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ASSESSING THE STRENGTH OF PARLIAMENTARY SCRUTINY OF
EUROPEAN AFFAIRS IN THE BALTIC STATES

Master's Thesis

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All the ideas and data taken from the other authors have been fully referenced.

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Abstract

This paper is one of the first attempts to systematically analyze the strength and quality of parliamentary scrutiny of European affairs in the Baltic states. It takes the comprehensive approach to this issue, extending the research focus beyond the formal scrutiny powers of the parliaments and European Affairs Committees to also include informal rules, practices, parliamentary traditions and actual scrutiny-related behavior of these bodies. This paper concludes that the parliamentary scrutiny of European affairs is strongest in Lithuania, weakest in Latvia, with Estonia being located in the middle of the two. This paper also proposes a new independent variable – democratic regime type to explain the variation of the strength of parliamentary scrutiny measures among the Baltic states and, possibly, in the larger regional context as well.

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Abbreviations

CEE- Central and Eastern Europe

CFSP- Common Foreign and Security Policy

COREPER- Committee of Permanent Representatives

COSAC- Conference of Parliamentary Committees of European Union Affairs of the Parliaments of European Union

Council- Council of the European Union

CSDP- Common Security and Defense Policy

EAC- European Affairs Committee

EE- Estonia

EP- European Parliament

ESM- European Stability Mechanism

EU- European Union

LT- Lithuania

LV- Latvia

MEP- Member of European Parliament

MP- Member of (national) parliament

OMC- Open Method of Coordination

SEA- Single European Act

Introduction

The parliamentary scrutiny of European affairs emerged as a study subject after the adoption of the Single European Act in 1986 and with subsequent EU treaties, which deepened the integration. Likewise with the EU's Nordic and CEE enlargements the subject has continuously increased in relevance. The reason for it is simple: even though the body directly representing the citizens of the European Union, the European Parliament, has received more and more powers with each EU treaty, the Council still remains the most powerful EU institution (EP 2012).

The problematic issue is that the Council is made up not from direct representatives of the people, but by representatives of governments, who are held accountable to their respectable peoples indirectly, through national parliaments (EP 2012). Since the decisions taken by the Council are fundamentally important for all citizens of the EU and since such chains of power delegation are prone to many agency problems (Strom 1999), it is equally important to have sufficient understanding how the governments are held accountable for their EU policies to their parliaments in each EU member state.

In this context, this MA thesis provides an account of the character and efficiency of this process in the three Baltic states. Though this study is not the first attempt to analyze the strength and quality of parliamentary scrutiny of European affairs in the Baltic states (Kietz 2006; Karlas 2011; Winzen 2012; Ilakyte 2009; Zimina 2012), it is still a novel and valuable contribution to the field for two reasons. First, it employs a more qualitative and comprehensive approach to the measurement of the dependent variable; second, it considers a new independent variable, regime type, which was overlooked by the previous studies.

The framework used to measure the dependent variable (the strength and quality of parliamentary scrutiny of European affairs) used in this study is, probably, the biggest contribution to the field this thesis has to offer. For the sake of clarity it is important to state from the beginning that this study looks into the ordinary or every day parliamentary scrutiny of European affairs measures (i.e. measures to scrutinize EU legislative proposals, planning documents and, if applicable, scrutiny of CSDP/CFSP and areas governed by the OMC) and does not analyze parliamentary behavior or powers in relation to the new EU treaties, as it is a completely independent sphere.

The method used here is a comprehensive synthesis of previous approaches used to measure this phenomenon which is further enhanced with indicators which allow to detect small, but nonetheless significant, peculiarities related to informal and unwritten rules of the parliamentary scrutiny of European affairs and various path-dependencies which shape the manner how this process is carried out. By using two to three times more indicators than in the average study in this field, this study seeks to capture as many as possible of the small, but influential nuances, which remained uncaptured by the previous studies (For more detailed description, please see Methodology part).

This study has two distinct aims: 1. To assess the strength and the quality of the parliamentary scrutiny of European affairs in the Baltic States; 2. To compare them to each other and analyze the causes of the main differences.

In order to achieve these aims, this study focusses on these questions:

1. How is the parliamentary scrutiny process shaped? What are the main bodies involved?
2. Why in each case was a particular scrutiny model chosen? How deeply are the scrutiny practices imbedded in legal acts? How much are they based on mere convention or unwritten agreement?
3. What spheres of European policy are scrutinized?
4. Do the responsible bodies have enough resources to carry out these tasks?
5. What formal and informal powers do responsible scrutiny bodies have? How well do they make use of them in practice?
6. What are the relations between the opposition and position within the scrutinizing bodies? What are the relations between parliament and the government?
7. How strong is the parliamentary scrutiny of European affairs in the Baltic States in absolute terms? How do they fare relative to each other?
8. What factors account for variation in strength and quality of parliamentary scrutiny measures?

Data needed to answer these questions have been collected from three types of sources: legal documents (relevant constitutions and Rules of Procedure Acts of the Baltic Parliaments), insider interviews (members of EAC's) and expert interviews (members of Academia).

The thesis is structured as follows. Chapter 1 provides an overview of the main developments of the field of parliamentary scrutiny of European affairs. It groups the existing literature in this field into three distinct groups based on their epistemological approach to the issue and the methodology used. It also outlines the most important contributions to the field made by each of these groups and explains how their measurement techniques relate to the model used in this study.

Chapter 2, Methodology, presents the conceptualization of the dependent variable derived from principal agent theory. The second part of this chapter presents the operationalization of the strength and quality of parliamentary scrutiny of European affairs and presents the outline of the indicators and overall measurement model used in the study.

Chapter 3 deals with empirical data and measurement of the dependent variable. It shows that the strength and quality of parliamentary scrutiny is highest in Lithuania (where it is very high in absolute terms as well) and lowest in Latvia (where it is mediocre in absolute terms) with Estonia being placed in the middle (in both relative and absolute terms).

Chapter 4, Model robustness, compares the measurement results of the model used in this study vis-à-vis two other prominently used and cited models, namely one used by Thomas Winzen in the article “National Parliamentary Control of European Union Affairs: A Cross-national and Longitudinal Comparison” (Winzen 2012) and the one developed by Jan Karlas in his article “Parliamentary control of EU affairs in Central and Eastern Europe: explaining the variation” (Karlas 2011). It also demonstrates that, even though previous models were successful in capturing the main tendencies, they have overlooked some important nuances and details which were captured by this study.

Chapter 5 aims at providing an explanation for the variance in strength and quality of parliamentary scrutiny of European affairs among the Baltic states. It briefly reviews the other prominent independent variables mentioned in the previous studies (e.g. frequency of minority governments, public/party euroskepticism and parliamentary strength) and suggests a new independent variable- constitutional design (semi-presidential/parliamentary) to account for variation among the Baltic states. It demonstrates that constitutional design has played an important role in how the EACs were established and how the strength and quality of parliamentary scrutiny of European affairs took shape in the three Baltic states. Furthermore, it demonstrates that this independent variable is meaningful in the wider

regional context (CEE+ Nordic countries) in explaining the variation of the dependent variable among these states.

Chapter 1- Overview of the previous research

The field of parliamentary scrutiny of European affairs has always been a dynamic and rather turbulent field, which went from being dominated by claims that “national parliaments are late-comers and losers of European integration” (Maurer & Wessels 2001) to being dominated by claims that parliaments have “fought back” and developed sufficient measures to exercise political control of country’s European policy (Perrson & Wiberg 2011) in just over a decade.

This proliferation of seemingly contradictory conclusions over a quite short period of time was brought about by two reasons: different methodologies used by the scholars of this field and an expansion of the research focus to include not only the “old” member countries of Western Europe, but also the Nordic and “Big Bang” accession countries.

In this chapter the threefold analysis of existing research is presented. First, this chapter gives an overview how the conceptualization evolved and what different bodies of research added to it. Second, it presents how previous scholars operationalized the independent variable and what indicators they used to measure it. Third, this chapter gives an account of the main independent variables suggested by the previous studies.

Conceptualization of the dependent variable- strength and quality of parliamentary scrutiny of EU affairs

Existing research can be divided into three major groups on the basis how the parliamentary scrutiny of EU affairs has been conceptualized and operationalized. These three groups are Formal powers-focused research, New-Institutionalist research and research focused on explaining the variation among the EU member states. Both Formal powers-focused research and New-Institutionalist research emerged as means to evaluate the strength and quality of parliamentary scrutiny of EU affairs in a single country and thus focused exclusively on the dependent variable. However, they tend to focus on different aspects of this phenomenon, either on formal rules regarding this process or the actual behavior of how the national parliaments hold their governments accountable in this sphere.

Formal powers-focused research

This approach to the study of parliamentary control of European affairs was the first attempt to shed some light on previously unstudied phenomenon and is still very viable and widely

used up to this day. It was inspired mostly by the so-called de-parliamentization thesis and sought to test it. This thesis states that *ceteris paribus*, accession to the EU tends to weaken national parliaments and strengthen the executive branch (hence the name de-parliamentization). This occurs because competences, which previously were the sole domain of national parliaments, are being transferred to the EU, where the Council of Ministers, made up from the representatives on national governments have the final say. If a parliament does not develop efficient and powerful scrutiny mechanisms, its power vis-à-vis the government decreases.

This approach was the earliest attempt to measure the dependent variable, strength and quality of parliamentary scrutiny of European affairs - and partly because of this (the fact that at the time this field was just emerging and underdeveloped), it used a rather minimalist conceptualization of the strength and quality of parliamentary scrutiny of European affairs. Another reason for it was simple: such minimalist definition of the dependent variable allowed for relatively easy research and easy access to the data, as these formal rules are usually available online in English. Furthermore, such minimalist conceptualization allowed researchers to avoid many potential methodological pitfalls which became evident in other groups of research. Here the strength of scrutiny measures was conceptualized merely as parliament's ability to hold the government accountable in this sphere as expressed by the formal rules (constitutional provisions or other legal acts).

Researchers belonging to this group mainly looked how the process of parliamentary scrutiny of European affairs is carried out in various member states, what are the responsible institutional bodies and what powers and instruments do they have to scrutinize government's actions (Mauer & Wessels 2001). They operated under the assumption that more formal powers ensure stronger and higher quality parliamentary scrutiny (ibid). This assumption was the main source of criticism from the next group of researchers, belonging to the New-institutionalist camp.

The most substantial volume from this wave of research was a collection of essays edited by Andreas Maurer and Wolfgang Wessels in 2001. It was the first really inclusive comparative research about the Europeanization of most of the EU-15's national parliaments. This volume analyzed what institutional changes have occurred in all member states since Maastricht Treaty; what parliamentary scrutiny measures were employed in the member states; and how

each national parliament has participated in the preparations of Amsterdam Treaty (Maurer & Wessels 2001).

The analysis revealed that very few parliaments (Austrian, Danish and Swedish) have developed efficient measures to scrutinize their governments and thus maintain adequate levels of control over the EU matters (Maurer and Wessels 2001). Even though almost all parliaments in the member states have created European Affairs Comities (EAC's) and were participating in the Conference of Parliamentary Comities for Union Affairs (COSAC) they did not have enough legal power, information and resources to efficiently scrutinize their governments. Furthermore, parliaments seemed to be little interested in EU affairs in general and did not even use the leverage they had in preparing the Amsterdam Treaty. This has led the editors of this volume to conclude that national parliaments were "late comers and losers of European integration" (Maurer & Wessels 2001). Later inquiries made in this field using the same methodology basically reaffirmed the findings of the Maurer and Wessels volume (Perrson & Wiberg 2011, p. 201).

This particular volume is significant in a couple of ways. First, national parliamentary scrutiny systems were grouped into mandate- and document-based ones. Mandate-based systems meant that responsible parliamentary bodies (e.g. the EACs or the plenary) issue mandates on how the government should vote in the Council negotiations. Meanwhile document-based scrutiny systems focused on the analysis of the most important EU documents (upcoming treaties, White or Green books, strategies) trying to assess the implications these pieces of legislation might have on the member states and the best course of action in relation to these documents.

Both systems have their virtues, as a mandate system allows stricter and direct control, while a document system allows the earlier involvement of the scrutinizing body, thus potentially giving it the opportunity to make some changes to early phases of a document's preparation. Even though this distinction refers more to ideal-type scenarios (many EAC's have both mandating powers and scrutinize the early drafts of EU documents) it is still important and used by many scholars today (Karlas 2011).

Due to the fact that many EAC are using the mixed systems (they have an ability to issue mandates as well as scrutinize the planning documents) in this study the distinction between document-based and mandate-based systems is made based on the criteria whether or not EAC can issue a mandate to the government prior to the Council negotiations. Based on this

distinction, in this study, mandate-based systems are considered to be stronger than the document-based ones.

Soon after the Mauer and Wessels volume was published, it received criticism from the academic community for minimalist conceptualization and operationalization of parliamentary scrutiny of European affairs. According to these critics, focusing only on legal and formal aspects of parliamentary scrutiny does not reveal the full picture, because how well the formal powers are used on the daily basis is equally important (Auel 2005). These criticisms were further developed in the New-Institutionalist approach to parliamentary scrutiny of EU affairs studies. Critics from the Independent variable-focused research camp mostly disagreed with the overarching conclusions that national parliaments are “late-comers and losers of EU integration” for being too radical (Perrson & Wiberg 2011).

New-Institutionalist approach

As mentioned above, this body of research arose from the dissatisfaction with the Formalistic approach. Researchers from this group provided a genuinely new way to conceptualize the dependent variable. According to this group of research, strong and high quality parliamentary scrutiny cannot be characterized by scrutinizing body’s capability to control the government’s actions alone. Another, equally important aspect is willingness of the scrutinizing body to carry out its tasks (Auel 2005). After all, what good are huge formal powers to scrutinize government’s European policy, if they are not used?

Furthermore, this body of research claimed that in certain scenarios willingness to scrutinize the government’s actions are even more important than formal powers, as willing parliaments can use techniques, which are not prescribed by legal powers (such as issuing non-binding declarations, media involvement, etc.) to successfully scrutinize government’s actions (Auel & Bentz 2005).

One of the most cited articles from this group of researchers analyzed three national parliaments (British, German and Danish), which corresponded to three different levels of strength of parliamentary scrutiny, according to Formalist researchers (namely aforementioned volume by Maurer & Wessels). Even though the British Parliament did not have many formal powers to scrutinize the government’s European policy, and was thus classified as weak by Formalist researchers, a new focus on behavioral aspect revealed that House of Commons was often more active than its German or Danish counterparts and it used a wide array of informal measures (like non-binding declarations, media involvement) to keep

the government accountable in this sphere. The Danish parliament, on the contrary, was often hindered by strong scrutiny powers it has. It was shown that Folketing was often reluctant to issue binding mandates to the government, even though it had power to do so, because such a rigid measure would leave government with too little room to maneuver in the Council negotiations (Auel and Bentz 2005). The hard choice scrutinizing bodies have to make in this sphere between strict mandates (and thus strong and direct control) and leaving government with some room to maneuver in order not to jeopardize the entire Council negotiations was named “scrutiny dilemma” (Auel 2005; Auel & Bentz 2005) and this was one of the most notable contributions from this body of research to the field.

Later analyses from this group of scholars added another dimension to the conceptualization of strength and quality of parliamentary scrutiny of European affairs: deliberation (or inclusiveness) (Auel 2007). The researchers pointed out a simple paradox: in parliamentary systems with majority governments, parliamentary majority and the government are basically the same group. This means that the government’s interests are the same as those of the parliamentary majority. Therefore, in order to have not only strong, but also high quality parliamentary scrutiny of European affairs, the scrutinizing body must not only have formal powers to scrutinize and be willing to use them, but also must fulfill the deliberation function, i.e. allowing opposition members to express their opinions and suggestions and to influence the final outcome of parliamentary scrutiny (Auel 2007). This is the main reason why in this study the dependent variable is referred to as “strength and quality of parliamentary scrutiny of European affairs” (instead of just “strength of scrutiny”).

Despite these contributions to the conceptualization of parliamentary scrutiny of European affairs, this group of research had one inherent problem. It has never provided a concrete framework for research and did very little in terms of operationalization (abovementioned research about the three parliaments is actually one of the rare examples of empirical analysis from this group of scholars).

Research focused on explaining the variation

As the name of this body of research implies, its main aim has been to compare the strength and quality of parliamentary scrutiny of European affairs among the member states and to find out what independent variables can explain the variation among them. Therefore, the main contributions of this body of research are outlined in the second and third parts of this

chapter, which deal with operationalization of the dependent variable and the independent variables.

However, this body of research made some contributions to the conceptualization of the dependent variable as well. They added two new dimensions to the conceptualization on top of the existing ones, namely Access to information and Resources.

As agency theory suggests, delegation process (in this case when parliament delegates power to the government) is prone to many problems, one of which is information asymmetry between the principle and agent (Strom 1999, Lukosaitis 2007). Therefore to ensure the strength and quality of parliamentary scrutiny of European affairs, parliaments not only have to have substantial formal powers, willingness to scrutinize their governments and be inclusive to the opposition, but also they must have access to all the information both about the government's activities in this sphere and to all the information that reaches the government from the EU (Winzen 2012, Karlas 2011, Kietz 2006).

Furthermore, since the amount of information is really enormous, in order to scrutinize the government's actions in this sphere, parliaments have to have enough resources and time to carry out their tasks. Otherwise, scrutinizing bodies would become buried under the huge amount of information and would not be able to perform parliamentary scrutiny of European affairs in a high quality manner.

This study uses all the aforementioned dimensions of conceptualization of the dependent variable and adds some new ones. This is discussed in the next chapter- "Methodology", section "Conceptualization".

Operationalization

Formal powers-focused research

Due to their minimalist conceptualization of the strength and quality of parliamentary scrutiny of European affairs, the researchers, belonging to this group, used a very small set of indicators to measure the dependent variable. The main indicators used in this body of research were:

1. Kind of scrutiny system used (mandate based vs. document based).
2. Ability to issue binding mandates.
3. Kind of consequences, if government deviates from the mandate.

4. Existence of Scrutiny reserve powers (scrutiny reserve means scrutinizing body's ability to postpone its decision and thus government's vote in the Council until scrutinizing body has had enough time to get acquainted with the legislative act proposal).
5. Ability to scrutinize EU's foreign policy.
6. Ability to scrutinize planning documents (White and Green books, strategies, etc.) (Mauer & Wessels 2001).

All these indicators appear in the measurement model used in this study in "Formal powers" and "Scope" dimensions (See next chapter, Methodology, section "Operationalization").

New-Institutionalist research

The notions from the New-Institutionalist group of research are much harder to operationalize. One way is to use such indicators as number of EAC meetings per year, the number of documents analyzed and the number of resolutions or mandates issued by the EAC per year. However, this approach has one serious drawback: national parliaments operate under different sets of rules, which can seriously influence the amount of resolutions/mandates issued or the number of EAC meetings (Karlas 2011). Another way to measure these aspects is to talk to the insiders of the process, namely the EAC members and from that capture the subtle nuances of how willing is the EAC to make the best use of its powers by asking questions like "How often is the scrutiny reserve used?" and "How strict are the issued mandates? (for mandate-based systems) (Persson & Wiberg 2011; EP 2012). It is important to note, that, unfortunately, the notion of inclusiveness brought about by this group of research was never thoroughly operationalized.

The present study uses all behavioralist indicators except the number of resolutions/mandates issued, as this indicator is especially dependent on the parliamentary rules of procedure.

Research focused on explaining the variation

Researchers from this group have not yet reached a consensus on how best to operationalize the conceptual dimensions they have added to this field of study. For instance, some researchers operationalize the resource dimension by counting the number of administrators, who deal with European policy issues, working in the parliaments (EP 2012). This indicator is good, but can be difficult to apply to large n studies, where countries of different sizes are compared. For instance, due to its sheer size alone, it is obvious that there would be more administrators working with European policy issue in Bundestag than in the parliaments of

Cyprus or Luxemburg. Moreover, how this relates to overall quality and strength of parliamentary scrutiny among these countries would still be unclear.

Other researchers operationalized this notion by looking into whether or not EAC is a separate institution (committee) or a sub-committee and whether the other standing sectorial committees (and thus their resources) are involved in the parliamentary scrutiny of European affairs process (Winzen 2012; Karlas 2011). They have also suggested the indicator “Government memoranda” or i.e. whether the government is obliged to present the EAC with a document, which would set the priorities and potential impacts of EU legislative proposals in order to help the parliament cope with the information overload (Winzen 2012). Time aspect is usually measured by looking into how much time the EAC usually has to prepare its opinion/mandate (Kietz 2006).

In this body of research the Information dimension is most often operationalized by looking into, whether the parliament is able to freely and easily access all the information related to this sphere of scrutiny or if it has to request such information from the government (Winzen 2012). All these indicators are used in the measurement model of this study (See next chapter).

Independent variables

Previous research on the strength and quality of parliamentary scrutiny of European affairs, which concentrated not only on measurement and assessing the dependent variable, but also attempted to find the causes of its variation came up with a rather long list of independent variables and up to this day there still is no clear consensus which of them are the most influential. Here seven most frequently mentioned independent variables are presented. They can be divided into two major groups- systemic-level variables (which are mostly associated with popular attitudes and political culture of the country) and institutional-level (dealing with a country’s institutional design).

Systemic-level variables:

1. Public Euroskepticism (measured as a percentage of Euroskeptic people in the population) (Bergman 1997, 2000; Hamerly 2007; Kietz 2006; Pahre 1997; Raunio 2005; Rozenberg 2002).
2. Party Euroskepticism (measured as electoral gains of Euroskeptic parties) (Kietz 2006; Pahre 1997; Raunio 2005).

3. Frequency of minority governments (measured as a percentage of minority governments) (Bergman 1997; 2000; Martin 2000; Pahre 1997; Raunio 2005; Rozenberg 2002; Saafeld 2005).
4. Political culture (measured by the share of Catholic/Orthodox people in the population) (Bergman 2000; Raunio 2005).
5. Timing of the EU accession (Bergman 1997; Hamerly 2007; Kietz 2006; Rozenberg 2002; Saalfeld 2005).

Institutional level variables:

1. General power of the parliament (no consensus how to best measure this variable) (Hamerly 2007; Kietz 2006; Raunio 2005; Rozenberg 2002).
2. Political structure (unitary or federal) (Bergman 1997; Rozenberg 2002).

These independent variables connect to the dependent variable, the strength and quality of parliamentary scrutiny of EU affairs as follows: it stands to reason that parliamentary scrutiny of European politics would be stronger in the countries with Euroskeptic populations or many Euroskeptic parliamentary parties because these actors would perceive EU affairs with more caution and reluctance. Furthermore, stronger scrutiny is to be expected where minority governments are more prevalent as parliamentary majority would continuously attempt to impose its will onto the minority government (Bergman 1997; 2000; Martin 2000; Pahre 1997; Raunio 2005; Rozenberg 2002; Saafeld 2005).

Some of the studies (Bergman 2000; Raunio 2005) have also claimed that in non-protestant countries parliamentary scrutiny is weaker as the population is more lenient towards the government. It is usually acknowledged that EU accession timing generally has the greatest explanatory power, as countries which joined EU during the latest enlargements not only had the most time to soak in the best practices, but also were much more aware of the need to develop strong parliamentary scrutiny of European affairs measures because they experienced competence transfer from national parliaments to the EU instantly and not incrementally as the “old” EU member states (Raunio 2005; Winzen 2012).

It is also acknowledged that parliamentary scrutiny of European affairs is stronger in the countries, where the parliament has greater power because it continuously tries to reassert its power vis-à-vis the government (Hamerly 2007; Kietz 2006; Raunio 2005; Rozenberg 2002). Finally, it has been pointed out that the parliamentary scrutiny of European politics tends to

be stronger in the federal states, because the representatives from the regions compete with each other to get the best deal for their constituency (Bergman 1997; Rozenberg 2002).

This study pays the most attention to three IVs- Public and Party Euroskepticism and general powers of the parliaments. Reasons for this choice are simple. Since the empirical part of this study is limited to the analysis of the Baltic states, only the variables that could potentially explain the variation among the Baltic states (i.e. those aspects in which Baltic states vary) are chosen. All three Baltic states are unitary, they joined the EU at the same time, the minority governments there are so rare that it would not make sense to measure their frequency, and, even though they historically belonged to different confessions (Estonia and Latvia- protestant; Lithuania- catholic), after the five decades of Soviet rule, they emerged as equally secular.

Chapter 2- Methodology

Conceptualization

In this study the strength and quality of parliamentary scrutiny of European affairs is conceptualized through an ideal- type approach. It means that in order to accurately assess the strength and quality of parliamentary scrutiny of European affairs, first it is necessary to develop an understanding how the perfect parliamentary scrutiny of this sphere should look like. This understanding then can be used as a benchmark, against which the situation in the Baltic states is measured.

Here the perfect parliamentary scrutiny of European affairs is conceptualized as an instrument, capable of overcoming delegation problems, mentioned in principal agent theory, namely information asymmetry and accountability problems (Strom 1999). In order to overcome these problems parliamentary scrutiny of European affairs has to have six attributes: **Strength**, **Willingness**, **Capability**, **Inclusiveness**, **Transparency** and **Consistency**. The subsequent part of this section provides the overview how these attributes are broken down into ten dimensions and how these dimensions are then grouped into three groups based on their importance.

Strength is the attribute which refers to parliament's ability to successfully scrutinize government's actions or in, other words, parliament's ability to impose its will on the government. This attribute has three distinct dimensions- **Formal powers** (set of powers and rights parliament has to perform parliamentary scrutiny of European affairs, as prescribed by the legal acts); **Scope** (parliament's abilities to scrutinize all aspects of European policy (e.g. CFSP or COREPER meetings)); and **Character of parliament-government relations** (parliament's ability to ensure that government performs all its duties well (e.g. provides required information on time)). This attribute appeared as a part of the dependent variable conceptualization from the very first studies in this field and it relates very closely to Formalist conceptualization of the dependent variable (See previous chapter). One of the novelties of this study is that here these dimensions, though all being extremely important, do not carry an equal weight. Here **Formal powers** are regarded as absolutely **most important** to overall strength and quality of parliamentary scrutiny of European affairs, whereas other two dimensions, **Scope** and **Character of parliament-government relations** are regarded to be a bit less – simply **important** to the strength and quality of parliamentary scrutiny of

European affairs. This differentiation is reflected in the operationalization of the dependent variable and the data aggregation process.

Willingness refers to the parliament's will to use its powers to scrutinize government's actions using either its established formal powers or informal measures. It is just as important as the Strength, because well established and broad array of formal rights means little, if they are not used. In the operationalization of this variable, willingness attribute is expressed through **Informal powers dimension** which is regarded to be **most important** for overall strength and quality of parliamentary scrutiny of European affairs.

Capability attribute refers to the resources parliament needs to carry out these tasks. These resources are of various types: information about the sphere, human resources to analyze it and time to do so. These resources are just as important as the previous two aspects, as their absence would jeopardize the parliamentary control of European affairs, even if parliament has both power and willingness to carry it out. In line with previous studies, here the two dimensions of this attribute do not carry and equal weight as well. It has been pointed out that capability to process information in time is more important than the access to information itself (Winzen 2012), therefore, here **human resources** are regarded to be **most important**, whereas **access to information- important** for overall strength and quality of parliamentary scrutiny of European affairs.

Inclusiveness as a separate dimension of strength and quality of parliamentary scrutiny of European affairs first was brought forward by the New-institutionalist group of researchers (See previous chapter) it corresponds to the need to ensure of key parliamentary functions- deliberation- a requirement that the opposition members would also be included and could have an ability to influence the outcome of this process (Auel 2007). In this study this attribute is understood as having two dimensions- **Inclusiveness within a national parliament (Parliamentization)** and **Inclusion of MEPs (European dimension)** once again these attributes are not equally influential. **Parliamentization** is regarded to be **important**, whereas **European dimension- instrumental** (i.e. helpful, but not fundamentally important) for overall strength and quality of parliamentary scrutiny of European affairs.

Consistency attribute refers to how deeply parliamentary scrutiny of European affairs practices are entrenched into regular operations of the parliament, why have taken their present shape and, if they are resilient to changes in the parliament after the election. Analysis of the temporal dimension of the parliamentary scrutiny of European affairs is a new trend,

undertaken by only a few scholars, however, it is important, as the scrutiny of European affairs process can be prone to various path-dependencies (Winzen 2012). This attribute is operationalized in **Structuration** dimension and regarded to be **instrumental** for overall strength and quality of parliamentary scrutiny of European affairs.

Transparency as a separate was not yet included into conceptualization of the strength and quality of parliamentary scrutiny of European affairs by the other scholars, though some transparency indicators appeared in previous research (EP 2012). The importance of this dimension can be derived from principal-agent theory, as transparency ensures the link between the parliament and the ultimate sovereign- the people and it allows to address the agency problems in the first step of the delegation process. This attribute is regarded to be **Instrumental** for overall strength and quality of parliamentary scrutiny of European affairs.

In sum, the six attributes which parliamentary scrutiny of European affairs has to have in order to be strong and of high quality are: Strength, Willingness, Capability, Consistency, Inclusiveness and Transparency. They can be broken down into 10 separate dimensions that are used to measure the dependent variable in this study. These are: Formal powers, Informal powers, Resources, Information management, Relations with the government, Scope, Parliamentization, Structuration, European dimension and Transparency (for more detailed description and operationalization of each dimension see next section of this chapter).

As it is easy to see, these dimensions are all important to the overall strength and quality of parliamentary scrutiny of European affairs, however they are not equally important (e.g. that Formal powers dimension is more important than Transparency). Therefore, these ten dimensions are divided into three groups based on their importance. These are “The most important”, “Important” and Instrumental.

Most important:

- Formal powers
- Informal powers
- Resources

Important:

- Relations with government
- Parliamentization

Scope

Access to information

Instrumental:

Structuration

European dimension

Transparency

Operationalization

“The most important” group

This large grouping of indicators could be best described as a set of preconditions, the absence of which would seriously jeopardize the integrity of the parliamentary scrutiny of European affairs. It consists of three sets of indicators: Formal powers, Informal powers and Resources.

Formal powers

These powers are the core of effective parliamentary scrutiny. The aim of this dimension is to analyze what formal powers the scrutinizing body has to control government’s actions in this policy sphere. It focuses on several aspects: Scrutinizing body’s ability to issue mandates, set its own agenda, character of the mandates, adaptability of the scrutiny process to the shortages of time and new details surfacing during Council negotiations. In total, it uses seven indicators to measure this dimension of parliamentary scrutiny of European affairs:

1. What kind of scrutiny system is used- document based or mandate based? (Mauer & Wessels 2001, EP 2012; Karlas 2011).
2. Can the EAC adopt resolutions on its own? (EP 2012; Mauer & Wessels 2001)
3. Can the EAC set its own agenda?
4. Are the mandates binding? (Mauer & Wessels 2001; Karlas 2011; Winzen 2012)
5. What happens, if government deviates from the mandate? (Winzen 2012; Karlas 2011)
6. Does the EAC have scrutiny reserve powers? (EP 2012)
7. Does it have ad hoc scrutiny powers? (ability to update/re-issue mandate during the Council negotiations)?

Naturally, this dimension is inspired by the first wave of the research of parliamentary control of European affairs and borrows a lot from it, especially, from the Mauer and Wessels volume

(Mauer & Wessels 2001). However, in this study the focus is expanded a little bit by looking into if EACs can set their own agenda and employ ad hoc scrutiny powers.

Informal powers

The aims of this dimension is to analyze, how well do the scrutinizing bodies make use of their rights and powers in practice and to find out (if applicable) how do they cope with the absence of formal powers and how do they address the scrutiny dilemma. The previous research has shown that some of the formally strong EAC's do not make full use of their powers, while some weaker scrutinizing bodies employ ingenious instruments to scrutinize their governments (Auel 2005, Raunio 2005, EP 2012). In other words, this dimension addresses how interested and how keen parliaments are to scrutinize their government's European policy. This dimension has seven indicators to address how well the Baltic parliaments make use their rights in practice.

1. How often EAC meets? (Karlas 2011)
2. How many documents they scrutinize per year? (Karlas 2011)
3. How strict are the mandates?
4. How is scrutiny dilemma addressed?
5. Is scrutiny reserve powers used frequently? (EP 2012)
6. Are ad hoc powers used frequently?
7. Does the EAC employ any informal measures to pressure the government?

This dimension borrows two behavioral indicators from the study "Parliamentary control of EU affairs in Central and Eastern Europe: explaining the variation" by Jan Karlas (Karlas 2011) and one from recent OPAL/Tepsa study "Democratic Control in the Member States of the European Council and the Euro zone summits" (EP 2012). It also expands this dimension by adding indicators about the strictness of the mandates, ad hoc powers, scrutiny dilemma and measures to pressure the government.

Resources

Resources are fundamentally important in order to have effective parliamentary scrutiny of EU affairs. What sets this particular policy sphere apart from others, subjected to parliamentary scrutiny, is extremely high inflow of documents on a very large variety of topics that require attention and expertise. Even the body that has huge formal and/or informal

powers to scrutinize the government's actions, it would be helpless, if it did not have enough resources to carry out such task.

Even though the question of resources was included into some previous studies (EP 2012, Winzen 2012, Karlas 2011), they usually were not considered to be so important. In some studies this dimension was operationalized simply as existence or absence of a standing committee, which deals with parliamentary scrutiny of European affairs (Winzen 2012) or it seemed to disappear from data aggregation process all together (EP 2012). In this dimension, the novel contribution of this study is new way how to perceive the importance of resources for overall strength and quality of parliamentary scrutiny. This dimension has four indicators:

1. How many administrators, dealing with European issues, work in the parliament? (EP 2012)
2. How much time does the EAC have to prepare its position?
3. Does it feel constrained due to human resource or time shortages?
4. How are they addressed?

From the OPAL/Tepsa study, this research borrows one indicator (amount of administrators) to measure the resource dimension, others are new and appeared only in this study.

Interplay

All three dimensions belonging to this group are absolutely necessary in order to have high quality and strong parliamentary scrutiny. What sets these three dimensions apart from the other seven, is that, even if parliamentary scrutiny of European affairs in any given state is completely lacking in any of those seven dimensions, that would not jeopardize the integrity of the process, like it would, if any of these three dimensions was lacking.

For instance, if any state would score high on Formal and Informal powers, but low on Resources, that would mean, that that national parliament is theoretically capable and willing, but, in practice, unable to scrutinize its government's European policy. If a parliament scored high on Formal powers and Resources, but low on Informal powers, that would mean that this parliament is capable, but unwilling to engage in parliamentary scrutiny of European affairs. Finally, if a parliament scored high on Informal powers and Resources, but low on formal powers, it would mean that the parliamentary scrutiny would be erratic and inconsistent.

“Important” group

Even if a national parliament would score high in all three dimensions belonging to the “The most important” grouping, it would account for only the rudimentary aspects of parliamentary scrutiny of European affairs both in terms of strength and quality. They are necessary, but they alone are not enough in order to have high quality and strong parliamentary scrutiny of European affairs. Dimensions - included into “Important” are of smaller significance than those of the previous group, but they still can significantly impact the overall strength and quality of parliamentary scrutiny of European politics. Dimensions in this group are: Scope, Relations with the government, Access to information and Parliamentization.

Scope

This dimension measures the scope of parliamentary scrutiny of European affairs. Even though the Council meetings are the ultimate place, where certain pieces of legislation are adopted or rejected, even having mandating power to instruct government to vote “yes” or “no” is often insufficient scrutiny instrument, because it is unwieldy and crude. Strong parliamentary scrutiny should also include the ability to scrutinize European legislation in its early stages (white or green books) and the country’s position in COREPER meetings. Given that in recent years the scope of EU’s foreign policy has expanded, ability to scrutinize CFSP is also very important.

The idea that mandating is insufficient and unwieldy was first brought about by Katrin Auel in the second wave of Europeanization research (Auel 2005). It was partly reflected in the TEPESA/OPAL study, which included questions about CFSP and COREPER meetings (EP 2012). In this study, this outlook is supplemented by the additional focus given to the spheres of EU policy governed via open method of coordination. This study measures this dimension with four indicators:

1. Are CFSP/CSDP policies scrutinized by the parliament? (EP 2012)
2. Are (de facto) planning documents (strategies, Green and White books) scrutinized? (Winzen 2012, Karlas 2011)
3. Are COREPER meetings scrutinized? (EP 2012)
4. Are policy areas governed by OMC scrutinized?

Questions regarding the areas governed by the Open Method of Coordination (OMC) were first raised by Tapio Raunio in the article “Does the OMC really benefit national

parliaments?” (Raunio 2006). However, to the author’s best knowledge, this indicator was not previously included in comparative research.

Relations with government

Relations between the parliament and the government are an indirect indicator of the strength of parliamentary scrutiny. If government is somewhat arrogant or inconsiderate towards the parliament, it is a clear signal that parliament is not in control of government’s actions. This dimension looks into both the attitudes and behavior of these two actors in order to grasp the power relations between them.

This is a relatively new aspect, which so far was included only in OPAL/TEPSA study (EP 2012). This dimension is partly based on OPAL questionnaire, however, it expands it a bit to include questions about who usually perseveres in case of divergence of opinions between EAC and the government and, if EAC feels to be in control of the situation. It also adds the indicator, whether or not the government is legally obliged to report to the EAC about the course of Council negotiations- this step is crucial to test, how well the government has adhered to the issued mandate. These three aspects, while being extremely important were overlooked by the previous studies. In total eight indicators are used to measure this dimension:

1. Does the government have to present the EAC with explanatory memoranda to help the EAC to set up its priorities? (Winzen 2012, EP 2012)
2. Does the government submit all the required information and documents in a timely fashion? (EP 2012)
3. Do government representatives participate in the EAC meetings (EP 2012)?
4. What level representatives usually participate?
5. How often do EAC’s and government’s positions diverge?
6. Who gets the upper-hand in these situations?
7. Does EAC feel to be in control?
8. Is the government legally obliged to report back to the EAC about the course and results of the Council negotiations?

Information management

The issues regarding the access to information have been raised by a number of previous studies (Winzen 2012, Karlas 2011, Kietz 2006, EP 2012). However, there the focus was

placed just on whether or not all the information related to this sphere is accessible to the EACs (Karlas 2011, Kietz 2006, EP 2012) and whether or not governments are obliged to provide them with explanatory memoranda (Winzen 2012) (this indicator appears in the previous dimension of this study). This thesis expands this dimension a bit by focusing on the exact scheme how the information reaches the parliament and adding a behavioral indicator (who de facto selects the majority of documents to be scrutinized) to see how well the EAC utilize their information access rights in practice. In total this study uses three indicators to measure this dimension:

1. Can the EAC access all the information or just parts of it? (Winzen 2012)
2. How does exactly the relevant information about this sphere reach the EAC?
3. Who de facto selects majority of the documents to be scrutinized?

Parliamentization

This dimension measures the relations between the scrutinizing body and the rest of the parliament. Concentrating mostly on the relations with parliament's standing committees, where most of working expertise is accumulated and the relations between the government and opposition factions within the scrutinizing body. It was mentioned before that the scrutinizing bodies face the huge inflow of information on varying topics; therefore access to expertise accumulated in the sectorial committees could be very helpful in order to cope with this task.

Furthermore, government-opposition relations are also important, since, if the opposition is continuously overridden, it jeopardizes the entire parliamentary scrutiny process. The questions about majority-opposition relations were first raised in the second wave of parliamentary scrutiny research (Auel 2007). This study, however, is the first to address these questions empirically.

This study uses nine indicators to measure this dimension of parliamentary scrutiny of European affairs:

1. What portion of the MPs belongs to the EAC? (EP 2012)
2. Can sectorial committees be involved in scrutiny process? (Karlas 2011; EP 2012; Winzen 2012)
3. Are they regularly? (Karlas 2011)
4. Is there a legal requirement to do so?

5. Are the joint sessions with other committees organized?
6. Is the plenary involved in the parliamentary scrutiny of this sphere? (Karlas 2011; EP 2012)
7. How?
8. Are the opposition members adequately represented in the EAC?
9. Do they feel that they are able to influence the outcome of this process?

Instrumental group

This grouping entails three dimensions that can further enhance the strength and quality of parliamentary scrutiny of European affairs. However, unlike in the previous two groupings, scoring low in here would not jeopardize the integrity of the process. Dimensions belonging to this group are: Structuration, Transparency and European dimension.

Structuration

The aim of this dimension is to measure how deeply and rigidly EAC's procedures are imbedded in country's legal system. This dimension follows the assumption from the existing researches that more structured and deeply imbedded rules regarding the parliamentary scrutiny procedures result in higher and smoother continuity of after parliamentary elections, which in turn result in higher quality scrutiny (Mauer & Wessels 2001). Furthermore, well established set of rules ensure that scrutiny strength and form will not be dependent on incumbent personalities and their personal relations with the government.

This dimension is partly borrowed from the first wave of research and was also reflected in the study done by TEPSA and OPAL centers (EP 2012), however, in this study this dimension is expanded to include questions about the origins of the EAC and the reasons for choosing a particular model. These questions were included to bring out various aspects related to the path-dependencies in the EAC. The necessity to include longitudinal dimension appeared in the number of recent studies, showing that path dependencies often play a key role in establishing strong and effective parliamentary scrutiny (Winzen 2012). In total this dimension is measured with four indicators:

1. Is the role of the EAC prescribed by the legal provisions or the Constitution? (EP 2012)
2. How detailed are these provisions?
3. How did the EAC exist- did it have any predecessors?

4. Why was this particular parliamentary scrutiny of European affairs model chosen?

Transparency

The media and the public of ten play an important role in influencing government's decision what position to take towards certain EU-level issue (Auel 2005). If the scrutinizing body's dealings are transparent and open to the media and the public, not only can this act as a tool to involve them in the scrutiny process, but also as an impetus for the scrutinizing body to be more thorough with its work, which in turn means better quality. Furthermore, transparency ensures that ordinary citizens can follow the parliamentary scrutiny of European affairs process and, if needed, can hold MPs accountable for their actions. This dimension is measured with three indicators:

1. How transparent is the parliamentary scrutiny process to the public (how much information is available)?
2. Are the reports, minutes or summaries publically available? (EP 2012)
3. Does EAC ever organize open meetings?

European dimension

Having well established contacts with MEP's and active participation in COSAC can also improve the quality of parliamentary scrutiny, because these two institutions act as an important avenue to get insider information on upcoming developments in the EU or to get acquainted with the parliamentary scrutiny process in other EU countries.

The Treaty of Lisbon has endowed national parliaments of the EU member states with substantial arsenal of tools to have a greater impact on the EU legislative process. These mechanisms mostly establish more direct links between the national parliaments and EU institutions in order to give the parliaments the ability to stop EU legislative proposals, if they contradict the principles of subsidiarity and proportionality (Schtze 2009). Therefore, this dimension also includes two indicators about these new developments. One of them asks; if the rules of procedure acts have been amended to account for post-Lisbon realities, while the other checks, how active were the parliaments in using these new rights.

These last two dimensions are also relatively new to the empirical research, appearing only in the recent OPAL/TEPSA study. This study uses the similar questions as the aforementioned study, only including the new question about the smaller regional gatherings of the national

parliaments, where MP's can socialize and exchange best practices. This dimension is measured with six indicators:

1. Are MEPs members of the EAC? (EP 2012)
2. Are they involved in any way? (EP 2012)
3. What is perception of COSAC within the EAC?
4. Do EAC members take part in other meetings with their foreign colleagues apart from COSAC?
5. Have the parliamentary rules of procedure acts have been amended to include parliamentary empowerment provisions of the Lisbon Treaty? Why?
6. How active are the parliaments in using these rights? How actively they have directly communicated with the EU institutions?

Formal institutional setup

While it is not a proper dimension *per se*, as it takes no part in further data aggregation, formal institutional setup is a first part of the questionnaire, which is included in order to get an understanding of EAC's place in country's political system and EAC's relations to the other institutions.

Since this study utilizes methodology, which can be applied to the analysis of any EU member state, this part mostly deals with the type of electoral system and the role of parliament in relation to other institutions. It has been established that proportional electoral systems, strong parliaments and coalition governments are favorable conditions for strong parliamentary scrutiny of EU affairs, whereas systems with weaker parliaments or majoritarian electoral systems usually result in weaker control (Mauer & Wessels 2001; Persson & Wiberg 2011; Karlas 2011; Kietz 2006; Winzen 2012).

Therefore, the aim of this part is to measure how favorable is the formal institutional setup in a country for strong parliamentary scrutiny of EU affairs. This part was included in this study because, even though the Baltic States are likely to look rather similar, this study aims not only to perform empirical analysis of the three countries, but also to establish a theoretical framework, which would be applicable to any EU country.

Country score

In this study the final result for the dependent variable is calculated as a single score. Some of the previous studies have brought forwards an idea that the dependent variable – strength and quality of parliamentary scrutiny of European affairs is multidimensional and rather than existence of strong or weak scrutiny measures, it is better to think about it as different modes or profiles of parliamentary scrutiny of European affairs (EP 2012). This study acknowledges this notion and deems it to be a worthwhile pursuit for future studies that can really enrich the field of research on parliamentary scrutiny of European affairs. However, since the existing studies of this kind tend to group the Baltic states very closely together or even in the same category, in this study, due to its scope, the dependent variable is measured as a uni-dimensional one.

Dimension evaluation

Based on the answers to the questions, each dimension will be given a score on the ordinal scale ranging from 1- Very Low to 5- Very High. . While admittedly such scoring can be subjective and is based merely on an analyst’s qualitative assessment of a country’s situation, the reliability of the current study will be increased by making available the full list of scores in the subsequent part of the thesis.

Calculating the country scores

The final country score is calculated in three steps. First, all the dimension scores in a group are summed up. Second, this result is standardized to range between 0 and 1. Then the final score is calculated by this formula:

$$\text{"The most important" group score} \left(\frac{\text{"Important" group score} * 2 + \text{Instrumental group score}}{3} \right)$$

This formula was chosen because it best fits the way the dependent variable is conceptualized. First, since “The most important” dimension refers to the set of necessary conditions, absence of which would completely jeopardize the strength and quality of parliamentary scrutiny of European affairs, its relation to other groups is expressed through multiplication (the final score can never be higher than that of “The most important” group and zero value in this group would result in overall 0 score). The other two group scores are added to each other; however, since “Important” group carries more weight, it has twice the impact on the final score than the Instrumental group.

Summary

Summing up, this study offers a more comprehensive approach to the study of parliamentary scrutiny of European affairs. It adds two new attributes to how the dependent variable is conceptualized- Inclusiveness and Consistency. It also offers some new attributes how this phenomenon can be measured. First, it uses the biggest and the most comprehensive set of indicators, to the author's best knowledge, available to this day. Mostly it is achieved by not building the measurement model from scratch, but rather by synthesizing various existing approaches. Second, out of 52 indicators used in this study 30 are suggested by the author himself. Some of them are based on the insights of the previous studies (mainly Auel 2005; Auel 2007; EP 2012; Kietz 2006; Karlas 2011; Winzen 2012; Raunio 2005), but heavily modified to suit the needs of this study.

Data collection

The data for this study has been collected from three major sources: 1. Legal provisions regarding the parliamentary scrutiny of European affairs process (Rules of Procedure Act of Riigikogu; Rules of Procedure Act of Saeima and Statute of Seimas); 2. Interviews with members of Academia (mostly those who filled country surveys for OPAL/TEPSA study "Democratic Control in the Member States of the European Council and the Euro zone summits" (EP 2012)); 3. Interviews with members of the Baltic European Affairs Committees. (The full list of data sources and list of interviews is presented in the next chapter). Also, some of the data points are taken from the earlier studies of the parliamentary scrutiny of European affairs, where the Baltic states were analyzed, namely Kietz 2006, Karlas 2011, Winzen 2012.

Chapter 3- Empirical data

This chapter presents the overview of the empirical data. The first section of this chapter provides overview of the data, structured according to dimension groups. In the second part the data is aggregated and the final country scores are presented.

Formal Institutional Setup

Naturally, due to their small, all three Baltic states have rather similar institutional designs. Since the topic of this study is parliamentary scrutiny, here only the most important aspects that can influence and shape the peculiarities of this process are described.

First, all three states are unitary and have unicameral legislatures. Due to this institutional design, parliament plays the central role in these political systems. In all three Baltic states governments are formed by the biggest faction (be it a single party faction or a coalition faction) and is accountable to it.

In all three states standing parliamentary committees play a central role in parliamentary proceedings, as the most preliminary deliberation and modifications are done there, rather than on the plenary. Therefore, it comes as no surprise that one of the standing parliamentary committees is the key actor responsible for parliamentary scrutiny of European affairs in each of the Baltic states. In Lithuania it is “Europos Reikalu Komitetas (European Affairs Committee)”; in Latvia “Eiropas Lietu Komisija (European Affairs Committee)”; in Estonia “Euroopa Liidu Asjade Komisjon (European Union Affairs Committee)”. For the sake of simplicity, in this study all three of these committees will be referred to as European Affairs Committee (EAC).

Despite these major similarities, there are some important differences that need to be addressed as well. In Latvia the EAC is the sole actor responsible for parliamentary scrutiny of European affairs and it asks for assistance from other standing committees only in the unusual or very important instances. Meanwhile, in both Lithuania and Estonia Foreign Affairs Committee is in charge of scrutinizing Common Foreign and Security Policy and in other cases one of the standing committees assists the EAC with scrutinizing the European Affairs depending on the issue at hand.

Finally, there is one more thing that needs to be accounted for- Lithuania has a directly elected president who takes part in the government formation process by selecting candidate

for the PM position and assisting him with candidate cabinet formation before sending candidate cabinet to the parliament for approval. In other words, Lithuania has all the features (from the political science point of view) to be called a semi-presidential regime (Gudzinskas & Matsuzato 2008; Elgie 1999) and this clearly sets it apart from Latvia and Estonia, which are purely parliamentary regimes.

However, due to certain peculiarities of the early years of independence and ambiguity of Lithuanian Constitution, there were certain problems with demarcation between presidential and prime minister’s powers, which led to a case in Lithuanian Constitutional Court and its ruling that “Lithuania has a parliamentary regime with certain semi-presidential features” (Kuris 1998, Gudzinskas & Matsuzato 2008). This ruling had some paramount consequences which will not be addressed in depth in this study. However, it had one really important implication- it gave a legal basis for the legislative branch of government to carry out parliamentary scrutiny of all the executive branch’s policies, both the government’s as well as the president’s. The implications of this aspect are discussed in more detail in latter parts of this study.

“The most important” group

Table 1: “The most important” group country scores

Country	Lithuania	Latvia	Estonia
Dimension			
Formal powers	5	3.5	4
Informal powers	4.5	1.5	3
Resources	5	1.5	2.5
Total:	14.5	6.5	9.5

Table 2: “The most important” group

Country:	Lithuania	Latvia	Estonia
Indicator:			
Formal Powers:			
Which scrutiny system is used: document based or mandate based?	Mandate ¹	Mandate ⁴	Mandate ⁸
Can EAC adopt resolutions in place of the plenary?	Yes ¹	Yes ⁴	Yes ⁷
Can it set its own agenda?	Yes, de facto ^{1;2}	Yes, hardly utilized ^{4;5}	Yes, hardly utilized ^{7;10}
Are the mandates binding?	Yes ¹	Yes ⁶	Justified deviation ⁷
What happens, if government deviates?	Person, who deviated, loses his/her position in the government. ²	No, follow up procedure, nobody really knows. ⁹	Government representatives have to explain why they deviated before the EAC ASAP. ⁷
Does EAC have scrutiny reserve powers?	Yes, used consistently ²	Yes, hardly utilized ⁵	No ^{7;8}
Does EAC have ad hoc scrutiny powers?	Yes, if government wants to deviate from the mandate in light of some unforeseen circumstances, government representative must call chairman of the EAC and ask to issue a new mandate. ^{2;3}	No ⁴	No ^{7;10}
Informal powers:			
How often does EAC meet?	2 times a week (~42 times a year) ²	~45 times a year ⁸	~30 times a year ⁸
How many documents they scrutinize per year?	~30 ⁸	~6 ⁸	~30 ⁸
How strict are the mandates?	Very strict. ^{2;3}	Not very ⁵	Usually moderate, but can be very strict ¹⁰
How is scrutiny dilemma addressed?	Through ad hoc measures	Loose mandate	Allowing for justified deviation
Is scrutiny reserve used frequently?	Yes ²	No. ⁵	N/A
Ad hoc scrutiny powers?	1 or 2 times a year. ³	N/A	N/A
Does the parliament use innovative techniques to pressure the government or cope with the absence of powers?	Uses psychological pressure, if its needs are not addressed ²	No.	No. ¹⁰

Resources			
How many administrators work with EU affairs?	Around 30 ²	6 ⁶	6 ⁷
How much time does EAC have to prepare its position?	As much as possible ^{1;2}	Less than a week ⁵	Almost as much as possible ¹⁰
Does it feel any constrains due to time or human resource shortages?	No. ²	Yes. ⁵	Yes. ¹⁰
How they are addressed?	N/A	Not addressed	By getting involved with legislation in the early level ¹⁰

Sources: ¹-Statute of Seimas; ²- Interview with Petras Auštrevičius; Vilnius 11.07.2012; ³- Interview with Arminas Lydeka; Vilnius 25.07.2012; ⁴- Rules of Procedure Act of Saeima; ⁵- Interview with Einars Cilinskis; via internet 27.02.2013; ⁶- Interview with Girts Ostrovskis; via internet 04.03.2013; ⁷- Rules of Procedure Act of Riigikogu; ⁸- (Karlas 2011); ⁹- (EP 2012); ¹⁰- Interview with Marko Mihkelson ; Tallinn 12.08.20

Formal powers

All three countries opted for rather similar model of parliamentary scrutiny, which is based on *ex ante* control by issuing voting instructions before the Council meetings (as opposed to document based scrutiny, which relies on early analysis of the documents and preparation of broader guidelines (Kietz 2006)). Furthermore, in all three cases the voting instructions or mandates are binding. However, a closer look at this issue reveals that behind this similarity lays very different notions and understandings what “binding mandate” means. In case of Estonia, “binding mandate” means that the government can deviate from the instructions only with a concrete and viable reasons (e.g. if new details surface during the negotiations in the Council) and has to justify its deviation before EAC as soon as possible. If such procedure is not followed, government representative might encounter political repercussions (demotion or losing the position in the government).

In Latvian case, mandates are legally binding (EP 2012). However, the idea of “legally binding” mandate is a bit unclear in terms of what repercussions any deviation from such mandate would entail to the person who has done it. Since, it has never occurred to the best of Latvian EAC’s knowledge, such ambiguity persists. It is even more complicated, as Latvian EAC organizes follow up meetings, where government representatives have to report about the course of Council negotiations, only on the exceptional cases. In other words, Latvian EAC does not have a normal functioning mechanism to check, if government has followed the mandate.

In Lithuania government must not under any circumstances deviate from the EAC’s mandate. Since it leaves government with extremely little room to maneuver during the Council negotiations, EAC has developed an instrument to address this issue. In case if new details surface during the Council negotiations and government wants to adjust its position, government representatives must call the chair of the EAC and he/she either calls an emergency EAC meeting or makes a personal judgment call and accepts responsibility for it. To the author’s best knowledge Lithuanian EAC is the only such committee in the EU which has such tool in its possession. It really empowers the EAC, as it can issue very strict and binding mandates to the government without facing the efficiency problems associated with the scrutiny dilemma.

As for the other important parliamentary scrutiny tool “scrutiny reserve” (it means EAC’s right to postpone its decision and thus country’s vote in the Council until EAC has had

enough time to deliberate the issue at hand), only Lithuanian and Latvian EACs have it in their possession. However, making use of scrutiny reserve is a usual part of EAC's activities (taking place approx. once a month) in Latvia- it is used only in very rare cases. Estonian EAC tries to compensate for the absence of this tool by earlier involvement and more rigid follow-up procedures after the Council meetings.

Therefore, when it comes to Formal powers, Lithuania satisfies all the criteria for strong and high quality parliamentary scrutiny and is given a maximum score. In Estonian case, the formal powers are well established and strong as well; however the absence of scrutiny reserve, ad hoc scrutiny measures and allowing government to deviate from the mandate under justifiable circumstances, lowers Estonian score to 4. Situation in Latvia is somewhat similar to that of Estonia; however due to ambiguity of regulations regarding the parliamentary scrutiny of European affairs process, it is impossible to tell, what happens, if government deviated from the given mandate during the Council negotiations, which lowers Latvian score to 3.5. This ambiguity really has a strong impact on overall strength and quality of parliamentary scrutiny of European process, even enough to outweigh the importance of scrutiny reserve powers.

Informal powers

In terms of Informal powers there also is a substantial variation among the Baltic states. Even though all three EACs meet roughly the same number of times per year, they differ substantially in the amount of documents they scrutinize. In this sphere Estonian EAC is an undisputed leader, analyzing roughly 60 documents per year, which is three times more than its Lithuanian counterpart, which in turn analyses three times more documents than Latvian EAC.

The EACs also differ in the strictness of mandates they issue and the ways they address scrutiny dilemma. Lithuanian EAC prefers to issue rather strict mandates and address the scrutiny dilemma through ad hoc measures, while Estonian EAC's mandate strictness varies and the scrutiny dilemma is addressed by allowing government to deviate from the mandate under justifiable circumstances. Whereas in Latvia mandates are usually loose and there is usually no follow-up procedure to check, how the government has adhered to the mandate.

Furthermore, these committees differ in the way they use scrutiny reserve powers. In Lithuania it is part of usual routine, used approximately once a month, whereas in Latvia it is

used very rarely and in Estonia not available at all. Lithuanian EAC is the only one with ad hoc scrutiny powers, which are used about once a year. Finally, Lithuanian EAC is the only employing innovative techniques to keep the government in line, namely, the psychological pressure towards misbehaving government representatives (e.g. government official who was invited to the EAC's session, but did not show up).

Hence Lithuania receives 4.5 out of 5 in this dimension. This basically occurs due to relatively low amount of scrutinized documents per year. Estonia gets 3 out of 5 due to its EAC's intensive activities and high amount of scrutinized documents, however, its score suffers a bit from the lack of scrutiny reserve powers and not using any innovative techniques to pressure the government. Latvia fares the worst in this dimension, as it suffers, basically, from the same problems as Estonia and also scrutinizes much less information than EAC's Estonian and Lithuanian counterparts. Therefore, Latvia is given a score of 1.5 out of 5.

Resources

Resources dimension has two distinct aspects: human resources and time resources. From the human resource point of view, all three Baltic states fare considerably well by establishing EACs and thus devoting some administrators to exclusively deal with European policy matters, as separate EACs do not exist in all European countries (Winzen 2012). However, taking both sides of this aspect- concrete number of administrators working with European matters in the parliament and the subjective assessment, whether or not parliament has enough resources to carry out its tasks, there is a substantial variation between the Baltic states.

Lithuania really stands out in this aspect not only among the other Baltic States, but in wider regional context as well. In addition to the administrators working for the EAC, each sectorial committee and each of the parliamentary factions have a special advisor working exclusively with European affairs. Therefore, in Lithuanian Seimas there are over 30 people who are dealing with European issues on regular basis.

In Estonia the situation is quite worse, as the administrator corpus is much smaller. The EAC has six administrators working exclusively with European issues. However, since Estonia, just like Lithuania, is using model of parliamentary scrutiny of European affairs which is similar to that of Finland, the EU legislative proposals to be scrutinized by the parliament are dually forwarded to the EAC and to one of the sectorial committees dealing with the type of issue at hand. This system allows to utilize the sectorial committee's resources and expertise, because,

even though experts in sectorial committees do not exclusively deal with EU matters, their sectorial expertise allows the committee to get more in depth analysis.

Latvia in this regard fares the weakest among the three Baltic states, as Saeima has just as many administrators working exclusively on the European issues as Riigikogu does, however the standard procedure of parliamentary scrutiny of European affairs does not allow Latvian EAC to tap into the resources of the standing committees. Even though the Saeima Rules of Procedure Act allows for an opportunity to organize joint meetings between the EAC and other standing committees, it is utilized rarely.

For the time management aspect the situation is more or less the same. Lithuanian EAC is in the best position as it receives all the information automatically through the integrated computer system as soon as the government does. Riigikogu is at a slightly worse position as receives documents forwarded by the government. However, since the government has a legal obligation to inform the Riigikogu as soon as possible, this link with the government is functioning rather well. Latvian EAC is in the relatively worst position in this aspect as well, as it usually gets the documents from the government just few days before the vote in the Council and almost never has enough time to analyze it carefully. Taken into account that Latvian EAC is not as actively involved in scrutinizing early phase legislation (Green books, White books) it really negatively affects the quality of parliamentary scrutiny as evidenced by the complains of the Latvian EAC members.

Because of these reasons, Lithuania is given another 5 in Resources dimension, while Latvia receives a 1.5. This occurs because, Latvian EAC fares substantially weaker in terms of personnel as well as time management. Estonia is given a 2.5, as it occupies a somewhat middle position between Lithuania and Latvia. Estonian EAC has substantially more personnel and gets the information much earlier than its Latvian counterpart. However, some of its members still express dissatisfaction with the lack of resources and analytical capabilities asymmetry between Riigikogu and the government.

Summary

The analysis of the “The most important” group reveals that there is a substantial variation among the Baltic states in this regard. Lithuania receives almost a perfect score – 14.5/15, whereas Latvian result is only as high 6.5/15. Meanwhile Estonia is placed in the middle, receiving 9.5/15. However, it must be noted that despite this variation, in wider European

context the results of all three Baltic states would still be rather high, as many of the Mediterranean countries have very weak parliamentary scrutiny systems (Mauer & Wessels 2001; Winzen 2012). It is mostly due to the fact that Baltic states developed their scrutiny models based on the experience of the Nordic Countries, which are hailed to have the strongest and highest quality parliamentary scrutiny of European affairs measures (Mauer & Wessels 2001, Persson & Wiberg 2011, EP 2012).

“Important” group

Table 3: “Important” group country scores

Country	Lithuania	Latvia	Estonia
Dimension			
Relations with the government	4.5	1.5	3.5
Scope	5	2.5	2.5
Information management	5	2.5	2.5
Parliamentization	4.5	2.5	4
Total:	19	9	12.5

Table 4: "Important" group

Country:	Lithuania	Latvia	Estonia
Indicator:			
Relations with government:			
Does the government have to provide memoranda?	When it asks for EAC's opinion, yes. ¹	Yes ⁷	Yes. ⁸
Does it submit all the documents in timely fashion?	Yes. ^{3;4}	No. ⁶	Yes. ⁹
Do government representatives participate in EAC's meetings?	Yes. ²	Yes ⁷	Yes. ⁹
What level representatives?	Vice-minister. ²	Varying from minister to clerk, who drafted the position. ⁷	Minister or PM ⁹
How often EAC's and government's position diverge?	Very often ^{2;3;4}	Very rarely ⁶	Rarely, mostly on minor details or formulations. ⁹
Who gets upper hand then?	EAC ^{2;3;4}	Government ⁶	Depends, EAC is successful in making small changes. ⁹
Does EAC feel to be in control?	Yes. ²	No. ⁶	Hard to say, mostly due to resource shortages. ⁹
Scope:			
Are CFSP/CSDP scrutinized?	Yes, by FAC. ¹	Yes, by EAC ⁷	Yes, by FAC ⁸
Early phase legislation?	Yes ^{2;3;4}	It can be, but no. ^{6;7}	Yes. ⁹
OMC?	Yes, though mandates are not issued. ²	No. ⁷	No. ⁸
COREPER meetings?	Yes. ¹⁰	No. ⁷	No. ⁹
Information management:			
Can EAC access all the information?	Yes. ²	Yes. ⁷	Yes ⁹
How does this information reach the EAC?	Via integrated computer system LINESIS ^{1;2}	Via government ⁵	Via government. ⁹
How (de facto) usually the documents to be scrutinized are selected?	Chairs of sectorial committees and the speaker set up list of priorities, based on which EAC sets its agenda. ¹⁰	Government requests EAC's opinion ⁵	Government requests EAC's opinion. ⁹
Parliamentization:			

What portion of MP's are members of the EAC?	20% ¹	20%	20%
Can sectorial committees be involved in the scrutiny process?	Yes ¹	Yes ⁶	Yes ⁸
Are they regularly?	Yes ¹	No. ⁶	Yes ⁸
Is there a legal requirement to do so?	Yes ¹	No. ⁵	Yes. ⁸
Are the joint sessions with sectorial committees organized?	Yes, rarely ⁴	Yes, rarely ⁶	Yes, rarely ⁸
Is plenary involved?	Only in case of new treaties ¹	Only in case of new treaties. ⁵	In case of new treaties and ESM. ⁸
How?	Ratification ¹	Ratification ⁵	Treaties- ratification; ESM- vote in the plenary. ^{8;10}
Are members of the opposition adequately represented in the EAC?	Yes. ¹	Yes. ⁵	Yes. ⁸
Do they feel that they are able to influence the scrutiny process?	Yes. ³	No. ¹⁰	Yes, in minor way. ⁹

Sources: ¹- Statute of Seimas; ²- Interview with Petras Auštrevičius; Vilnius 11.07.2012; ³- Interview with Aušrinė Marija Povilionienė; Vilnius 16.07.2012; ⁴- Interview with Arminas Lydeka; Vilnius 25.07.2012; ⁵- Rules of Procedure Act of Saeima; ⁶- Interview with Einars Cilinskis; via internet 27.02.2013; ⁷- Interview with Girts Ostrovskis; via internet 04.03.2013; ⁸- Rules of Procedure Act of Riigikogu; ⁹- Interview with Marko Mihkelson ; Tallinn 12.08.2012; ¹⁰- EP study "Democratic Control in the Member States of the European Council and the Euro zone summits"

Relations with the government

This dimension also includes several aspects. Basically, they are all related to how government perceives the EAC and whether or not it holds the EAC in high esteem. First aspect is time- whether or not government submits required information in timely fashion and gives the EAC best chance to deliberate it before the vote in the Council. Second aspect is the amount of information the government has to provide the EAC with, when it requests its opinion; the third aspect- what level government representatives usually participate in EAC's meetings- both of them serve as indirect indicators about the relations and power balance between the EAC and the government. Fourth aspect is EAC ability to change and influence government's position and its subjective assessment of whether or not the EAC is in control of these matters. Finally, the fifth aspect is whether or not the government is obliged to report back to the EAC about how well did it adhere to EAC's mandate during the Council negotiations.

The first aspect was already touched upon in the earlier paragraphs. Lithuanian EAC is in the best position, as it receives all the information automatically, Estonian EAC also fares well, because, even though it relies on the government to forward the information, this link is functioning very well. Latvian EAC is in the worst position, as the required info reaches it just a few days before the vote in Council (for instance in Estonia, it reaches the EAC at very least one week in advance).

As for second and third aspects, Estonian EAC is in the best position, as not only the government has to provide EAC with the most documents and analyses before getting its approval, but also there is a tradition that highest level government officials take part in the EAC's meetings. These indicators show that government shows healthy respect for the EAC, which indirectly hints that EAC is quite powerful.

Lithuanian EAC is in a slightly worse position as usually only the vice-minister level government representatives participate in the committee meetings. Lithuanian EAC could really benefit from more direct involvement of ministers and prime minister- people who actually take part in the Council negotiations, as that would ensure the higher quality scrutiny. In Latvia the situation is even more complicated as there are no concrete traditions of what level government representatives take part in the EAC meetings; they can range from ministers to ordinary clerks, who were responsible for drafting the government's position. Just

like in Lithuanian case, Latvian EAC could benefit from more direct and steady involvement of ministers and prime minister.

The subsequent aspect is about how successful are the EAC's in changing and amending initial government's position. In this regard Lithuanian EAC is the most successful- EAC manages to get the upper hand in basically all the situations, where government's and EAC's opinions diverge. Situation in Estonia is a bit worse, as EAC's options and analytical capabilities are often limited due to the lack of resources. Since Estonian EAC has smaller number of resources, it cannot carry out independent analysis of the legislative proposals and thus has to rely on the analyses done by the government, which often means that EAC ends up simply accepting government's position.

Situation in Latvia is even worse, as Latvian EAC suffers from even more severe lack of resources than its Estonian counterpart and therefore is forced to rely on government's analysis even more. This in turn leads to very lenient committee's stance towards the government and the situation where EAC does not feel to be in control of government's actions. Situation is further impeded by the fact that Latvian government is the only one which is not legally obliged to report back to the EAC after the Council negotiations.

Therefore Lithuania receives 4.5/5- the only aspect hindering Lithuania from receiving the perfect score is that usually highest ranking members of the government- ministers and PM do not take part in the EAC meetings. Estonia receives 3.5 because EAC members are not sure, if they are in control of government in this sphere and because EAC is usually successful only in making minor changes to the government's position. Latvian EAC receives 1.5/5 mainly because Latvian government submits required documentation late, there are no traditions that high level government officials would take part in EAC's meetings and EAC does not really feel in control of the government in this sphere.

Scope

This dimension has three distinct aspects: ability to scrutinize foreign policy, ability to get involved in the scrutiny process early and ability to scrutinize areas managed via Open Method of Coordination (OMC). In terms of being able to scrutinize the foreign policy, all three Baltic states have developed scrutiny measures that allow them to do that. In Estonia and Lithuania this part of parliamentary scrutiny of European affairs is done not by EAC, but by Foreign Affairs Committee, whereas in Latvia it, just like the rest of EU policies is

responsibility of the EAC. That all three Baltic parliaments can scrutinize this policy area marks them as strong, as some of the Western European and Mediterranean do not have such powers, because there these policies are considered to be a part of country's overall foreign policy, which is traditionally left as a sole responsibility of the government (Persson & Wiberg 2011, EP 2012).

As for the ability to scrutinize the early phases of the legislative process (i.e. by being able to scrutinize EU strategies, White books, Green books and COREPER meetings) the situation in the Baltic states varies a lot. In Estonia the EAC has an ability to scrutinize strategies, White and Green books. It basically means that EAC gets involved in the EU legislative process from very early on and thus has more time to get acquainted with the upcoming EU legislation. With more time the Estonian EAC can partly compensate for its lack of resources, discussed in the previous section and make more thorough and in-depth analysis of these policies and their impacts. However, the Estonian EAC does not have an ability to scrutinize COREPER meetings, where draft legislation is discussed and amended before reaching the Council, which would enhance Estonian EAC's abilities to get involved early on even more.

In Latvia, the EAC has a right to scrutinize all phases of the process (strategies, White, Green books as well as COREPER meetings), but it utilizes these rights inconsistently. Though there is a tradition to prepare an EAC opinion about strategies, White and Green books, COREPER meetings in Latvia are de facto not scrutinized.

It has been noted by the previous scholars of the field that areas managed via OMC are continuously expanding and, due to their nature (negotiation takes place and deals are made behind the closed doors) national parliaments can potentially become more marginalized (Raunio 2006). Looking at how the Baltic parliaments have responded to this challenge reveals that only in Lithuania parliamentary scrutiny of these sectors has become a standard everyday procedure. Due to the nature of these sectors (agreements and deals do not become binding legislation) scrutiny process is a bit looser, as Lithuanian EAC issues broader instructions in place of detailed binding mandates, but nonetheless government is held accountable in this sphere.

Since Lithuanian EAC has right to scrutinize the full spectrum of European policy, it is given a score 5/5. Latvian EAC comes second in this regard, but, since it tends not to utilize its rights to scrutinize COREPER meetings it is given a same score as its Estonian counterpart- 2.5/5.

Information management

This dimension has two distinct aspects: ability to access the information and ability to utilize it. All the Baltic parliaments fare quite well in the first regard, as all the upcoming legislative proposals are directly forwarded to them from the European Commission and they have free and full access to them.

However, this exposes another problem. Despite having functioning links with the Commission and access to the information, in Latvia and Estonia government is the main actor, bringing European matters to EACs' attention. This is a clear signal these committees are suffering from information overflow- they are incapable of independently browsing through the information and selecting which documents must be brought before the committee.

Only Lithuanian EAC demonstrates that it has enough capabilities to independently manage and select information. In Lithuanian case parliament is more active than the government in bringing matters before the EAC and selecting which documents must be scrutinized. Furthermore, Lithuanian information link between Commission, government and the parliament is the most efficient one. Therefore, in this dimension Lithuania is given a 5, whereas Estonia and Latvia receives slightly lower scores- 2.5's.

Parliamentization

The Parliamentization dimension deals with two aspects- how well parliament is exposed to European matters and how well the scrutiny process fulfills the deliberation and consensus criteria. In all three Baltic parliaments similar share of parliamentarians is directly exposed to European issues, as in all three parliaments around 1/5 of MP's belong to EACs. All three EACs' rules of procedure have a requirement that committee membership would reflect the distribution of various factions in the parliament and all the factions would be included. It not only secures that opposition is represented in the EAC, but also, in some cases, creates ground for overrepresentation of opposition (in case of opposition consisting of the large number of small factions).

However, in Estonia and Lithuania, due to the chosen scrutiny model, sectorial committee members are routinely exposed to European matters as well. Therefore, in these countries, European matters are more "parliamentarised" than in Latvia, where they are confined only to the EAC. However, both Lithuania and Estonia routinely, also due to the chosen model,

European matters were never brought before the plenary, as, for instance, is in Denmark. So these two parliaments were only semi-inclusive in this aspect. A good step forward is recent amendment of “Rules of Procedure Act” of Riigikogu, which involves the plenary in parliamentary scrutiny of questions related to European Stability Mechanism (ESM).

When it comes to deliberation and position-opposition relations, all parliaments fare almost equally. All three EACs are committed to consensus based decision making whenever it is possible and always prefer unanimous agreement over voting. However, it was visible from the earlier chapters of the empirical part that Estonian and especially Latvian EACs are less active and less keen on amending governments’ positions than their Lithuanian counterpart and that partly contributes to successful decision making through consensus. Furthermore, opposition members working in Lithuanian EAC were quite satisfied with their abilities to influence EAC’s decisions.

In this dimension Lithuania receives 4.5/5 as present parliamentary scrutiny of European affairs model is still lacking fuller involvement of the plenary. Estonia receives the score of 4/5 as, even though plenary there is involved to a bigger extent, it scores weak on position-opposition relations aspect. Latvia gets a score of 2.5/5 as because in Saeima European matters are confined to the EAC and somewhat marginalized from the parliament.

Summary

Analysis of this grouping reveals somewhat similar trends as those in the “The most important” group. Once again there is a substantial variation among the Baltic states with Lithuania scoring 19/20 and Latvia less than half of that score (9/20) with Estonia hanging in the middle (12.5/20).

Instrumental group

Table 5: Instrumental group country scores

Country	Lithuania	Latvia	Estonia
Dimension			
Structuration	4	1.5	2.5
Transparency	1	4	2.5
European dimension	4.5	4	4
Total:	9.5	9.5	9

Structuration

This dimension deals with how deeply entrenched the parliamentary scrutiny of European affairs is in the country’s political and legal system. Even though in all three Baltic states the legal basis for parliamentary scrutiny of European affairs is derived from more general notions about parliamentary control, written in these countries’ constitutions, in none of these constitutions parliamentary scrutiny processes or role of EACs are not directly mentioned. Instead all three countries opted to lay down these procedures and EACs’ role in the Rules of Procedure Acts of the parliaments. Of course elevating parliamentary scrutiny of European affairs matters to the constitutional level, would be better, as it would mean more ridged and stronger parliamentary scrutiny, the choice to lay down the procedure in the parliaments’ Rules of Procedure Acts is understandable, as changing them is far easier than amending the constitution.

However, the way EACs’ role and the entire parliamentary scrutiny of European affairs procedure is presented varies a lot among the Baltic states. For instance, in Lithuania the piece of Seimas Statute which deals exclusively with the EAC’s proceedings is very long and detailed (around 5000 words), whereas in Estonia the same section occupies 700 and in Latvia- 200 words. The difference between the regulations is even more astonishing, when one considers that overall length of these Rules of Procedure Acts is rather similar.

Lithuanian Seimas opted to describe each procedure with almost excruciating detail and as a result, the parliamentary scrutiny of European affairs procedure is not only strong and of high quality, but also it is made sure, that the EAC would make the best use of its powers in its day-to-day operations. Whereas in Latvia this legal ambiguity places the EAC on very

Table 6: Instrumental group

Country:	Lithuania	Latvia	Estonia
Indicator:			
Structuration:			
Is the role of the EAC prescribed by legal provisions or the Constitution?	Statute of Seimas ¹	Rules of Procedure Act of Saeima ⁵	Rules of Procedure Act of Riigikogu. ⁸
How detail these provisions are?	Very detailed ¹	Very undetailed ⁵	A bit vague ⁸
How long has EAC existed? Did it have any predecessors?	Exists since 2004. Has no direct predecessors. ¹⁰	Since 1995. ^{6;7}	Was created in 2004. Its predecessor was a special committee which dealt with accession matters. ¹⁰
How was it created? Why this model was chosen?	Special expert commission was set-up to create the scrutiny institution and mechanism which would be most suited to peculiarities of Lithuanian political system. ²	Influence of Danish advisors, who were present at the time in Saeima. ^{6;7}	Influence of the Nordic Countries, esp. Finland ⁹
Transparency:			
How transparent is the process of parliamentary scrutiny?	Not at all.	Quite transparent	More or less.
Are the minutes or reports from EAC meetings accessible to the public?	No, only the summary ¹⁰	Minutes. ¹⁰	Yes. ¹⁰
Are committee meetings open to the public?	No, but they can be, if committee chooses ¹	Usually. ^{6;7}	Usually no, but it is a possibility. ⁹
European dimension:			
Are EMP's members of the EAC?	No. ¹	No. ⁵	No. ⁸
Are they involved in any way?	Yes, they can participate in the EAC's meetings, have an advisory role. ¹	Yes, they can participate in the EAC's meetings, have an advisory role. ^{6;7}	Yes, they can participate in the EAC's meetings, have an advisory role. ⁸

What is perception of COSAC within the EAC?	Mixed. ^{3;4}	Mixed. ^{3;4}	Mixed. ^{3;4}
Are there any similar gatherings that EAC takes part in?	Joint meetings of EAC members from the three Baltic States. ^{3;4}	Joint meetings of EAC members from the three Baltic States. ^{3;4}	Joint meetings of EAC members from the three Baltic States. ^{3;4}
Have the parliamentary rules of procedure acts have been amended to include parliamentary empowerment provisions of the Lisbon Treaty? Why?	Yes, Statute of Seimas already featured detailed provisions about safeguarding the subsidiarity clause; they were only slightly amended to account for new direct communication mechanisms ¹ .	No, no amendments were made ⁵ .	Yes, the Riigikogu Rules of Procedure Act was amended to include these provisions ⁸ .
How active are the parliaments in using these rights? How actively they have directly communicated with the EU institutions?	Seimas submitted 4 inquiries to the EU institutions ¹¹ .	Saeima submitted 1 inquiry to the EU institutions ¹¹ .	Riigikogu has not submitted any inquiries to the EU institutions ¹¹ .

Sources:¹- Statute of Seimas; ²- (Zilinskas 2005); ³- Interview with Aušrinė Marija Povilionienė; Vilnius 16.07.2012; ⁴- Interview with Arminas Lydeka; Vilnius 25.07.2012; ⁵- Rules of Procedure Act of Saeima; ⁶- Interview with Einars Cilinskis; via internet 27.02.2013; ⁷- Interview with Girts Ostrovskis; via internet 04.03.2013; ⁸- Rules of Procedure Act of Riigikogu; ⁹- Interview with Marko Mihkelson ; Tallinn 12.08.2012; ¹⁰- EP study "Democratic Control in the Member States of the European Council and the Euro zone summits"; 11- European Commission 2011

uncertain footing, as on one hand- it has a broad range of powers to scrutinize government's European policy, but there are no explicit regulations (or even unwritten traditions) how EAC would utilize these powers to their fullest extent. Consequences of this ambiguity are described in more detail in the previous chapters of this part.

The differences in the level of Structuration can be explained by looking at the origins of the EACs in the three countries. Latvia and Estonia used a rather simple method of adapting the practices of the Nordic countries to their political systems. The choice of the particular model there was based mostly on what kind of expertise were available at the time when EACs were created (Danish in Latvian case; Finnish- in Estonia). However, it is necessary to note that Latvia was the only country from the "Big Bang" accession group, which did not modify the parliamentary rules of procedure act instantly after joining the EU and continued with the same provisions the parliament had in place to monitor the accession process (Kietz 2006). Even though a bit later these rules were amended to better suit the realities of EU membership, it still reveals quite a lot how these matters are perceived in Saeima.

In Lithuania, EAC was created more tediously and with more care. Seimas set up a special commission to amend the Statute which included members of Lithuanian EU negotiations delegation, lawyers and political scientists (Zilinskas 2005). As a result of this procedure, Lithuanian parliament emerged with much more detailed and in depth rules of procedure for EAC and more elaborately laid down parliamentary scrutiny of European affairs process.

Hence Lithuania receives the score of 4/5 as inclusion of parliamentary scrutiny of European affairs into the Constitution would be beneficial for its overall quality. Estonia gets 2.5/5 as even though it has more ridged rules than its Latvian counterpart, they are still a bit ambiguous. Latvia scores 1.5/5 mostly due to the ambiguity of the regulations regarding the parliamentary scrutiny of European affairs.

Transparency

In terms of transparency Latvian EAC fares the best, as usually committee's meetings are open and accessible to public and media. Furthermore, committee usually makes the minutes of the meetings available on Saeima's website.

In Estonia situation is a bit worse, as, even though committee can choose to hold an open meeting, it usually decides not to. The minutes of the meeting, just like in Latvian case, are also available on the Riigikogu's website. However, together with recent amendments of the

“Rules of Procedure Act”, which stipulated the involvement of the plenary, when matters related to ESM are concerned, there also began a trend to hold open committee meetings, which are often televised on the national TV channel. This trend is a big step forward towards more transparent parliamentary scrutiny of European affairs process.

In Lithuania the situation is the worst, as not only EAC is reluctant to hold open meetings, but also the minutes of these meetings are not available on the website, instead providing only the short summary of the meetings. These summaries are very undetailed (often shorter than one page) and do not include the positions of the government or the EAC that were presented during the meeting, only the final results of the discussions or votes. All the more detailed documents from all EACs (which do not include classified information) are technically available upon request from parliaments’ secretariats; however, obtaining them is a long and difficult procedure.

Due to these aspects, especially due to the frequency of public meetings, Latvia receives the score of 4/5, the only thing that is lacking in order to achieve the maximum transparency is lack of more detailed reports of the activities of the EAC. Estonia receives 2.5/5 as, even though there is some information available about the EAC’s activities, committee meetings are mostly closed to the public. Lithuania receives 1/5 as not only are the EAC’s meetings closed, generally very limited information about committee’s activities is presented, but also instead of publishing full minutes, Lithuanian EAC issues just short summaries of its meetings.

European dimension

In this dimension all three Baltic parliaments receive a same score, basically - because their regulations and attitudes in this sphere are almost identical. All three EACs allow national MEPs to take part in their meetings as consultants and advisors with no voting power. This a very good feature, since it allows to utilize the experience and the insider knowledge of MEP’s without giving the ability to the actors external to the committee to directly influence the voting outcomes.

All three Baltic parliaments and EACs share the similar perception of COSAC (EU wide conference of EAC members). They acknowledge the useful features of this institution, namely the information sharing and ability to learn about the most common mistakes and the best practices of the field. However, similarly, all EACs are not very fond of overall character

of these meetings, often referring to them as a waste of time (Interviews with Arminas Lydeka and Marko Mihkelson).

All three parliaments also take part in narrower regional conferences of national parliaments out of which the most important to EAC’s is Baltic Assembly. Here EAC members can communicate with colleagues and exchange information in smaller and more informal circle than in COSAC.

As for post-Lisbon developments, Lithuania and Estonia have amended their parliamentary rules of procedure, to account for the post-Lisbon changes and no such amendments were made in Latvia. However, given the vagueness of Latvian parliamentary rules of procedure regarding the scrutiny of European politics, this comes as no surprise. All three Baltic parliaments have been relatively not active in terms of direct communication to the European institutions. Lithuanian Seimas has submitted 4 such inquiries, Latvian Saeima – 1, and Riigikogu – 0. Due to all aforementioned aspects, Lithuania received a score of 4.5, while Latvia and Estonia – 4.

Summary

In this dimension all three Baltic States scored exceptionally well. They all received scores well above 50% mark and the divergence between them that was quite apparent in the previous two groups is not existent here. In this group Latvia and Lithuania scored the highest 9.5/15 and Estonia was not far behind, each scoring 9/15.

Final country scores

	“The most important” score	Standardized “The most important” score	“Important” score	Standardized “Important” score	Instrumental score	Standardized Instrumental score	Final country scores
Lithuania	14.5/15	0.9583	19/20	0.9375	9.5/15	0.5416	0.771
Latvia	6.5/15	0.2916	9/20	0.3125	9.5/15	0.5416	0.11339
Estonia	9.5/15	0.5416	12.5/20	0.53125	9/15	0.5	0.2821

Aggregation formula

$$\text{"The most important" group score} \left(\frac{\text{"Important" group score} * 2 + \text{Instrumental group score}}{3} \right)$$

When the final country scores are calculated, the trend that was mentioned in the previous parts of this chapter becomes even more visible. There is a considerable divergence between the three Baltic states, Lithuania scoring the highest (~0.75), while Latvia scores are the lowest, dropping to ~0.11. Estonia is situated in the middle getting approximately 0.3.

The reason why the situation is so is rather obvious. Latvia scored quite low (in comparison with other two Baltic states) in the first two dimensions- “The most important” and “Important”, which contributes the most to the final score. Low Latvian scores are mostly due to the fact that, even though Latvian EAC has substantial powers to scrutinize its government’s European policy, the EAC is rather passive in these matters and is not inclined to make the best possible use of its rights in practice. Furthermore, due to the procedure of parliamentary scrutiny of European affairs in Latvia, Latvian EAC has the least amount of resources to carry out its tasks (even though Estonia has the same number of administrators working directly with these issues, scrutiny procedure allows Estonian EAC to tap into the resources of standing committees on regular basis).

By contrast in Lithuania the situation is rather different as not only Lithuanian Seimas has devoted highest number of resources to scrutinize European matters, but the EAC itself is very active and shows keen interest in making the best possible use of the powers in its possession.

In Estonia the situation is rather complicated. Here as well the Riigikogu is endowed with the wide range of powers to scrutinize its government’s European policy and shows keen interest in doing so, however the situation is a bit hampered by the fact that EAC possess a rather small amount of resources and often simply does not enough capabilities to carry out independent analysis of EU legislation proposals and other information, which negatively affects its ability to carry out strong and high quality parliamentary scrutiny of European affairs.

Placed in the context of previously conducted research on the Baltic states the findings of this study are quite consistent with those of previous research. Basically, all the previous attempts to analyze the strength of parliamentary scrutiny of European affairs in the Baltic states have established that the scrutiny measures are the strongest in Lithuania and weakest in Latvia (EP 2012, Kietz 2006, Karlas 2011, Winzen 2012). What makes this study different is that using more comprehensive approach to this phenomenon and more precise measurement, it was able to detect smaller, but still significant differences among these three states and more

accurately measure the difference in the strength and quality of parliamentary scrutiny of European affairs measures in the Baltic states. It is especially evident, when one considers the difference between Lithuania and Estonia. In the earlier research, the difference was often minute (Karlas 2011) or was not captured at all (EP 2012), whereas this study has shown that it is quite substantial. The more detailed account about how the model utilized in this study, fares against the others is given in the next chapter “Model Robustness”.

Chapter 4- Model robustness

This part of the study is dedicated to side-by-side comparison of the model employed in this study and other two measurement models used in this field. It outlines the main features of the other models as well as their main strengths and weaknesses. The last part of this chapter outlines, why the model used in this study is more suitable for the analysis of the strength of parliamentary scrutiny of European affairs, at least in small *n* studies.

The other two models to which the one used in this study is compared are the one developed by Thomas Winzen in his article “National Parliamentary Control of European Union Affairs: A Cross-national and Longitudinal Comparison” (Winzen 2012) and the one developed by Jan Karlas in his article “Parliamentary control of EU affairs in Central and Eastern Europe: explaining the variation” (Karlas 2011). These two particular models were chosen because they are often used and quoted in other studies and they very clearly outline the conceptualization and operationalization techniques used for measurement.

Table 7: Comparison of country results

	This study:	Winzen:	Karlas:
Lithuania	0.77/1	2.5/3	7/8
Latvia	0.11/1	2/3	4/8
Estonia	0.28/1	2.17/3	6/8

Sources: Author’s work; Winzen 2012; Karlas 2011

In his model Winzen measures the strength of parliamentary scrutiny using 3 dimensions which have total of 6 indicators. These dimensions are Information, Processing and Enforcement. Information has two indicators Access to information (Full and free access to all documents [2]; access to legislative proposals [1]; no free access [0]) and Government memoranda (special document, where government sets up its priorities to help the parliament to cope with information overload) (Government provides memoranda [1]; Government does not provide memoranda [0]). Processing has three indicators: Existence of EAC (Standing committee [2]; Sub-committee [1]; non-existent [0]); Involvement of sectorial committees (Regular [2]; irregular [1]; non-existent [0]); Existence of Scrutiny Reserve (Existing [1]; non-existing [0]). Enforcement has one indicator- Character of mandates (Advisory [0]; Allowing for justified deviation [1]; Binding [2]).

The data aggregation method used in this model is simple. First all the indicators are standardized to range from 0 to 1. Second arithmetical average is calculated from all indicators in one dimension to get the final dimension scores (only exception in Information dimension, where Memoranda carries twice the weight of Access to information) and these are summed up (Winzen 2012).

Karlas uses a bit more comprehensive model, which has 4 dimensions and total of 18 indicators. The dimensions are Access to information, Scope of scrutiny, Decentralization and Implications. The first three dimensions use both formal and empirical indicators to capture both the formal aspects of parliamentary scrutiny of European affairs process and how it is carried out in practice. Access dimension has 4 indicators: Access to legislative proposals and planning documents [0;1]; Has EAC analyzed substantial number of these documents [0;1]; Government memoranda [0;1]; Timely delivery of this memoranda [0;1]. Scope dimension has also 4 indicators: EAC's ability to issue non-binding opinions on these documents [0;0.5]; Has EAC issued a substantial number of such opinions [0;0.5]; EAC's ability to issue binding mandates [0;0.5]; Has EAC held a substantial number of meetings [0;0.5]. Decentralization dimension has 6 indicators: Ability for standing committees to get involved in scrutiny of European affairs process [0;0.5]; Are they ever involved [0;0.5]; Provisions for standing committees to be involved regularly [0;0.5]; Are they regularly involved [0;0.5]; Ability for the plenary to get involved [0;0.5]; Is it ever involved [0;0.5]. Implications dimension has 3 indicators: Ability for EAC to issue consultative opinions [0;1]; Its ability to issue binding mandates [0;1]; Necessity for government to report about the course of Council negotiations [0.1].

Karlas aggregates the data as follows, based on the author-prescribed thresholds, each dimension receives one of the three possible rankings: W (weak), M (medium); S (strong). In the final aggregation step 2 points are given for S scores, 1 – for M and 0 – for W.

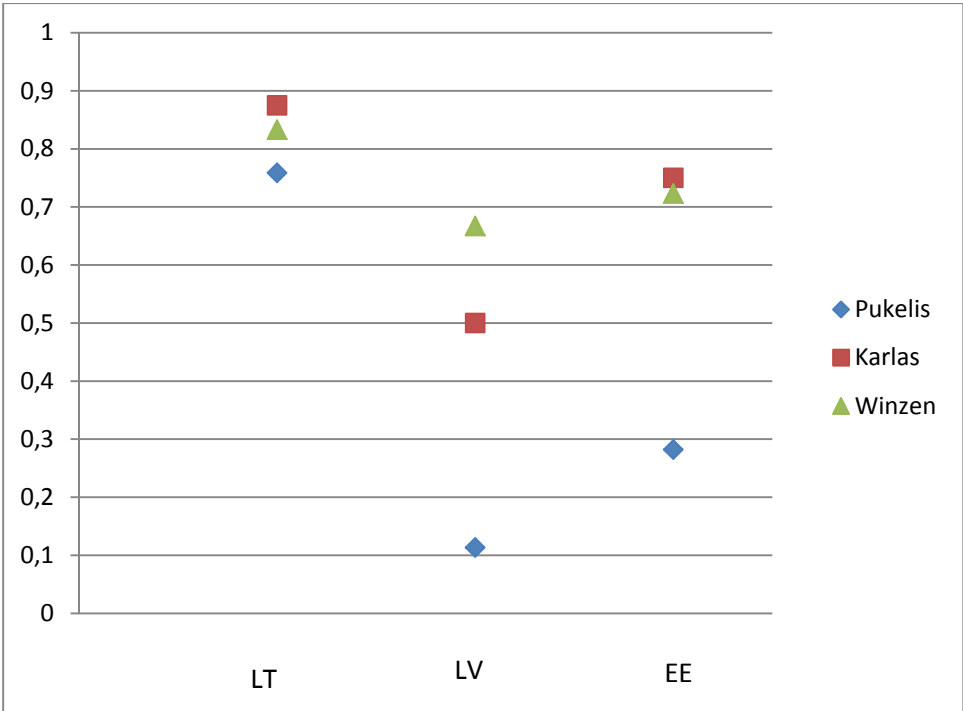
The difference in the measurement results among these three studies becomes very apparent, when the final results are standardized and graphed next to each other.

Table 8: Standardized country score comparison

	Lithuania	Latvia	Estonia
Pukelis:	0.77	0.11	0.28
Winzen:	0,833	0,667	0,723
Karlas	0,875	0,5	0,75

Sources: Author’s work, Winzen 2012; Karlas 2011

Figure 1: Graphic comparison of country scores



From this visualization we can draw a couple of important insights:

1. All the studies capture the main tendency- parliamentary scrutiny is the strongest and of the highest quality in Lithuania, the weakest- in Latvia with Estonia being situated in the middle.
2. Nonetheless, the final results of all three studies differ substantially.
3. The measurement results of the model used in this study are consistently lower than those of the other two studies.
4. The measurement model used in this study implies greater variance among the Baltic states than the other two models.

As for the first insight, the differences among the Baltic states are easy to capture and therefore can be detected even when a smaller number of indicators is used. The second

insight reflects that in this field the final results heavily depend on the measurement model used in the study. Continuing this line of thought, it could be argued that the more comprehensive measurement model is used, the better chance it has to accurately capture the reality.

The final two points refer to the difference between the measurement model used in this study and the other two. This difference is caused by two major reasons- different conceptualization of the dependent variable and the different aggregation formula. First, in this study the dependent variable is conceptualized in an “ideal-type” way. It outlines the features of the perfect parliamentary scrutiny of European affairs model and measures reality in the Baltic states against it. Meanwhile, the other two studies take a fundamentally different approach summarizing the best features of the existing parliamentary scrutiny of European affairs models and measuring the reality in the European countries against that. This is the main reason why the measurement results in this study are consistently lower than in the other two.

Second, this study uses different aggregation formula from the other two studies. Both Winzen and Karlas simply sum up the scores of each dimension to arrive to the final score. This basically means that they follow the assumption that all of the dimensions they are using are equally important. This study clearly differentiates between the three groups (“The most important”, “Important” and Instrumental) which is clearly reflected in the data aggregation formula. The fact that measurement results of this study are constantly lower is mostly influenced by the usage of multiplication in the data aggregation formula, which ensures constantly lower results. The need to use multiplication, however, directly stems from the way the dependent variable is conceptualized and operationalized in this study.

Both measurement models used by Winzen and Karlas are good and robust tools for large n studies, when the researcher aspires to cover all EU member states (Winzen 2012) or a very large group of them (Karlas 2011). However, the large scope of these studies is their major weakness as well. When dealing with such a large number of countries, researchers have to rely on secondary data sources and on smaller amount of indicators. First, it inhibits them from strongly grasping the dynamics of parliamentary scrutiny of European affairs process, which only can really be tapped into, when researcher has access to the primary sources (EAC members or officials). Second, smaller number of indicators prevents researchers from grasping all the aspects of the process and can result in not being able to see all the important

details, especially when informal rules of parliamentary scrutiny of European affairs process are concerned.

A good example of this would be existence of ad hoc scrutiny powers in Lithuania, which clearly sets it apart from the other two Baltic states and is a new and innovative way to avoid scrutiny dilemma. None of the previous studies (EP 2012, Kietz 2006, Winzen 2012, Karlas 2011) was able to capture that, because they exist in the realm of informal and unwritten rule of parliamentary procedure.

Another good example would be the role of resources in the strength and quality of parliamentary scrutiny process. This study clearly demonstrates that the amount of people working with European matters in the parliament contributes a lot to the overall strength and quality of parliamentary scrutiny of European affairs. Having enough resources to scrutinize European policy can mean the difference between the parliament which is able to carry out the document selection and agenda setting processes independently and, thus be a strong player in this sphere (like in Lithuania) and a parliament where these matters are marginalized and the entire process is dominated by the government (like in Latvia). Since the information regarding the amount of resources in the parliament's (EAC's) possession is hard to come by and is available mostly from the primary sources, these indicators do not appear in neither Winzen's or Karlas' studies, which really has an effect of the overall evaluation of the dependent variable.

Summing up, comparison between measurement model used in this study and the other two prominent models used in this field revealed that the main tendency regarding the differences in strength and quality of parliamentary scrutiny of European affairs was captured by all the compared studies. However, there is a substantial difference in the final country scores between this measurement model and the other two. These differences were caused by three reasons: 1. Different conceptualization of the dependent variable; 2. Different aggregation formulas brought by different conceptual assumptions; 3. Different scopes of the studies, which resulted in the other two studies capturing the less comprehensive picture of this phenomenon.

Chapter 5- Explaining the variation

Chapter 2 of this study, Overview of the previous research, outlined three independent variables, brought forward by the previous research in this field, that could help explain the variation of strength and quality of parliamentary scrutiny of European affairs among the Baltic states. These are: 1. Public Euroskepticism; 2. Party Euroskepticism; 3. General power of the parliament (Kietz 2006; Karlas 2011).

Other variables that have appeared in the other studies of this field such as EU accession time, frequency of minority governments, political structure (unitary/federal) or political culture are not analyzed in this paper as they cannot explain the variation among the Baltic states, because all three of them are very similar in these aspects.

The first part of this chapter looks, if the variation of the dependent variable among the Baltic states can be sufficiently explained using either of these variables. While the second part proposes a new independent variable- regime type (parliamentary/semi-presidential) that can account for variation of strength and quality of parliamentary scrutiny of European affairs among the Baltic states. Finally, the third part looks into, if this independent variable can be applied for larger regional context.

Public Euroskepticism

It is generally accepted that public Euroskepticism can (at least partly) account for variation of strength of parliamentary scrutiny of European affairs among the EU member states (Kietz 2006; Karlas 2011). The logic behind this is simple. Countries with higher shares of Euroskeptics in their populations face constant pressure from the population and the media to scrutinize governments' EU policy with more transparency and vigor. Whereas countries with more Euroenthusiastic populations tend not to face such pressure, because the general public is less interested in the nuts- and- bolts of EU policy.

However, this independent variable cannot account for the situation in the Baltic states. First, Baltic states have some of the strongest and highest quality parliamentary scrutiny of European affairs measures in the EU (Winzen 2012, Karlas 2011) and at the same time their populations tend to be rather Euroenthusiastic. The Table 9 below gives the data on what share of the population is Euroenthusiastic in the Baltic States and the EU 27 (Share of people

who answered positively to the statement: “All things considered, membership in the EU is a good thing”).

Table 9: Share of Euroenthusiasts in the Baltic states and EU 27

	2008	2009	2010	2011	2012
Lithuania	75%	74%	54%	52%	47%
Latvia	48%	51%	40%	42%	38%
Estonia	76%	78%	68%	61%	52%
EU	54%	64%	42%	41%	31%

Source: Eurobarometer

Furthermore, as is visible from Table 9, Lithuania and Estonia are constantly very much in favor of the EU and tend to show rather little Euroskepticism. At the same time they have relatively strong parliamentary scrutiny of European affairs measures, whereas Latvia-constantly the most Euroskeptic among the Baltic states, has the weakest parliamentary scrutiny of European affairs measures. Therefore, this variable is not suitable for explaining the variation among the Baltic states.

Party Euroskepticism

As with the previous independent variable, party-based Euroskepticism is generally acknowledged to be a factor that can (at least partly) explain the variation of strength and quality of parliamentary scrutiny of European affairs (Kietz 2006; Karlas 2011). Following the common sense it is logical that in the countries, where Euroskeptic parties are prevalent one can expect stronger parliamentary scrutiny of European affairs.

However, just as it was with the previous variable, applying this to the Baltic states is rather problematic as none of the parliamentary parties in these states could be classified as stout Euroskeptics and the amount of “soft” Euroskeptics (meaning those who oppose integration of only certain spheres) is more or less the same as in other EU countries (Kietz 2006).

In Estonia Center Party has played with certain Euroskeptic notions before the accession, but when the time came it, like the other parties backed the decision to join the EU (Kietz 2006). In Latvia similar process occurred with Social Democratic Alliance and the Fatherland and Freedom parties. Lithuanian parties has constantly shown least amount of Euroskepticism with minor parliamentary parties (Center party and Peasants Union) expressing soft Euroskepticism before the accession. (Kietz 2006).

As the previous section of this chapter has demonstrated, there is no significant pro/anti EU cleavage in the Baltic populations and therefore, it comes as no surprise that such cleavage does not exist among the major political parties as well. Furthermore, the Baltic parties, who have experimented with Euroskeptic notions before (Center party in Estonia, Peasants Union in Lithuania) are rather populist and they constantly change and adapt their official rhetoric to suit the needs of the majority of the populations. Therefore, Euroskepticism of these parties was not deep or ideological, but rather was used as an instrument to boost their popularity. Due to the aforementioned aspects, this independent variable cannot be used to explain the variation of the strength and scrutiny of European politics among the Baltic states.

General power of the parliament

Just like with two previous variables the logic behind this one is simple. If parliament's general power is greater, it stands to reason that the same could be extended to strength and quality of parliamentary control of European affairs (Raunio 2005; Kietz 2006; Karlas 2011). Unfortunately, due to the limitations of the MA thesis, it is impossible to carry out a complete conceptualization and operationalization of this variable; rather this study borrows results from the study "Parliamentary control of EU affairs in Central and Eastern Europe: explaining the variation" by Jan Karlas (Karlas 2011).

Karlas measures general power of the parliament using his own model which is the combination of three existing indexes: (1) Woldendorp's index of executive– legislative balance (measuring the control over the formation and dismissal of the government and the president's executive power) (Woldendorp et al. 2000); (2) indicators measuring legislative activity (Kraatz and Steinsdorff 2002); and (3) Döring's index of participation rights (i.e., the rights of individual MPs to participate in legislative process and in the control of the government policy) (Döring 1994). He recodes all the indexes to have trichotomous scores (1, 2 or 3) and then sums them up to have one final index which ranges from 3 to 9 (Karlas 2011).

Table 10: Dependent variable country scores and general power of the parliament

	Lithuania	Latvia	Estonia
Dependent variable scores	0.77	0.11	0.28
Karlas' index of parliamentary power	8	3	6

Sources: Author's work, Karlas 2011

Table 10 clearly shows that this variable varies in the same manner as the dependent variable. Therefore, it can be used to explain the variation of strength and quality of parliamentary scrutiny of European affairs among the Baltic states. Furthermore, in his study, Karlas has demonstrated that this variable scores has the highest correlation with the dependent variable scores (Spearman's correlation 0.619) (Karlas 2011) and, therefore, this independent variable best explains the dependent variable variation among all CEE countries as well.

Semi-presidentialism

Despite the abovementioned explanatory power of the General power of the parliament, the author of this study does not think - that this variable is best suited to explain the variation of among the Baltic states or in wider regional context. The reason for that is that from the conceptual point of view, this argument sounds a bit tautological. Stating that strength of parliamentary scrutiny of European affairs is conditioned by overall strength of parliamentary scrutiny in a country does not reveal much.

The problem is that this variable tells us nothing of the root causes of strength or weakness of parliamentary scrutiny (of any sphere). Therefore, the author of this paper suggests that this variable is best considered to be not the independent variable, but the intervening one.

Since this study, due to its qualitative character, is also interested in various path-dependencies that might have some influence on the strength and quality of parliamentary scrutiny of European affairs, it also included several questions about the origins of the scrutinizing bodies in the three Baltic states and the reasons, why and how the particular parliamentary scrutiny of European affairs model was established in each country.

The research revealed that one of the reasons why Lithuania developed such a strong and captious parliamentary scrutiny of European affairs model was its regime type- semi-presidentialism. Basically, the need to develop parliamentary scrutiny of European affairs

procedures that would allow parliament to closely monitor and control the actions of the executive in the EU level arose from the duality of the Lithuanian executive (the government and the president) and the need to control and scrutinize the president's actions.

The issue is that the president in Lithuania is directly elected by the people and, thus, not accountable to the parliament. However, Lithuanian Constitutional Court has ruled that, despite everything, „Lithuania is a parliamentary system with certain semi-presidential features“(Lithuanian Constitutional Court Decision of 10 January 1998). This ruling gave Lithuanian parliament, Seimas, the right to exercise the parliamentary scrutiny of President's actions.

In parliamentary regimes there is a considerable overlap between parliamentary majority and the government and, therefore, big part of parliamentary scrutiny can be (and often is) carried out via informal channels inside the ruling coalition (or a party) (Auel 2005; Auel 2007; Kietz 2007). In case of Lithuania, and basically all semi-presidentialist regimes, such opportunity does not exist when the president is concerned and, therefore, parliament has established powerful formal institutions to carry out this task. In other words, semi-presidential regime type creates the conditions for strong and high quality parliamentary scrutiny to take place. This is especially true in the sphere of European affairs, where these presidents have the right to represent their countries in the Council negotiations.

By contrast in Latvia the president is elected by the parliament and is directly accountable to it. Furthermore, the president has substantially smaller amount of power in all spheres of political life including the EU affairs. Because of that - ministers and prime minister mostly attend the Council negotiations and, due to aforementioned overlap between parliamentary majority and the government, parliamentary scrutiny of European affairs is mostly confined to informal channels inside the ruling coalition, whereas formal institutions play a much weaker role.

Meanwhile Estonia is a truly interesting case. It is a purely parliamentary system - just like Latvia. However, the inquiry about the origins of the scrutinizing body in Estonia has revealed that the shape and the model of parliamentary scrutiny of European affairs are largely borrowed from Finland with which Estonia shares high linguistic and cultural proximity (Interview with M. Mikkelson). The issue is that Finland is (or at least used to be, when the practice transfer occurred) a semi-presidentialist state. Just like in Lithuania, in Finland semi-presidentialism conditioned the establishment of strong parliamentary scrutiny

of European affairs. Therefore, because Estonia transferred and adapted parliamentary scrutiny of European affairs procedure from semi-presidentialist country to its parliamentary system, Estonia today has a much stronger and higher quality parliamentary scrutiny of European affairs procedures than Latvia.

Semi-presidentialism- explaining the variation in broader region

This part of the chapter looks into, if semi-presidentialism can be used to explain the variation of strength and quality of parliamentary scrutiny of European affairs among the countries which joined the EU during the last three EU enlargements. This particular set of countries have been chosen because, as been mentioned before, EU accession time has been proven to have an impact on overall strength of parliamentary scrutiny of European affairs (EP 2012), so it is only sensible to take countries that joined the EU not too far apart. Furthermore, countries belonging to this group nicely split half-and-half between semi-presidential and parliamentary countries. To achieve this, this section borrows the dependent variable scores from the article “National Parliamentary Control of European Union Affairs: A Cross-national and Longitudinal Comparison” (Winzen 2012). Despite the critique expressed towards this measurement model in the previous chapter, it is still the best and the most comprehensive source of such data in relation to these countries. It is important to note, that, due to aforementioned reasons, Estonia is excluded from this country group. The list of semi-presidentialist countries in the region used here is taken from the study “Politics of Semi-Presidentialism” by Robert Elgie (Elgie 1999).

Table 11: Semi-Presidentialism and strength of parliamentary scrutiny

Semi-presidential	Winzen's DV scores	Parliamentary	Winzen's DV scores
Finland	2,5	Cyprus	0,33
Lithuania	2,5	Malta	1,5
Bulgaria	2	Czech Rep.	1,83
Poland	2	Hungary	2
Romania	2,33	Sweden	1,83
Slovenia	2	Latvia	2
		Slovakia	2,5
Average:	2,22		1,71

Sources: Winzen 2012; Elgie 1999

It is easy to spot that there is a substantial difference between average dependent variable values in these two groups. Due to small number of cases and relatively variant dependent

variable scores, it is rather difficult to apply any scientific statistical techniques to quickly answer whether or not regime type has an impact on overall strength and quality of parliamentary scrutiny of European affairs. However, using Stuart T test to check, if there is a statistically significant difference between these two means, reveals that the means differ significantly at 80% confidence level. Either way, more in-depth and through analysis of this issue is needed, which, hopefully will be addressed by future studies.

Conclusions

This thesis had two major aims: 1. To measure the strength and quality of parliamentary scrutiny of European affairs in the Baltic states. 2. To account for and explain the variation of this phenomenon among them.

To achieve the first aim, this study has built a new and comprehensive model to measure the dependent variable. That included new conceptualization of the dependent variable, derived from the principal-agent theory, which used “ideal-type” approach to the conceptualization process. Furthermore, it also included new operationalization of the dependent variable, more suitable for small-*n* studies, such as this one. What really sets the operationalization of the dependent variable, used in this study, from others, existing in the field, is that this study employed two to three times more indicators to measure the dependent variable. This was done to make sure that even the smallest details and nuances, which might influence the final outcome, would be captured by this measurement model.

The measurement model was created by synthesizing the virtues of the earlier major studies and approaches and by enhancing them with new sets of indicators aimed at capturing the role of informal practices in the national parliaments and various path-dependencies, associated with the process of parliamentary scrutiny of European affairs. In addition, it is important to note that some of the theoretical notions that existed in the field, but, to author’s best knowledge, were not ever operationalized (i.e. the role of parliamentary opposition in this process) were included in this study as well.

Furthermore, this study used a new way to aggregate the collected data into one final score. In contrast to earlier studies, that used simple addition to calculate the final score, this study used multiplication-based aggregation formula, which better reflects the fact that various aspects, influencing the final outcome, do not carry an equal weight and thus cannot be treated as such in the data aggregation formula.

The measurement has shown that there is a substantial variance among the Baltic states in strength and quality of parliamentary scrutiny of European affairs. Lithuania has scored the highest- 0.77/1; Latvia- relatively low- 0.11/1 and Estonia is in the middle having a score of 0.28/1. It is important to note, that these measurement results are relatively lower than those

of the other studies. This was brought by above mentioned multiplication-based data aggregation formula, which often tends to bring the scores down.

This study has demonstrated that, even though the Baltic states differ very little in terms of formal powers their parliaments have to scrutinize their governments' European policy, there is a substantial variation among the Baltic parliaments on terms how willing they are to use the powers in their possession and the resources they have to carry out the parliamentary scrutiny in this sphere. This all comes down to a situation, where Baltic parliaments occupy very different roles in the parliamentary scrutiny of European affairs process. Lithuanian Seimas is a truly powerful and independent actor which has ability and resources to independently carry-out analysis of the European policy documents, has an ability to set its own priorities and agenda. Whereas Latvian Saeima is a weaker party in government-parliament relations, even though it has substantial formal powers, it has little willingness to use them and little amount of resources to carry out these tasks. In other words, it does not feel to be in control of government's European policy. In Estonia the situation is a mix of these two. The Riigikogu has both substantial formal powers and great willingness to use them, though lack of resources to carry out these tasks often gets in the way of strong and high-quality parliamentary scrutiny of European policy.

To achieve the second aim, this study has tested three independent variables, that were used in the previous studies to explain the variation in the strength and quality of parliamentary scrutiny of European affairs among the EU member states- public Euroskepticism, party Euroskepticism and general power of the parliaments. It has shown that in the context of the Baltic states the first two variables cannot be used to account for variation of the dependent variable, as all three Baltic states are very similar in these aspects. Only the third independent variable-general power of the parliament can account for variation in the Baltic context.

However, this study considers this line of reasoning (the parliament's strength in the sphere of parliamentary scrutiny of European policy depends on parliament's overall strength) to be rather tautological and suggests that this variable is better to be considered as the intervening and not the independent variable. Instead, this study suggests a new independent variable-regime type (parliamentary or semi-presidential).

This study demonstrates that regime type can influence the general power of the parliament and, in turn, the strength and quality of parliamentary scrutiny of European policy. Furthermore, it demonstrates that regime type has had profound influence on how the

parliamentary scrutiny of European policy procedures were established in each of the Baltic states as well as on how strong and of high quality they are. In Lithuania, the existence of popularly elected president, who often takes part in the Council negotiations, stimulated the need to establish a strong and high quality parliamentary scrutiny of European affairs procedure, which would also allow to scrutinize the actions of the president in this sphere. In Latvia, these conditions are absent and, as a result, a big part of scrutiny of European affairs is carried out within the ruling party or coalition via informal channels, which result in relatively weaker formal parliamentary scrutiny of European affairs. In Estonia the situation is unique, because, even though it has same regime type as Latvia, it adopted many parliamentary scrutiny of European affairs procedures from neighboring Finland, which, at least at the time, was semi-presidential. Therefore, Estonia has stronger and higher quality parliamentary scrutiny of European affairs than Latvia, due to the influence of Finland, but weaker than Lithuania due to its regime type.

Finally, this study has shown that there is a substantial difference between the semi-presidential and parliamentary countries that joined the EU during the last three enlargements in terms of their strength and quality of parliamentary scrutiny of European affairs. However, this demonstration is too small and undetailed to be conclusive. Therefore, the issue of whether or not regime type has an influence on the strength and quality of parliamentary scrutiny of European affairs is an interesting and worth-pursuing topic for future research.

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