

A vote to leave the EU may have a detrimental impact on Parliament

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What will life be like in the UK House of Commons and House of Lords if the UK leaves the EU? And if it is a vote to remain? Will Parliament have more or less influence on the government's dealings with its European partners post-23 June? **Sara Hobolt** (left) and **Sara Hagemann** report on the expert evidence gathered at the eighth [LSE Commission on the Future of Britain in Europe](#).



As part of the [LSE Commission on the Future of the UK in Europe](#), an Expert Hearing was recently held to establish the opportunities and challenges for national parliaments in EU politics in light of David Cameron's deal on a [New Settlement for the UK in the EU](#). The UK agreement includes an important set of articles under the ambiguous headline of 'sovereignty', and sets out measures to enhance the standing of national parliaments in EU politics. These articles attracted less attention at the time of the agreement as most of the focus was on the rights of EU migrant workers residing in the UK and the future governance of the Eurozone. But the 'sovereignty' articles may prove very significant after the UK's referendum vote in June, if Britain remains a member of the EU.



If the decision in the referendum is for the UK to leave the EU, the UK's new settlement in the EU – and hence the references to an enhanced role for national parliaments in EU politics – will be void. The UK Parliament will have to consider an entirely new set of challenges in that situation.

National parliaments as the answer to the EU's democratic deficit?

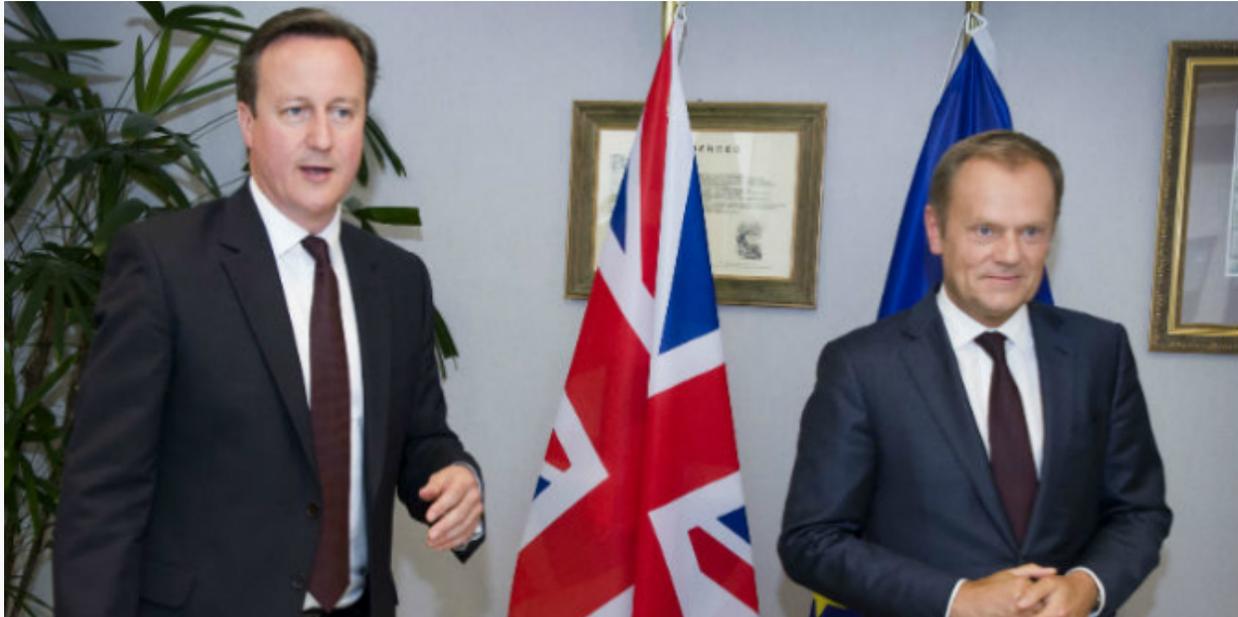
The idea of including national parliaments more closely in EU politics is not a new one. But many governments have seen the involvement of parliaments as an unmanageable and unwelcome constraint when negotiating compromises in Brussels. Therefore, as calls continued to grow for greater democratic accountability and responsiveness in EU politics over the years, the response from Brussels and national governments was instead to grant greater powers to the European Parliament in the EU's successive treaties, with only a marginal consideration of national parliaments. National parliaments have to a large extent been sidelined when it comes to EU affairs.

Yet, recent years' growing Euroscepticism and desire to bring back powers to the capitals has meant a shift in focus to the national parliaments. Pressure mounts for several governments as national parliamentarians now see the key to more accountability and legitimacy in EU politics through the domestic control of governments. The German Bundestag, to mention a prime example, has been particularly active in this context.

Therefore, when a compromise was proposed for David Cameron's 'red card system' for national parliaments to be given a veto on EU legislation, this was met with broad support from other governments. And as the threshold for the 'red cards' – which allows for 55% of national parliaments to mobilise against new policies from the EU – is set so high that the consequences are likely to be minimal for policy-making, the final deal met no resistance. In fact, the governments and policy experts commenting on the deal expect the red card system to be only rarely – if ever – applied.

Nonetheless, the articles relating to the national parliaments are a significant political signal, and may indeed only be the start of a process where national governments assert themselves more formally and more frequently vis-à-vis the governments. As pressure mounts for finding solutions to Europe's refugee situation and Eurozone governance problems, this could rapidly become the norm. Governments hence have a collective interest in showing their

parliaments that their concerns and priorities are taken into account.



President Tusk meets the Prime Minister of the United Kingdom David Cameron

Best practices

But what kind of scrutiny model should national parliaments adopt? The EU members currently vary greatly in their formal powers and practices.

Thomas Winzen, from ETH Zurich, has conducted extensive research on the topic and finds that there are currently great discrepancies between how parliaments in Europe are involved in and can influence government policies in the EU. In Denmark, for example, ministers have to appear before the European Affairs Committee to gain a majority approval before engaging in negotiations in Brussels. Several other countries have followed this model in recent years, with much closer scrutiny and involvement by a wide range of parliamentary committees. In fact, a recommendation from this scrutiny model is to consider EU policy-making as 'domestic affairs', rather than as a separate branch of 'foreign policy'. This is still the case in a number of countries, including in the UK.

But the jury is still out when it comes to the kind of powers that national parliaments should enjoy: whether they should have consultative powers, information rights, amendment rights or a direct say on government positions in EU affairs is a matter of political conviction, and to some extent also depends on the parliamentary system in place (whether multi-party; occurrence of single-, coalition- or minority governments, etc).

Nevertheless, comparative research has shown that national parliaments are key to communicating European Union affairs to the citizens by serving as arenas in which policies can be criticised, defended and justified. Indeed, national parliaments seem to fulfil this role rather well, with 20-30% debates being held on European issues. Perhaps surprisingly, in the UK 30 % of Parliament's plenary debates between 2008 and 2012 entailed a strong EU dimension – far more than in Germany and slightly more than in Austria. These debates tend to centre around the subject areas of budgetary and financial matters, followed by justice and home affairs, and are often initiated by the opposition.

Brexit or Remain: what happens next?

So for a parliament perceived as sceptical towards 'Brussels' and its policies, the UK parliament is actually very active when it comes to discussing EU policy-making.

The LSE Commission Hearing concluded that that is likely to be accentuated if the UK votes to stay in the EU on 23 June: the UK parliament and its committees will interpret the renegotiation agreement as an opportunity to play a greater part in EU affairs. The House of Commons European Affairs Scrutiny Committee and the House of Lords EU Select Committee have already proposed changes to that effect (see [here](#) and [here](#)).

'Brexit', on the other hand, may have a detrimental impact on the powers and standing of the UK parliament, the LSE Commission Hearing concluded. If the government finds itself having to negotiate entirely new agreements with the rest of the EU, this may have strong consequences for democratic legitimacy and parliamentary sovereignty in the UK context. For example, the negotiation process would be accompanied by a lengthy and highly technical process to disentangle elements of European and British law. Moreover, any new agreements – such as was the case for free trade agreements as secured by the European Economic Area (EEA) countries and Switzerland – would be highly technical in nature. The negotiation, implementation and oversight would thus most likely be carried out by civil servants with relevant expertise and 'behind closed doors'. In this way, Parliament could find itself further isolated from matters relating to Britain's relationship with the rest of Europe than is currently the case. That said, many have argued that a repatriation of powers may result in a more autonomous Parliament in the longer run, where decisions to enter into cooperation with EU partners can be taken on a case-by-case basis, and with consideration of the depth and scope of individual policy collaborations.

But, in sum, much uncertainty surrounds both scenarios going forward and only one thing is clear: whether UK voters decide for 'Brexit' or 'Remain', EU policies will be high on the agenda for the UK parliament for quite some time.

This post represents the views of the authors and not those of the BrexitVote blog, nor the LSE. Image [source](#).

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