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Gattermann, K.; Heffler, C.

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Beyond Institutional Capacity: Political Motivation and Parliamentary Behaviour in the Early Warning System

KATJANA GATTERMANN and CLAUDIA HEFFTLER

The Early Warning System gives national parliaments the right to intervene in European Union policy-making. This article investigates their incentives to submit reasoned opinions. It analyses the reactions of 40 parliamentary chambers to 411 draft legislative acts between 1 January 2010 and 31 December 2013 by ReLogit models. The article argues that, beyond institutional capacity, political motivation explains cross-chamber and inter-temporal variation. Higher levels of party political contestation over EU integration have a positive effect, but greater party dispersion on the left–right dimension negatively affects submissions. Furthermore, salient and urgent draft legislative acts incentivise parliaments to become active in the Early Warning System. Finally, some findings suggest that minority governments and economic recession represent positive conditions for unicameral parliaments and lower chambers to submit reasoned opinions. The findings are discussed with reference to the role of national parliaments in EU democracy.

With the rising impact of European Union decision-making on European citizens' daily lives, the question of an adequate democratic order at Union level becomes ever more pressing. The most recent treaty changes introduced the 'Early Warning System' (EWS), providing national parliaments with the right to intervene in EU policy-making by submitting reasoned opinions on draft legislative acts as part of the subsidiarity procedure (Protocol on the role of national parliaments in the European Union, Treaty on European Union [TEU]).¹ In the literature the merits of the EWS are hotly debated. Some scholars see the chance of national parliaments forming a 'virtual third chamber' at Union level (Cooper 2012), or potentially acting as 'Conseil d'état' of the EU (Kiiver 2011). Others argue that the EWS would reduce the role of national

parliaments to gatekeepers of EU integration that are unable to actively shape policy outcomes at the EU level (see Raunio 2011; Sprungk 2013).

First empirical assessments of the EWS have indeed shown a very limited use of the new instrument (see de Wilde 2012: 12; Heffler 2013; Neuhold 2011; Raunio 2010). Thus far, the threshold for a ‘yellow card’, i.e. by one-third of national parliaments’ votes, has been met only twice: in case of the Monti II regulation,² which was then withdrawn, and the proposal to establish the European Public Prosecutor’s Office,³ which the European Commission maintained. While these developments underline the rather limited impact on EU legislation, national parliaments nonetheless continue to submit reasoned opinions in the EWS: Between 1 January 2010 and 31 December 2013, they have raised their concerns through 286 reasoned opinions in response to an overall number of 411 draft legislative acts. This number is indeed very low, but the focus of this article lies not on assessing impact. Rather, we are interested in the conditions under which national parliaments submit reasoned opinions and ask: what explains the variation in the extent to which national parliaments become active in the EWS? To answer this question, we designed a large- N dataset which comprises the reactions of 40 parliamentary chambers to 411 draft legislative acts ($N = 16,440$) and estimate our results by logistic regression for rare events data (see King and Zeng 2001a, 2001b).

Thus far, existing research has argued that it is mainly the institutional capacity – or lack thereof – that determines whether parliamentary chambers submit reasoned opinions within the EWS. The main challenges for national parliaments comprise the short time period of eight weeks (e.g. Knutelská 2011: 335), lack of resources (e.g. Fraga 2005: 499; Paskalev 2009: 6), the central role of the European Affairs Committee (EAC) vis-à-vis sectoral committees (e.g. Hegeland and Neuhold 2002; Winzen 2012: 660) and the indispensable coordination between parliaments in order to meet the threshold of a yellow card (e.g. Cooper 2012; Neuhold 2011). However, with the exception of studies which show that the common majority–opposition divide represents a problem in the EWS (Cooper 2012: 449; Raunio 2009, 2010), we know little about the extent to which political incentives influence national parliaments to become active in the EWS.

Taking a rational choice perspective, we assume that members of national parliaments (MPs) are mainly motivated to submit reasoned opinions in order to enhance their chances for policy influence and ultimately re-election (see also Auel and Christiansen 2015). Some maintain that European affairs hardly represent electoral incentives (Raunio 2009: 328), while others show that electoral institutions matter for MPs to engage in European affairs via formal channels of inter-parliamentary cooperation (Gattermann 2013). We argue that – beyond institutional capacity – the political motivation of national parliaments plays a key role in explaining variation in the extent to which national parliaments become active in the EWS. Controlling for institutional capacity, the article finds that higher levels of political contestation over EU integration inside parliamentary chambers increase the probability of them submitting

reasoned opinions. Greater party dispersion on the left–right dimension, however, has a negative effect once the Swedish Riksdag, an outlier, is omitted from the models. Furthermore, salient and urgent draft legislative acts incentivise parliaments to become active in the EWS. Lastly, there is some evidence in our findings for the circumstance that minority governments and economic recession represent a positive condition for unicameral and lower chambers to submit reasoned opinions.

In the following section we discuss our hypotheses with respect to the political motivation of national parliaments. Afterwards, we present the data and method as well as the operationalisation of our variables before we proceed with the analysis of the results. In the conclusions we discuss the implications of our findings with regard to the role of national parliaments in the EU political system.

National Parliaments' Political Motivation to Submit Reasoned Opinions

All national parliaments in the EU have the right to participate in the EWS by submitting reasoned opinions to the European Commission on matters that they believe infringe the subsidiarity principle (Protocol on the role of national parliaments in the European Union, Art. 3, TEU). They receive the same amount of information directly from the European Commission (Art. 8c, TEU) and are able to rely on support from the European Parliament (EP). Although one main criticism of the EWS concerns the short time period of eight weeks (e.g. Knutelská 2011: 335), it poses similar challenges for all parliaments. Indeed, the institutional capacity of national parliaments is considered a key determiner of whether a chamber is able to submit a reasoned opinion or not. Many scholars have argued that parliamentary resources (e.g. Fraga 2005: 499; Paskalev 2009: 6), intra-parliamentary divisions of labour (e.g. Neuhold 2011) as well as the coordination between chambers (e.g. Cooper 2012, 2013) matter for the extent to which parliaments become involved in the EWS.

However, we contend that – beyond institutional capacity – the political motivation of national parliaments is a crucial determiner of their involvement in the EWS. From a rational choice perspective, this motivation is driven by policy influence and re-election prospects. This is why the literature expects national parliaments that support a majority government to be less incentivised to submit reasoned opinions (Cooper 2012: 449; Raunio 2009, 2010). The parliamentary majority is unlikely to turn against the government it supports. MPs might be concerned about their re-selection and election prospects if their support for a reasoned opinion entails public disagreement with their party leadership. They are more likely to submit a reasoned opinion if the government is also concerned about a potential subsidiarity breach. The parliamentary opposition is expected to openly challenge the government's stances, but they lack the numbers to vote in favour of submitting a reasoned opinion. However, parliaments which tolerate minority governments are more independent from the executive. Since in this case the opposition parties have the voting power to

turn against the government, they are more likely to submit a reasoned opinion than parliaments under a majority government.

H1: National parliaments are more likely to submit a reasoned opinion under a minority government than under a majority government.

Intra-parliamentary conflict not only evolves along the divide between the majority and opposition, but is also apparent in the dispersion of party political stances. Existing research has demonstrated that divergent party positions towards European integration affect party competition in the domestic electoral arena. In their seminal work on the politicisation of EU integration, Hooghe and Marks (2009) show that mainstream political parties rather avoid the issue of EU integration in domestic debates as it runs counter to the left–right logic and endangers intra-party cohesion. Conversely, small extremist parties on either side of the political spectrum with a coherent position have an incentive to place EU issues on the agenda (see also, de Vries 2007; Green-Pedersen 2012).

Previous research on variation in formal parliamentary control rights in EU affairs suggests that the presence of Eurosceptic parties has a positive, albeit very small, effect (Karlás 2012: 270; Raunio 2005: 335). Eurosceptic MPs are more incentivised to become active on EU issues in order to be rewarded by their voters at the next election for their EU scrutiny. The degree to which the EU is contested inside parliaments might therefore become relevant to explain the actual use of their formal rights to scrutinise EU legislation. Schuck *et al.* (2011) found that higher levels of party political contestation over EU integration had a positive effect on the volume of EU news coverage during the 2009 EP election campaigns. Gattermann (2013) applies their argument to the parliamentary context and shows that higher levels of intra-parliamentary political contestation have a positive effect on the incentives of MPs to participate in committee meetings in Brussels. Similarly, Finke and Dannwolf (2013) investigate the scrutiny activities on EU legislation in the Czech and German parliaments and argue that party competition in respective policy areas has a positive effect on parliamentary scrutiny of EU laws.

We thus also expect that contestation over EU integration matters for parliamentary activity in the EWS. Within the EWS MPs assess the proper allocation of competencies either to the EU or the member state level (Cooper 2012: 450; Knutelská 2011: 331). This not only entails a mere judicial question, but also a political evaluation of EU integration (cf. Fraga 2005). Conflicting ideas about European integration are likely to spur parliamentary debates on the question of subsidiarity and are therefore likely to lead to higher levels of scrutiny.

H2a: Higher levels of party political contestation over EU integration are likely to increase the probability of a parliament submitting a reasoned opinion.

Parliamentary politics are also structured along the traditional left–right cleavage. De Wilde (2011) argues that both the pro-/anti-EU and the left–right dimensions of conflict are visible in plenary debates about the EU multiannual budget in the Danish Folketing and the Dutch Tweede Kamer. However, subsidiarity control might escape the left–right conflict line since assessing compliance with the subsidiarity principle differs considerably from the usual legislative work whereby parliamentarians evaluate the political desirability of a policy proposal (see Kiiver 2011). Yet subsidiarity complaints can be used strategically as an instrument of criticism on the content of a policy (see COSAC 2012). In his assessment of the first successful yellow card, Cooper (2013: 5) argues that ‘[w]hile the opponents to Monti II within the [national parliaments] came from across the political spectrum, and many were motivated more by protecting national autonomy than workers’ rights per se, there is on balance a leftward tilt to the campaign against it’. This suggests that MPs do not neglect their policy preferences when assessing draft legislative acts. Thus, while policy influence as an incentive for EU scrutiny is limited, it is not irrelevant. Left–right contestation may constrain agreement over the question of whether or not to delegate competences to the EU. We therefore expect that political parties are less likely to agree to submit a reasoned opinion if there is greater disagreement over the substance of draft legislative acts.

H2b: Higher levels of party political contestation inside a national parliament over the left–right scale are likely to decrease the probability to submit a reasoned opinion.

The EWS has been criticised for not providing positive means of direct policy influence at the EU level as national parliaments only have a take-it-or-leave-it option and are formally limited to subsidiarity review (see Raunio 2011; Sprungk 2013). However, despite these limitations, their incentives may still be driven by their political motivation to respond to salient and urgent policies. Finke and Dannwolf (2013) find that issue salience has a positive effect on the parliamentary scrutiny of EU laws. We thus expect the salience of draft legislative acts to raise the incentives for national parliaments’ activity in the EWS. Here, draft legislative acts which introduce new legislation are likely to be more frequently scrutinised than legislation that amends or repeals existing legislation. New legislation is likely to cause more significant changes than the revision of existing legislative acts (see de Ruiter 2013: 4; Finke and Dannwolf 2013: 17). We therefore expect MPs to be more motivated to scrutinise these acts, which may return higher benefits in terms of policy impact.

H3: National parliaments are more likely to submit a reasoned opinion if the draft legislative act proposes new legislation rather than amends or repeals existing legislation.

Additionally, and assuming that MPs have complete information, the engagement of the EU institutions with respect to individual draft legislative acts might impact on the incentives of parliamentary chambers to submit reasoned opinions. Finke and Dannwolf (2013) argued that an early vote in the EP indicates that the legislative proposal is highly politicised at the EU level, which they found to matter for the likelihood of the German and Czech parliaments to scrutinise EU law. However, Warntjen (2012: 172) contends that procedural aspects of EU legislative proposals cannot necessarily be equated with salience but should rather be defined as a ‘consequence of salience’. The behaviour of the Council or the EP before the end of the eight-week deadline might nevertheless indicate the urgency of a draft legislative act. Time pressure might apply when a draft legislative act is discussed in the Council debates before the deadline, or when the EP schedules a vote on the matter during the scrutiny period. MPs are likely to be more motivated to scrutinise urgent legislative proposals as they imply high relevance and policy impact. Furthermore, a government might urge its parliament to submit a reasoned opinion in order to support its negotiation strategy.

H4a: National parliaments are more likely to submit a reasoned opinion if the draft legislative act is debated in the Council before the end of the scrutiny period.

H4b: National parliaments are more likely to submit a reasoned opinion if the European Parliament votes on the draft legislative act before the end of the scrutiny period.

Related to salience and urgency is the circumstance that the financial and economic crisis hit Europe at about the same time the Lisbon Treaty came into force. We expect that in countries that undergo economic recession, parliamentarians will focus on resolving the economic downturn and the social and political consequences thereof. One could argue that EU issues have gained more salience through the crisis (e.g. see Saurugger 2014). However, assuming that the primary goal of MPs is re-election (see Strøm 1997), they are likely to concentrate on ways to overcome the crisis in their home country and care less about subsidiarity issues. In short, resources will less likely be used for a subsidiarity review of Commission proposals under these circumstances.

H5: National parliaments are less likely to submit a reasoned opinion when a country experiences economic recession.

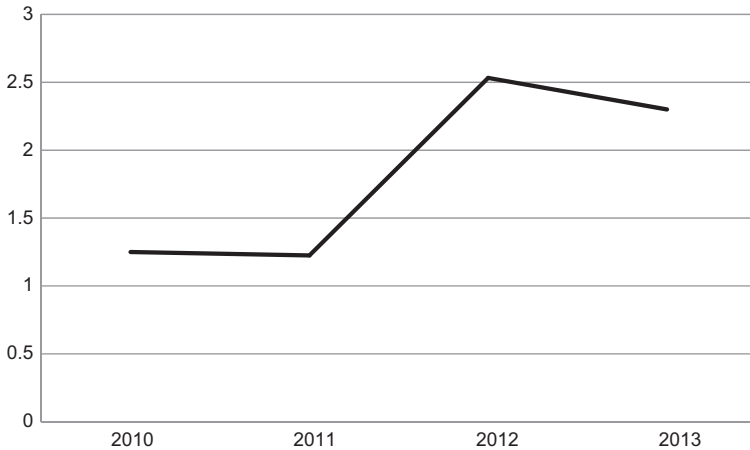
Data and Method

Dependent Variable and Model

According to the complementary information provided by the Legislative Dialogue Unit of the European Parliament and by IPEX,⁴ 425 draft legislative acts were transmitted by the European Commission to national parliaments in the EWS with a deadline between 1 January 2010 and 31 December 2013. One legislative act was withdrawn before the closing date; and the *lettre de saisine*, i.e. the official referral by the Commission, was missing for 13 proposals. Hence, we excluded these and consider a total of 411 draft legislative acts in our analysis; namely 82 from 2010, 151 from 2011, 78 from 2012 and 100 from 2013.

To test our argument, we designed a dataset which comprises the responses of individual parliamentary chambers to each draft legislative act.⁵ In the EWS reasoned opinions by unicameral parliaments count twice compared to submissions from individual upper or lower chambers in bicameral systems. Since we are interested in their motivation to submit a reasoned opinion and not the likelihood of reaching the threshold, we treat all reasoned opinions equally and count each as one submission per chamber. Our dependent variable is a binary variable which is 1 when a chamber has provided a reasoned opinion and 0 if it has not done so. We consider all 40 chambers in 27 EU countries (excluding Croatia). Hence our overall N for the dependent variable is 16,440. With a total of only 286 reasoned opinions submitted during the time period of investigation, which represents only 1.47 per cent of all cases, our dependent variable is extremely biased towards zero ($M = 0.02$; $SD = 0.13$). Figure 1 shows

FIGURE 1
PERCENTAGE OF INSTANCES PER YEAR IN WHICH REASONED OPINIONS WERE
SUBMITTED



Note: The year is taken from the official document reference.

that while there was a slight increase in the number of reasoned opinions relative to the number of legislative proposals between 2010 and 2012, the ratio only lies between 1.25 and 2.53 per cent.

This inter-temporal variation in the dependent variable is comparable to what King and Zeng (2001a: 138) define as the occurrence of rare events: ‘binary dependent variables with dozens to thousands of times fewer ones (events, ...) than zeros (“nonevents”)’.

They argue that ordinary logistic regression procedures would underestimate the probability of these events and propose logistic regression for rare events (ReLogit), which estimates bias-corrected coefficients instead of logit coefficients (King and Zeng 2001b: 702). We follow King and Zeng’s (2001a, 2001b) suggestion and apply ReLogit models. For this, we conducted our analysis in Stata 12 with the ReLogit software designed by Tomz *et al.* (1999).

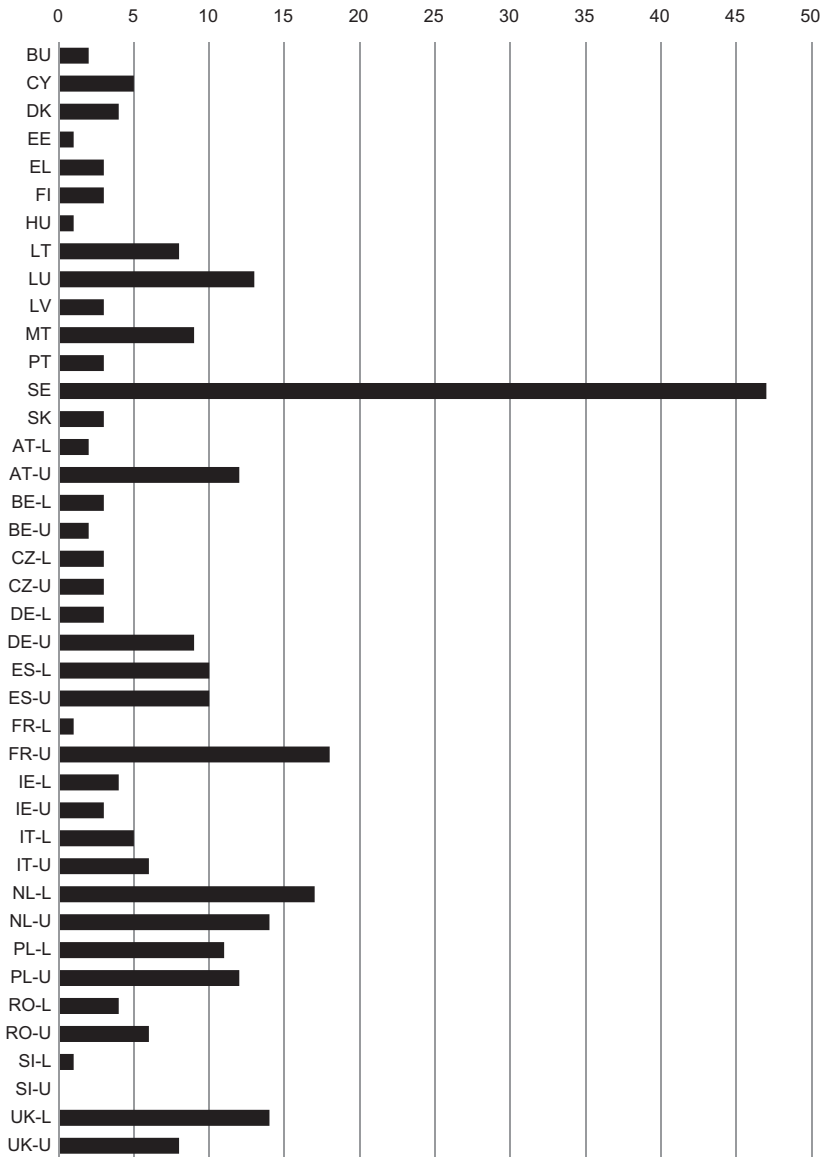
Secondly, we find considerable cross-sectional variation in the dependent variable. Figure 2 depicts the total number of reasoned opinions each chamber has submitted during the period of investigation. It shows that the Swedish Riksdag is by far the most active chamber in the EWS with 47 submissions in total; followed by the French Senate (18 reasoned opinions) and the Dutch Tweede Kamer (17). The remaining chambers have voiced their concerns over a draft legislative act at least once, with the exception of the Slovenian upper house.

Furthermore, we also need to account for the variation within chambers because we investigate their reactions to 411 legislative proposals over time. Consequently, we cluster the standard errors by chamber. We acknowledge that we do not take variation at the country level into account. However, the majority of countries (14 out of 27) have unicameral chambers and for these a distinction between the country and the chamber level becomes redundant. This is also why the inclusion of country dummies would entail multicollinearity problems. Several control variables consider that observations are not independent within and across countries, which we present further below. In addition, we estimate all models once without the Swedish Riksdag to test whether our results are robust without this outlier. As a second robustness check, we provide jack-knife tests of the main model (Model 6, see below) in the appendix: each model omits one of the years under investigation.

Main Independent Variables

Our main independent variables of interest correspond to our hypotheses and measure the motivation of national parliaments and their members to submit reasoned opinions. We generally consider three types of variation in the data, namely at the chamber level, at the level of legislative proposals and at the country level. Our first hypotheses are measured at the chamber level. The dummy variable *Majority government* serves to test H1. We do not include it in all of our models, because in most countries the government is electorally dependent only on the lower house or unicameral chamber. We also disregard caretaker governments.

FIGURE 2
 NUMBER OF REASONED OPINIONS PER CHAMBER DURING THE TIME PERIOD OF
 INVESTIGATION. [http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Glossary:
 Country_codes](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Glossary:Country_codes)



Notes: The time period of investigation lies between 1 January 2010 and 31 December 2013; the maximum number of reasoned opinions which could have possibly been submitted by a chamber is 411 in our data. 'L' stands for lower house and 'U' for upper house.

We operationalise party political contestation over the EU (H2a) by the weighted parliamentary party system dispersion (WPPSD). For this we rely on Schuck *et al.* (2011: 45), but contrary to them we consider the seat share of a respective parliamentary party as opposed to the vote share (see also Gattermann 2013).

$$WPPSD = \sqrt{\sum_{j=1} SS_{jk} (P_{jk} - \bar{P}_k)^2} \quad (1)$$

where SS_{jk} is the seat share and P_{jk} is the position of party j in country k towards EU integration, and \bar{P}_k is the weighted mean of all party positions in country k . We obtained information on the general orientation of the party leadership towards EU integration from the Chapel Hill expert surveys of 2006 and 2010 (Bakker *et al.* 2012; Hooghe *et al.* 2010). We employ a similar measure to calculate party political contestation on the left–right dimension inside parliamentary chambers (H2b). For this, we took the party position on the left–right scale from the respective Chapel Hill expert surveys. Both variables (*EU dispersion* and *Left–right dispersion*) were re-calculated after each legislative election. Unfortunately, the Chapel Hill expert surveys do not include Cyprus, Luxembourg or Malta and do not yet consider newer political parties that stood at some of the latest elections (e.g. Greece in June 2012). Hence, both variables have a few missing values (see Appendix).

At the proposal level, we operationalise the salience of a draft legislative act by the dummy variable *New legislation* which corresponds to H3. It is 1 in 27 per cent of all cases. Two additional dummy variables measure the urgency of draft legislative acts: *Debate in Council* indicates whether a Commission proposal was debated in the Council before the end of the deadline (H4a); to operationalise H4b we include the dummy *EP vote*, which considers votes in the plenary. We obtained information on these variables from the Legislative Observatory of the EP. The only problem with these variables, however, is that we assume that national parliamentarians have complete information.

We operationalise H5 on the impact of the crisis as a dummy variable (*Recession year*) at the country level. We not only account for debtor states within the eurozone but for all countries that have undergone economic recession. To calculate this variable we obtained information on GDP growth compared to the previous year for each country from Eurostat (2014) and coded negative values as 1. It includes four observations per country which vary over time.

Control Variables

Our control variables are also measured at the chamber, proposal and country level, respectively. We begin with the former. As we briefly discussed above, previous research has argued that the institutional capacity of parliamentary

chambers represents one indicator of the extent to which national parliaments become active in the EWS. Institutional capacity mainly concerns resources, coordination and time. Paskalev (2009: 6) argues that national parliaments 'need significant administrative and expert capacity for a meaningful engagement' in the EWS (see also Fraga 2005: 499; Högenauer and Neuhold 2015). Thus, we include the number of staff relative to the statutory chamber size in our models, which allows for cross-chamber comparison. It ranges from 0.51 (Malta) to 8.06 (Austrian Bundesrat). We obtained this information from the Interparliamentary Union (2013), but the variable has a few missing values (see Appendix). Hence, we do not include it in all of our models.

A second indicator of institutional capacity is the division of labour between parliamentary committees. In many parliaments, the EAC is often the first point of reference for the scrutiny of EU affairs, especially regarding matters of the subsidiarity principle. However, scholars argue that when sectoral committees become involved, the effectiveness of EU affairs scrutiny increases (see Hegeland and Neuhold 2002; Neuhold 2011; Raunio 2005; Winzen 2012: 660). Here, more MPs add resources and expertise to the scrutiny process. One would thus expect that the chances for submitting a reasoned opinion become greater if a sectoral committee is in charge of the review process. We therefore include the dummy *Sectoral committee drafts RO* in our models (Legislative Dialogue Unit of the European Parliament 2013). The reference category comprises European Affairs committees, the administration (e.g. Belgian Chamber of Deputies), the joint responsibilities of both committees and a joint committee between two houses (Spanish Parliament).

The capacity of a parliament to mandate its government position before Council meetings might also play a role for parliamentary behaviour in the EWS (see Auel 2007; Raunio 2005: 322). Those parliaments that are able to exert strong control over their governments in EU affairs are supposedly less inclined to use their resources to directly influence policy outcomes at the EU level. We test this by the dummy variable *Mandating*, which is 1 when a chamber either has the right to provide a binding mandate or can request its government to provide ex post justifications following the classifications of Karlas (2012: 1102).

The dummy variable *Election* indicates whether legislative elections for a given chamber were held during the eight weeks before a respective deadline, which is likely to have a negative effect on the ability of national parliaments to submit a reasoned opinion. Finally, two dummies, *Lower house* and *Upper house* (reference category: unicameral parliament) serve to control for variation across different types of chambers.

At the proposal level, the scrutiny period of eight weeks is officially extended by the number of days in the period which fall into the month of August, which we took into account in our dataset. The Christmas break, however, is not considered for an extension, which is said to constrain the ability of national parliaments to review certain draft legislative acts (Knutelská

2011: 335). Hence, we include the dummy variable *Christmas*, which is 1 when any day between 24 December and 1 January falls into the scrutiny period.

Institutional capacity not only concerns intra-parliamentary resources. Research suggests that inter-parliamentary cooperation plays an important role in the EWS, because one-third of parliaments are required to submit reasoned opinions in order to reach the threshold for a ‘yellow card’ (e.g. see Cooper 2012; Neuhold 2011). Cooper (2013) argues that COSAC meetings provide an opportunity for exchanging views on draft legislative acts in the EWS, as in the case with the Monti II regulation. To assess the impact of formal coordination activities between national parliaments we include the variable *COSAC* in the models. It is 0 in the case where no such meeting took place during the scrutiny period, and 1 when either the chairpersons or the ordinary members of EACs have met. Furthermore, for each legislative proposal we include the number of *Other reasoned opinions* that have been submitted in addition to the one (or none) by the respective chamber. Given the design of the EWS, one would expect that individual chambers are more likely to submit a reasoned opinion when they see that others have done so already. It ranges from 0 to 14 and includes the two aforementioned yellow cards. We are aware that this variable is a crude measure, since we are unable to consider sequences of submissions. It nevertheless provides an indicator of coordination and accounts for interdependencies across parliamentary chambers (as well as within countries with bicameral parliaments). Lastly, we also include the *Year* from the document reference of draft legislative acts to capture potential linear time trends.

At the country level, *EU member* is a continuous variable measuring the duration of EU membership for a given country in a respective year. The dummy variable *Presidency* indicates whether a country was responsible for the rotating EU presidency at a given time. A chamber might be less likely to submit a reasoned opinion under these circumstances either because it has less time to scrutinise a draft proposal or because it finds other channels of influence during the presidency.

Results

The ReLogit models provided in Table 1 serve to explain the conditions under which parliamentary chambers submit reasoned opinions. Models 1 to 4 comprise all applicable chambers; Models 5 to 8 are similar to the previous ones but omit the Swedish Riksdag. Since our dispersion variables have missing values we exclude them from Model 1 and 5. For similar reasons the variable *Majority government* is only included in Models 4 and 8; and the controls *Mandating* and *Relative number of staff* are only added to Models 3 and 4, and 7 and 8, respectively. Table 2 provides the predicted probabilities of the main effects reported in Models 2, 4 and 6. The complete table can be found in Appendix Table A2.

To begin with our first hypothesis, our results suggest that national parliaments which tolerate a minority government are more inclined to submit

TABLE 1
RELOGIT MODELS

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
Majority gov.				-1.12** (0.50)				-0.34 (0.27)
EU dispersion		0.06* (0.04)	0.08** (0.04)	0.11*** (0.05)		0.05** (0.03)	0.04 (0.02)	0.05 (0.03)
Left-right dispersion		-0.01 (0.05)	-0.02 (0.04)	-0.08 (0.05)		-0.09*** (0.03)	-0.12*** (0.03)	-0.16*** (0.03)
New legislation	0.15 (0.12)	0.22* (0.12)	0.20* (0.12)	0.24 (0.16)	0.16 (0.14)	0.26* (0.15)	0.25 (0.15)	0.30 (0.23)
Council debate	0.16 (0.12)	0.12 (0.13)	0.14 (0.14)	0.04 (0.16)	0.16 (0.18)	0.12 (0.16)	0.13 (0.18)	0.00 (0.25)
EP vote	0.62* (0.36)	0.75* (0.38)	0.88** (0.37)	0.36 (0.46)	0.62 (0.44)	0.74 (0.48)	0.89* (0.46)	0.24 (0.79)
Recession year	-0.25 (0.26)	-0.14 (0.29)	-0.29 (0.36)	0.18 (0.34)	-0.1 (0.23)	0.21 (0.23)	0.35 (0.30)	0.53** (0.25)
Controls								
Rel. no. of staff			-0.21 (0.19)	-0.45 (0.31)			0.12* (0.06)	0.17 (0.13)
SC drafts RO	0.81 (0.74)	0.98 (0.80)	1.13 (0.79)	1.59*** (0.52)	-0.23 (0.4)	-0.77 (0.49)	-2.10*** (0.39)	-1.61** (0.51)
Mandating			-0.12 (0.54)				0.40 (0.37)	
Election	-0.68 (0.51)	-0.52 (0.62)	-0.51 (0.63)	-0.41 (0.86)	-0.73 (0.62)	-0.54 (0.82)	-0.43 (0.80)	-0.31 (1.06)
Lower House	-0.27 (0.43)	-0.02 (0.50)	-0.06 (0.46)	0.74* (0.43)	0.13 (0.36)	0.84** (0.32)	1.08*** (0.28)	1.43* (0.28)
Upper house	-0.05 (0.40)	0.27 (0.56)	0.53 (0.62)		0.46 (0.34)	1.42*** (0.31)	1.66*** (0.41)	
Christmas	-0.23 (0.16)	-0.27 (0.20)	-0.21 (0.20)	-0.21 (0.20)	-0.32* (0.18)	-0.43* (0.23)	-0.42 (0.26)	-0.35 (0.31)

(Continued)

TABLE 1
(Continued)

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
COSAC	-0.20 (0.16)	-0.27 (0.17)	-0.23 (0.18)	-0.33 (0.25)	-0.11 (0.16)	-0.19 (0.19)	-0.13 (0.19)	-0.12 (0.29)
Other ROs	0.36*** (0.02)	0.37*** (0.03)	0.36*** (0.03)	0.41*** (0.04)	0.36*** (0.02)	0.37*** (0.03)	0.37*** (0.03)	0.41*** (0.04)
Year	0.03 (0.08)	0.00 (0.10)	-0.01 (0.11)	-0.01 (0.12)	-0.01 (0.09)	-0.07 (0.12)	-0.13 (0.13)	-0.15 (0.17)
EU member	0.00 (0.01)	0.00 (0.01)	0.00 (0.01)	0.01 (0.01)	0.01* (0.01)	0.02** (0.01)	0.02*** (0.01)	0.01 (0.01)
Presidency	-0.56 (0.62)	-1.55** (0.72)	-1.98* (1.04)	-1.13 (0.96)	-0.47 (0.6)	-1.50** (0.71)	-1.84* (1.04)	-1.35 (1.04)
Constant	-58.47 (160.88)	-4.36 (200.30)	18.80 (222.43)	24.03 (236.97)	11.10 (184.29)	143.72 (237.38)	258.89 (260.10)	290.87 (332.79)
<i>df</i>	14	16	18	17	14	16	18	17
<i>N</i> chambers	40	33	30	23	39	32	29	22
<i>N</i>	16,440	12,887	11,757	8660	16,029	12,476	11,346	8249

Notes: * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$.

Clustered standard errors in parentheses; dependent variable: binary variable indicating whether a chamber has submitted a reasoned opinion or not for each draft legislative act; Models 4 and 8 exclude all upper houses.

TABLE 2
PREDICTED PROBABILITIES

	Model 2		Model 4		Model 6	
	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI
Majority gov.						
No	–		0.009	0.004; 0.022	–	
Yes	–		0.003	0.001; 0.007	–	
EU dispersion						
Minimum	0.005	0.002; 0.011	0.001	0.000; 0.004	0.003	0.001; 0.006
Mean	0.009	0.005; 0.015	0.003	0.001; 0.007	0.004	0.002; 0.007
Maximum	0.014	0.007; 0.026	0.006	0.003; 0.013	0.006	0.004; 0.009
Left–right dispersion						
Minimum	0.010	0.005; 0.019	0.007	0.002; 0.021	0.009	0.005; 0.019
Mean	0.009	0.005; 0.015	0.003	0.001; 0.007	0.004	0.002; 0.007
Maximum	0.008	0.003; 0.022	0.002	0.001; 0.005	0.002	0.001; 0.004
New legislation						
No	0.009	0.005; 0.015	0.003	0.001; 0.007	0.004	0.002; 0.007
Yes	0.011	0.007; 0.019	0.004	0.002; 0.009	0.005	0.003; 0.009
Council debate						
No	0.009	0.005; 0.015	0.003	0.001; 0.007	0.004	0.002; 0.007
Yes	0.010	0.006; 0.019	0.003	0.001; 0.008	0.005	0.003; 0.008
EP vote						
No	0.009	0.005; 0.015	0.003	0.001; 0.007	0.004	0.002; 0.007
Yes	0.019	0.008; 0.042	0.004	0.002; 0.011	0.008	0.003; 0.022
Recession year						
No	0.009	0.005; 0.015	0.003	0.001; 0.007	0.004	0.002; 0.007
Yes	0.008	0.004; 0.014	0.003	0.001; 0.009	0.005	0.003; 0.008
Other ROs						
0	0.007	0.004; 0.012	0.002	0.001; 0.005	0.003	0.002; 0.005
5	0.042	0.025; 0.071	0.017	0.008; 0.035	0.020	0.013; 0.030
10	0.215	0.129; 0.353	0.120	0.065; 0.220	0.118	0.077; 0.177
Max	0.540	0.365; 0.710	0.407	0.242; 0.622	0.377	0.263; 0.511

Notes: Predicted probabilities of submitting a reasoned opinion (versus not doing so); all other variables are kept at their mean or median; the lower and upper values of confidence intervals are reported at a 90 per cent level as some effects are not statistically significant at higher levels; see Appendix Table A2 for the full data.

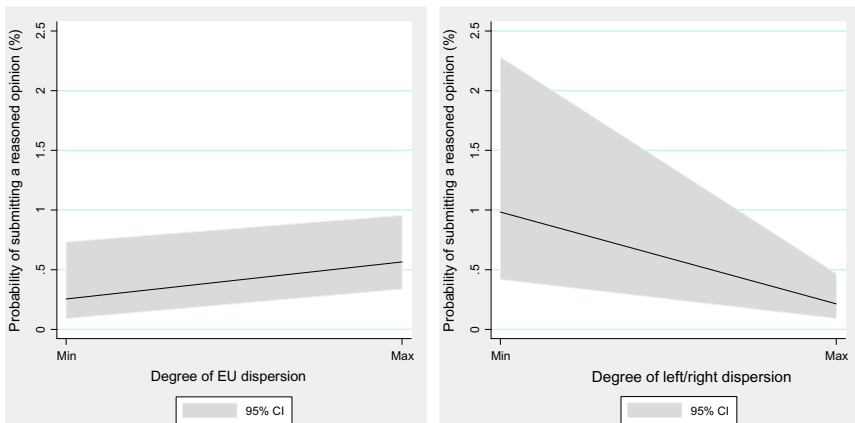
a reasoned opinion, holding everything else constant and considering lower houses and unicameral chambers only (Model 4). The difference between minority and majority government is only 0.6 per cent in the probability to submit a reasoned opinion, but considering the rare occasion of submissions, this effect is not as small as it suggests. While this finding supports the assumption that the control of the government over its parliamentary majority constrains an active use of the EWS (e.g. see Raunio 2009, 2010), it does not hold when the Swedish outlier is excluded (Model 8).

We do, however, find wide-ranging support for our argument that party political contestation inside parliamentary chambers plays a role for their activity in the EWS. With respect to H2a, our results suggest that higher levels of dispersion over EU integration have a positive effect on submitting reasoned opinions, holding everything else constant. The change in the predicted proba-

bilities is rather small – the difference between minimum and maximum levels of contestation is about 1 per cent in Model 2 (Table 2). Yet, considering that national parliaments have submitted reasoned opinions in only 1.47 per cent of all cases, this effect is rather strong. Furthermore, the findings are robust amid numerous control variables and the effect remains significant when we remove the Swedish Riksdag from the models (Model 6, the effects in Models 7 and 8 are significant at the 85 per cent level), and conduct the jack-knife tests (Table A2). This finding underlines our expectations that the more the EU is contested inside parliamentary chambers, the greater the incentives of their members to raise their voices against legislative proposals of the European Commission. Moreover, it suggests that despite the predominant legal consideration of subsidiarity compliance, the EWS is politicised with respect to the pro-/anti-EU cleavage.

Also in line with our expectations (H2b) is the finding that party political contestation over the traditional left–right cleavage has a negative effect on our dependent variable. The effects do not comply with conventional levels of statistical significance in the first set of models, but the results from Models 6 to 8, which disregard Sweden, suggest that rising levels of political contestation decrease the probability of submitting reasoned opinions, controlling for everything else. The predicted probabilities reported in Table 2 (Model 6) show that maximum levels of dispersion over the left–right dimension are responsible for a 0.7 per cent decrease in the probability to submit a reasoned opinion compared to low levels of contestation. Figure 3 shows that these effects are even stronger than for the political contestation over EU integration, once the Swedish outlier is omitted. These results are also robust to the jack-knife tests

FIGURE 3
PROBABILITY OF SUBMITTING A REASONED OPINION FOR DIFFERENT DEGREES OF DISPERSION



Note: The calculations are based on Model 6 (Table 1), excluding Sweden.

(Table A2). Following our argumentation above, this suggests that disagreement over the substance of draft legislative acts constrains the subsidiarity review.

We also find support for the relevance of the salience of draft legislative acts. The probability of submitting a reasoned opinion is 0.2 per cent higher if a draft legislative act specifies new legislation as opposed to proposals that amend or repeal existing legislation (Model 2, Table 2). The effect holds when omitting the Swedish outlier (Model 6), with a predicted probability of 0.1 per cent. This finding lends support to our expectations (H3) and is plausible if we assume that new legislation entails more dramatic changes to the status quo and represents an opportunity for MPs to influence EU policy-making (see de Ruiter 2013: 4; Finke and Dannwolf 2013: 17). As regards urgency, the results show that if the EP plenary votes on a given draft legislative act the probability of a reasoned opinion being submitted is about 1 per cent higher compared to legislative acts which have not been subject to a vote during the eight-week period (Model 2, Table 2). The effect holds without Sweden (Model 7, Table 1) and lends support to H4b. However, it does not make a difference whether or not a proposal was debated in the Council before the end of the deadline as none of the effects are statistically significant. H4a thus has to be rejected.

Lastly, we expected that national parliaments are less likely to submit reasoned opinions at times a country experiences economic recession (H5). The effect hardly complies with conventional levels of statistical significance except in Model 8, which excludes Sweden and upper houses. Here, the probability of submitting a reasoned opinion increases by about 0.7 per cent under economic recession compared to periods in which a country's economy is doing fairly well (Table A2). We expected that in times of crisis MPs would have more important problems to solve than the question of competences in EU decision-making. The lack of support for our hypothesis may indicate that the EWS is not a mere technical procedure of judicial control over subsidiarity, but is considered a potential channel to voice concerns.

Regarding the control variables, we generally find little support for the explanatory power of institutional capacity. At the chamber level, the relative number of support staff has the expected effect, albeit only in Model 7 which excludes the Swedish parliament. Here, the difference in the predicted probabilities between the minimum and the maximum number of staff is about 0.4 per cent (Table A2). The effects of the sectoral committee having the right to draft a reasoned opinion are mixed. In the sample including Sweden, it has a positive effect (Model 4), but its involvement is negative in Models 7 and 8. Furthermore, whether a chamber has the right to provide a binding mandate or to demand ex-post justification does not affect its activity in the EWS. Nor do legislative elections taking place during the scrutiny process have any effect.

Considering variation at the level of the draft legislative act, our results show that if the scrutiny period coincides with the Christmas holidays, the

probability to submit a reasoned opinion decreases by about 0.1 to 0.2 per cent compared to all other periods during the year when disregarding the Swedish parliament (Models 5 and 6, Table A2). COSAC meetings that take place during the scrutiny period do not have any effect, but our results indicate that parliamentary chambers are influenced by the activities of other parliaments in the EWS. The probabilities to submit a reasoned opinion are about 21 per cent higher if ten other chambers have submitted one as well compared to instances in which no reasoned opinion was submitted at all (Model 2, Table 2). The effect holds throughout the models (even with the jack-knife tests in Table A2), keeping everything else constant, and is greater than the remaining effects, which is not surprising since coordination in the EWS is indispensable to meet the threshold for a yellow card. It also suggests that informal coordination between national parliaments, such as through IPEX or via national parliaments' Permanent Representatives might have a positive impact on their incentives to submit a reasoned opinion (see Cooper 2013; Neuhold 2011).

Lastly, the two control variables at the country level produce significant effects. The length of EU membership positively affects the probability to submit reasoned opinions when Sweden is excluded from the model, albeit only marginally: the difference between five and 25 years of membership is only 0.2 per cent in the predicted probabilities (Model 5, Table A2). Yet it suggests that parliaments in the older member states have been slightly more active than those which joined the EU more recently – with the exception of Sweden. In addition, the probability of submitting a reasoned opinion is between 0.2 to 0.8 per cent lower for chambers under the rotating presidency compared to others, regardless of whether the Swedish parliament is included in the models or not. Here, national parliaments may be constrained in terms of resources due to the organisational tasks of the presidency or are able to find other means for influence.

Conclusions

The article set out to study the conditions under which national parliamentary chambers submit reasoned opinions in the EWS. Thereby it – for the first time – investigated a large set of draft legislative acts and considered all parliamentary chambers in the EU-27 between 1 January 2010 and 31 December 2013. It argued that – beyond institutional capacity – the political motivation of national parliaments plays a crucial role in explaining variation in the extent to which national parliaments become active in the EWS. Our point of departure rested on the assumption that their political motivation is determined by policy influence and re-election prospects. Thus far, the literature has only identified one explanatory factor related to political motivation by arguing that national parliaments that support a majority government are less likely to submit reasoned opinions (Cooper 2012: 449; Raunio 2009, 2010), which our findings partially confirmed. Our argument also considers additional determiners of parliamentary activity in the EWS in terms of the dispersion of party political

stances inside parliamentary chambers, the salience and urgency of draft legislative acts as well as unfavourable economic conditions during the eurozone crisis.

Our argument is substantiated by the positive effect of party political contestation over EU integration on the likelihood of submitting reasoned opinions. The degree of political contestation over the left–right dimension has a negative impact once we remove the Swedish outlier. Our results imply that reasoned opinions are motivated by the politicisation of European integration inside parliamentary chambers, but constrained by disagreements over the substance of draft legislative acts. Our tentative finding that economic recession seems to represent a positive condition for unicameral and lower chambers to submit reasoned opinions supports this interpretation if we assume that national parliaments have become more sensitive to EU policy-making (see Saurugger 2014). Furthermore, salient and urgent draft legislative acts incentivise national parliaments to submit reasoned opinions: the article found that the probability of submitting a reasoned opinion is higher for new legislation and when it is voted upon by the EP plenary before the end of the scrutiny period. Taken together, it is MPs' incentives and awareness which encourage proactive scrutiny in the EWS. We showed that institutional capacity in terms of resources, inter-parliamentary exchange via COSAC and formal scrutiny rights has limited explanatory power for the likelihood of the submission of reasoned opinions. Future research should therefore take into account the relevance of party political contestation and the salience and urgency of draft legislative acts for parliamentary involvement in EU affairs.

The advantages of our study, which lie in the systematic, large-*N* study of the incentives of 40 parliamentary chambers across Europe, represent pitfalls at the same time. We are, for instance, unable to account for the path dependence of an individual chamber. Some national parliaments might become disheartened over time when seeing that their reasoned opinions hardly have any impact (see Raunio 2010). The Commission withdrew the Monti II proposal, but maintained its proposal for a European Public Prosecutor's Office despite a yellow card. Conversely, some national parliaments might develop new, cost-efficient internal procedures over time to participate in the EWS. Moreover, our analysis rests on the assumption – in line with rational choice theory – that national parliaments and their members have complete information about the developments at the EU level suggesting that they are able to assess the urgency of a legislative proposal. Our results imply they are well informed, but our findings could also be triggered by additional explanatory factors. Future research might also find a way to statistically disentangle within- and between-country effects in order to investigate potential interaction effects between political motivation and institutional capacity. The EWS has only been in force for a few years since the Lisbon Treaty was enacted in December 2009. Furthermore, our time period of investigation coincides with the eurozone crisis. Our findings must therefore be interpreted with some caution regarding their representativeness for explaining variation in the participation in the EWS in

the long run. Future research should investigate whether the relevance of political motivation holds over time.

The EWS gave national parliaments a new opportunity to actively scrutinise the allocation of competences between member states and the EU. From a normative perspective, the EWS is considered a tool to more actively engage national parliaments in order to strengthen the legitimacy of EU legislation. Despite the low frequency of reasoned opinions by national parliaments, we show that it is mainly their political motivation, rather than sheer capacity, which matters for the degree to which they become involved. Føllesdal and Hix (2006) call for more contestation at the EU level in order to combat the democratic deficit. At the national level, we find that parliamentary activity in the EWS is particularly triggered by party political contestation over EU integration and is dependent on the salience and urgency of draft legislative acts themselves. Thereby national parliamentary chambers may be able to provide a political linkage between EU policy-making and their represented in the domestic context.

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Notes

1. For detailed information about the EWS, see Auel and Christiansen (2015).
2. 'Proposal for a Council regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services', COM (2012) 130 final (21.3.2012).
3. 'Proposal for a Council regulation on the establishment of the European Public Prosecutor's Office', COM (2013) 534 final (17.7.2013).
4. 'Inter-parliamentary EU information exchange', <http://www.ipex.eu>.
5. The data are available from the authors upon request.

Notes on Contributors

Katjana Gattermann is Postdoctoral Researcher at the Amsterdam Centre for Contemporary European Studies (ACCESS EUROPE). She is academic director of the Erasmus Academic Network on Parliamentary Democracy in Europe (PADEMIA) and co-editor of the LSE 'Europe in Question' Discussion Paper Series (LEQS). Her research interests include comparative politics and political communication with a particular focus on the patterns, drivers and effects of news coverage about EU institutions and politicians as well as legislative behaviour of parliamentarians and the relationship with their represented. Her work has appeared in journals such as *European Journal of Political Research*, *European Union Politics* and the *Journal of European Public Policy*. [K.Gattermann@uva.nl]

Claudia Hefftl is a Research Associate and PhD student at the Jean Monnet Chair, University of Cologne, Germany. She has studied political science, history and Portuguese philology. She has published on national parliaments, with a focus on their participation in the Early Warning Mechanism and their control over European Council meetings and is a co-editor of *The Palgrave Handbook of National Parliaments and the EU*. [claudia.hefftl@uni-koeln.de]

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APPENDIX
TABLE A1
DESCRIPTIVE STATISTICS

	Valid <i>N</i>	Missing	<i>M</i>	<i>SD</i>	Min	Max	Notes
Reasoned opinion	16,440	n/a	0.02	0.13	0	1	
EU dispersion	12,887	3553	11.13	4.58	1.42	17.78	Missing: LU, CY, MT, DE-U, SI-U; and EL June 2012, IT 2013, RO 2012, SK 2012, SI- L2011
Left-right dispersion	12,887	3553	18.76	4.06	8.40	26.27	
Majority gov.	10,864	5576	0.86	0.35	0	1	
New legislation	16,440	0	0.27	0.44	0	1	
Council debate	16,440	0	0.23	0.42	0	1	
Vote in EP plenary	16,440	0	0.02	0.14	0	1	
Recession year	16,440	0	0.34	0.47	0	1	
Lower house	16,440	0	0.33	0.47	0	1	
Upper house	16,440	0	0.33	0.47	0	1	
Election	16,440	0	0.05	0.21	0	1	
SC drafts RO	16,440	0	0.18	0.38	0	1	
Rel. no of staff	14,796	1644	2.83	1.57	0.51	8.06	Missing: NL- U, IT-U, IE
Mandating	16,440	0	0.325	0.47	0	1	
Christmas	16,440	0	0.23	0.42	0	1	
COSAC	16,440	0	0.64	0.48	0	1	
No. of other ROs	16,440	0	0.68	1.67	0	14	
Year	16,440	0	2011.47	1.07	2010	2013	
Length EU member	16,440	0	28.25	21.90	3	61	
Presidency	16,440	0	0.05	0.21	0	1	

Note: Cell entries are rounded to two decimals where applicable.

TABLE A2
PREDICTED PROBABILITIES

	Model 1		Model 2		Model 3		Model 4	
	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI
Majority gov.								
No	–		–		–		0.009	0.004; 0.022
Yes	–		–		–		0.003	0.001; 0.007
EU dispersion								
Minimum	–		0.005	0.002; 0.011	0.005	0.002; 0.013	0.001	0.000; 0.004
Mean	–		0.009	0.005; 0.015	0.009	0.004; 0.020	0.003	0.001; 0.007
Maximum	–		0.014	0.007; 0.026	0.016	0.007; 0.037	0.006	0.003; 0.013
Left–right disp.								
Minimum	–		0.010	0.005; 0.019	0.011	0.004; 0.030	0.007	0.002; 0.021
Mean	–		0.009	0.005; 0.015	0.009	0.004; 0.021	0.003	0.001; 0.007
Maximum	–		0.008	0.003; 0.022	0.008	0.003; 0.022	0.002	0.001; 0.005
New legislation								
No	0.011	0.008; 0.017	0.009	0.005; 0.015	0.010	0.004; 0.019	0.003	0.001; 0.007
Yes	0.013	0.008; 0.019	0.011	0.007; 0.019	0.011	0.006; 0.024	0.004	0.002; 0.009
Council debate								
No	0.011	0.007; 0.017	0.009	0.005; 0.015	0.009	0.004; 0.020	0.003	0.001; 0.007
Yes	0.013	0.009; 0.020	0.010	0.006; 0.019	0.011	0.005; 0.024	0.003	0.001; 0.008
Vote in EP								
No	0.011	0.008; 0.017	0.009	0.005; 0.015	0.009	0.004; 0.020	0.003	0.001; 0.007
Yes	0.020	0.010; 0.041	0.019	0.008; 0.042	0.023	0.010; 0.048	0.004	0.002; 0.011
Recession year								
No	0.011	0.008; 0.017	0.009	0.005; 0.015	0.009	0.004; 0.020	0.003	0.001; 0.007
Yes	0.009	0.006; 0.014	0.008	0.004; 0.014	0.007	0.003; 0.015	0.003	0.001; 0.009
Rel. no. of staff								
Min	–		–		0.014	0.006; 0.031	0.005	0.003; 0.012
Max	–		–		0.003	0.001; 0.019	0.001	0.000; 0.006
SC drafts RO								
No	0.011	0.007; 0.017	0.009	0.005; 0.015	0.009	0.004; 0.020	0.003	0.001; 0.007
Yes	0.026	0.007; 0.094	0.024	0.005; 0.103	0.028	0.005; 0.140	0.014	0.006; 0.032

(Continued)

TABLE A2
(Continued)

	Model 1		Model 2		Model 3		Model 4	
	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI
Mandating								
No	–		–		0.009	0.004; 0.020	–	
Yes	–		–		0.008	0.005; 0.015	–	
Election								
No	0.011	0.007; 0.017	0.009	0.005; 0.015	0.009	0.004; 0.020	0.003	0.001; 0.007
Yes	0.006	0.002; 0.016	0.006	0.002; 0.019	0.006	0.001; 0.022	0.002	0.000; 0.009
Lower house								
No	0.011	0.008; 0.016	0.009	0.005; 0.016	0.009	0.004; 0.020	0.003	0.001; 0.007
Yes	0.009	0.005; 0.015	0.009	0.005; 0.016	0.009	0.004; 0.020	0.006	0.003; 0.011
Upper house								
No	0.011	0.007; 0.017	0.009	0.005; 0.015	0.010	0.004; 0.020	–	
Yes	0.011	0.006; 0.018	0.012	0.006; 0.023	0.016	0.009; 0.030	–	
Christmas								
No	0.011	0.008; 0.017	0.009	0.005; 0.015	0.009	0.004; 0.019	0.003	0.001; 0.007
Yes	0.009	0.005; 0.015	0.007	0.003; 0.014	0.008	0.003; 0.018	0.002	0.001; 0.005
COSAC								
No	0.014	0.009; 0.022	0.012	0.006; 0.022	0.012	0.005; 0.029	0.004	0.002; 0.011
Yes	0.011	0.007; 0.017	0.009	0.005; 0.015	0.009	0.005; 0.020	0.003	0.001; 0.007
Other ROs								
0	0.009	0.006; 0.014	0.007	0.004; 0.012	0.007	0.003; 0.016	0.002	0.001; 0.005
5	0.050	0.034; 0.074	0.042	0.025; 0.071	0.043	0.021; 0.084	0.017	0.008; 0.035
10	0.244	0.166; 0.366	0.215	0.129; 0.353	0.218	0.114; 0.377	0.120	0.065; 0.220
Max	0.574	0.429; 0.694	0.540	0.365; 0.710	0.541	0.327; 0.735	0.407	0.242; 0.622
Year								
2010	0.011	0.007; 0.016	0.009	0.005; 0.015	0.009	0.005; 0.019	0.003	0.001; 0.007
2011	0.011	0.007; 0.016	0.009	0.005; 0.015	0.010	0.005; 0.020	0.003	0.001; 0.007
2012	0.012	0.008; 0.018	0.009	0.005; 0.016	0.009	0.004; 0.022	0.003	0.001; 0.008
2013	0.012	0.007; 0.020	0.009	0.004; 0.018	0.009	0.004; 0.024	0.003	0.001; 0.008

(Continued)

TABLE A2
(Continued)

	Model 1		Model 2		Model 3		Model 4	
	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI
EU member								
5 years	0.011	0.006; 0.019	0.009	0.004; 0.019	0.009	0.003; 0.024	0.002	0.001; 0.007
15 years	0.011	0.007; 0.017	0.009	0.005; 0.018	0.009	0.004; 0.023	0.003	0.001; 0.007
25 years	0.011	0.007; 0.017	0.009	0.005; 0.016	0.009	0.005; 0.020	0.003	0.001; 0.007
Presidency								
No	0.011	0.007; 0.017	0.009	0.005; 0.016	0.009	0.004; 0.020	0.003	0.001; 0.007
Yes	0.007	0.002; 0.018	0.002	0.001; 0.007	0.001	0.000; 0.007	0.001	0.000; 0.004
Model 5								
Model 6								
Model 7								
Model 8								
Majority gov.								
No	–		–		–		0.015	0.008; 0.028
Yes	–		–		–		0.011	0.007; 0.017
EU dispersion								
Minimum	–		0.003	0.001; 0.006	0.002	0.001; 0.006	0.006	0.003; 0.015
Mean	–		0.004	0.002; 0.007	0.003	0.001; 0.006	0.011	0.007; 0.016
Maximum	–		0.006	0.004; 0.009	0.004	0.002; 0.007	0.015	0.011; 0.021
Left–right disp.								
Minimum	–		0.009	0.005; 0.019	0.010	0.005; 0.021	0.048	0.029; 0.077
Mean	–		0.004	0.002; 0.007	0.003	0.001; 0.007	0.011	0.007; 0.017
Maximum	–		0.002	0.001; 0.004	0.001	0.000; 0.003	0.003	0.002; 0.006
New legislation								
No	0.008	0.005; 0.014	0.004	0.002; 0.007	0.003	0.002; 0.007	0.011	0.007; 0.017
Yes	0.010	0.006; 0.015	0.005	0.003; 0.009	0.004	0.002; 0.008	0.015	0.009; 0.022
Council debate								
No	0.008	0.005; 0.014	0.004	0.002; 0.007	0.003	0.001; 0.007	0.011	0.007; 0.017
Yes	0.010	0.006; 0.017	0.005	0.003; 0.008	0.003	0.002; 0.007	0.011	0.007; 0.018
Vote in EP								
No	0.009	0.005; 0.014	0.004	0.002; 0.007	0.003	0.001; 0.006	0.011	0.007; 0.017
Yes	0.016	0.007; 0.034	0.008	0.003; 0.022	0.007	0.003; 0.018	0.013	0.003; 0.056

(Continued)

TABLE A2
(Continued)

	Model 1		Model 2		Model 3		Model 4	
	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI
Recession year								
No	0.008	0.005; 0.014	0.004	0.002; 0.007	0.003	0.001; 0.006	0.011	0.007; 0.017
Yes	0.008	0.005; 0.012	0.005	0.003; 0.008	0.004	0.002; 0.007	0.018	0.011; 0.029
Rel. no of staff								
Min	–		–		0.002	0.001; 0.005	0.008	0.005; 0.015
Max	–		–		0.006	0.002; 0.012	0.018	0.009; 0.038
SC drafts RO								
No	0.008	0.005; 0.013	0.004	0.002; 0.007	0.003	0.001; 0.007	0.011	0.007; 0.017
Yes	0.007	0.003; 0.015	0.002	0.001; 0.005	0.000	0.000; 0.001	0.002	0.001; 0.005
Mandating								
No	–		–		0.003	0.001; 0.007	–	
Yes	–		–		0.004	0.003; 0.007	–	
Election								
No	0.008	0.005; 0.013	0.004	0.002; 0.007	0.003	0.001; 0.007	0.011	0.007; 0.017
Yes	0.004	0.001; 0.011	0.003	0.001; 0.008	0.002	0.001; 0.007	0.008	0.001; 0.044
Lower house								
No	0.008	0.005; 0.014	0.004	0.002; 0.007	0.003	0.001; 0.006	0.003	0.007; 0.005
Yes	0.010	0.006; 0.016	0.009	0.006; 0.015	0.009	0.005; 0.017	0.011	0.007; 0.017
Upper house								
No	0.008	0.005; 0.014	0.004	0.002; 0.007	0.003	0.002; 0.007	–	
Yes	0.013	0.009; 0.019	0.017	0.012; 0.024	0.016	0.011; 0.022	–	
Christmas								
No	0.008	0.005; 0.014	0.004	0.002; 0.007	0.003	0.002; 0.006	0.011	0.007; 0.017
Yes	0.006	0.004; 0.010	0.003	0.002; 0.005	0.002	0.001; 0.004	0.008	0.004; 0.016
COSAC								
No	0.009	0.006; 0.015	0.005	0.003; 0.009	0.003	0.002; 0.007	0.012	0.007; 0.019
Yes	0.008	0.005; 0.014	0.004	0.002; 0.007	0.003	0.001; 0.006	0.011	0.007; 0.017
Other ROs								
0	0.007	0.004; 0.011	0.003	0.002; 0.005	0.002	0.001; 0.005	0.008	0.005; 0.013
5	0.040	0.025; 0.062	0.020	0.013; 0.030	0.015	0.008; 0.029	0.062	0.040; 0.088

(Continued)

TABLE A2
(Continued)

	Model 1		Model 2		Model 3		Model 4	
	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI	Prob.	90% CI
10	0.203	0.135; 0.300	0.118	0.077; 0.177	0.089	0.048; 0.161	0.349	0.227; 0.481
Max	0.515	0.375; 0.648	0.377	0.263; 0.511	0.293	0.169; 0.465	0.733	0.551; 0.858
Year								
2010	0.009	0.005; 0.013	0.005	0.003; 0.007	0.004	0.002; 0.007	0.013	0.008; 0.022
2011	0.008	0.005; 0.013	0.004	0.002; 0.007	0.003	0.002; 0.006	0.011	0.008; 0.017
2012	0.008	0.005; 0.014	0.004	0.002; 0.007	0.003	0.001; 0.007	0.010	0.006; 0.016
2013	0.008	0.005; 0.015	0.004	0.002; 0.007	0.003	0.001; 0.007	0.009	0.005; 0.016
EU member								
5 years	0.006	0.004; 0.011	0.003	0.001; 0.005	0.002	0.001; 0.005	0.009	0.005; 0.015
15 years	0.007	0.004; 0.012	0.003	0.002; 0.006	0.002	0.001; 0.006	0.010	0.006; 0.015
25 years	0.008	0.005; 0.013	0.004	0.002; 0.007	0.003	0.001; 0.007	0.011	0.007; 0.016
Presidency								
No	0.008	0.005; 0.014	0.004	0.002; 0.007	0.003	0.002; 0.006	0.011	0.007; 0.016
Yes	0.005	0.002; 0.015	0.001	0.000; 0.003	0.001	0.000; 0.003	0.003	0.001; 0.018

Notes: predicted probabilities of submitting a reasoned opinion (versus not doing so); all other variables are kept at their mean or median; the lower and upper values of confidence intervals are reported at a 90% level as some effects are not statistically significant at higher levels.

TABLE A3
RELOGIT MODELS – JACK-KNIFE TESTS

	Model 6a	Model 6b	Model 6c	Model 6d
EU dispersion	0.03 (0.03)	0.07** (0.03)	0.03 (0.03)	0.08*** (0.03)
Left–right dispersion	-0.09** (0.04)	-0.07** (0.03)	-0.09*** (0.03)	-0.10*** (0.03)
New legislation	0.31 (0.19)	0.32* (0.19)	0.19 (0.18)	0.15 (0.22)
Council debate	0.00 (0.20)	0.07 (0.21)	0.20 (0.20)	0.31* (0.17)
Vote in EP plenary	0.93* (0.53)	0.87* (0.52)	0.56 (0.50)	0.55 (0.60)
Recession year	0.40 (0.29)	0.34 (0.24)	0.04 (0.23)	0.03 (0.28)
Controls				
Lower house	0.79*** (0.29)	0.81* (0.44)	0.84** (0.39)	0.88** (0.40)
Upper house	1.29*** (0.31)	1.36*** (0.44)	1.52*** (0.36)	1.49*** (0.34)
Election	-0.58 (1.07)	-0.08 (0.79)	-1.45 (1.05)	-0.11 (0.81)
SC drafts RO	-0.78 (0.54)	-0.78 (0.53)	-0.72 (0.45)	-0.72 (0.48)
Christmas	-0.53*** (0.21)	-0.06 (0.38)	-0.66* (0.34)	-0.30 (0.25)
COSAC	-0.16 (0.24)	-0.27 (0.25)	-0.11 (0.22)	-0.16 (0.18)
No. of other ROs	0.36*** (0.03)	0.35*** (0.03)	0.37*** (0.03)	0.43*** (0.04)
Year	-0.09 (0.13)	-0.05 (0.14)	-0.08 (0.12)	-0.10 (0.15)
Length EU member	0.02** (0.01)	0.01 (0.01)	0.01** (0.01)	0.02** (0.01)
Presidency	-1.18* (0.61)	-0.76 (0.55)	-1.79* (1.05)	-1.93* (1.16)
Constant	178.58 (254.43)	97.72 (277.83)	158.32 (247.18)	188.47 (298.22)
Excluding year	2010	2011	2012	2013
<i>df</i>	16	16	16	16
<i>N</i> chambers	32	32	32	32
<i>N</i> legislative drafts	329	260	333	311
<i>N</i>	9852	7744	10,131	9701

Notes: * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$. Clustered standard errors in parentheses; dependent variable: binary variable indicating whether a chamber has submitted a reasoned opinion or not for each draft legislative act; all models exclude the Swedish Riksdag.