Strategies of MPs in European policy-making: Heuristics, opportunities, and constraints in the German Bundestag and the Hungarian National Assembly (Országgyűlés)

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Draft, comments are welcome!

Abstract

This explorative study draws on Europeanization processes in the German Bundestag and the Hungarian national assembly, the Országgyűlés. It starts from the general assumptions that Europeanization may lead to deparliamentarization, but also that national parliaments have reacted to such loss of significance not only by pushing for amendments in the TEU, but also by altering scrutiny and mandating powers and internal organisational patterns. Our hypothesis is that despite quite comparable functional pressures adaptation in the parliaments is strongly bound to informal institutional arrangements and even to particular mind sets of MPs. MPs need cognitive capabilities to make use of and to create institutions. How institutional capacities are made use of depends on ideas and heuristics differing from country to country. Our research framework is built upon neo-institutionalism in combination with elements of cognitive theory; empirically, the study is based on semi-standardized interviews with MPs from both countries.

There is evidence that the Europeanisation of policy-making may cause deparliamentarisation.[1] This is a considerable loss of policy-steering capacity of the parliament vis-à-vis the executive branch of government. The Europeanisation of policies in EU member states has continuously shifted responsibilities previously under the jurisdiction of national legislatures towards the European level. This process has strengthened national executives. A certain loss of parliamentary power has taken place due to the fact that national governments decide on package deals in the Council of the EU and in the European Council. Obviously, such deals cannot be changed by national parliaments without causing damage to the government, such as a political crisis, or if the worst comes to the worst, even the failure of the government actually being supported by a parliamentary majority.

Technical matters also weaken a parliament's ability to scrutinise European decisions. Technical expertise is accumulated with the European institutions and within the ministries. Parliaments lack resources, manpower and technical knowledge. They have problems following the work of the working groups attached to the Council and decision-making in the comitology system. Governments are in a gate-keeper position and can play two-level games, whereas parliaments are threatened with becoming marginal players. The executive branches of governments may appear not as agents of the legislature, but as unbound and uncontrolled actors of their own right, acting detached from societal wishes and needs. To bring matters to a head, one could even state - provocatively - that parliaments are captured by the executive branch through a partial fusion of power and with the help of European integration.

Despite such shortcomings being caused by the very structure of European policy-making, national parliaments seem to have fought their way back.[2] Parliamentary capacities were re-created by adapting organisational patterns to the EU multi-level system. Parliamentary reaction to deparliamentarisation led to the strengthening of scrutiny systems, the creation of veto points, the establishment of legal procedures and new structures of executive-legislative ex ante deliberation. In countries of the EU-12 such rules were often established

accompanying the Treaty of Maastricht.[3] With the Union enlarged to 15, then 25 and 27 members, it was often accession referenda which allowed the opposition to use veto points to strengthen parliamentary control over the government in EU affairs.[4] This window of opportunity was open during the phase immediately before and after accession. Since then all new members have re-formulated the legal norms regulating their parliament's involvement in EU affairs by establishing special laws regulating parliamentary scrutiny.

Improvements in the domestic legal structure did not come alone. Alongside this, parliaments have reached better access to the European level via COSAC and the regime of subsidiarity control. Their involvement has been strengthened ever since Maastricht and reached a new peak with the Treaty of Lisbon.

Formal adaptation alone, however, is insufficient and does not automatically guarantee growing efficiency. Institutional reform may lead to better scrutiny and improve parliamentary co-governance only if political actors actively utilise such resources for building up capacities. Enlarging institutional capacities, however, does not entail that actors behave accordingly. On the contrary, we observe that actors often pass up chances and do not employ given opportunities. Explaining these reservations, former studies[5] found that there is a certain mismatch between institutions on the national level on the one hand and the EU level on the other. This mismatch sets limits to parliaments' capacities for scrutinising their governments in EU matters. Moreover, the formative logic of parliamentary systems leads to parliamentary majorities mostly loyal to the government.

We find, however, that research has put far too much emphasis on European Affairs Committees as prospective central sites of parliamentary scrutiny. One assumes almost automatically that horizontally co-ordinating bodies specialised in EU affairs should play a major, if not the dominant role in organising parliamentary involvement in EU affairs. This is even more the case if these committees were formally or de facto strong such as the EU Affairs Committee of the Danish Folketing. Instead, Europeanisation predominantly proceeds in specialised policies.[6] The vertical structure may dominate the horizontal structure. In many countries, EU affairs committees are more or less dispensable in the everyday policy-making process. They lack policy expertise and their involvement could cause institutional redundancies rather than providing solutions. We should consider the exploration of policy-making capacities and scrutiny of national legislatures in EU affairs to be a focus on specialised committees as well as on the working units of the parliamentary party groups rather than on EU affairs committees. By distinguishing the working structures of legislatures and, thereby, MPs as policy experts,[7] we will probably reach different or at least more precise conclusions on the parliaments' real capacities to co-govern and scrutinise the government in Europeanized policy-making.

For this explorative case study we analyse policy-making of MPs in the German Bundestag and the Hungarian National Assembly (Országgyűlés). Our point of departure is that adoption to the institutional challenge of European integration is not an aligned process, but varies from policy arena to policy arena, from country to country and from issue to issue. The cases were selected with respect to institutional capabilities in EU policy-making, as both parliaments are similar cases. The parliaments of Germany and of Hungary have regularly generated majority

governments after elections,[8] not strengthening scrutiny as is typical for minority governments having to negotiate with tolerating party groups to gain a majority in the legislature. Indeed, undersized governments lead to a stronger position of the parliament vis-à-vis the government.[9] Both legislatures are, in principle, working parliaments[10] with relatively strong institutionalised resources for co-governance and scrutinising the government in EU matters. Of course, the parliaments do not feature *identical* capacities. Compared to Hungary, Germany has a larger parliament commanding more organisational and personnel resources.[11] Thus, MPs may take on more different roles and a more sophisticated division of work in parliament. Furthermore, with a high sequence of change caused by elections and therefore a fluctuating composition of the special committees,[12] MPs' involvement in EU affairs may change strongly over time – especially in Hungary. Within the group of Central European states, however, the Országgyűlés commands the strongest institutional resources and is thus best comparable to the German Bundestag.[13]

However, the outcome in both countries differs gradually: Even though neither parliament makes use of given opportunities comprehensively, the Bundestag seems to have take off during the last years, beginning to make at least partial use of its institutional resources. By contrast, MPs in the Országgyűlés back off more. Starting from these preliminary considerations, one can assume that it is not just formal institutions playing the major role for explaining why these differences exist between both cases. This, in turn, suggests that additional explanations are needed to understand varying degrees of co-governance and scrutiny of parliaments in EU policy-making. In fact, 'Europeanisation' provides a broad research field more than a theoretical approach and thus offers different ways to look at the topic. It may also be conceptualised as identity and cognitive change or change of the public discourse. Political actors often reframe problems in European terms thereby actively constructing or neglecting adaptational pressures.[14] Inserting cognitive elements explicitly into the prevailing new institutionalist explanations, we conceive actors as being bound to heuristics simplifying complex situations by reducing an actor's preference formation to a manageable number of options. Consequently, we explored cognitive elements in order to understand to what extent existing institutions and informal channels offering options to co-govern and scrutinise the government are exploited by national parliaments and how MPs build up new institutional capacities.

We observe that German MPs generally scrutinise the government and co-govern in European issues more intensely than their Hungarian counterparts. Thereby, personnel resources is not a sufficient explanation. Whereas Hungary is a post-transition state, Germany is a founding member of the EU with much experience. Due to that fact we also find different paths of MPs' socialisation as well as varying degrees of professionalisation in both legislatures. These factors should have an effect on which ideas and heuristics MPs apply when creating and using institutions. Figuring out the relevance of these cognitive elements for the analytical framework to be developed in this study, comparing a founding member to a new member seems quite promising for devising further hypotheses on the topic.

Our analysis is based on 38 qualitative interviews being held in the Bundestag and the Országgyűlés in the year 2008 on the basis of a semi-standardised questionnaire.[15] In the case of Germany, the interviews concentrated on MPs and their staffs working mainly in the field of environmental policies. Some were affiliated with the economic committee, one MP was

member of the EU Affairs Committee, and another held the position of a parliamentary state secretary. In Hungary the list contains MPs from the Health Committee and the Environment Committee. Three of the interviewed MPs are former ministers. Whereas in Germany backbenchers and rather passive MPs were willing to talk about their problems and reasons for their limited involvement in EU affairs, it was more difficult to find contact partners in Hungary. With respect to these restrictions, the qualitative data provided here is still a point of departure and a contribution to establishing a research agenda on the subject. Figuring out heuristics demands in-depth interviews and consequently, a small-n analysis in a first step. However, our study may be a starting point for devising large-n-studies on the topic in the future.

In the next section, we discuss a framework for analysis suitable for working out conditions and restrictions of parliaments' capacity building in Europeanised policy-making. Then, we provide information on the institutional structure of Hungarian and German parliamentary involvement in EU affairs. After that, we present the results of the interviews, focusing on the meaning of informal channels and cognitions as resources for MPs. In a final section we summarise the results and present a short research agenda with the aim of structuring further research in the subject field.

The meaning of institutions and heuristics

Over the past years, new institutionalism frameworks have become the common point of departure to explain strategies of MPs in the EU multi-level system.[16] Most analysis are viewed through an institutionalist lens. For the purpose of this study, this also seems to be a fruitful approach, for at least two reasons: first, we are interested in giving additional explanations for why institutions do not automatically work on as an incentive for better scrutinising and co-governing of parliaments as was intended by institutional designers. Second, some theoretical strands explicitly distinguish formal and informal institutions.[17] In EU multi-level governance, informality has become a major tool of governance.[18] It helps to couple actors and institutions in the fragmented multi-level architecture. Furthermore, transaction costs for building up informal channels are often lower, as they do not require majorities and formal procedures. With respect to parliamentary co-governance in Europeanised policy-making, informal channels are also said to be more effective, for there is a mismatch[19] of formal procedures which national parliaments have built up in order to gain access to the multilevel decision-making system.[20] Parliaments can principally employ informality for their own ends, even in the event of European integration having set up unfavourable conditions for legislatures.[21]

Based on these considerations, we assume that parliaments prefer informal channels of co-governance and scrutiny in EU affairs, as long as formal institutions are of limited effectiveness. However, we think that a narrow understanding of institutionalism approaches is not sufficient to understand varying degrees of parliamentary self-restraint. MPs need cognitive capabilities to make use of and to create institutions. How institutional capacities are made use of depends on ideas and heuristics, either offering normative principles telling people 'what to do' or suggesting methods saying 'how to do'.[22] Such heuristics act as 'problem solving strategies...that serve to keep the information processing demands of the

task within bounds'.[23] Cognitive principles also contribute to explain whether or not processes of institutionalisation relevant to parliaments' EU policy-making are launched. Certainly, this idea is contained in some strands of new institutionalism, like 'sociological' or 'discursive' institutionalism.[24] This study, however, aims at working out more explicitly how such heuristics affect the use and creation of institutions in Europeanised policy-making, as research in this area has to typically account for clashing normative principles to be dealt with by MPs.

Europeanised policy-making touches fundamental normative credos which indicate how MPs interpret European and national institutions. These credos prove to be extraordinarily stable for the most part, building up 'deep cores' (Sabatier/Jenkins-Smith) and instructing people 'what to do'. Considering Europeanisation, we assume that MPs in all EU member states more or less are to arrange two potentially conflicting normative credos: they have to balance the national interest *and* the principle of 'the EU as a good thing', as the latter is bound to certain general benefits such as peace, wealth, or more specifically and instrumentally, to subsidies given to a particular country. Of course, both heuristics are weighted against each other differently in EU member states, both credos are internalised by MPs to different degrees, and proportions between them may vary individually. For our analysis, we ask whether a normative credo stipulating the EU as a good thing is guiding the behaviour of German and Hungarian MPs in Europeanised policy-making or not, and whether and to what extent it is transcended by the 'national' credo.

In Hungary as well as in Germany, most MPs and all governments have supported European integration so far.[25] Nevertheless, both the former Hungarian opposition FIDESZ and the governing MSZP enforce 'national' positions, though formulated more strongly by the government.[26] We suppose that this affects the use of institutions insofar as Hungarian MPs probably hold off more strongly in Europeanised policy-making. Only the government can bring national positions forward in EU institutions efficiently. This might explain why parliamentary party groups aiming at supporting a strong national position at the EU level will exercise more self-restraint. However, there is reason to expect that both cognitive patterns are often knit together inconsistently. Normative heuristics, such as the national interest and the 'EU as a good thing', prove to be very abstract principles leaving space for interpretations. Even though often conflicting, one may conclude that the national interest is nearly compatible with concrete EU decisions, and the latter may even support legitimising national policies. Given such ambiguities, how do MPs cope with it?

We further ask how MPs can link the 'EU as a good thing' principle to their concrete policy positions, and how both are charged against each other. As policy doctrines internalised by MPs are often sticking to party affiliation, it is an intriguing question how MPs cope with EU regulations and directives conflicting with their policy positions. To explain such potential frictions, we need to insert heuristics into our framework, telling MPs *how* to deal with such trade-offs.[27] Reducing the multitude of heuristics, research has identified some cognitive 'standard tools'. For instance, people regularly try to escape trade-offs by using heuristics that eliminate direct comparisons between clashing values. They often just ignore existing tensions. With respect to our case studies, this cognitive principle ('ignorance') may support the decoupling of the European and the national arena, with national MPs pooling activities mainly around national topics.

Moreover, reasoning is limited by taboos, and people regularly 'exaggerate the importance of the chosen value and derogate the rejected value'.[28] Furthermore, in parliamentary democracies, where party rule is a dominating feature, MPs are 'partisan reasoners', tending to justify conclusions compatible with their party positions. If both, normative credos as well as the policy positions are derived from party positions, but are nevertheless incompatible, MPs may be inclined to avoid evidence which would probably lead to conflicts.

The use of formal procedures

Before looking at cognitive principles to explain parliamentary self-restraint, we are going to work out how formal institutions and informal channels are built up and how they are used in both countries. The general observation is that MPs in both parliaments do not exploit existing institutional opportunities, although the Bundestag as well as the Országgyűlés commands comparatively large capacities for co-governing and scrutinising the government. Looking for reasons, one has to ask at first whether it is mostly institutional misinformation which explains that given opportunities are not used.

One should remember that in post-communist East and Central Europe (ECE) re-parliamentarisation was the core of democratisation. This is a strange twist of fate, as communist constitutions drew newly elected parliaments right into the centre of the political system. In reality they shifted all informal powers into the structures dominated by the communist parties. A first step of reform, therefore, was to move from marginalisation to rationalisation of parliamentary work[29]. Legislatures became central sites of democratisation[30]. Even a tendency towards over-parliamentarisation was observed[31]. From this the hypothesis was derived that ECE parliaments could become forerunners in their efforts to re-parliamentarise the decision-making process in European affairs[32]. Quite to the contrary, Ágh argues that candidate countries have actually rather delayed the transition to parliamentary and society-centred stages. Accession was dominated by the executive branch of government[33], and parliaments were constrained by an opportunity-capacity paradox[34]. This all leads us to a rather pessimistic assessment of ECE parliaments as forerunners, and even more as they have been quite volatile institutions for a long time. MPs from the region often suffer from weak knowledge in English and/or French, and, at least until 2004, were still lacking knowledge of internal EU affairs.

Hungary established its committee system with regard to EU issues in several steps. A first step was completed with the implementation of the Association Treaty and later the adaption of the *acquis communautaire*. This time period was characterised by the formation and several reforms of the EU Affairs Committee and with establishing working relations between the EU Affairs Committee and special committees on the one hand, and committees and the government on the other[35]. In 1994, the EU Affairs Committee[36] became a permanent structure. Subsequently, size and composition changed due to requirements of majority-building and functional reasons[37]. The size settled with slightly more than 20 members. Five years after accession the Committee is a stable institution with increasing expertise and policy co-ordination capacity. A ranking of MPs tracing on the relevance of committees set the EU Affairs Committee right in the middle of the scale. It might gain even more importance in the

future as subsidiarity control is centralised there and not dispersed through select committees like in Germany.

Government control in EU affairs, i.e. the scrutiny system, was originally based on general parliamentary norms[38], not special provisions. The present specialised regime was established in two steps in 2002 and 2004, prior to accession.[39] In 2002, against the background of signing the Accession Treaty, the opposition minority used a veto point in parliament to negotiate the obligation to establish a regime of parliamentary scrutiny. The obligation was formalised by adding an endorsement to the constitution[40].

The 2004 rule assigns the EU Affairs Committee a general right and obligation to control the government in EU affairs. A central modification of the 2004 law was to grant the Committee the right to decide in place of the plenary. This institutional pattern was obviously modelled after the Danish Folketing. In fact this resource is to be used in cases only when the Committee was assigned to lead the issue. This happens rarely. If leading an issue is shared with a special committee, the plenary session has to take over voting procedures.

The law strengthens information rights of the parliament and establishes a rule of parliamentary involvement in policy formation, especially an ex ante system of joint parliamentary-executive position formulation. The question whether or not positions of the parliament should be binding for the government when acting on European level was highly controversial.[41] A multiple-step system was finally applied. The standard system goes as follows: If the parliament issues an opinion, the position of the government presented in Brussels must be based on parliament's position. If the government departs from the position, it must present proper justification. This is short of a binding mandate, but guarantees that the parliament is at least heard. If constitutional provisions are at stake, the position of the parliament will be binding.

In 2001 select committees started to establish sub-committees on European integration in order to better take on EU issues. The mere existence of these institutions, however, does not mean that they are utilised. The knowledge of interviewees concerning the sub-committees on European integration was virtually nil. Even the chairpersons did not remember to have ever used such structures. They are empty institutions, existing only on paper.[42] This displays a rather sharp divide between specialised committees and EU Affairs Committee, as inter-linkage is suboptimal at least. The idea itself suggests that the sub-committees might have been institutionalised forms of committees' attempt to prevent the EU Affairs Committee from adding on further competences. That the structure failed to sustain itself functionally could point both to the impotence of the EU Affairs Committee and the disinterest of specialised committees in integration affairs.

All MPs criticised patterns of interaction between health and environment committees on the one side and the EU Affairs Committee on the other. Joint sessions never take place. This is so even if the committees are assigned to co-leading an issue. Instead of issuing a joint position, they leave the decision to the plenary. MPs from policy-based committees tend to question the need of an EU affairs committee in general. Cross-committee MP-networks do not exist at all in either environmental or health issues, even though there are some in the case of the Foreign Affairs Committee and the EU Affairs Committee. The problem seems to be the inter linkage of horizontal and vertical structures. There is a central argument often heard

when asking MPs from the health or environment committee about the relevance of the EU affairs committee. The same argument is brought up in the discussion on the need of a European affairs ministry: either such an institution is dealing with everything, but does not have the expertise, or the system is based on expertise, but for what does one need an EU committee then?

Finally, the Hungarian parliament entered the Brussels stage by opening up a representation and information office attached to the EU immediately following accession. Actually, this was a single individual trying to collect information and functioning as an interface between EU institutions and Hungarian MPs, or substructures of the Parliament such as party groups and committees. Quite interestingly, some of those interviewed did not know that this office exists, and those who were aware of its existence were not really in touch.

Meanwhile, the Bundestag has tried to remedy organisational shortcomings by introducing new working units and procedures since 2006, but has opted for institutional solutions differing from the Hungarian case. The basic structures of its scrutiny system were already established in 1994. Article 23 of the Basic Law and the corresponding law stipulate that the Bundestag must be informed immediately by the government. The parliament is given the right to claim its position prior to the government participating in legislative acts of the European Union. The government must take the Bundestag's resolutions into account. But even so, the parliament has no right to legally mandate the government negotiation position in the EU Council. As in other EU member states, most activities of MPs aiming at influencing government activities in EU institutions are grouped around the EU Affairs Committee. Altogether, its empowerment has had little significance in practice.[43] Not having the capacity to debate policy issues in detail, the EU Committee refers documents coming from the EU level to the select committees. On the whole, it is more or less working as a 'horizontal' committee that is mostly dealing with matters of European integration. The select committees in turn merely take notice of European regulations as a rule. Scrutiny is rather intermittent. Policy positions to be advanced at EU level are not formulated within a functioning ex ante system clarifying the position of parliament and the government. Some MPs defining their role as 'policy experts' explicitly criticised interactions between the select committees and the EU Affairs Committee. The latter is judged as acting detached from everyday politics, as it does not cope with concrete policy issues.

However, some of the interviewees highlighted that the select committees have begun to look at contended issues coming from the EU level more thoroughly. They emphasised that the Bundestag is 'on the move'. Advertence seems to be growing, as parliamentary party groups have begun to recognize that EU decisions may clash with party positions. For instance, MPs coming from the Christian Democratic Party (CDU) group complained about the effects of the directive on anti-discrimination, which has been a highly controversial issue. CDU/CSU staff pointed out that issues like that awakened some of their MPs, clarifying that parliamentary party groups must engage in the European policy cycle before a directive is handed down to national level. Intervention, however, is not always thought to tie the hands of the executive but may also happen to support the national government's position. In such cases, it may also be the government initiating a parliament's resolution.[44]

Similar to the Országgyűlés, some select committees of the Bundestag have established subcommittees. But contrastingly, EU subcommittees are not a regular organisational pattern. It is mainly the budget committees' EU subcommittee which has gained some relevance in the parliamentary process. Founded back in 1971, this unit reviews EU regulations before they are transferred to the corresponding budget committee.

Meanwhile, the Bundestag employs a certain range of measures to increase its efficiency in EU co-governance. Gaining politically weighted and strategically relevant information is crucial for that. A recently reformed standing order of the Bundestag[45] stipulates parliament to receive more relevant documents coming from EU institutions. Dispensable information is to be sorted out before the parliament is involved. To achieve this aim, the Bundestag established a bureau in Brussels in December 2006. This unit is much better equipped than its Hungarian counterpart and most of its personnel had gained work experience in Brussels before. The officials are delegated by the parliamentary party groups, securing that the party composition of the Bundestag is mirrored. The officials in Brussels build up networks with the European Commission, the European Parliament, and Germany's Permanent Representation as well as to national and European NGOs. They are to observe the EU arena and to act as an early warning system, sending signals to the Bundestag as agenda-setting takes place in Brussels. Complementarily, a new unit, *PA 1 – Europa*, was established in the Bundestag's administration. Like the bureau in Brussels, it employs staff nominated by the parliamentary party groups. It is linked to the bureau in Brussels and is thus supplied with 'fresh' information from the EU arena.[46]

This new organisational structure was designed to relieve the staffs of parliamentary party groups and of specialised committees from information overload. Recently established procedures aim at providing more time to the parliament for scrutinising the government and for exerting subsidiarity control. On the first glance, these efforts seem to be successful. The bureau in Brussels offers a 'European forecast' comprising relevant topics to the Bundestag. About half of all proposals are regarded as insignificant and sorted out. Although, being attributed to concurring parties, the employees dissent from each other when prioritising the issues only in exceptional cases. Within the national arena, the *PA- 1 Europa* unit interacts with the ministerial administration, and its officials also hold contacts to national bureaucrats involved in the working groups of the Commission and the Council. Furthermore, the office of the EU Committee, which has distributed EU documents, is now affiliated to the bureau in the Bundestag's administration. This helps accelerate the distribution of relevant documents.

Most interviewees, however, admitted that they have not yet exploited capacities offered by formal procedures, and some procedures and units are even evaluated critically. In all, the interviews show a mixed picture. As in Hungary, some MPs had not even heard about the new organisational units. Most of them do not refer to the bureaus' service. It was particularly some staff members of the parliamentary party groups' leadership cooperating with the bureaus in Berlin and Brussels.

In working parliaments, parliamentary party groups usually establish working groups which more or less mirror the committee structure and thereby, the cabinet structure.[47] Due to their limited resources, small party groups must bundle different policies. Altogether, parliaments

of bigger size enjoy advantages, as its personnel strength allows for a more sophisticated structure. Can this organisational structure be extended to cover the needs of Europeanisation?

In the Országgyűlés, which is smaller than the Bundestag, parliamentary party groups are not a great help in improving Europeanisation, as the three smaller groups (SZDSZ, MDF, and KDNP) were not big enough to have the issue of European integration institutionalised separately in a substructure. Working groups being attributed to the select committees do not discuss EU multi-level policy issues either. There seems to be no particular interest in institutionalising EU affairs in neither small nor big party group horizontally. All activity in the bigger parliamentary party groups (MSZP and FIDESZ) was grouped around policy areas such as health. Although the law LIII/2004, and although subsidiarity control as stipulated by the rules of procedure of the parliament provide for strong institutional backing of parliamentary actors formally, they are not accompanied by distinct organisational patterns in the party groups. This leads to a lack of political framing of certain European issues.

In the working groups of the Bundestag, mainly within the governing majority, actors relevant to making and co-steering Europeanised policies participate in the sessions. Meetings are attended by bureaucrats specialised on the topic being negotiated, by the Parliamentary State Secretary and, sometimes, even by the minister himself or herself. Additionally, the federal structure offers opportunities for institutional learning. The *Bundesrat* as the second chamber serves as an example for better scrutinising the government in EU affairs. It may also prove as an advantage that officials of the permanent missions of the German *Länder* in Berlin take part in the sessions. Following theories of 'path-dependence',[48] one should assume that these sessions are adapted to the needs of scrutiny and co-governance in EU issues. Compared to the Országgyűlés, the German parliament is bigger and thus can call on greater resources. The interviews, however, suggest that even in Germany working groups are used only rudimentary in Germany. EU policies have seldom been discussed systematically there, and the working units have not been used for increasing capacities of party groups. One reason explaining why these units have hardly been object to "Europeanisation" strategies points back to the self-perception of German MPs. The Bundestag is organised and regarded as a working parliament. As long as numerous issues concerning national legislation must be decided, there is no reason for MPs acting as 'policy experts' to extend activities of these organisational units.

Summarising the above, we find different degrees of utilising formal institutions by German and Hungarian MPs. The Bundestag seems to be more successful in introducing measures to remedy existing shortcomings. However, in spite of the long-time experience of the Bundestag with EU issues, it was the Federal Constitutional Court as an external player urging the parliament to intensify its scrutiny several times. In its recent judgement on the Lisbon Treaty, for instance, it insisted that the Bundestag must take responsibility for integration, as the democratic roots of the EU lie in the democratic process of the member states, but not in the European Parliament, which was said to be a marginal institution.[49] From now on, competences can be transferred to the EU just after the Bundestag has passed a bill, corresponding to Article 23.1 of the Basic Law. Time will show whether this ruling will affect the routines in parliament effectively, working as an incentive to scrutinise the government more thoroughly and to adapt the national institutional structure more neatly to the EU multi-level setting. In any case, interviews with German MPs indicate that self-reflection on the role

of MPs in EU policy-making has advanced. Different from their Hungarian counterparts, German parliamentarians admitted self-critically that it is no longer deficient rules but their own behavior and, sometimes lacking knowledge which causes shortcomings in parliamentary EU co-governance. These findings point to the fact that German MPs are at least aware of existing deficiencies and are in principle willing to reassess institutions. By contrast, their Hungarian counterparts still behave more reluctantly. Furthermore, the 'mismatch' thesis seem to apply more to the National Assembly. This raises the question whether Hungarian MPs make use of informal channels instead of relying on formal procedures.

Informal channels as more effective tools?

Looking at formal institutions tells only part of the story. Institutional shortcomings are often remedied by establishing effective informal channels.[50] Consequently, we asked how and to what extent MPs in both countries have established informal relations to actors relevant for EU policy-making. Although all German MPs complained about serious time restrictions, a growing number of MPs have begun to undertake efforts to take influence upon the government's position or at least to gain information running through informal channels. Even those MPs who perceive themselves as 'Europeanised' actors pointed out that the quality of information having been gained informally is often better than pure policy-related information being generated by official institutions, as the former is already judged *politically*. Furthermore, MPs can already allocate relevant knowledge whilst agenda-setting at EU level takes place. Informal multi-level networks can be kept flexible and be opened for new actors, thereby immediately responding to current issues negotiated. In general, informal channels may run to the European Parliament, to NGOs operating on the EU and the national level, to the Permanent Representation and to the EU Commission as well as to the national executive.[51] The Hungarian and German parliaments have both built up capacities via informal channels, but differ with respect to the preferred contact partners and the intensity of using these resources:

European Parliament: In Hungary, contacts to MEPs sometimes function as a source of information. This, however, depends on whether Hungarian MPs actively strive to interlink the European and national arenas. National MPs predominantly, maybe even exclusively, use Hungarian contacts in Brussels. The most important in this respect are Hungarian MEPs, both with similar or different party colours. From time to time MEPs participate in sessions of national parliamentary party groups or even the committees of the national parliament. On the contrary, the German situation is more permanent and more structured. SPD as well as CDU/CSU have successfully introduced meetings of MEPs, and MPs of the Bundestag and the *Landtage*, thereby enforcing multi-level parliamentarianism inside the respective party camp. Based on mutual trust, politically relevant information is exchanged and strategies are coordinated within the respective party at least several times a year. Moreover, some German MPs coming from the opposition camp have established contacts to MEPs attached to the same parliamentary party group in the EP but of different nationality.[52]

NGOs: Since NGOs are part of European networks and international umbrella organisations, they are regarded as being a relevant source of information and as an efficient, although not

the most efficient, early-warning system by German MPs. More than other actors, European NGOs have knowledge about the specific interests and strategies of different EU member states. At an early stage of the EU policy cycle, they indicate potential conflicts to MPs. A certain density of interaction can also be observed in the case of NGOs and organised interests in Hungary. Contacts to such organisations seem to grow steadily. It deserves mention that as they are usually interlinked with the Brussels arena and very well informed, a serious imbalance evolves. Hungarian MPs miss such information and they are not really capable of challenging lobbyists' views on the basis on personal knowledge. Similarly, German MPs admit self-critically that they have to take care that they do not just advocate the interests of lobby groups, but ensure the common welfare.

European Commission and Permanent Representations: The EU Commission is the formal agenda-setter in EU policy-making. Hungarian MPs did not report close links to the EU Commission besides contacts to their commissioner. Furthermore, such contacts to the commissioner are subject to identical party memberships. The information flow between MPs and Brussels runs via the European Parliament, not the EU Commission. Besides the close and institutionalised networking with Hungarian MEPs, there seems to be no structured dialogue with other actors from the Brussels arena. By contrast, the leadership of the majority parliamentary party groups in the German Bundestag has begun to hold meetings in Brussels, setting up a process of institutionalising informal channels. For example, EU officials, civil servants working in the German Permanent Representation to the EU, MEPs, and other actors relevant to networking were invited by the leadership of the CDU/CSU group to bring forward the exchange of views and information. In order to prepare the agenda of these meetings, the policy experts in the working groups had forwarded most relevant topics to the leadership of the relevant party group. Then, a hierarchy of aims as well as options for problem-solving were devised. The results of the sessions in Brussels again were reported in the meeting of the parliamentary party group as well as in the specialised working groups afterwards. Hence, this kind of networking at EU level accomplished by the leadership enables policy experts of parliamentary party groups to participate in EU policy-making before their 'agents' meet with EU officials. The parliamentary party group's staffs consider these meetings to be one of the best tools for enlarging capacities in the future. Nevertheless, staff members complained that German officials in the Commission predominantly advance EU views rather than national concerns. Obviously, these meetings are still based on an asymmetrical relationship.

Legislative – executive relations: In Hungary, the interaction of MPs and the ministries shows a mixed picture. MPs with an executive background in their vita sustain enough contacts to ministries after leaving office. If they develop an interest in EU affairs they will be able to accumulate knowledge with the help of the executive. The experience of backbenchers is not that convincing as they refer to formal rules like interpellations of ministers, etc. Information is not provided automatically by the ministries, but needs a certain emphasis of research and activity by individual MPs. Some MPs complained about the unwillingness of ministries' officials to cooperate with reference to secrecy. The overall impression is that there is no clear-cut distribution of responsibilities. Ad hoc measures prevail. Moving the central co-ordination function into the core-executive from the Foreign Ministry to the Prime Minister's Office presumably did not have any impact on the system. In Hungary, the deep-cutting

exchange of personnel in the executive branch of government is a traditional pattern. After a change in government party affiliated experts of the former opposition take office way down to the low ranks. This, of course, strengthens government majority and weakens opposition parties, as civil servants are strongly politicised.[53] In addition, with respect to different socialisation patterns in Hungary as compared to Germany, Hungarian institutions contain stronger elements of hierarchy. This lowers the willingness of civil servants to provide information to other institutions, especially if they are linked with opposition parties. Under such circumstances, it is difficult for MPs to establish functioning working conditions with civil servants representing Hungary in the Council of the EU.

In Germany, a close fraternity between a minister and parliamentary policy experts of the governing majority is a prevalent pattern in policy-making, because both sides try advocating 'their' policy. Cohesiveness will be stronger if the minister is member of the same party. The organisation of the working parliament tightens these relations. As the ministerial responsibilities are mirrored by the specialised committees and the working groups (at least of the two big parties, the SPD and CDU/CSU), MPs normally know their respective contact partner in the ministry as far as national issues are on the agenda. For their part, civil servants are interested in maintaining ties to MPs, as they wish to realise draft bills worked out by them. Once EU issues are concerned, however, MPs can no longer offer power resources in exchange. Nevertheless, some majority MPs hold informal contacts to civil servants or to the heads of ministerial divisions engaged in EU policies. They highlight that they may request information at any time, and as a rule, they receive a comprehensive answer. Most MPs, however, admitted that they could not even identify those civil servants involved in the working groups of the EU Committee and the Commission.

With respect to executive-legislative relations, different role definitions can be figured out: Most German MPs pointed out that bureaucrats have comprehensive expertise which cannot be outrun by MPs. Whereas MPs focusing on their constituency often perceive themselves as 'generalists', others insist that 'policy experts' in parliament can accumulate expertise comparable to that of civil servants.[54] According to their self-perception, generalists seem to confine themselves more to the national arena, whereas at least some of the policy experts interviewed actively try to gain information independent from formal procedures. This differentiation between generalists with a predominantly national focus and policy-experts with interest in multi-level policy-making is only beginning to evolve in Hungary.

Generally, informal networks are characterized by an exchange of resources, like information, legitimacy, and access to the decision-making process. This raises the question whether a national parliament can offer resources relevant to actors located at the EU level at all. National parliaments are not involved in EU decision-making. They cannot offer power resources to be changed with the EU Commission, the European Parliament, or civil servants other than *additional* information. Blackmailing by exerting a veto upon the national government negotiating in the EU Council may weaken the national position and disturb the policy-making process. But nevertheless, informal channels may offer options to take influence upon the EU member states position to be formulated in the national arena *before* decisions are made in the EU institutions. Additionally, they provide relevant information to be converted into a more efficient scrutiny at an early stage of the decision-process.

Summarising the above, we found that informal channels are regarded as being effective tools for exerting scrutiny and co-governance. Again, we observed differences between the German and the Hungarian parliaments. German parliamentary party groups utilise informal channels more intensively than Hungarian MPs, and some MPs have already established networks linking the EU and the national level. We found different role definitions and examples of co-governance as well as reluctance with respect to Europeanisation with German MPs. These activities, however, are still initiated by a minority acting as policy entrepreneurs. In the Országgyűlés, EU issues are treated even more as an elite topic. Informal rules do not exist up to a sustaining level there.

Why do MPs not exploit institutional capacities? The relevance of heuristics

Empirical evidence reveals that institutional opportunities have not been exhausted by either the Hungarian or the German parliament, and informal channels have not developed extensively, even though the latter in particular has improved its procedures over the past years. To explain this striking self-restraint, we inserted cognitive principles into our institutionalism framework. Again, these elements can be traced back to MPs' socialisation, to the degree of professionalisation, to their specific role perceptions, and to cultural factors in general. All these variables contribute to explain how cognitive principles develop (as a dependent variable). For this study, however, heuristics were treated as an explanatory variable. We confined to figure out the interdependence of the EU and national interest as normative credos. Additionally, we also worked out principles internalised by MPs, telling them *how* to balance trade-offs between the fundamental belief that the EU is a good thing on the one hand, and policy positions affiliated to party membership, but clashing with this fundamental credo, on the other. We also asked which heuristics MPs apply to cope with national interests not being in line with EU decisions, i.e. how they overcome possible tensions between these two fundamental credos.

EU integration was enforced as an elite project, even though supported by a permissive consensus. Obviously, MPs in both countries support European integration. In Hungary, there was no party in parliament with positions generally rejecting EU integration until the turn of the decade. Hungarian parties could be categorised alongside a nationalist/cosmopolitan axis, with FIDESZ being the party located closer to the nationalist pole.[55] With Jobbik, a radical right-wing party, sending members to the European Parliament (in 2009) and the Hungarian Parliament (in 2010), the Hungarian party system has developed a nationalistic-eurosceptical edge. Moreover, the concept of 'national interest' seems to be more relevant in Hungary due to the fact that sovereignty is a newly achieved status. Shifting sovereignty therefore is strongly interlinked with national interest in the public debate. Legitimacy is produced more by reference to particular advantages (security, economy, development, finances), less by reference to general normative credos, such as the EU as a 'good thing'. Eurobarometer data of the last years shows that the acceptance of European integration ("membership is a good thing" "…brings advantages") has dropped significantly over time. Hungary now comes in amongst the very last (see Eurobarometer data of 2009).[56] Quite stunningly, the trust in European institutions (EP, Commission, and Council) is much higher than in national institutions (national parliament, government).

In Germany, Europe is seen much more as a fundamental value. On the whole, the national position vis-à-vis the EU is reflected by MPs, but compared to the Hungarian case, still plays a minor role. Eurosceptical parties have not existed until now. Meanwhile, the Left Party may be regarded as an exception to the rule, since it has rejected the Lisbon Treaty and has often criticised the EU as a promoter of neoliberal capitalism. For the electoral campaign to the EP, the Left Party did not even re-nominate candidates favouring the Lisbon Treaty, and had also filed action against the treaty. However, data shows that a clear majority of more than 60 % supports membership in the EU as a good thing (see Eurobarometer data of 2009). Altogether, the nationalist/cosmopolitan axis is not predominantly structuring party competition in Germany. National credos do not seriously contradict the EU credo.

Trade-offs between EU as a normative credo and a party's policy positions represent a noteworthy feature of policy-making in the EU multilevel setting. In the interviews, German MPs admitted frankly that they meet growing difficulty in behaving coherently. All but one highlighted that they have to be more attentive and active in the future, as they feel that the average voter does not distinguish between national and European responsibilities, but addresses complaints and concerns to national MPs by default. Critical events, however, like the Council Framework Decision on the European arrest warrant, set off rethinking parliamentary scrutiny in EU affairs.[57]

How do German MPs resolve trade-offs between the EU credo and their party's programmatic positions? As a rule, German MPs do not undertake multi-variate calculus in order to optimise strategies. Different from their Hungarian counterparts, however, German MPs do not ignore existing frictions, but adopt a couple of heuristics enabling them to retrieve the EU credo even though diverging from their respective policy positions advanced in the national arena. The interviews indicate that MPs consider the value of alternatives on the most relevant attribute of judgement, and then select the option with the highest value. Thereby, most interviewees regard the EU as an incontrovertible credo, even if decisions coming from EU institutions foil party positions. Some MPs were deeply convinced that even if one were able to set off all pros against all cons (which is not manageable in real terms), the general balance of EU integration would remain favourable. Most German MPs interviewed clearly avoid counterfactual considerations when assessing EU policies. A clear majority of the interviewees were fervent advocates of Europe. Accordingly, they pointed out that EU decisions and party politics are often *consistent* with one another. In some interviews, the EU was assessed as an institution often setting up policy innovations which could not have been promoted by the national government. Thus, multi-level governance is esteemed as an additional opportunity structure for improving the quality of national policy-making, thus supporting legitimising national policies. As policy results may become more effective, they regard the EU as a potential advantage. Adopting such heuristics stipulating 'what to do', the national interest as well as party positions can be absorbed. Mentioning these principles, some interviewees blanked out that they also reported on voters addressing responsibility for EU policies negatively assessed to national MPs. Moreover, policy positions derived from party affiliation can be brought into line, as most party doctrines provide for the EU as a fundamental credo. This way, MPs are able to remain partisan reasoners, even if EU decisions contradict policy positions.

Some MPs also pointed to the 'separation of powers' principle, granting executive responsibilities not to be infringed upon by the parliament extensively. Considering given institutional opportunities and the current legal situation, this seems fairly odd, but it legitimises parliamentary self-restraint. Intervention is marginal, as MPs often trust in the government as responsible 'agent' negotiating at EU level. National parliaments and MPs should not intervene after negotiations had taken place in Brussels, thus further contributing to confusion about the very nature of the German national position ('German vote'). As interviews were conducted when a grand coalition was governing, it seems plausible that party polarisation and mistrust vis-á-vis the government may become stronger given the condition of a CDU/CSU/FDP-coalition being confronted with an opposition comprising the Left Party, the SPD and the Greens since 2009.

Most German MPs also accept intra-organisational hierarchy as a heuristic, enabling the leadership of their party group to ignore or downgrade regional or sectoral interests of policy advocates if the need for a cohesive position is given. Tensions arising from the party groups' working structures may be overridden at leadership level as a precondition for achieving a consistent national government position.

To sum up, the hierarchy of normative credos giving priority to the EU, the avoidance of counterfactual considerations, the separation of powers principle, and hierarchical steering inside the respective party group could be identified as main heuristics applied by German MPs. These principles contribute to prevent most of them of scrutinising the government more efficiently. Even though MPs realise that they have to be more attentive and that EU decisions may clash with policy positions, these heuristics preserve Europe as a fundamental credo, absorbing a more conflictual orientation towards the government as well as vis-à-vis the EU institutions.

In Hungary, the situation is rather different. All interviewed Hungarian MPs but one agreed that EU affairs are characterised by a comparably high consensus. Decision-making in such cases goes smoothly, without delay and almost without controversial debate in the select committees. This holds true for parliamentary party groups as well. As the general attitude of the majority of specialised committee members is a mixture of disinterest and lacking knowledge, a majority can be organised very easily, just referring to EU preconditions. There is only a slight understanding of the fact that national and European arenas are interlinked. Many MPs consequently differentiate between the two, although in fact they are only virtually separate arenas. Tensions between EU decisions and policy positions are regularly ignored. With the exception of this 'ignorance' principle, so far most Hungarian MPs have not mentioned heuristics contributing to bring potentially conflicting EU and party positions into line. In most interviews counterfactual considerations on whether the government is to be scrutinised more intensely were not taken into account. EU affairs remain a domain of central government.

From this it follows consequentially that the government is the major partner in the process of uploading of policies. The government rather has to be supported but not controlled. However, one has to take into account that this is true at a time when a left-wing government faces a right-wing opposition. The right-wing parties strongly emphasise the national interest, which may be the cause for supporting the government's decision-making in Brussels. The

same opposition forced the establishment to adopt a strict scrutiny system. This is somewhat contradictory, but may be explained by the efforts to establish a 'reservoir-tool' to be used in case of emergency, but not on a permanent basis. Evidence has it that the tool has not been used too often during the last six years.

Circumvention does not really take place in a structured form. It is marginal and individualised. This is quite surprising given the fact that within the national arena the political camps are engaged in political battles and are separated by a frontier of non-cooperation and general mistrust. This is due to the fact that the government has been involved in bi-level games so far. This strategy blames the EU for tough measures to be taken in the reform process. MPs did not even recognise that the Hungarian Prime Minister spoke in favour of the services directive while acting as member of the European Council, the same day arguing against it to the Socialist party group. Thus, Europeanised issues and national policy-making mostly remain decoupled. Heuristics managing inter-linkage between the national and EU levels do not occur with respect to the position of 'Budapest'. MPs often refer to the government as the player who is in charge when the national position is at stake. Most Hungarian MPs have also not realised, and consequently ignore, existing trade-offs between EU decisions and their policy positions.

Evidence thus far suggests that advancing the national position seems to be of greater relevance to the Hungarian opposition. Obviously, their 'EU credo' is more fragile. Compared to the broad majority of German MPs, Europe as a fundamental value seems to be at least more vulnerable. Up to now, the wish to support a national position had absorbed potential conflicts and contained parliamentary scrutiny. Europe as a normative credo, however, may be immolated if benefits, such as a surplus gained with the help of euro-sceptical positions in national elections, are charged against loyalty to the EU. Indeed, such a strategy seems to be more promising to Hungarian MPs, whose voters are much more sceptical towards EU integration than Germans.[58]

Conclusion

This study explored how parliamentary party groups and policy experts participate in the Europeanised policy-making process. Empirical evidence was gained by comparing the German Bundestag to the Hungarian National Assembly (Országgyűlés), both being working parliaments with comparatively strong resources. Different from the mainstream, the focus was not laid on the EU Committee, but on the party groups' working units, as everyday Europeanisation proceeds in concrete policy areas. MPs acting as policy experts in the national arena are neither naturally interested in EU affairs nor do they self-evidently establish informal links to EU institutions. The case studies aimed at answering two basic questions: first, why do MPs not exploit given institutional opportunities to scrutinise the government and to co-govern in EU affairs? And, second, why is the German Bundestag ahead compared to its Hungarian counterpart?

Like most work being done on the Europeanisation of parliaments, this paper also viewed the topic through an institutionalist lens. In addition, it explicitly inserted cognitive elements, i.e. heuristics, into the framework to gain a more sophisticated approach to the subject. It was

shown that MPs in both parliaments have adopted different heuristics, contributing to explain whether and to what extent MPs make use of institutions in place and how they develop (informal) strategies of co-steering and scrutinising to the EU level. In our in-depth interviews, we found just a slight understanding among Hungarian MPs that the national and the EU levels are interlinked. The fundamental credo stipulating the EU as a good thing is not as much internalised with the Hungarian MPs than with the German MPs (except the Left Party). Thus, a stronger scrutiny of the government is still 'absorbed' by supporting the national position to be represented by the government at EU level. More than their Hungarian counterparts, German MPs realise that the EU and national arenas are coupled. As indicated above, they are aware that EU decisions are partially not in line with policy positions pointing back to the respective party affiliation. This, however, does not mean that their political self-restraint[59] is replaced by a more conflictual interaction orientation vis-à-vis the government and EU institutions. Still, German MPs resort to heuristics in order to preserve the fundamental belief declaring the EU to be a good thing. The same is true for the national interest, which has not seriously impaired the fundamental EU credo so far. This helps to explain why the Bundestag is still not as much ahead as one might have expected.

Remaining explorative, this study is thought as a point of departure for further developing a research agenda on the topic. Heuristics were treated as an explanatory variable contributing to explain parliamentary self-restraint. Of course, there are many factors affecting which heuristics MPs built up, such as socialisation, professionalisation, the degree of MPs' specialisation (which may also depend on a parliament's size and its organisation, as well as on its experience), the government's size and format, the length of EU membership, or party positions reflecting the ratio of nationalist and cosmopolitan/European credos. Further research, mainly large-n studies, can put more emphasis on sorting these variables. For the part of our case studies, it was to be shown that explicitly inserting cognitive elements to institutionalism approaches seems to be a fruitful approach to achieve a more precise understanding of parliaments' scrutiny and co-governance in the EU multi-level setting.

Notes

[1]   For the general empirical and theoretical discussion see Andreas Maurer: National Parliaments in the European Architecture: From Latecomers towards Permanent Institutional Change? In: A. Maurer and W. Wessels (eds.): National Parliaments on Their Ways to Europe, Baden-Baden: Nomos 2001, pp. 27-76; Maurer, Andreas: Post-2004 elements for comparative analysis of national parliamentary participation in EU affairs, in: J. Dieringer, A. Maurer and E. Győri (eds.): Scrutinizing European Decisions. National Parliaments from an East-West Perspective, Dresden: Thelem 2005, pp. 49-89; A.C. Janowski, *Die nationalen Parlamente und ihre Europa-Gremien. Legitimationsgarant der EU?* (Baden-Baden: Nomos, 2005).

[2]   See Tapio Raunio and Simon Hix: Backbenchers Learn to Fight Back: European Integration and Parliamentary Government, in: K.H. Goetz and S. Hix (eds.): Europeanised Politics? European Integration and National Political Systems, West European Politics, Special Issue, 23:4, October 2001, pp. 142-168; Katrin Auel and Arthur Benz: The Politics of Adaptation: The Europeanisation of National Parliamentary Systems, in: Journal of Legislative Studies 11:3/4, 2005, pp. 372-393.

[3]   The most cited example of a scrutiny system with strong parliamentary power is that of the Danish Folketing, see Finn Laursen: The Danish Folketing and its European Affairs Committee, in: A. Maurer and W. Wessels (eds.): National Parliaments on Their Ways to Europe, Baden-Baden: Nomos 2001, pp. 99-116.

[4]   See e.g. Austria and Slovakia. Austria modeled its scrutiny system on the Danish example and established a norm formally even stricter than the Danish. The opposition parties tackled the issue. As for the ratification of the Accession Treaty, a two-thirds majority was needed; they were in a veto position. For

the example of Austria see Barbara Blümel and Christine Neuhold: The Parliament of Austria: A Large Potential with Little Implications, in: A. Maurer and W. Wessels 2001, pp. 313-336. In Slovakia the junior coalition partner imposed a strict scrutiny system in order to control the bigger coalition partner, who managed to fill all EU-related government posts with their party people.

[5] K. Auel, 'The Europeanisation of the German Bundestag: Institutional Change and Informal Adaptation', *German Politics* 15/3 (2006), pp.249-268.

[6] T.König/L. Mäder, Das Regieren jenseits des Nationalstaates und der Mythos einer 80-Prozent-Europäisierung in Deutschland', *Politische Vierteljahresschrift* 49 (2008), pp. 438-463.

[7] J. von Oertzen, Das Expertenparlament. Abgeordnetenrollen in den Fachstrukturen bundesdeutscher Parlamente, (Baden-Baden: Nomos, 2006).

[8] In Hungary, a minority government is in office since 2008.

[9] A. Benz, 'Path-Dependent Institutions and Strategic Veto-Players': National Parliaments in the European Union', in *West European Politics* 27/5 (2004), pp.875-900.

[10] Jürgen Dieringer: Das politische System der Republik Ungarn. Entstehung, Entwicklung, Europäisierung, Opladen: Verlag Barbara Budrich 2009.

[11] The federative system provides an additional source of power for the parliament, as the Länder are not only partners, but a driving force in the efforts to better scrutinize European decisions by the two chambers of German parliament. The Bundestag in this respect often profits from the power resources the Länder have gained for the Bundesrat.

[12] Ilonski

[13] See Z. Mansfeldova, …

[14] See J. A. Caporaso, Three Worlds of Regional Integration Theory, in P. Graziano, Paolo/M. P. Vink (eds.), *Europeanization: new research agendas.* (Basingstoke: Palgrave 2007), pp. 23-34; T. Börzel and T. Risse, Europeanization: The Domestic Impact of European Union Politics, in: K. E. Jørgensen, M. Pollack, and B. Rosamond (eds.), *The SAGE Handbook of European Union Politics (*London: Sage), pp. 483-504.

[15] We would like to thank Loretta Huszák for her help conducting the interviews in Hungary.

[16] D.C. North, Institutions, Institutional Change and Economic Performance. Political Economy of Institutions and Decisions (Cambridge: Cambridge UP, 1990).

[17] G. Helmke and S. Levitsky, 'Informal Institutions and Comparative Politics: A Research Agenda', *Perspectives on Politics* 2/4 (2005), pp.725-740, at p.727.

[18] H. Farell and A. Héritier, 'Formal and Informal Institutions Under Codecision: Continuous Constitution-Building in Europe', *Governance* 16/4 (2003), pp.577-600.

[19] T. Börzel and T. Risse, 'Conceptualising the Domestic Impact of Europe'.

[20] K. Auel, 'The Europeanisation of the German Bundestag'.

[21] K. Auel and A. Benz, K., 'The Politics of Adaptation: The Europeanisation of National Parliamentary Systems, in Auel and Benz (eds.), *The Europeanisation of Parliamentary Democracy* (Legislative Studies, Special Issue 11 (3/4), 2005), pp.372-393.

[22] V. A. Schmidt, 'Discursive Institutionalism: The Explanatory Power of Ideas and Discourses', *Annual Review of Political Science* 11 (2008), 303-326.

[23] R. Lau, 'Models of Decision-Making', in D.O. Sears, L. Huddy and R. Jervis (eds.), *Oxford Handbook of Political Psychology* (Oxford: Oxford University Press, 2003), pp.19-59, at p.31.

[24] V.A. Schmidt, 'Discursive Institutionalism'.

[25] The Hungarian Parliament was the first to ratify the Lisbon Treaty, with an overwhelming majority of 325 votes (with 5 dissenting votes and 14 abstentions) in December 2007.

[26] See G.Marks, L.Hooghe, M.Nelson and E.Edwards, 'Party Competition and European Integration in the East and the West. Different Structure, Same Causality'. *Comparative Political Studies* 39(2), pp.155-175, at p. 161.

[27] V.A. Schmidt, 'Discursive Institutionalism'.

[28] P.E. Tetlock, 'Coping with Trade-Offs: Psychological Constraints and Political Implications', in: A. Lupia, M.D. McCubbins and S.L. Popkin (eds.), *Elements of Reason. Cognition, Choice, and the Bounds of Rationality* (Cambridge: Cambridge University Press, 2000), pp.239-263, at p. 240, 243.

[29] See Gabriella Ilonszki: From Marginal to Rational Parliaments: A Central European Regional View, in: A. Ágh and G. Ilonszki (eds.): Parliaments and Organized Interests: The Second Steps, Budapest: Hungarian Centre for Democracy Studies 1996, p. 423.

[30] See David M. Olson: The Centrality of Post-Communist Parliaments of Central Europe in Democratic System Transition and Consolidation, in: S. Kraatz and S. von Steinsdorff (eds.): Parlamente und Systemtransformation im postsozilistischen Europa, Opladen: Leske und Budrich 2002, pp. 17-42.

[31] See Attila Ágh: Parliamentarization as a Region-Specific Way of Democratization in East Central Europe, in: Kraatz and von Steinsdorff 2002, p. 43.

[32] Following the argument of Arthur Benz: National parliaments in the European Union - West European experiences and lessons for the new Member states, in: A. Ágh (ed.): Post-Accession in East and Central Europe. The Emergence of the EU 25, Budapest, p. 58ff.

[33] See Attila Ágh: Europeanisation of policy-making in East Central Europe: the Hungarian approach to EU accession, in: Journal of European Public Policy 6:1999, p. 845.

[34] Attila Ágh: The Role of ECE Parliaments in the EU integration, in A. Ágh 2004, p. 84.

[35] For a detailed overview on the process see Enikő Győri: A nemzeti parlamentek és az Európai Unió, Budapest: Osiris 2004, pp. 374-448.

[36] The name of the committee was changed many times. Mostly it was called Committee on European Integration, or EU Affairs Committee. We use the terminus technicus EU Affairs Committee as a kind of heading label.

[37] For the first period see Deborah Moss: Europeanisation: A Case Study. The work of the Committee on European Community Affairs in the Hungarian National Assembly, in: A. Ágh 1994, pp. 140. For a general overview see Győri 2004 and Jürgen Dieringer: Zwischen Parlamentsvorbehalt und Regierungsdominanz: die wachsende Bedeutung des ungarischen Parlaments im europäischen Integrationsprozess, in: Zeitschrift für Parlamentsfragen 4/2007, pp. 764-775. A general problem was a relatively high fluctuation of members, see Gabriella Ilonszki: Parlament az Európai Unióban és Magyarországon, in: Politikatudományi Szemle 7/1998, p. 74.

[38] Parliamentary decree 10/1993. (III). Ogy. The government had to report once a year on the progress of EU accession of Hungary, followed by a questioning.

[39] Law LIII/2004.

[40] Article 35a of the Hungarian Constitution as of 2002. The law to be established was bound to a two-thirds majority in order to guarantee government-opposition consensus.

[41] The question was discussed for years against the background of changing governments. The opposition tried continuously to establish binding rules, with the government majority against it, see Nóra Chronowski: Az Országgyűlés és a kormány integrációs ügyekkel kapcsolatos együttműködésének szabályozásáról, in: Magyar Közigazgatás 53/2003, p. 535.

[42] As suggested so by Győri 2004. Some sub-committees actually ceased to exist after accession.

[43] S. Hölscheidt, 'The German Bundestag: From Benevolent `Weakness´ Towards Supportive Scrutiny?' in A. Maurer and W. Wessels (eds.), National Parliaments on their Way to Europe. Losers or Latecomers? (Baden-Baden: Nomos, 2001), pp. 117-145, at p.123.

[44] This was the case with the wine market regulation.

[45] Bekanntmachung zur Änderung der Geschäftsordnung des Deutschen Bundestages vom 29. Juli 2008', Bundesgesetzblatt Teil I Nr. 37 (Bonn 2008); see also ‚Amtliche Mitteilung des Präsidenten des Deutschen Bundestages, betr. Priorisierung von EU-Dokumenten', July 6th, 2007.

[46] C. Demuth, Der Bundestag als lernende Institution. Eine evolutionstheoretische Analyse der Lern- und Anpassungsprozesse des Bundestages, insbesondere an die Europäische Integration, Baden-Baden 2009, at pp. 257ff.

[47] A.-S. Petersen and V. Kaina, „„Die Fäden habe ich in der Hand": Arbeitsgruppenvorsitzende der SPD- und CDU/CDU-Bundestagsfraktionen', in Zeitschrift für Parlamentsfragen 38/ 2 (2007), pp.243-260.

[48] See P. Pierson, ‘The Limits of Design: Explaining Institutional Origins and Change', Governance 13/4 (2000), pp.475-499.

[49] Christian Tomuschat, The Ruling of the German Constitutional Court on the Treaty of Lisbon, German Law Journal 10/8 (2009).

[50] See G. Helmke and S. Levitsky, 'Informal Institutions and Comparative Politics: A Research Agenda', Perspectives on Politics 2/4 (2005), pp.725-740, at p.727.

[51] See B. Wessels, 'Roles and Orientations of Members of Parliament in the EU Context: Congruence or Difference? Europeanisation or Not', Journal of Legislative Studies 11/3-4 (2005), pp.446-65.

[52] See Auel and Benz 2004.

[53] See J.-H. Meyer-Sahling, Civil Service Reform in Post-Communist Europe: The Bumpy Road to Depoliticisation, West European Politics 27/1 (2004), pp. 71-103.

[54] MPs holding direct seats focus their work more on constituency work than list MPs who are more orientated towards the parliamentary arena, see W.J. Patzelt, 'The Constituency Roles of MPs at the Federal and Länder Levels in Germany', Regional and Federal Studies 17/1 (2007), 47-70.

[55] See also G. Marks et al. 'Party Competition and European Integration'.

[56] See Dieringer 2009.

[57] Then, German MPs were blamed by the Federal Constitutional Court for not having scrutinised the executive sufficiently, thus passing a bill which was not in line with the German Basic Law.

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[58] Whereas 64 percent of the German population supported the statement that the EU is a good thing in 2008, it was just 31 percent in Hungary. See European Commission, Standard Eurobarometer No. 70, Brussels 2008, http://ec.europa.eu/public_opinion/archives/eb/eb70/eb70_first_en.pdf.

[59] In the 1990s, German MPs supported the opinion that they should act as surrogates for the European Parliament until it has gained full responsibility, see: Katz, R.S., Representation, the Locus of Democratic Legitimation and the Role of the National Parliaments in the European Union, in: Katz, R.S. and Wessels, B. (eds), *'The European Parliament, the National Parliaments, and European Integration'*, (Oxford: Oxford University Press 1999), pp.21-44.

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