

*Paper prepared for the Second Euroacademia International Conference
The European Union and the Politicization of Europe*

Budapest, 6 – 8 December 2012

*This paper is a draft
Please do not cite*

Empowerment of National Parliaments and the European Democratic Disconnect

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Abstract

Longstanding debated among scholars, today the priority in EU is to overcome the profound sense of political disaffection and distrust toward its own institutions. In this line the aim of the paper is to question whether the Lisbon Treaty legal provisions on National Parliaments can establish a higher endorsement of EU democracy. So far, the answers –mostly among political scientists - were rather sceptical and the majority considered the NPs could play just a marginal role at best. However, with the entered into force of the Lisbon Treaty we are witnessing to an important turnaround. The Treaty formally empowered NPs and they have been expressly recognized as the channel of the EU legitimacy. In the paper, following the hints provided by Lindseth's theory, I defined the problem of EU democracy as a disconnection between the powers exercised in EU and the legitimised institutions controlling the formulation and implementation of policy. In this way, by looking at the role of parliaments in the relation between executive and people, I give evidences of how the role of national parliaments could be crucial for two reasons. Firstly, they have now the potential for becoming the channel for the establishment of a constitutive dialogue between the national and the European level and secondly they can contribute to enhancing citizens' engagement in EU affairs.

Keywords: European democratic disconnect, National Parliaments, Lisbon Treaty, citizens, governments

1. Introduction

Introduced in the classical debate on EU democracy, (Marquand 1979, Hayward 1995; Anderson & Ellassen 1996; Norris 1996; Majone 1996, 1998, 2006; Moravcsick 2002, 2004; Follesdal & Hix 2006) scholars –mostly in the political science realm- started questioning if the classical institutional source of legitimacy (Rizzuto 2003, O'Brennen & Raunio, 2007) could positively affect and improve the European quality of democracy (Schmitt & Thomassen 1999; Katz & Wessels 1999; Norton 1995a; Raunio 1999). The answers were rather sceptical and the majority considered the National Parliaments (Hereinafter NPs) could play just a marginal role at best. However, today, with the entered into force of the Lisbon Treaty, two different positions emerge. On one side the political scientists hardly abandon their scepticism (Raunio 2011; Bellamy and Kröger 2012), on the other side constitutional scholars (Besselink 2006; Besselink and Mourik 2012; Lupo 2012) largely weigh up the positive potential impact of the new legal provisions.

Having in background the abovementioned debate, the aim of this paper is to question whether the Lisbon Treaty (hereinafter LT) legal provisions on NPs can establish an higher endorsement of EU democracy.

The reason behind this analysis resides on the different insights about the issue. So far scholars have provided such a vast amount of reasons for denying, explaining and finding some potential solutions to the so called democratic deficit, that the EU understanding appears today blurred and jeopardized. Most of these approaches mistakenly takes the state as the point of departure and yet although “everyone reminds as, the EU is certainly not a nation-state” (Schmidt 2005, 5), “the EU is normally judged by way of comparison with the position as it would be if matters were still dealt with at the national level” (Craig 2011, 31).

The premises of this paper is to avoid to fall in this trap and by abandoning the classical approach of EU democratic deficit, it analyses the problem of EU legitimacy through the Lindseth ‘democratic disconnect’. The motive for this choice is straightforward. The EU democracy cannot be assessed *per se* but rather it should be evaluated through the relation existent with its Member States. Thus, the democratic disconnect not only gives the way for such an analysis, -further validated by the same “twin conception of legitimacy” embodied in Article 10 TEU- but rather it opens the way for a more discursive approach which endorse the new role of NPs as a potential channel for reconnecting the EU polity to its politics.

In short, I expect that as far the European Union lacks an autonomous legitimacy, which I judge possible only if it undertakes a profound reform involving a deeper political union, the role of national parliaments could be crucial in this way for two reasons. Firstly, they have now the potential for becoming the channel for the establishment of a constitutive dialogue between the national and the European level and secondly they can contribute to enhancing citizens' engagement in EU affairs.

The paper will be structured as follow. Firstly, through an analysis of the concept of democracy, I will introduce the Lindseth's notion of democratic disconnect. Secondly, I will scrutinize the novelties introduced by the Lisbon Treaty and finally I will assess why the involvement of the national parliaments have the potential to overcome the EU democratic disconnect.

2. The EU “disconnected” democracy

The classical definition of democracy of “a regime in which political power is based on the will of the people, and which provides all citizens with the opportunity to participate equally in the political life” (Neuwhal and Wheatley 2002, 223) puts out of sight the complexity of the institutional design. In this sense, it should be borne in mind that democracy “does not consist of a single unique set of institutions. There are many types of democracy [and] the specific form democracy takes is contingent upon a country's socioeconomic conditions as well as its entrenched state structures and policy practices” (Schmitter and Karl 1991, 76).

Aware of this, in the political science realm scholars have made wide argumentation on how to assess the democracy goodness and how to measure the quality of democracy (O'Donnell 1994; Lijphart 1999; Ringen 2011; Roberts 2010; Beetham and Weir 1999; Diamond and Morlino 2005). A good democracy has been defined as “a stable institutional structure that realizes the liberty and equality of citizens through the legitimate and correct functioning of its institutions and mechanism” (Morlino 2011, 195). Scholars borrowed the definitions of quality from the industrial sector. Quality is thus identified with three different aspects: *procedure, content and result* (Morlino 2011, 195). According to Morlino and Diamond, a good democracy is a regime that firstly, referring to the *result* –customer satisfaction-, the regime “will satisfy citizens

expectations”; secondly, accordingly to the content – “structural characteristics of a product” -, it will guarantee “extensive liberty and political equality”; finally, in terms of procedure –the respect of “an exact, controlled process”-, it will provide to the citizens the power to evaluate the government’s performance (Diamond and Morlino 2004, 21-22).

The two Authors have indicated in their framework of analysis, eight dimensions for measuring the quality of democracy. “The rule of law, participation, competition, inter-institutional and electoral accountability, respect for civil and political freedoms, equality and responsiveness” (Diamond and Morlino 2004, 22).

Following these premises and looking to the object of our analysis, democracy in the European Union is hardly to be conceptualized. The reason resides on its peculiar institutional architecture which continues to be wrongly compared to the nation state, while Europe “has grown into something different from what we have known before in the world of politics – a new beast, or at least a distinctive hybrid, in the polity-jungle previously dominated by states and their sub-state offspring” (Walker 2008, 23). For these reasons, using the same dimension applied on the national level for measuring the quality of democracy, although worth using for circumscribing the problem, it nevertheless limits the same understanding of EU.

Along this line the right questions to pose are which democracy for EU? And how should be democracy in the EU understood?

Mény argues that “all of today’s democracy are ‘impure’” (Mény 2002, 3), constituted by a mixture of popular and constitutional pillar, respectively corresponding to the *demos* and to the constitutional mechanism of check and balance. According to the author, any democracy should look for the balance between the two, and the problem for Europe is that “the growing disaffection with democracy...is the result of the continuing expansion of the constitutional pillar to the detriment of the popular one” (Mény 2002, 4). To the same question, Lord stresses instead the importance of ‘responsive rule’ (1998, 12) as the core concept of democracy while Lenaerts and Smijter argue for legitimacy as the main feature of democracy (1996, 175). Each of these analysis are just some of the “different views of the cathedral” (Craig 2012, 29) but democracy cannot be measured and the term comes to be “powerful in its imagery” (Craig 2012, 31). In this sense, even if we focus –following the last interpretation- on legitimacy, the term appears equally elusive. According to Arnall, we should make the distinction between formal and social legitimacy. “The former is concerned with the extent to which all the applicable legal requirements were satisfied when the entity in question was set up, the latter with the extent to which the allocation and exercise of authority within it commands general acceptance” (Arnall 2002, 3). In the case of EU, “The formal legitimacy is unimpeachable... but [this] while essential, is not sufficient. A healthy Union also requires social legitimacy if the fruits of its decision making process are to enjoy broad social acceptance” (Arnall 2002, 4).

To sum up, the profound challenging feature of EU today is to preserve its acquired ‘supranational’ authority -based on a *de fact* constitutional arrangement- against the growing sense of dissatisfaction persistent in the population among its boundaries. The problem does not just undermine the legitimacy of its decisions but rather it has a more profound impact on the perception of the EU rule of law. Following a wide definition of the term, we can distinguish in rule of law five functional dimensions: (i) regulation, (ii) authorization, (iii) instrumentalization, (iv) identification, (v) promotion (Walker 2009, 119). The more trivial of these dimensions in EU is the fourth one. In Europe, we lack a common sense of belonging to the same community, a problem that it is further exacerbated by the lack of a “strong chain of political representation in the European level” (Walker 2009). In this sense, both the abovementioned issues undermine the same legitimacy of the EU rule of law, which in turn is:

“No longer ... just a means of legitimating ‘the law’ itself, and its personnel - as in the regulatory and authorisation functions, and no longer even just a means of legitimating other social and political ends that can be achieved through law – as in the instrumental function. Increasingly, the very idea of the Rule of Law as a *shared* idea is invoked to respond to a broader need of polity legitimation through the expressive medium of constitutionalism” (Walker 2009, 119).

Thus, the real concern for Europe today is to reconnect people to its own constituency and as far Europe will continue to be a hybrid regime, one of the best way to go in this direction is to reaffirm a constitutive dialogue with the Member States.

For this reason, in this paper I understand the problem of EU legitimacy more as the presence of a disconnection “between its extensive regulatory power and its lacks of autonomous legitimacy”, (Lindseth 2012, 156) rather than through the classical democratic deficit approach. Referring to the latter, it completely focuses on the European institutional architecture and it implies “that democratization of supranational norm-production can take place through changes made largely if not entirely within the confines of supranational institutions or within supranational regulatory processes” (Lindseth 2002, 151) while

“The notion of democratic disconnect, by contrast focuses our attention on the relationship between supranational institutions and national oversight and control. It does not deny the need for greater transparency and participation in the Community regulatory system, but it suggests that any democratization strategy must, at least in part, include a rethinking of the linkages between supranational norm-production and democratic legitimation derived from the national level” (Lindseth 2002, 151).

From this perspective, the real problem of EU relies on the lack of a common historical identity between the population and the set of governing bodies. At a first glance, this affirmation might be easily criticized for not being so innovative. The *no demos* thesis (Weiler 1995; Weiler et al. 1995) not only was extensively developed in the famous Maastricht decision of the German Constitutional Court¹, but even the classical notion of input legitimacy is rather familiar with the issue (Sharpf 1999). In this respect, Sharpf rightly identified the lack of a ‘collective identity’ as one of the main feature of the EU democratic deficit (Sharpf 1999, 9). Thus, the main difference, I would argue, it is not on the substantial recognition of the problem but rather in the way it is addressed. Specifically, according to the democratic deficit approach, the link to the national institutions - as the channel for EU legitimacy- are mostly seen as an obstruction to the same EU integration process, which undermines instead reinforcing the EU democracy. On the opposite side, the notion of democratic disconnect – without neglecting the need for further reforms on the European level- points out the importance of this relation as a mean for re-connecting the EU normative power to the sources of democratic legitimacy. In other words, the distinctive European democracy should be conceived for its compounded and multi-layered institutional settlement, in which the relationship between the national and supranational tiers is nonetheless mutual supportive. In this sense, using Maduro’s words “the value of European constitutionalism is precisely in its pluralistic form and openness to dialogue that it establishes with the national constitutions” (2004, 39) and true is the other way around.

Having said this and following the hints provided by the Lindseth’s theory, in the next session I will introduce the role of the National Parliaments firstly looking at their current challenges they have to face and then I will scrutinize their role on the light of the novelties introduced by the Lisbon Treaty.

3. National Parliaments and the novelties of The Lisbon Treaty

3.1 National Parliaments and the EU Parliamentary democratic system

In the modern democratic states, the parliaments represent the core of the democratic practice. They are the chain of the democratic delegation, they should reflect citizens' preferences and their core defining function is to give assent to measures that are to be binding within the territory they cover (Norton 1990, 1). In this respect, parliaments are expected to play a crucial role within a political system. However, for many years, they have been exposed to many challenges -coming both from internal and external factors- and today one of the distinctive feature of the modern democracies is exactly the decline of the representative institutions.

The idea of Parliament sovereignty is thus currently undermined. Today, - although some exceptions (Raunio & Hix 2000) - researches provide strong evidences that the Europeanization process has fostered the so-called deparliamentarization trend (Norton 1996a 1996b). In other words, European Parliamentary democracies have witnessed an erosion of the parliamentary powers to the advantage of the executive branch (Norton 1996a; Andersen & Burns 1996; Raunio 1999; Maurer & Wessels 2001; Hansen & Scholl 2002; Dimitrakopoulos 2001; Mittag & Wessels 2003; Auel 2005) and one of the main assumption underpinning this position is that "policy areas that were formerly controlled by national parliaments have been appropriated by executive and moved to the European level" (Ivy Orr 2003, 1).

The process of marginalization has been accompanied by a contemporaneous sense of dissatisfaction toward Europe. Citizens started to perceive the process of European integration "if not precisely as the negation of democracy on the national level, then certainly as the transfer of regulator power to an unaccountable, distant and ultimately foreign bureaucratic elite, dominated by national executives" (Lindseth 2012b, 6).

At this point, for reason of clarity, although it is apparent their inextricably interrelation, I do not argue for any consequential relationship between the two processes and the aim of the paper is on the contrary to verify whether the new provisions on national parliaments can lead to an increasing democratic legitimacy of EU.

For this reason, before to proceed in the analysis of the Lisbon Treaty, it is worth giving some evidences supporting a positive reply to this question. Already, the Nice Declaration and specifically, the section 23 of the text - dealing with the future of the Union- listed the role of the national parliaments among the priority to be faced "for improving and monitoring the democratic legitimacy of the Union and its institutions in order to bring them closer to the citizens"ⁱⁱⁱ. Again in this direction, the Laeken declaration provided us with further insights about the role of the national legislators, which were called to contribute in strengthening the legitimacy of the European project. Finally, after the failure of the Constitutional Treaty, the Lisbon Treaty introduces important novelties which have the potential to overcome the present disconnection.

Analysed in detail in the next session, the Treaty, not only affirms the EU to be founded on representative democracy – art 10 TEU- but it rather formally empowers the NPs' role. For the first time the NPs are mentioned in one of the main text of the EU, and they are expressly recognized as the main channel of the EU legitimacy, "both in terms of direct legitimacy for representative democracy and as democratic accountability for national Governments represented in the Council" (Fasone, Griglio & Piccirilli 2012 p.2).

3.2 The novelties of the Lisbon Treaty

Announced as a step ahead in the strengthening of the representative democracy in the European Union, the entered into force of the Treaty of Lisbon increased the general expectation to enhance the legitimacy of the EU institutions. The real novelty is the formal recognition of an active role to the NPs, which are finally called –art. 12 TEU- to actively contribute to the good functioning of the Union.

NPs are supposed to participate in the European decision-making process and they have acquired the right to have information over the draft legislative acts of the Union, to monitor whether initiatives from EU comply with the principle of subsidiarity, to participate in the evaluation mechanisms in the area of freedom, security and justice, to be involved in the revision procedures of the Treaties, to be informed about the accession applications and finally, they seen recognized their right to be self-organized in inter-parliamentary cooperation.

In the light of the abovementioned list, I will now briefly examine the most relevant innovation introduced by the Treaty: the Early Warning Mechanisms (EWM).

According to the Protocol No. 2, all the EU institutions shall forward its own draft legislative acts to NPs, with a detailed statement of compliance with the principle of subsidiarity and proportionality and if there is any doubt about the conformity to the principle of subsidiarity. - As stated in art. 6 paragraph 1 of the protocol - "any national Parliament or any chamber of a national Parliament, within eight weeks from the date of transmission of a draft legislative act... send to the President of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity". The real novelty of the mechanism is thus the formal involvement of the NPs in the European legislative procedure and specifically, the mechanism is an *ex ante* subsidiary control to all EU draft legislative acts and it implies two different procedures.

The first, the so called 'Yellow card', the EWM is formally triggered if one third of the votes allocated to NPs issue a branch of the subsidiarity principles -a quarter in the justice, freedom and security area-. The second procedure is the so-called "Orange" card –art. 7 (3) Protocol No. 2 TEU/TFEU-. It regards all the drafts of policy areas subject to the ordinary legislative procedure (the co-decision procedure). In this case, the majority required should be more than half of the votes allocated to the NPs. For both of the procedures, the initiator of the contested draft legislative act should review the proposal "he may then maintain, withdraw or amend the proposal, but he must state reasons for maintaining it without amendment" –art. 7 Protocol No. 2 TEU/TFEU- In the case of the 'Yellow card' once the initiator gives its own opinions on why subsidiarity is nevertheless respected, the procedures is considered closed and it does not imply any further consequences. Different is the procedure envisaged for the "Orange card". At this stage, once the Commission decides to not amend the proposals and it justifies the reasons why the principle of subsidiarity is nevertheless respected, the procedure continues and the Union legislators are called for expressing their judgments about. Hence, both of NPs and Commission's opinions should be submitted to the Council and the European Parliament, which before the conclusion of the first reading, they "shall consider whether the legislative proposal is compatible with the principle of subsidiarity" – art. 7 (3) Protocol No. 2 TEU/TFEU-. If a majority of votes cast in the Parliament or a 55% of the member in the Council considers that the proposal violates the subsidiarity principle, the procedure stops and the proposal is rejected. It is clear that with the Lisbon Treaty, NPs formally acquire a range of new powers and prerogatives which enable them to contribute actively to the effective functioning of the Union. Moreover, this procedure has important consequences even respect to the European Parliament's powers. Usually, in the ordinary legislative procedure, the European Parliament can veto the proposal only in the second reading and only by a majority of its members, through the "orange card" procedure, the European Parliament "can issue its veto against the Council more easily and earlier than usual" (Kiiver 2012, 30).

The introduction of the EWM has thus increased the general expectation to improve the representative democracy in the EU, nonetheless the success of the procedure will strictly depend on NPs' capacities to fulfil the new provisions and currently the implementation process is still under way.

4. Can National Parliaments set up an EU “reconnected” democracy?

On the bases of the considerations developed along this paper, we can now recognize two major challenges for Europe and its member states. On one side, EU, dealing with a growing dissatisfaction, it has been accused to be a new political order “dominated by executive powers who jump the fence of their national constitutional and democratic system and who exercise public power over an increasing range of politically and socially salient issues” (Curtin et al. 2010, 932). On the other side, at the National level, parliaments have been accused to have become “empty shells unable to control their governments” (Pollack and Slominski 2002, 13) and to reflect citizens’ preferences.

All of this is strictly related with the problem of EU legitimacy and both of the two claims share a common feature, that is the enhancement of the executive branch to the disadvantage of the parliaments, where the function of the latter “as a means or vehicle of the representative institution is weakened by the process of European integration” (Pollack and Slominski 2002, 13).

Following this premise, the consequences are straightforward. EU suffers a problem of disconnection “between its extensive regulatory power and its lacks of autonomous legitimacy”, (Lindseth 2012, 156) and the need to overcome the problem, it represents a priority at this time. In this sense, already in the 2001 the report of UK special committee underlined the dangers related to the issue and explicitly recognized that the “disconnection between citizens and institutions” causes a widespread sense of frustration because while citizens are aware that Europe is a significant factor in their lives, they nonetheless cannot control itⁱⁱⁱ.

That said, I will clarify how the involvement of NPs in the EU decision-making process have the potential to overcome the present disconnection. In order to properly address the issue, I will start by focusing on one main feature: the role of parliament in the relationship between people and government and then I will extend the analysis to the European level.

In any democratic political system, the role of parliament is an unique one, characterized by a double and intertwined function. On one side,

“It listens to the people and determines which of their concerns and demands to pursue with the government. [On the other side] The legislature listens to the government and determines which of its policies and proposals for law should not only be endorsed through votes within the legislature but also through being taken to the people” (Norton 2012 speech)

In this sense, the parliament is the core institution in which the debate on policies can take place and it provides a thicker linkage with its citizens. This aspect is crucial when dealing with EU democracy. Because, against the growing dissociation between the powers exercised in EU and the institutions controlling the formulation and implementation of policy, the involvement of national parliaments in EU have the potential not only to revitalize in any country the internal debate on EU – taking obviously into account the heterogeneity in the parliamentary family- but rather it should be seen as an effective contribution toward a more transparent and accessible policy process.

In this direction, the same executive-legislative relation should be reassessed. Because, conversely to the widespread concern that the EWM risks to undermine the same principle of parliamentary democracy, in that it could lead the national parliament to be in opposition to its own government (Raunio 2007: 86), it should be rather highlighted the opportunity that the mechanism gives for establishing a stronger dialogue between the executive and the legislative branches. Accordingly, we should bear in mind that it is “crucial that the executive hear what the legislature has to say [and...] it is in its own interest to do so” (Norton 2012) because “the executive needs the legislature not only to give assent to measures of public policy, but also to underpin the legitimacy of the political process.”(Norton 2012). Accessibility, accountability, transparency become thus the key words in this process, fundamental not only for assuring the maintenance of the political stability, but rather crucial for achieving the right legitimacy in a system.

“People have to trust the process by which they are governed and their laws are made. They have to accept that the action of assent giving on their behalf by the legislature to measures that are to be binding in society is legitimate. If they feel detached from the process, then their acceptance of the legitimacy of the process is at risk.” (Norton 2012)

This is the case of EU, people do not trust the process, European institutions are still generally perceived as beyond the control of democratic and constitutional bodies and the EP alone is unable to be the guarantor of the EU democratic legitimacy.

In this frame, new institutional reforms are not likely to overcome the problem, unless the same are new mechanisms able to mobilise the citizens and engage them in the EU polity. Because, for any representative democracy – as EU declared to be founded- the citizens remain the key players and they should have the “real opportunities of participation in the conduct of public affair on a daily basis”^{iv}.

From this perspective, the *ratio* of the involvement of the national parliaments on the subsidiarity check is twofold. On one side, it is aimed to revitalize the subsidiarity principle and to promote a more assertive role of the ECJ. On the other side, it aspires to reconnect the “cold” European polity to its politics, still heavily anchored to the national level (Lupo 2012, 6). Thus, the involvement of the national parliaments can contribute to reinforcing the legitimate mandate of the adopted laws on EU level (Kaczynski 2011, 14).

Obviously, it is not just by strengthening parliamentary powers that we can automatically achieve an higher citizens engagement (Kiiver 2007) and we are aware that the effectiveness of the legal provisions laid down in the Lisbon Treaty will also depend on a “complex intertwining of regulations and political and constitutional conditions, which are only partly conditioned by [the] European constitutional” settlement (Cartabia 2007,1101). Nonetheless, once established the legal framework, the formal instruments for its implementation do exist and it will be up to the national parliaments to take advantage of them.

5. Conclusion

Characterized by a profound sense of political disaffection and distrust toward its own institutions, EU is today in search of democratic legitimacy. In the paper, following the hints provided by Lindseth’s theory, I defined the problem as a disconnection between the powers exercised in EU and the legitimised institutions controlling the formulation and implementation of policy. In this way, the profound challenging feature of EU today is to preserve its acquired ‘supranational’ authority -based on a *de fact* constitutional arrangement- against a growing sense of frustration among EU *demoi*.

Having this premise in the background, I questioned if the entered into force of the Lisbon Treaty and specifically focusing on the new powers conferred to the NPs, could underpin the EU legitimacy. Conversely to the wide scepticism, in the paper, by focusing on the role of the parliament in the relationship between citizens and government, I gave evidences for an affirmative reply.

Parliament represents the crucial institution in a political system: it gives voice to its citizens, it is the set where the debate on policies can take place, it provides the means by which the measure and actions of government are debated and scrutinized and above all it assures a more transparent and accessible policy process.

In this sense, against the growing dissatisfaction toward EU, now generally perceived as unaccountable, distant and dominated by national executives, the involvement of the NPs in the EU decision-making process represents an important shift in this trend.

Today, parliaments have the legal instruments and thus the potential to increase the awareness of EU among its citizens, to strengthen its scrutiny powers toward the executives and the most, to finally contribute to reinforcing the legitimate mandate of the adopted laws on EU level. This is an important achievement especially in a phase of crises, such as the one Europe is going through, because the role of parliaments becomes even more decisive for assuring not only the support of the people, but rather to engage them in an European political debate. Obviously, it is not just by strengthening parliamentary powers that we can automatically achieve a higher citizens' engagement (Kiiver 2007) and we are aware that the effectiveness of the legal provisions laid down in the Lisbon Treaty will also strictly depend on the national institutional setting. Parliaments represent an heterogeneous family and “we cannot use the singular in talking about *the role* of national parliaments in the European architecture, because there are a *variety of models*” (Cartabia 2007, 1101) and for the same reason we should expect a variety of institutional arrangements and different responses to the provisions laid down in the Lisbon Treaty.

At this point, two questions need to be properly addressed. One side, we need to assess in practice, how far national parliaments will be “capable of performing the roles ascribed to them by the normative theory of representative democracy implicit in LT” (Bellamy and Kröger 2012,3) and on the other side, how far this process can lead to the stabilization of the various ‘demoi’ into one single European demos.

These questions cannot be replied at the time, because “the constitutional dialogue performed by European national parliaments and European political institutions is still in its infancy” (Simoncini 2012, 26). However, today the NPs have the legal instruments for getting involved in the European decision making process and it will be up to them to take advantage of the new legal framework.

Bibliography

- Andersen, S.S. & Burns, T. 1996. The European Union and the Erosion of Parliamentary Democracy: A study of Post-parliamentary Governance. In *The European Union: How democratic is it?*, eds., S. S. & Ellassen, K.A. 227-252. London: London Sage.
- Anderson, S. S. and K.A. Ellassen, eds. 1996. *The European Union: How democratic is it?*. London: London Sage
- Arnall, A. 2002. Introduction. In *Accountability and Legitimacy in the European Union*. eds., A. Arnall and D. Wincott. 1-9. Oxford: Oxford University Press
- Auel, K. 2005. Introduction: The Europeanization of Parliamentary Democracy. *Journal of Legislative Studies*. 11 (3-4): 308-318
- Beetham D. and S. Weir. 1999. *Political power and democratic control in Britain*. London: Routledge
- Bellamy, R. and T. Kröger. 2012. Domesticating the Democratic Deficit? The Role of National Parliaments and Parties in the EU's System of Governance. *Parliamentary affairs*. 1-21
- Besselink, Leonard F.M. 2006. National Parliaments in the European Constitutional Order. In *National and Regional Parliaments in the European Constitutional Order*, ed., Ph. Kiiver, 117-131. Groningen: Europa Law Publishing.
- Besselink, Leonard F.M. and Brecht van Mourik. 2012. The Parliamentary Legitimacy of the European Union. The Role of the State General within the European Union. *Utrecht Law Review*. 8 (1): 28-50
- Cartabia, M. 2007. Prospects for National Parliaments in EU Affairs. In *Genèse et destine de la Constitution européenne – Genesis and Destiny of the European Constitution*, eds., Amato, G., H. Bribosia, B. De Witte, 1080-1101. Bruxelles: Bruylant
- Craig P. 2011. Integration, Democracy and Legitimacy. In *The Evolution of EU Law*, eds. P. Craig and G. de Burca, 13-40. Oxford: Oxford University Press
- Curtin, D., P. Mair and Y. Papadopolous. 2010. Positioning Accountability in European Governance: An Introduction. *West European Politics*. 33(5): 929-945
- Diamon L. and L. Morlino. 2004. The Quality of Democracy: An Overview. *Journal of Democracy*. 15 (4): 20-31
- Diamond L. and L. Morlino, ed. 2005. *Assessing the quality of Democracy*. Baltimore: The Johns Hopkins University Press
- Dimitrakopoulos, D. G. 2001. Incrementalism and Path dependence: European Integration and Institutional Change in National Parliaments. *Journal of Common Market Studies*. 34 (3): 405-422
- Fasone, C., E. Griglio & G. Piccirilli. 2012. The implementation of the Lisbon Treaty in the Parliamentary rules of procedure. The Italian ‘Zero-option’ in comparative perspective. Paper presented at the 19th Conference of Europeanists Council of European Studies, Columbia University, Boston, USA
- Follesdal, A. & S. Hix. 2006. Where there is a Democratic Deficit in the EU: a Response to Majone and Moravcsik. *Journal of Common Market*, 44 (3):533-62
- Hansen, Troels B. and B. Scholl. 2002. Europeanization and Domestic Parliamentary Adaptation – A Comparative Analysis of the Bundestag and the House of Commons. *European Integration online papers (EIoP)*, 6 (15)
- Hayward, J., ed. 1995. *The crisis of representation in Europe*. London: Frank Cass
- Ivy, O. 2003. Strategic Action between National Parliaments and Governments over Supranational Policy in the European Union.^v paper presented to the EUSA Conference, Nashville, TN
- Katz R. S. and B. Wessels, eds. 1999. *The European Parliament, the National Parliaments and the European Integration*. Oxford: Oxford University Press
- Kiiver, P. 2006. *National and Regional Parliaments in the European Constitutional Order*. Groningen: Europa Law Publishing.
- Kiiver, P. 2007. Europe in Parliament: Towards Targeted Politicization. *Scientific Council for Government Policy (WRR)*. (23) Available at SSRN: <http://ssrn.com/abstract=1416751>
- Kiiver P. .2012. *The Early warning mechanism system for the principle of subsidiarity: constitutional theory and empirical reality*. London: Routledge
- Lenaerts, K. and E. de Smijter. 1996. The Question of Democratic Representation: On the Democratic Representation through the European Parliament, the Council, the Committee of Regions, the Economic and Social Committee and the National Parliaments. In *Reforming the Treaty on European Union-The Legal Debate*, eds., J.A. Winter, D.M. Curtin, A. E. Kellermann, B. de Witte, The Hague: Kluwer Law International
- Lijphart A. 1999. *Patterns of Democracy. Government Forms and Performance in Thirty-six Countries*, New Haven: Yale University Press
- Lindseth, P. L. 2002. Delegation is Dead, Long Live Delegation: Managing the Democratic Disconnect in the European Market-Polity. In *Good Governance in Europe's Integration Market*, eds. C. Joerges and R. Dehousse, 139-166. Oxford: Oxford University Press.
- Lindseth, P. L. 2010. *Power and Legitimacy: Reconciling Europe and the Nation-State*. Oxford: Oxford University Press
- Lindseth, P. L. 2012b. Of the People. Democracy, the Eurozone and Lincoln's threshold criterion. *The Berlin Journal*. (22):4-7
- Lindseth, P., L. 2012a. Author's reply: ‘Outstripping’ or the Question of ‘Legitimate for What?’ in EU Governance. *European Constitutional Law Review*. 8 (1): 153-164
- Lord C.. 1998. *Democracy in the European Union*. Sheffield: Sheffield Academic Press

- Lupo, N. 2012. I parlamenti e le istituzioni europee. forthcoming In *Le Istituzioni europee alla prova del trattato di Lisbona*. Astrid
- Maduro, M. P. 2004. How Constitutional Can the European Union Be? The tension between intergovernmentalism and Constitutionalism in the European Union. In *Altneuland: The EU Constitution in a Contextual Perspective*, eds., J. H. H. Weiler and C.L. Eisgruber. Jean Monnet Working Paper. 5 (04), www.jeanmonnetprogram.org/papers/04/040501.html
- Majone, Giandomenico. 1996. *Regulating Europe*. London: Routledge
- Majone, Giandomenico. 1998. Europe's 'Democratic Deficit': The question of Standards. *European Law Journal*. 4: 5-28
- Marquand, D., 1979. *Parliament for Europe*. London: Jonathan Cape
- Materazzo, Raffaello. 2011. National Parliaments after the Lisbon Treaty: A New Power Player of Mr. No in the EU Decision Making?. In *Democracy in the EU After the Lisbon Treaty*, ed. R. Materazzo, 43-64. Roma: Edizioni Nuova Cultura
- Maurer A. and W. Wessels eds. 2001. *National Parliaments their ways to Europe: Losers or Latecomers?*. Nomos
- Meny, Y. 2002. De la démocratie in Europe: Old Concepts and New Challenges. *Journal of Common Market Studies*. 41 (1): 1-13
- Mittag, J. & W. Wessels. 2003. The 'One' and the 'Fifteen'? The Member States between procedural Adaptation and Structure Revolution. In *Fifteen into One? The European Union and its Member States*, eds. W. Wessels, A. Maurer, J. Mittag, 413-454. Manchester: Manchester University Press.
- Moravcsik, A. 2002. In defence of the 'Democratic Deficit': reassessing legitimacy in the European Union. *Journal of Common Market studies*. 40 (4): 603-22
- Moravcsik, A. 2004. Is there a 'Democratic Deficit' in World Politics? A framework for analysis. *Government and Opposition*, 39 (2):336-63
- Morlino, L. 2011. Analysing Democratic Quality'. In *Changes for Democracy. Actors, Structure, Processes*, ed. L. Morlino, 191- 222. Oxford: Oxford University Press.
- Neuwhal, N. and S. Wheatley.2002. The EU and Democracy-Lawful and Legitimate intervention in the Domestic Affairs of States. In *Accountability and Legitimacy in the European Union*, eds., A. Arnall and D. Wincott, 223-255. Oxford: Oxford University Press
- Norris, P. 1997. Representation and the Democratic Deficit. *European journal of Political Research*. 13: 273-282
- Norton P. 1996b. National Parliaments in Western Europe. In *National Parliaments as Cornerstones of European Integration*, ed. E. Smith. Boston: Kluwer Law International
- Norton P. 2012. Parliaments in the 21st Century: the representative challenge. *Lectio magistralis*, Italian Chamber of Deputies, 13 November 2012
- Norton, P. 1996a. ed. *National Parliaments and the European Union*, London: Frank Cass
- Norton, P. ed. 1990. *Legislatures*. Oxford: Oxford University Press.
- O'Brennen, J. and T. Raunio, eds. 2007 *National Parliaments and within the Enlarged European Union: From Victims of Integration to Competitive Actors?*. Abingdon: Routledge advances in European politics.
- O'Donnell, G. A. 1999. Delegative Democracy. *Journal of Democracy*. 5 (1): 55-69
- Pollack J. and P. Slominski. 2002. Democratizing the European Union:Representation is nothing; Responsiveness is everything. *IWE Working Paper Series*
- Raunio, T. & S. Hix. 2000. Backbenchers Learn to Fight Back: European Integration and Parliamentary Government. *West European Politics*, 23(4): 142-168
- Raunio, T. .1999. 'Always one Step Behind? National Legislatures and the European Union. *Government and Opposition*. 34(2): 180-202
- Raunio, T. 2007. National Legislatures in the EU Constitutional Treaty. In *National Parliaments Within the Enlarged European Union*, eds., J.O'Brennan, T. Raunio, 79-92. Abingdon: Routledge
- Raunio, T. 2011. The Gatekeepers of European Integration? The Functions of National Parliaments in the EU Political System. *Journal of European Integration*. 33 (3): 303- 321
- Ringen, S. 2011. The Measurement of Democracy: Towards a new Paradigm. *Society*. 48 (1): 12-16
- Rizzuto, F. 2003. National Parliaments and the European Union: Part of the Problem or Part of the Solution to the Democratic Deficit in the European Constitutional Settlement. *The Journal of Legislative Studies*. 9 (3):87-109
- Roberts A. 2010. *Quality of democracy in Eastern Europe: Public preferences and Policy reforms*. Cambridge: Cambridge University Press
- Schmitter P.C., and T. L. Karl. 1991. What democracy is... and is not. *Journal of Democracy*. 2 (3): 75-78
- Schmidt V. 2005. *Democracy in Europe. The EU and National Politics*. Oxford: Oxford University Press
- Schmitt, H. and J. Thomassen. 1999. *Political Representation and Legitimacy in the European Union*. Oxford: Oxford University Press
- Sharp, Fritz. 1999. *Governing in Europe. Effective and Democratic?*. Oxford: Oxford University Press
- Simoncini, A. 2012. Europea as a '3-D' Constitutional Space: The Need for an Infrastructure of the Constitutional Dialogue. forthcoming *Publication in Memoriam of Sergio Ortino*
- Walker, N. 2009. The Rule of Law and the EU: Necessity's Mixed Virtue. In *Relocating the Rule of Law*, eds. N. Walker, G. Palombella, 119-138. Hart Publishing
- Walker, Neil. 2007. Europe at 50- A Mid-life Crisis? 'Democratic Deficit' and Sovereignty Surplus. *Irish Journal of European Law*. 15: 23-34
- Weiler, J.H.H. 1995. Does Europe need a Constitution? Demos, Telos and German Maastricht Decision. *European Law Journal*. 1 (3): 219-258
- Weiler, J.H.H., U. Haltern and F. Mayer. 1995. European Democracy and its Critique Five Uneasy Piece. *Eui Working Paper*. 95 (11)

Short Bio

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I am Phd student in Political Systems and Institutional Changes at IMT institute of Advanced Studies in Lucca. I graduated in 2009 in Political Sciences and International relations at the Sapienza University. I afterward moved to Bruges, where in a full fledged European atmosphere I attended the College of Europe, obtaining the Master degree in European Political and Administrative Studies.

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ⁱ BVerfGE 89,155

ⁱⁱ Treaty of Nice. 2001. Final Act and Declaration. p.12-13

ⁱⁱⁱ Report of the Special UK Committee 2001

^{iv} European Conference of the Presidents of Parliament. Theme 2: Is the representative democracy in crises? Challenges for national parliaments. 5 July 2012