogue is emphasised by the proposal formulated during the meeting of the working group COSAC for enhancing political dialogue and improving the reasoned opinion in 2015 to introduce “green card” as a non-binding form of enhanced and coordinated political dialogue (COSAC 2015: p. 4). NPs postulate that dialogue results in calling the European Commission to present proposals for new or revised legislation (COSAC 2015: p. 4). The first pilot “green card” was signed jointly in 2015 by 16 parliamentary chambers (European Commission 2016: p. 4). Some of the suggestions of parliaments was later included in the decisions.

Due to the availability of data, the analysis of the political dialogue will cover the period of 2010–2015. This period includes a seventh term and the beginning of the eighth term of the EP, which is the change of the composition of the European Commission and the modification of political priorities.

Figure 1.

The number of documents discussed in the framework of the political dialogue based on the number of proposals submitted by the European Commission in 2010-2015



Source: own study developed on the basis of the database of the EC, http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/npo/ (30.09.2016).

The data presented in Figure 1 indicates a significant part of the political dialogue in the political processes of the EU. In the early years of the dialogue, a steady increase in the number of reviews of national legislative chambers can be observed and the year 2011 is the year of culmination. From 2012, the activity is much weaker with simultaneous increase in the number of well-reasoned opinions analysed later in this article. The largest decrease in the number of written opinions of national parliaments took place in 2014. The presented data confirm that at the beginning and end of the term of the EC there is legislation slowdown. It is confirmed by the decrease in the number of new legislative proposals submitted for advice. At the same time, the number of documents held in the framework of the political dialogue remained at a similar level, which indicates the stability of the intense activity of NPs within the political processes of the EU.

Until 2014, NPs transmitted opinions mainly on legislative documents. In subsequent years the number of opinions on the consultation documents and other non-legislative documents, such as communications or Green Papers, increased. This means an increase in interest from national legislative bodies and their greater involvement at the stage of preparation of legal acts (European Commission 2016: p. 3).

Turning to the type of network, we should point out its high degree of openness. The dialogue involves the parliaments that have sent their opinions to the European Commission. The reviews are put on the portal IPEX with answers of the EC. Moreover, they are available on the official website of the Secretariat of the EC (European Commission website). This type of network should be defined as horizontal cooperation, since there is no concentration of power, there is no phenomenon of distributing information by one single entity, there is only mutual contact and full access to information resources.

Activity within the framework of political dialogue, as measured by the number of comments sent to the European Commission, is uneven when broken down into individual chambers (details: European Parliament WWW). For instance, in 2014 80% of all comments came from the 10 most active parliaments. The Portuguese *Assembleia da República* was the chamber which made the most comments – 118, more than 23% of the total number of reviews. 11 other chambers sent more than 10 reviews. Other parliamentary chambers showed a limited activity or lack thereof (European Commission 2015: p. 2). The data for 2015 is similar. 70% of all opinions have been sent by the 10 most active chambers. The Portuguese *Assembleia da República* was the most active (European Commission 2016: p. 3).

Early warning mechanism

In the areas in which the EU shares competence with the Member States, in relation to the proposed legislative act, reasoned opinions submitted by the NPs to the President of the EP, the Council and the European Commission launch an early warning mechanism EWM (ie. yellow or orange card). In contrast to the political dialogue, within this procedure, the European Commission draws attention to the reasons why the NPs believe that the draft legislative act does not comply with the principle of subsidiarity.

Entities participating in the network will be defined through a detailed analysis of the transmission of reasoned opinions in the period 2010–2015. Number of reasoned opinions should be analysed in comparison to the number of documents to which comments are submitted. In 2015, 9 reasoned opinions were sent in relation to 32 legislative proposals submitted by the European Commission. In 2014, the European Commission received 21 reasoned opinions from national parliaments on 15 documents of the EC (European Commission 2015: p. 4). In 2013, 88 reasoned opinions were made concerning 36 documents of the Commission. In 2011 National Parliaments sent 64 reasoned opinions. They concerned at least 23 documents of the EC (European Commission 2013). The number of reasoned opinions in relation to the total number of comments received by the Commission in a given year in the framework of the political dialogue is always much lower and ranges from 4% to 14%.

When analysing the activity of NPs in subsequent years, it should be noted that most of the reasoned opinions were transmitted in 2011–2013. In the periods of the beginning and end of the term, a significant decrease in the documents sent to the NPs for opinion is observed. Opinions of NPs launched the procedure of “yellow card” three times. Firstly in 2012 in response to the EC proposal for the so-called Monti II Regulation (European Commission COM (2012) 130 final). Opinions on the EC proposal for a Council regulation on the establishment of a European Public Prosecutor (European Commission COM (2013) 534 final) launched the process for the second time in 2013. The third “yellow card” was reported in May 2016 as an objection to the proposal to review the directive on the posting of workers in the framework of the provision of services (European Commission COM (2016) 128 final).

The degree of activity of individual chambers is different. The most of the opinions were transmitted by the following chambers: the Swedish Riksdag, the French National Assembly, the Dutch Tweede Kamer, the Austrian Federal Council and the British House of Lords.

Further informal meetings of members of the network, for example an informal working group on the deepening of political dialogue and the improvement of the reasoned opinion procedure at LIV COSAC (COSAC working group WWW), are a proof for self-organising nature of the analysed cooperation.

Conclusion

The article analysed the political networks of NPs and EU institutions affecting the political process. The aim of the study was to determine the existing relationships and processes, their dynamics and the effect they have on the functioning of the EU system and the elaboration of the policy at the supranational level. At the first stage of the research, the author identified the type of interactions that occur between the study subjects as well as their limits. The study shows that the examined relationship confirms the existence of the policy network. The results of the study using the typology developed by A. Silke and H. Kriesi indicate that the relationship can be defined as tied cooperation with moderate potential for change. It relies on mutual cooperation, dialogue, organisation of workshops, conferences, training and seminars. There is no concentration of power, there is no phenomenon of distributing information by one single entity, there is only mutual contact and full access to information resources.

Studies using the other indicators were to determine the level of integration and openness of the surveyed network. It is regulated by internal arrangements and, occasionally, by regulations adopted by the NPs and the EU institutions. There are networks for members carrying out certain functions, eg. the chairman of the parliamentary chambers, the chairman of thematic committees, members of the European Commission responsible for a particular policy area. The networks relating to the political dialogue and to EWM consist of parliamentary chambers, which submit themselves opinions to the EU institutions. Available data allow to conclude that within the networks, there are tendencies to build a coalition around the problematic issues. The majority of opinions are submitted by a relatively small group of legislative chambers, usually the same. Submitting a reasoned opinion by one chamber launches a reaction and increased activity of the remaining chambers, which take action in order to consider the document and prepare their own opinion. Building a coalition is visible in the case of several legal acts, to which chambers had some reservations. Similarly, the tendency to build coalitions between parliamentary chambers can be traced in their efforts relating to the introduction of “green cards”.

Then, the author defined the reasons for which audited entities forge networks. The results coincide with the results presented in the literature. Reasons can be identified according to the following four aspects: the exchange of information and best practices; the coordination of a common approach to EU legislation and control of EU law covering EWM (see Bengtson 2007; Miklin 2013; Knutelská 2013); the impact on the political processes of the EU (Wagner 2013); the strengthening of democratic legitimacy (see Crum and Fossum 2013).

The assessment of the impact of analysed networks on the policy processes taking place in the EU was made using four indicators described in the theoretical and methodological part hereof. Conclusions derived using the first indicator indicate the existence of a network involving the exchange of information and best practices and aimed at coordinating positions and actions, for example, COSAC, CSEUP and European Parliamentary Week. The second indicator points to a strong empowering of participants of COSAC meetings in the institutional structures of the EU, as well as to the binding nature of the documents adopted by the EU institutions. The dialogue in this forum and formulated documents are a sign of a significant impact of parliamentarians on European issues at an early stage of their development (Rosenberg, Hefffler: p. 34). In addition, reasoned opinions sent within EWM are characterised by the high efficiency and the impact on the shape of the political decisions. Three yellow cards were reported. Along with opinions transmitted within the framework of the political dialogue, EWM has significant impact on the legislative process in the EU. The third indicator of the degree of harmonisation with the cycle of the European policy is visible in the cooperation within the European Parliamentary Week, on the occasion of the parliamentary dimension of the Presidency and within EWM. Finally, COSAC, which is the last indicator of the impact of the policy network of NPs and the EU institutions on political processes, is another example of effective external impact. A document was prepared during the Intergovernmental Conference, which became the basis for the adoption of Protocol No. 1 annexed to the Treaty of Amsterdam (Popławska 2002: p. 203). Moreover, a pilot application of “green cards” is the effect of the activity initiated during the meeting of COSAC – it has been incorporated in the course of the legislative activities of the European Commission.

The presented results of the study support the hypothesis contained in the article that the policy networks of national parliaments and the EU institutions have a positive impact on the political processes of the EU. They contribute on the one hand to the improvement of cross-level communication between the EU institutions and national authorities; on the other hand, they are a major impetus for the integration processes

within the EU. Originally, this cooperation was considered alternative and competitive in relation to the growth and realignment of the control functions of NPs (Norton 1996: p. 46). At the moment the networks affect the quality and effectiveness of the control exercised on the national level. The impact depends on the number of documents and wide range of information collected and goes beyond the national politics (Rozenberg, Heffler: p. 19). Analysed networks increase parliamentary control of the European decision-making process and influence the shape of EU policy.

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